

Ordinance No. 122977

Council Bill No. 116513

AN ORDINANCE relating to the Seattle Department of Transportation; authorizing the Director of the Department of Transportation to accept, on behalf of the City of Seattle, a permanent easement from Alki Developments, Ltd., located in a portion of Lot 10, Block 64 of the Replat of West Seattle Land & Improvement Company's Third Plat for the purpose of slope stabilization in connection with the California Way SW/Harbor Avenue SW Slope Stabilization project.

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Jan Drago  
Councilmember

## Committee Action:

3-0 Pass JD, RM, SC

CF No. \_\_\_\_\_

Date Introduced:	<u>4-27-09</u>	
Date 1st Referred:	To: (committee)	
<u>4-27-09</u>	<u>Transportation</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>5-11-09</u>	<u>9-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>5-12-09</u>	<u>5-19-09</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/>
<u>5-20-09</u>	<u>3 p</u>	F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

5-11-09 Pass 9-0

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_  
(initial/date)

*Law Department*

Law Dept. Review      OMP Review      City Clerk Review      Electronic Copy Loaded      Indexed



**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** The easement granted by Alki Developments, Ltd., a Washington corporation, to the City of Seattle, recorded under King County recording number 20090316001050 and dated March 16, 2009, which is attached as Exhibit 1 and incorporated into this ordinance, is accepted; and all prior actions taken by the Director, or her designees, in acquiring the easement are ratified and confirmed. The easement is granted for the purposes of restoring, stabilizing, constructing, and maintaining the ground and physical improvements made in the easement area. The easement includes the right of ingress and egress. The easement, placed under the jurisdiction of the Seattle Department of Transportation, includes the following-described real property:

That portion of Lot 10, Block 64 of the Replat of West Seattle Land & Improvement Company's Third Plat, according to the plat thereof, recorded in Volume 9 of Plats, page 58, in King County, Washington, and of the easterly 12.50 feet of Ferry Avenue Southwest adjoining, as vacated by King County, described as follows:

Commencing at the northwest corner of said Lot 10;  
THENCE S73°38'41"W along the westerly prolongation of the north line of said Lot 10, a distance of 0.09 feet to the southwesterly line of California Way Southwest as condemned under City of Seattle Ordinance Number 32882, being the True Point of Beginning;  
THENCE continuing S73°38'41"W along said prolongation a distance of 12.41 feet to the east line of Ferry Avenue Southwest (as established pursuant to the Order of Vacation, Volume 14, County Commissioners' Records, Page 65);  
THENCE S16°21'19"E along said east line a distance of 27.00 feet;  
THENCE N73°38'41"E a distance of 25.67 feet to the southwesterly line of California Way Southwest;  
THENCE N42°30'36"W along said southwesterly line a distance of 30.08 feet to the True Point of Beginning.

Containing 514 square feet more or less.





After recording return document to:

City of Seattle  
Department of Transportation  
700 5<sup>th</sup> Avenue – Suite 3900  
P.O. Box 34996  
Seattle, WA 98124-4996  
Attn: Larry Huggins



**20090316001050**  
CITY OF SEATTLE EAS 47.00  
PAGE 001 OF 006  
03/16/2009 13:30  
KING COUNTY, WA

*Document Title: Easement*  
*Reference Number of Related Document: N/A*  
*Grantor(s): Alki Developments, LTD*  
*Grantee: City of Seattle*  
*Abbreviated Legal Description: Lots 10-11, Block 64, Replat of West Seattle Land and Improvement Company's Third Plat, Vol. 9, Page 58*  
*Assessor's Tax Parcel Number(s): 927570-0200*

**EASEMENT**

Project: California Way SW/ Harbor Avenue SW Project

The GRANTOR, **ALKI DEVELOPMENTS, LTD**, a Washington corporation, for and in consideration of mutual and offsetting benefits, hereby conveys and quitclaims unto GRANTEE, the **CITY OF SEATTLE**, a municipal corporation of the State of Washington, and its assigns, for the benefit of the public, a easement over, under, upon and across the hereinafter described lands, situated in King County, State of Washington, for the purpose of constructing, restoring, stabilizing and maintaining, for slope stabilization, including ingress and egress.

For legal description see Exhibit A attached hereto and made a part hereof.

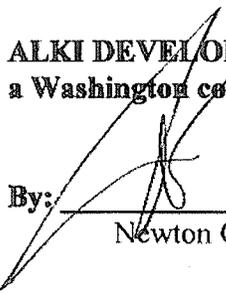
**EXCISE TAX NOT REQUIRED**  
King Co. Records Division  
By Asa D. Olson Deputy



**EASEMENT**

Dated 24th February, 2009

**ALKI DEVELOPMENTS, LTD,**  
a Washington corporation

By:   
Newton Chan

Accepted and Approved:

**CITY OF SEATTLE**  
a Washington Municipal Corp.

By:   
Grace Crunican,  
Director of Transportation

Date: 3/10/09

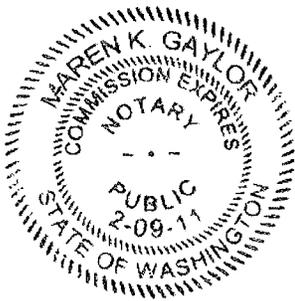


**EASEMENT**

STATE OF WASHINGTON )  
County of King ) §

On this 24th day of February, 2009, before me personally appeared NEWTON CHAN, to me known to be the President of ALKI DEVELOPMENTS, LTD, INC., a Washington corporation, that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

WITNESS MY HAND AND OFFICIAL SEAL hereto affixed the day and year first above written.



Maren K. Gaylor  
Notary (print name) Maren K. Gaylor  
Notary Public in and for the State of Washington,  
residing at Newcastle  
My Appointment expires 2/9/2011





**EASEMENT**

**EXHIBIT A**

That portion of Lot 10, Block 64 of the Replat of West Seattle Land & Improvement Company's Third Plat, according to the plat thereof, recorded in Volume 9 of Plats, page 58, in King County, Washington, and of the easterly 12.50 feet of Ferry Avenue Southwest adjoining, as vacated by King County, described as follows:

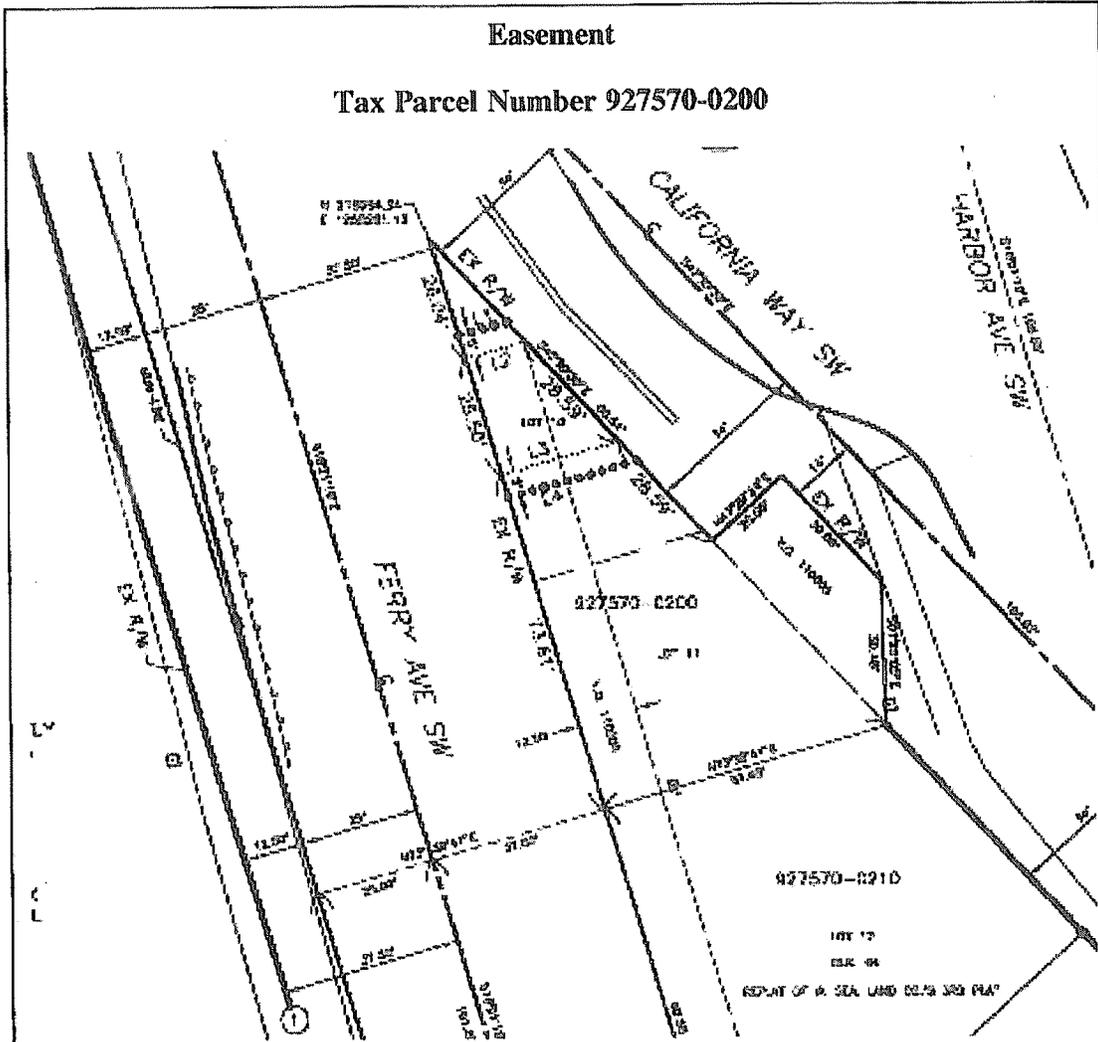
Commencing at the northwest corner of said Lot 10;  
THENCE S73°38'41"W along the westerly prolongation of the north line of said Lot 10, a distance of 0.09 feet to the southwesterly line of California Way Southwest as condemned under City of Seattle Ordinance Number 32882, being the True Point of Beginning;  
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THENCE N42°30'36"W along said southwesterly line a distance of 30.08 feet to the True Point of Beginning.

Containing 514 square feet more or less.



Easement

Tax Parcel Number 927570-0200



NW¼, NE¼ SEC 11, T 24 N, R 3 E; W.M.

LEGEND:

- EXISTING RIGHT OF WAY
- PROPOSED FEE TAKE
- PROPOSED PERMANENT EASEMENT
- ..... PROPOSED TEMPORARY CONSTRUCTION EASEMENT
- (R) RECORD PER CITY MAP 88-09

ROW	Owner Name	Total Area	Permanent Easement	Remainder Area
927570-0200	Alki Developments LTD	10,774	514	10260

Exhibit A



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Department of Transportation	Larry Huggins 4-5001	Stephen Barham 3-9084

**Legislation Title:**

AN ORDINANCE relating to the Seattle Department of Transportation; authorizing the Director of the Department of Transportation to accept, on behalf of the City of Seattle, a permanent easement from Alki Developments, Ltd., located in a portion of Lot 10, Block 64 of the Replat of West Seattle Land & Improvement Company's Third Plat for the purpose of slope stabilization in connection with the California Way SW/Harbor Avenue SW Slope Stabilization project.

• **Summary of the Legislation:**

This proposed legislation authorizes the acceptance of a permanent easement donated by Alki Developments, Ltd to the City for a slope stabilization project in West Seattle. The permanent easement will allow SDOT to enter, construct, restore, stabilize, and maintain a soldier pile wall. The project is scheduled for completion in November, 2009.

During a severe rainstorm in December of 2007, a landslide occurred on a steep-slope area located approximately 500 feet south of the intersection of Ferry Avenue SW and California Way SW. The City took immediate steps to prevent further slope erosion thereby mitigating future damage to the roadway until the slope stabilization project is completed. The design and construction of the project is funded by local funds and a commitment from the Federal Emergency Management Agency and the Federal Highway Administration, secured through the Washington State Department of Transportation.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

- *Please check one of the following:*

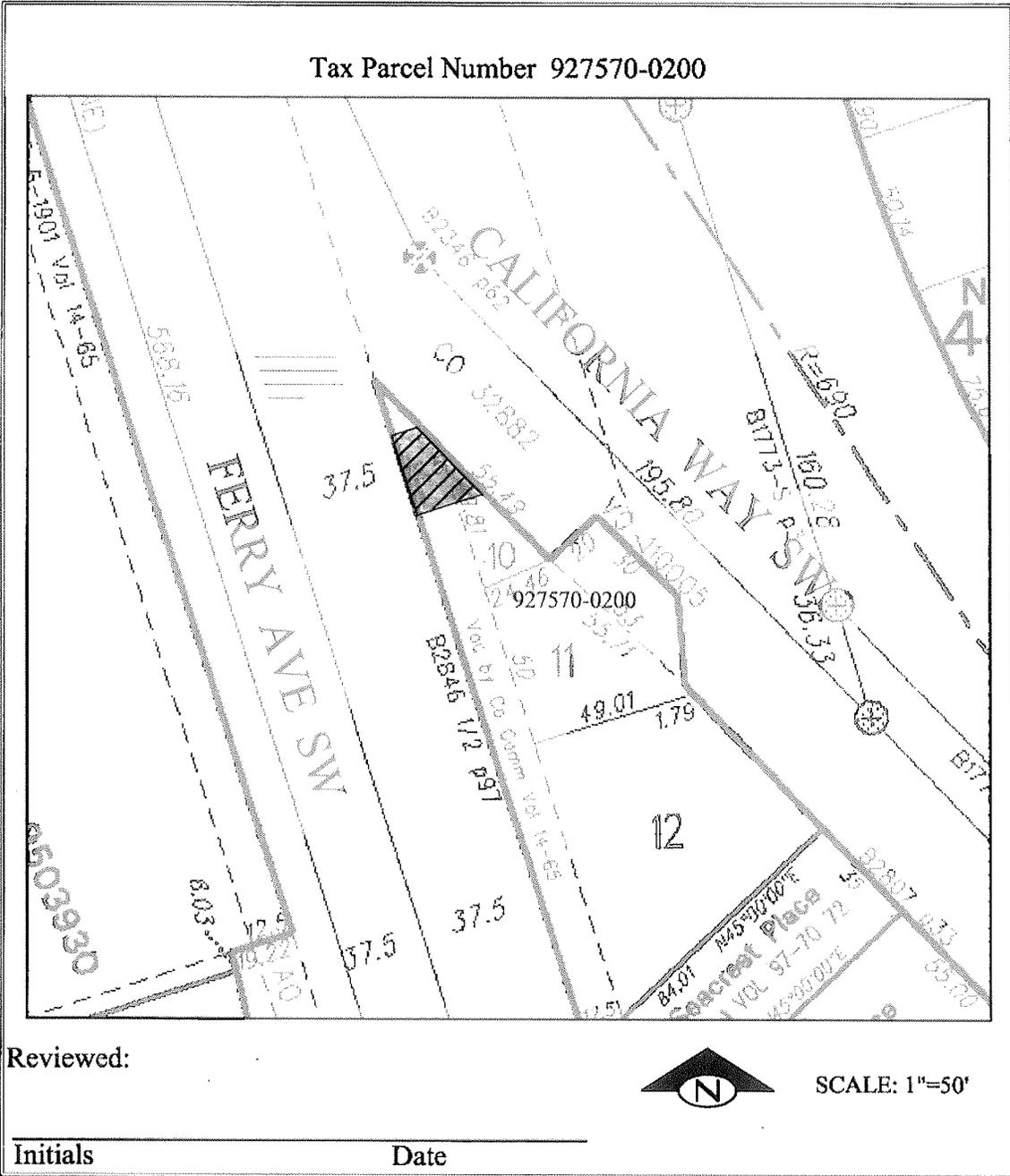
**This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

Attachment 1: Map of property conveyed in permanent easement.



**Permanent Easement**

Tax Parcel Number 927570-0200



**LEGEND:**

 Permanent Easement

Tax Parcel No. 927570-0200

Attachment 1 to Fiscal Note





# City of Seattle

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Gregory J. Nickels, Mayor

## Office of the Mayor

April 21, 2009

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

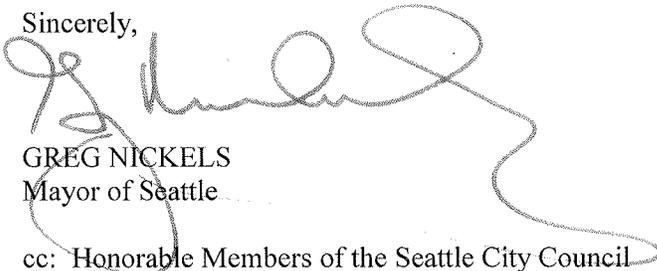
I am pleased to transmit the attached proposed Council Bill, which accepts a permanent easement donated by Alki Developments, Ltd. for slope stabilization near the intersection of Ferry Avenue SW and California Way SW in West Seattle.

During a severe rainstorm in December 2007, a landslide occurred on a steep-slope area located approximately 500 feet south of the intersection of Ferry Avenue SW and California Way SW. Temporary measures were immediately taken to mitigate further damage from another possible landslide. The City also arranged for a geotechnical engineering assessment of the slope area. The assessment recommended controlling erosion by stabilizing and providing integral ground support to the roadway embankment below Ferry Avenue SW. It also recommended restoration and stabilization of the steep slope between Ferry Avenue SW and the intersection of California Way SW and Harbor Avenue SW.

Alki Developments, Ltd. has donated to the City a permanent easement of approximately 514 square feet to allow slope stabilization to occur. Stabilization includes installing a soldier-pile wall, a new quarry-spall ditch, and geosynthetic fabric over the excavation area.

Thank you for your consideration of this legislation. Should you have questions please contact Larry Huggins at 684-5001.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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239422  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

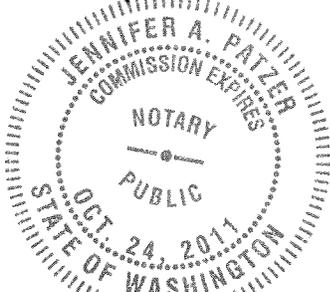
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122977 ORDINANCE

was published on

05/28/09

The amount of the fee charged for the foregoing publication is the sum of \$ 191.03, which amount has been paid in full.



Affidavit of Publication

*[Signature]*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
05/28/09 *[Signature]*  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### ORDINANCE 122977

AN ORDINANCE relating to the Seattle Department of Transportation; authorizing the Director of the Department of Transportation to accept, on behalf of the City of Seattle, a permanent easement from Alki Developments, Ltd., located in a portion of Lot 10, Block 64 of the Replat of West Seattle Land & Improvement Company's Third Plat for the purpose of slope stabilization in connection with the California Way SW/Harbor Avenue SW Slope Stabilization project.

WHEREAS, during a five-inch-rain-storm event that occurred at the beginning of December 2007, a landslide occurred approximately 500 feet uphill south of the intersection of Ferry Avenue SW and California Way SW in West Seattle; and

WHEREAS, the landslide damaged the shoulder of Ferry Avenue and left debris along the sidewalk and intersection of California Way SW and Harbor Avenue SW, just south of the existing concrete retaining wall constructed along the uphill side of California Way SW, and on the slope between Ferry Avenue SW and California Way SW; and

WHEREAS, immediately after the landslide the City obtained a geotechnical engineering investigation of the area and a recommendation was subsequently provided to the City; and

WHEREAS, the landslide debris was subsequently cleared and temporary measures have been implemented by the City including placing an asphalt curb above the slope to control surface water from flowing over the roadway and down the slope and placing plastic sheeting on the slope surface to minimize water migration; and

WHEREAS, the City believes it is in the best interest of the City of Seattle to take permanent measures to prevent further slope erosion by restoring and stabilizing the steep slope between Ferry Avenue SW and the intersection of California Way SW and Harbor Avenue SW and stabilizing and providing integral ground support to the roadway embankment below Ferry Avenue SW; and

WHEREAS, Alki Developments, Ltd. has donated a permanent easement to the City to enable the City to facilitate the restoration and slope stabilization project; and

WHEREAS, to facilitate the project, the City Council authorizes the acquisition and acceptance of the permanent easement for the restoration and slope stabilization project; NOW, THEREFORE,

### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The easement granted by Alki Developments, Ltd., a Washington corporation, to the City of Seattle, recorded under King County recording number 20090316001050 and dated March 16, 2009, which is attached as Exhibit 1 and incorporated into this ordinance, is accepted; and all prior actions taken by the Director, or her designees, in acquiring the easement are ratified and confirmed. The easement is granted for the purposes of restoring, stabilizing, constructing, and maintaining the ground and physical improvements made in the easement area. The easement includes the right of ingress and egress. The easement, placed under the jurisdiction of the Seattle Department of Transportation, includes the following-described real property:

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THENCE N42°30'36"W along said southwesterly line a distance of 30.08 feet to the True Point of Beginning.

Containing 514 square feet more or less.

Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of May, 2009, and signed by me in open session in authentication of its passage this 11th day of May, 2009.

Richard Conlin

President of the City Council

Approved by me this 19th day of May, 2009.

Gregory J. Nickels, Mayor

Filed by me this 20th day of May, 2009.

Exhibit 1: Easement granted by Alki Developments, Ltd.

See City Clerk for Exhibit

(Seal) Judith Pippin,

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, May 28, 2009.

5/28(239422)