

Ordinance No. 123044

Council Bill No. 116585

AN ORDINANCE relating to the City Light Department, declaring as surplus and authorizing the Superintendent of the City Light Department or his designee to release an easement for electrical service over property located at 2415 Third Avenue West, Seattle, Washington.

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

Date Introduced:	<u>7-13-09</u>	
Date 1st Referred:	To: (committee)	Energy & Technology (ETC)
<u>7-13-09</u>		
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>9-0</u>	
<u>7-20-09</u>		
Date Presented to Mayor:	Date Approved: <u>7.27.09</u>	
<u>7-20-09</u>		
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
<u>7.30.09</u>	<u>2</u>	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

Bruce A. Hunsell

Councilmember

**Committee Action:**

7/15/2009 PASS BH, RC, JG

7-20-09 Passed 9-0

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

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

**ORDINANCE** 123044

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3 AN ORDINANCE relating to the City Light Department, declaring as surplus and authorizing  
4 the Superintendent of the City Light Department or his designee to release an easement  
5 for electrical service over property located at 2415 Third Avenue West, Seattle,  
6 Washington.

7 WHEREAS, the City Light Department obtained an easement recorded under King County  
8 Auditor's File Number 198903010479 (the "Easement") over property located at 2415  
9 Third Avenue West, Seattle, Washington (the "Jacques Property"), to provide electric  
10 service to an adjacent property (the "Adjacent Property") and for no other purpose; and

11 WHEREAS, pursuant to the settlement of a lawsuit filed against the City of Seattle, *Jacques v.*  
12 *City of Seattle, et al.*, King County Superior Court Cause Number 08-2-12637-4 SEA  
13 (the "*Jacques* Litigation"), the Adjacent Property is to be served from a different  
14 location and the easement on the Jacques Property is to be released ;

15 NOW, THEREFORE,

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

17 Section 1. Pursuant to RCW 35.94.040 and after public hearing, the City of Seattle real  
18 property interests over the Jacques Property, legally described as:

19 Lot 12, Block 4 of Queen Anne Central Addition to the City of Seattle as per plat  
20 recorded in Volume 12 of Plats, page 80 in King County, Washington

21 are found and declared to be surplus to the City's needs and no longer required for providing  
22 public utility service.

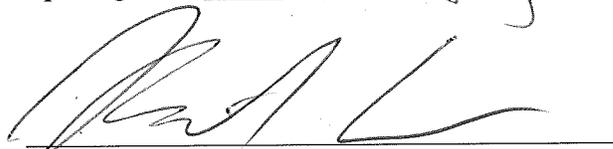
23 Section. 2. In consideration of the settlement of the *Jacques* Litigation and relocation  
24 of the electrical service to the Adjacent Property, the Superintendent of the City Light  
25 Department or his designee is authorized to release the easement over the property legally  
26 described above by executing a "Release of Easement" substantially in the form shown in  
27 Attachment 1.  
28



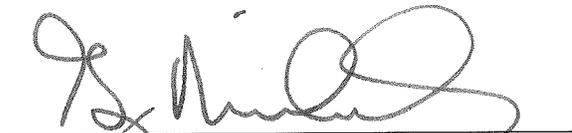
1 Section 3. Any act consistent with the authority of this ordinance and prior to its  
2 effective date is hereby ratified and confirmed.

3 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after  
4 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
5 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

6 Passed by the City Council the 20<sup>th</sup> day of July, 2009, and signed by me  
7 in open session in authentication of its passage this 20<sup>th</sup> day of July,  
8 2008.

9  
10   
11 \_\_\_\_\_  
12 President \_\_\_\_\_ of the City Council

13 Approved by me this 27<sup>th</sup> day of July, 2009.

14  
15   
16 \_\_\_\_\_  
17 Gregory J. Nickels, Mayor

18 Filed by me this 30<sup>th</sup> day of July, 2009.

19   
20 \_\_\_\_\_  
21 City Clerk *Interim*

22 (Seal)

23  
24  
25  
26 Attachment 1: Release of Easement  
27  
28



SCL Release of Easement – Jacques  
ATTACHMENT 1

AFTER RECORDING PLEASE RETURN TO:

LAW OFFICES OF CATHERINE CLARK  
701 FIFTH AVENUE, SUITE 4785  
SEATTLE, WA 98104

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**RELEASE OF EASEMENT**

**Grantor(s):** The City of Seattle  
**Grantee(s):** Marc A. Jacques  
**Abbreviated Legal Description:** Lot 12, Block 4 of Queen Anne Central Addition to the City of Seattle  
**Tax Parcel ID No.s** 701320-0295-00  
**Reference No. of Document Released:** 198903010479

In consideration of settlement of that certain lawsuit entitled *Jacques v. City of Seattle, et al.* King County Superior Court Cause Number 08-2-12637-4 SEA, the City of Seattle hereby extinguishes, releases, relinquishes, conveys, and quit claims all right, title an interest in and to that certain easement recorded under King County Auditors File Number 198903010479 to Mr. Marc A. Jacques, the present record owner of the below described property:

Lot 12, Block 4 of Queen Anne Central Addition to the City of Seattle as per plat recorded in Volume 12 of Plats, page 80 in King County, Washington.

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//  
//  
//  
//

**Release of Easement**

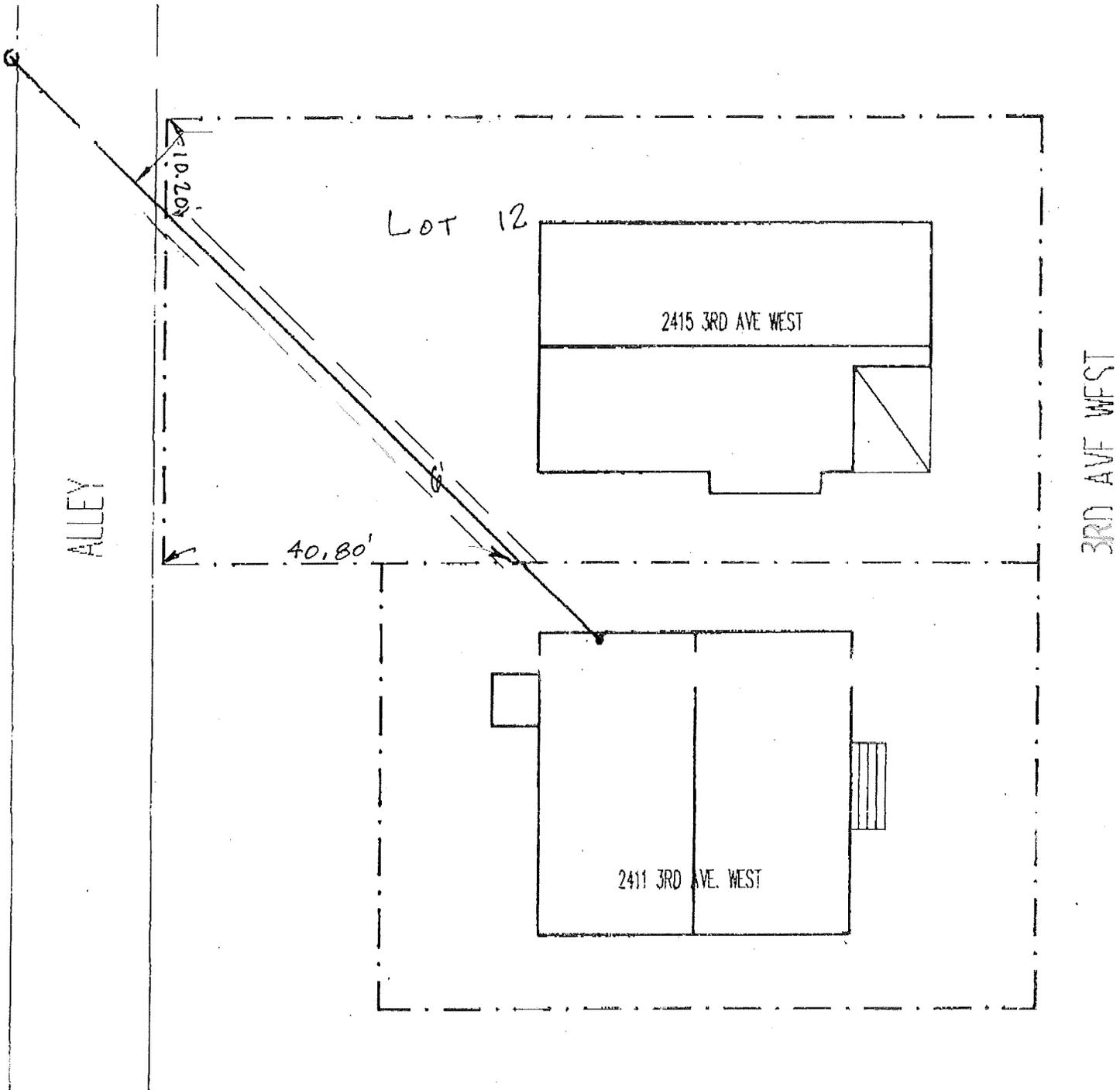
**Page 1 of 2**

P:\Clients\Jacques, Marc\City of Seattle\Release of Easement.doc



ATTACHMENT 1

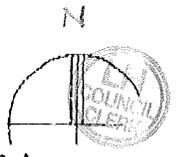




1/16" = 1'-0"

250824-1-004

ATTACHMENT 1



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle City Light	Cheryl Crawford/684-3116	Karl Stickel/684-8085

**Legislation Title:**

AN ORDINANCE relating to the City Light Department, declaring as surplus and authorizing the Superintendent of the City Light Department or his designee to release an easement for electrical service over property located at 2415 Third Avenue West, Seattle, Washington.

• **Summary of the Legislation:**

The legislation declares an easement as surplus and authorizes its release for an electric service line over property located at 2415 Third Ave. W, in Seattle.

• **Background:**

City Light obtained an easement over property located at 2415 Third Avenue West in Seattle (the "Jacques Property") to provide electric service to an adjacent property. Pursuant to the settlement of a lawsuit filed against the City of Seattle, *Jacques v. City of Seattle, et al.*, the Adjacent Property is to be served from a different location and the easement on the Jacques Property is to be released.

Seattle City Light has determined that the easement over the property known as the Jacques property is surplus to the City's needs and no longer required for providing public utility service. In consideration of the settlement of a lawsuit filed against the City of Seattle and the relocation of the electric service to the adjacent property, City Light requests the release of easement be authorized.

• *Please check one of the following:*

**This legislation does not have any financial implications.**

This legislation requires a public hearing.





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

June 30, 2009

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

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill which would declare surplus an easement for electrical service over property located at 2415 Third Avenue West, and authorize Seattle City Light to release this easement.

The easement over the subject property was obtained in 1989 to provide electrical service to a neighboring property. Last year, the owner of 2415 Third Avenue West sued the City and other parties to obtain a release of the easement over his property. In a negotiated settlement in *Jacques v. City of Seattle et al.*, the City agreed to provide electrical service to the neighboring property from a different location and release the 1989 easement, subject to a public hearing required by RCW 35.94.040, and approval by the Seattle City Council.

Thank you for your consideration of this legislation. Should you have questions, please contact Greg Aramaki, Seattle City Light Real Estate Services, at 684-3687.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a circular stamp.

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



123040  
7

STATE OF WASHINGTON – KING COUNTY

--SS.

243028  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

**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.

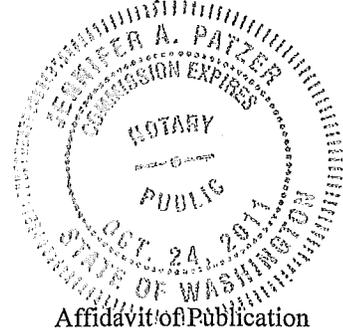
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123040-123045

was published on

08/06/09

The amount of the fee charged for the foregoing publication is the sum of \$ 134.43, which amount has been paid in full.



*[Signature]*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
08/06/09 *[Signature]*  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on July 20, 2009, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

#### ORDINANCE NO. 123045

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

#### ORDINANCE NO. 123044

AN ORDINANCE relating to the City Light Department, declaring as surplus and authorizing the Superintendent of the City Light Department or his designee to release an easement for electrical service over property located at 2415 Third Avenue West, Seattle, Washington.

#### ORDINANCE NO. 123043

AN ORDINANCE relating to the Technology Matching Fund Program; making allocations and authorizing implementation of certain Technology Matching Fund projects in 2009; providing that 2009 appropriations for the Technology Matching Fund from the Cable Television Franchise Subfund and from the Information Technology Fund shall automatically carry forward into the 2010 fiscal year; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123042

AN ORDINANCE accepting funds from the Washington State Department of Social and Health Services allocated through the American Recovery and Reinvestment Act of 2009; authorizing the Mayor or his designee to execute related agreements; amending the 2009 Adopted Budget to increase appropriations for the Human Services Department; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 123041

AN ORDINANCE accepting funds from the Workforce Development Council of Seattle-King County allocated through the American Recovery and Reinvestment Act of 2009; authorizing the Mayor or his designee to execute related agreements; amending the 2009 Adopted Budget to increase appropriations for the Human Services Department; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 123040

AN ORDINANCE approving and confirming the plat of "Capitol Court Addition to the City of Seattle" in a portion of Section 29, Township 25 North, Range 4 East, W.M. in King County, Washington.

Date of publication in the Seattle Daily Journal of Commerce, August 6, 2009.

8/6(243028)