Ordinance No. 124657

Council Bill No. 118210

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer facilities within property commonly known as 1620 Lake Washington Boulevard surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights; authorizing the Director of Seattle Public Utilities to accept an easement from Julie Rose, Peter Rose and the Maple Leaf Revocable Trust for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

Related Legislation File: _____

Date Introduced and Referred: 9.22.14	To: (committee): Seattle Public Utilities and Neighborhoods
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 12/1/14	Date Presented to Mayor: 12/2/14
Date Signed by Mayor: 12/2/14	Date Returned to City Clerk: 12/2/14
Published by Title Only X Published in Full Text _____	Date Vetoed by Mayor:
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: E. Bagshaw

Committee Action:

Date	Recommendation	Vote
11/25/14	move to suspend rules	2-0 (SB, KS)
11/25/14	pass	2-0 (SB, KS)

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
12/1/14	Passed	8-0 (excused: Sawant)

LAW DEPARTMENT

Pree Carpenter
SPU 1620 LWB ORD
July 24, 2014
Version #2

CITY OF SEATTLE

ORDINANCE 124657

COUNCIL BILL 118216

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer facilities within property commonly known as 1620 Lake Washington Boulevard surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights; authorizing the Director of Seattle Public Utilities to accept an easement from Julie Rose, Peter Rose and the Maple Leaf Revocable Trust for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

WHEREAS, the City of Seattle in 1930 pursuant to Ordinance 56149 condemned easement rights for a sewer right-of-way through Descriptions 16 and 17 of King County Superior Court Cause No. 224604; and

WHEREAS, the property owners of 1620 Lake Washington Boulevard built a structure within the easement area; and

WHEREAS, Seattle Public Utilities has approved moving the sanitary sewer line to accommodate the new structure; and

WHEREAS, the City desires to relinquish the existing easements and accept a new easement from the property owners of 1620 Lake Washington Boulevard;

WHEREAS, the property owners of 1620 Lake Washington Boulevard are willing to grant the City a new easement for a sanitary sewer in exchange for the City's relinquishment of its condemned easements and the City's grant of a consent agreement for structures currently within the new easement; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Pursuant to R.C.W. 35.94.040 and after public hearing, the easement rights for a sewer authorized by Ordinance 56149 and condemned through Descriptions 16 and 17 of King County Superior Court Cause No. 224604, including any facilities within such easement areas, are hereby found and declared to be no longer required for municipal utility purposes and are surplus to the City of Seattle's needs.

SDS CITY CLERK

Section 2. The Director of Seattle Public Utilities, or his designee, is authorized to execute for and on behalf of the City of Seattle, the Relinquishment of Easements, substantially in the form of Attachment 1 attached hereto. The Director of Seattle Public Utilities, or his designee, is also authorized to execute for and on behalf of the City of Seattle a Bill of Sale to the Grantees for any remaining facilities within the released easement areas.

Section 3. As consideration for the easements relinquished in Attachment 1, the City hereby accepts and places under the jurisdiction of Seattle Public Utilities the easement granted to The City of Seattle by Peter J. Rose, Julie A. Rose, and the Maple Leaf Revocable Trust (the "Property Owners") for access and a sewer system as shown in Attachment 2, attached hereto.

Section 4. The Director of Seattle Public Utilities, or his designee, is authorized to execute for and on behalf of the City of Seattle, the Consent Agreement, substantially in the form of Attachment 3, attached hereto. The Consent Agreement allows for certain, specified improvements by the Property Owners to be placed within the easement accepted by the City under Section 3.

SDS CITY CLERK

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

Passed by the City Council the 1st day of December, 2014, and signed by me in open session in authentication of its passage this 1st day of December, 2014.

President of the City Council

Approved by me this 2 day of December, 2014.

Edward B. Murray, Mayor

Filed by me this 2nd day of December, 2014.

Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1: Relinquishment of Easements
Attachment 2: Easement Agreement
Attachment 3: Consent Agreement

SDS CITY CLERK

Attachment 1

Recording Requested By And
When Recorded Mail To:

Seattle Public Utilities
Facilities and Real Property Services
PO Box 34018
Seattle WA 98124-4018

CONFORMED COPY

20140328001077
SEA PUBLIC UTI REAS 76.00
PAGE-001 OF 005
03/28/2014 15:11

RELINQUISHMENT OF EASEMENTS

Reference #s of Documents Released or Assigned:...Descriptions 16 & 17, King Co Sup Ct Cause 224604 accepted by City of Seattle Ord 56149 amended by City of Seattle Ord 58857
Grantor:.....City of Seattle
Grantee:..... Maple Leaf Revocable Trust, Peter J Rose and Julie A Rose
Legal Description (abbreviated):.....Lots 12-15, Blk E, Madrona Heights, Vol 9, Pg 100 and Lots 4-7, Blk 43, Lake Washington Shore Lands, King County
Assessor's Tax Parcel ID#:.....502690-0270

RW# ~~2013-012-002~~

On this 26th day of MARCH, 2014, **The City of Seattle**, a municipal corporation of the State of Washington, ("Grantor"), for and in consideration of mutual and offsetting benefits, receipt of which is hereby acknowledged, does hereby relinquish and convey to **Maple Leaf Revocable Trust, Peter J. Rose and Julie A. Rose**, their successors and assigns, all right, title and interest in those easements for sewer purposes, condemned by the City of Seattle through Description 16 and Description 17 of King County Superior Court Cause 224604, which judgment was dated April 22, 1930, as authorized by City of Seattle Ordinance 56149, which was amended by City of Seattle Ordinance 58857. Said condemned easements described as follows and as shown below on Page 4 of 5.

That portion of a tract of land comprised of Lots 4 and 5, Block 43, Lake Washington Shore Lands and Lots 14 and 15, Block E, Madrona Heights, recorded in Volume 9 of Plats, page 100, described as follows:

SDS CITY CLERK

Beginning at a point on the north line of said tract of land, said point being distant seven and fifty seven one-hundredths (7.57) feet south 89° 52' 25" east from the intersection of said north line with the Lake Washington meander line; thence south 89° 52' 25" east a distance of six and twenty-seven one-hundredths (6.27) feet; thence south 16° 52' 50" west a distance of eighty-three and fifty-four one-hundredths (83.54) feet; thence north 89° 52' 25" west a distance of six and twenty-seven one-hundredths (6.27) feet; thence north 16° 52' 50" east a distance of eight-three and fifty-four one-hundredths (83.54) feet to the point of beginning; also

That portion of a tract of land comprised of Lots 6 and 7, Block 43, Lake Washington Shore Lands and Lots 12 and 13, Block E, Madrona Heights, recorded in Volume 9 of Plats, page 100, described as follows:

Beginning at a point on the north line of said tract, said point being north 89° 52' 25" west a distance of one and thirty one-hundredths (1.30) feet from the intersection of said north line with the meander line of Lake Washington; thence south 16° 52' 50" west a distance of ten and nine one-hundredths (10.09) feet; thence south 25° 32' 57" west a distance of seventy-seven and eighty-eight one-hundredths (77.88) feet; thence north 89° 52' 25" west a distance of six and sixty-four one-hundredths (6.64) feet; thence north 25° 32' 57" east a distance of eighty and twenty-eight one-hundredths (80.28) feet; thence north 16° 52' 50" east a distance of seven and eighty-three one-hundredths (7.83) feet; thence south 89° 52' 25" east a distance of six and twenty-seven one-hundredths (6.27) feet to the point of beginning.

Grantee further acknowledges and agrees that as part of the consideration for the relinquishment and conveyance of the easement areas, Grantor's sewer facilities beginning downstream of Grantor's maintenance hole #042-265 and ending at the south property line of Lot 12, Block E Madrona Heights, according to plat recorded in Volume 9 of Plats at page 100 in King County, Washington (approximately 76 linear feet of 12-inch diameter vitrified clay pipe as shown in the attached Exhibit A), shall be conveyed to Grantee. Grantor shall have no further responsibility for such facilities.

SEA CITY CLERK

IN WITNESS THEREOF, Grantor executes this document through its Director of Seattle Public Utilities this 26th day of MARCH, 2014.

THE CITY OF SEATTLE

By Ray Hoff
Ray Hoffman, Seattle Public Utilities

STATE OF Washington)
) ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that RAY HOFFMAN is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as _____ of _____ in the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 26th day of March, 2014

Donna Rollen

Name (Print) Donna Rollen

NOTARY PUBLIC in and for the State of Washington

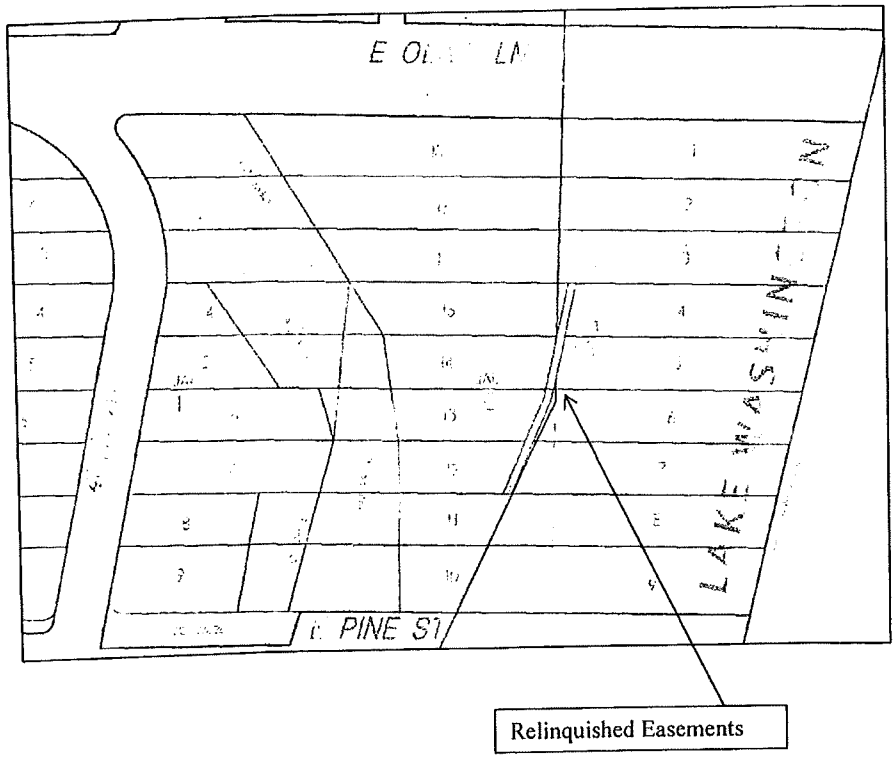
residing at Seattle

My appointment expires March 1, 2017

DONNA C. ROLLEN NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES MARCH 1, 2017

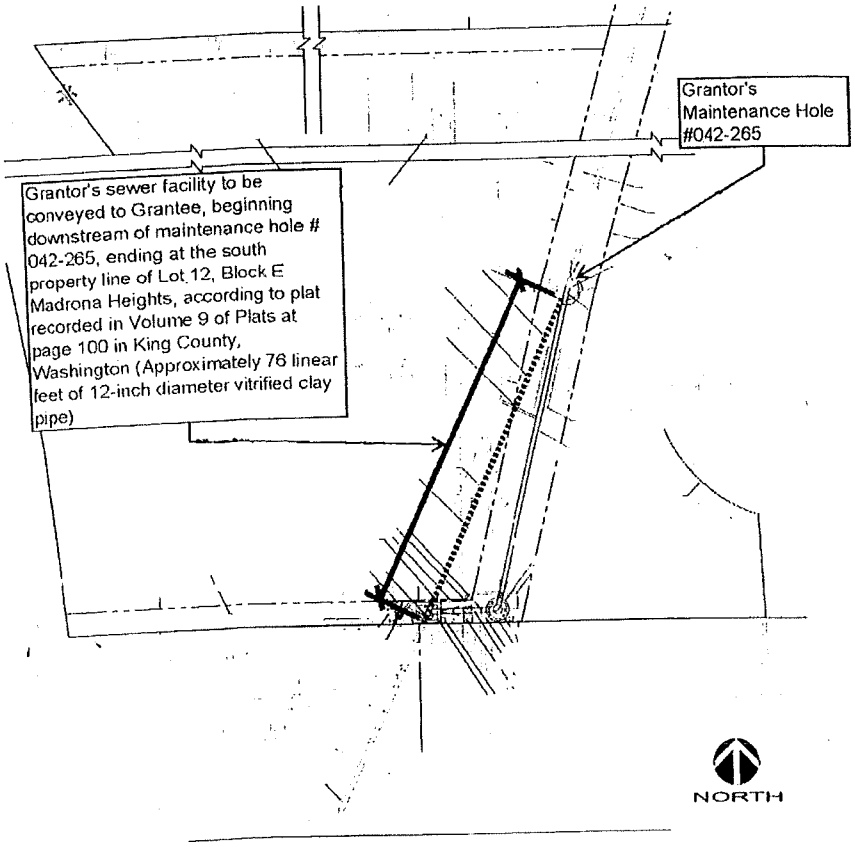
2014 CITY CLERK

Location
Of
Descriptions 16 and 17 of King County Superior Court Cause 224604



SEATTLE CITY CLERK

Exhibit A
Grantor's Sewer Facilities Conveyed to Grantee



2014 CITY CLERK

Recording Requested By And
When Recorded Mail To:

Seattle Public Utilities
Facilities and Real Property Services
PO Box 34018
Seattle WA 98124-4018

CONFORMED COPY

20140328001076
SEA PUBLIC UTI EAS 81.00
PAGE-001 OF 010
03/28/2014 15:11

EASEMENT AGREEMENT

Reference #s of Documents Released or Assigned:...N/A
Grantor:.....Maple Leaf Revocable Trust, Peter J Rose and Julie A Rose
Grantee:.....City of Seattle
Legal Description (abbreviated):.....Lots 12-15, Blk E, Madrona Heights, Vol 9, Pg 100 and Lots 4-7, Blk 43, Lake Washington Shore Lands, King County
Assessor's Tax Parcel ID#:.....502690-0270

RW# 2013-012-001

THIS EASEMENT granted this 1st day of March, 2014, by **Maple Leaf Revocable Trust, Peter J. Rose and Julie A. Rose,** hereinafter called "Grantor," to the **CITY OF SEATTLE**, a municipal corporation of the State of Washington, acting through and by Seattle Public Utilities, hereinafter called the "Grantee."

SEWER EASEMENT

WITNESSETH: Said Grantor for and in consideration of the benefits herein between Grantor and Grantee, and other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, do by these presents grant, bargain, sell, convey, and warrant to the Grantee an easement for all purposes necessary or convenient for constructing, reconstructing, operating, maintaining, inspecting, improving, altering, repairing and replacing a sewer system and appurtenances ("Facilities") over, under, through, across and upon the following described real property in Seattle, King County, Washington:

As legally described on Exhibit A, a copy of which is attached and incorporated herein ("Sewer Easement Area") and as shown on the map in Exhibit B, a copy of which is attached and incorporated herein.

SDS CITY CLERK

ACCESS EASEMENTS

WITNESSETH: Said Grantor for and in consideration of the benefits herein between Grantor and Grantee, and other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, do by these presents grant, bargain, sell, convey, and warrant to the Grantee an easement for the purposes of access to the Facilities over, under, through, across and upon the following described real property in Seattle, King County, Washington:

> As legally described on Exhibit C, a copy of which is attached and incorporated herein ("Access Easement Area") and as shown on the map in Exhibit D, a copy of which is attached and incorporated herein.

CONDITIONS

The Grantee shall have the right at such time as it may in its sole determination be necessary, to enter upon the Sewer Easement Area and Access Easement Area for the purposes herein described, without incurring any legal obligation or liability therefore, provided that such work shall be accomplished in such a manner that the private improvements existing in said easement area shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed, they shall be replaced in as good condition as they were immediately before the property was entered upon by the City.

Grantor hereby agrees that, with the exception of sidewalks, no buildings, other permanent structures, trees, fill or obstructions of any kind, shall be constructed, planted or permitted to remain within the boundaries of either said Sewer Easement Area or said Access Easement Area.

Grantor also hereby agrees that no other utility facilities, such as conduits, cables, pipelines, vaults, meters, poles or posts, whether public or private, other than those shown in the plans approved under City of Seattle Department of Planning and Development Permit #6382668, will be installed within the Sewer Easement Area.

Grantor, its successors, assigns, lessees, sub-lessees, tenants, and sub-tenants, shall have the right to use the Sewer Easement Area and Access Easement Area in any way and for any other legal purpose that is not inconsistent with the rights herein granted to Grantee.

Grantor waives and releases any present or future claim against the Grantee relating to hazardous substances, pollutants, or contaminants within the Sewer Easement Area or Access Easement Area, and shall indemnify and defend the Grantee from any such claim,

CITY CLERK

including enforcement action by a regulatory agency, unless the hazardous substances, pollutants or contaminants result from the Grantee's operations.

The covenants herein contained shall run with the land and shall be binding on the parties, their successors and assigns forever.

Dated this 1st day of March, 2014.

By: Peter J. Rose
Trustee of Maple Leaf Revocable Trust

STATE OF WA)
) ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that Peter J. Rose is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as Trustee of Maple Leaf Revocable Trust in the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 1st day of March, 2014

Name (Print) Noelle J. Figueira

NOTARY PUBLIC in and for the State of WA

residing at Seattle, WA

My appointment expires 09-01-17

NOELLE J. FIGUEIRA
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
09-01-17

2015 CITY CLERK

Julie anne Rose

By: Julie Anne Rose
Trustee of Maple Leaf Revocable Trust

STATE OF WA)
) ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that Julie A. Rose is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as Trustee of Maple Leaf Revocable Trust in the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 1st day of March, 2014

Noelle J. Figueira

Name (Print) Noelle J. Figueira

NOTARY PUBLIC in and for the State of WA

residing at Seattle, WA

My appointment expires 09-01-17

NOELLE J. FIGUEIRA
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
09-01-17

SEA CITY CLERK

By: Peter J. Rose

STATE OF WA)
) ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that Peter J. Rose is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as Owner of 1620 Lake WA. Blvd in the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 1st day of March, 2014

Name (Print) Noelle J. Figueira

NOTARY PUBLIC in and for the State of WA

residing at Seattle, WA

My appointment expires 09-01-17

NOELLE J. FIGUEIRA
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
09-01-17

SEA CITY CLERK

Julie A. Rose

By: Julie A. Rose

STATE OF WA)
) ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that Julie A. Rose is the person who appeared before me, and said person acknowledged that he/~~she~~ signed this instrument, on oath stated that he/~~she~~ was authorized to execute the instrument and acknowledged it as OWNER of 1620 Lake WA Blvd. in the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

SUBSCRIBED AND SWORN to before me this 1st day of March, 2014

Noelle J. Figueira

Name (Print) Noelle J. Figueira

NOTARY PUBLIC in and for the State of WA

residing at Seattle, WA

My appointment expires 09-01-17

NOELLE J. FIGUEIRA
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
09-01-17

2014 CITY CLERK

Exhibit A

PERMANENT SEWER EASEMENT LEGAL DESCRIPTION

D.R. STRONG
CONSULTING ENGINEERS
KIRKLAND WA 98033

DRS Project No. 13068
01/30/14

EXHIBIT A

LEGAL DESCRIPTION: SANITARY SEWER EASEMENT

A strip of land 12.00 feet in width, over that portion of Lots 12, 13, 14 and 15, Block E, Madrona Heights, according to Plat thereof recorded in Volume 9 of Plats, page 100, records of King County, Washington and Lots 4, 5, 6 and 7, Block 43, Lake Washington Shore Lands, in King County, Washington, as shown on the official maps on file in the office of the Commissioner of Public Lands at Olympia, Washington, said strip having 6.00 feet on each side of the following described centerline;

Commencing at the northwest corner of said Lot 15, said corner being on the easterly right of way margin of Lake Washington Boulevard, as conveyed by deed recorded under Recording Number 609203, records of said county; thence N90°00'00"E, along the north line of said lot and the north line of said Lot 4 a distance of 182.39 feet to THE POINT OF BEGINNING of the herein described centerline; thence S16°35'52"W 92.17 feet; thence S14°22'39"W 71.40 feet to Point A, said point being on the north line of the south 2.50 feet of said Lot 7; thence continuing S14°22'39"W 2.58 feet to the south line of said Lot 7 and the terminus of said centerline, said terminus bears N90°00'00"E 93.55 feet from the southwest corner of said Lot 12;

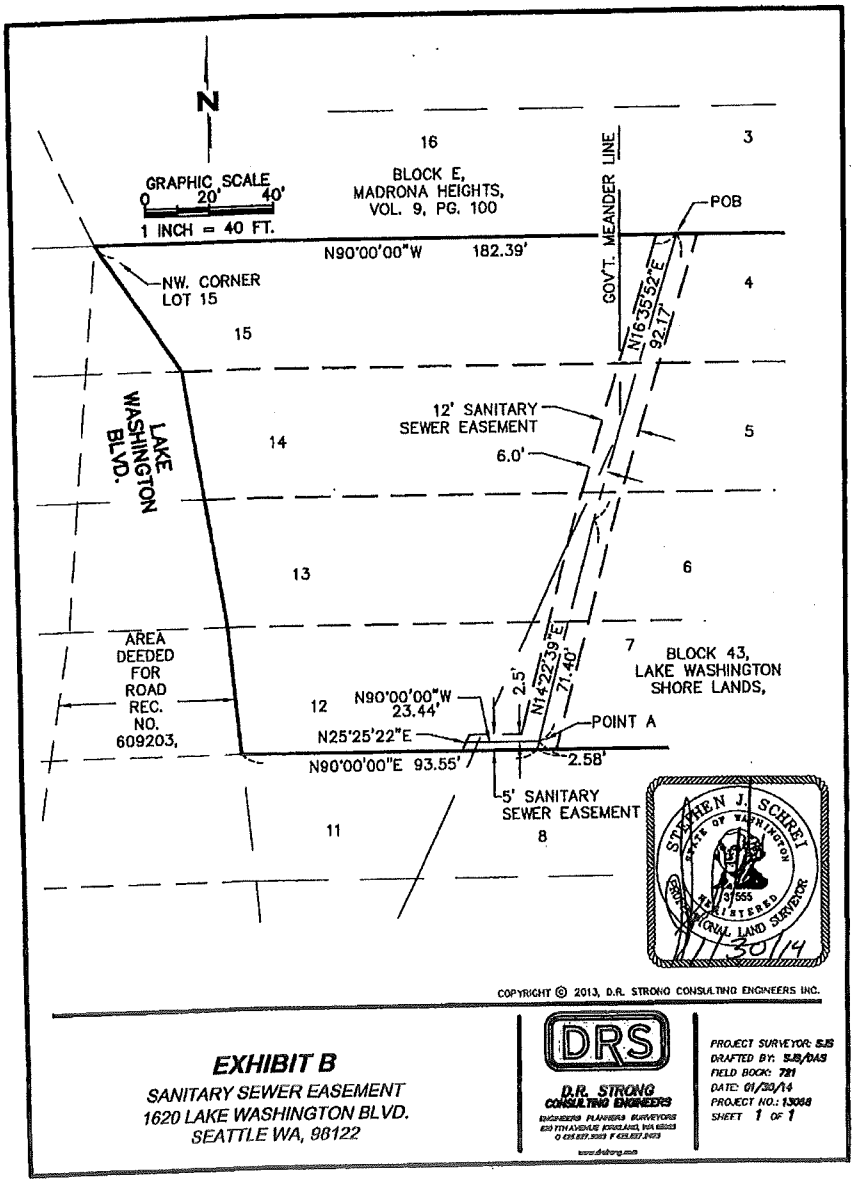
Together with a strip of land 5.00 feet in width, over that portion of said Lots 12 and 7 having 2.50 feet on each side of the following described centerline;

BEGINNING at said Point A; thence N90°00'00"W, along the north line of the south 2.50 feet of said Lot 7 and its westerly prolongation, 23.44 feet to the terminus of said centerline.

The sidelines of the above described strip of land shall be lengthened or shortened, as required, to intersect at all interior angle points, the south line of said Lots 12 and 7 and the north line of said Lot 4 and a line that bears N25°25'22"E and S25°25'22"W from the terminus of the herein described 5.00 foot strip.

DRS CITY CLERK

Exhibit B



2015 CITY CLERK

Exhibit C

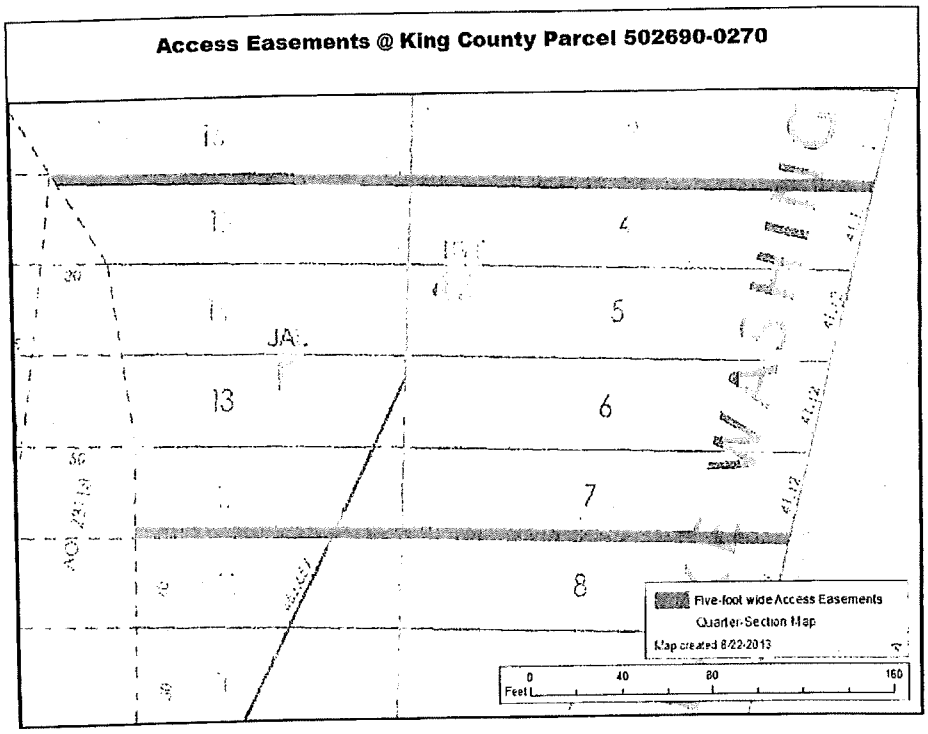
LEGAL DESCRIPTIONS
OF
ACCESS EASEMENTS

1) North five (5) feet of Lot 15, Block E of Madrona Heights, according to plat recorded in Volume 9 of Plats at page(s) 100, in King County, Washington, except that portion thereof conveyed to City of Seattle for street purposes by deed recorded under recording number 609203, records of said county; and North five (5) feet of Lot 4, Block 43, Lake Washington Shore Lands, in King County, Washington, as shown on the official maps on file in the office of the Commissioner of Public Lands at Olympia, Washington.

2) South five (5) feet of Lot 12, Block E of Madrona Heights, according to plat recorded in Volume 9 of Plats at page(s) 100, in King County, Washington, except that portion thereof conveyed to City of Seattle for street purposes by deed recorded under recording number 609203, records of said county; and South five (5) feet of Lot 7, Block 43, Lake Washington Shore Lands, in King County, Washington, as shown on the official maps on file in the office of the Commissioner of Public Lands at Olympia, Washington.

FILED
CITY
CLERK

Exhibit D



SEA CITY CLERK

Attachment 3

Recording Requested By And
When Recorded Mail To:

Seattle Public Utilities
Facilities and Real Property Services
PO Box 34018
Seattle WA 98124-4018

CONFORMED COPY

20140328001078
SEA PUBLIC UTI AG 42.00
PAGE-001 OF 011
03/28/2014 15:11

CONSENT AGREEMENT

Reference #s of Documents Released or Assigned:...N/A
Grantor:.....City of Seattle
Grantee:.....Maple Leaf Revocable Trust, Peter J Rose and Julie A Rose
Legal Description (abbreviated):.....Lots 12-15, Blk E, Madrona Heights, Vol 9, Pg 100 and Lots 4-7, Blk 43, Lake Washington Shore Lands, King County
Assessor's Tax Parcel ID#:.....502690-0270

This Consent Agreement is entered into by and between **The City of Seattle**, a municipal corporation of the State of Washington (the "Grantor" or "City"), acting by and through Seattle Public Utilities ("SPU") and **Maple Leaf Revocable Trust, Peter J. Rose and Julie A. Rose**, owners of a residential property at 1620 Lake Washington Boulevard, ("the Grantees" or "the Owners").

WHEREAS, Grantor acquired easements from Grantees for access and a public sewer together with necessary appurtenances (the "Public Utility Facility") on property located in the vicinity of 1620 Lake Washington Boulevard, Seattle, which easement document is recorded with the King County Recorder's Office under Recording Number 20140325001076 (the "Easements") and is legally described in Exhibit A (the "Access Easement Areas") and Exhibit B (the "Sewer Easement Area") attached hereto, which by this reference is incorporated herein; and

WHEREAS, the Easements were granted in exchange for the relinquishment by the City of two easements established by King County Superior Court Cause 224604 Descriptions 16 and 17, dated April 22, 1930. Said relinquishment is recorded with the King County Recorder's Office under Recording Number 20140328001077 and

WHEREAS, the Grantees had built improvements described in Exhibit C through Exhibit D (the "Improvements") within the Access Easement Areas and the Sewer Easement Area prior to granting the Easements and wishes to document the City's agreement that said Improvements may remain within the Access Easement Areas and the Sewer Easement Area;

NOW THEREFORE, BE IT AGREED THAT:

Subject to the terms and conditions herein stated, The City hereby gives formal consent, acting by and through its Director, Seattle Public Utilities, to the Grantees for the Improvements described in Exhibit C through Exhibit D, located partially within the Access Easement Areas and the Sewer Easement Area.

1. The City's consent for the Improvements within the Access Easement Areas and the Sewer Easement Area pursuant to this Consent Agreement does not constitute approval of the design and construction of the Improvements. This consent is made subject to the existing easement rights of the City of Seattle established under King County Recording Number, 20140328001076, dated [illegible] and providing that: 1) the

FILED CITY CLERK

existing Improvements shall not interfere with the use of the Easements by the City of Seattle for sewer purposes, and 2) the Improvements shall at all times be in compliance with the Seattle Municipal Code.

2. The Owners shall be liable to the City for any damage to the City's sanitary sewer or other City utility facilities attributable to the existence of the Improvements, including but not limited to any detrimental movement of the City's sanitary sewer.

3. No other structural alterations, additions or replacement structures shall be undertaken within the Access Easement Areas or the Sewer Easement Area.

4. The City shall continue to have the right, power, privilege and authority to enter upon the Access Easement Areas or the Sewer Easement Area at any time for all purposes necessary or convenient for constructing, reconstructing, operating, maintaining, inspecting, improving, altering, repairing, and replacing the sanitary sewer system and appurtenances, provided that such work shall be accomplished in such a manner that the Improvements existing in said Access Easement Areas and Sewer Easement Area shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed, they shall be replaced in as good condition as they were immediately before the property was entered upon by the City.

5. The Owners, for and on behalf of themselves, successors, assigns, lessees, sub-lessees, tenants and sub-tenants, does by these presents hereby covenant and agree to forever hold and save The City of Seattle free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any person by reason of the use or occupancy of the Improvements, except to the extent of the City's negligence, pursuant to RCW 4.24.115.

SEA CITY CLERK

This Consent Agreement shall be a covenant running with the land and shall be binding on the parties, their successors and assigns forever.

DATED THIS 12th DAY OF March, 2014

THE CITY OF SEATTLE,
Seattle Public Utilities

Judith L. Cross — January 12, 2014

Ray Hoffman, Director
BY: Judith L. Cross, Director
Facilities & Real Property Services

Date

STATE OF Wash)
)ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that **Judith L. Cross** signed this instrument, on oath stated that she was authorized to execute the instrument on behalf of **Ray Hoffman, Director** of **Seattle Public Utilities**, and acknowledged it as **Director** of **Facilities & Real Property Services** of **Seattle Public Utilities** of **The City of Seattle**, a municipal corporation of the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated 3/12/14

(SEAL)

DeWayne Ticeson
(Printed Name)
NOTARY PUBLIC in and for the State of Washington
Residing at Seattle
My appointment expires 12.5.14

SDS CITY CLERK

Peter J Rose

By: Peter J. Rose
Trustee of Maple Leaf Revocable Trust

3/1/14
Date

STATE OF WA)
)ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that Peter J. Rose is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as Trustee of Maple Leaf Revocable Trust in the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated 3/1/14

Noelle J. Figueira
Noelle J. Figueira
(Printed Name)
NOTARY PUBLIC in and for the State of WA
Residing at Seattle, WA.
My appointment expires 09-01-17

(SEAL)

NOELLE J. FIGUEIRA
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
09-01-17

SEA CITY CLERK

Julie R. Rose
By: Julie Anne Rose
Trustee of Maple Leaf Revocable Trust

3/1/14
Date

STATE OF WA)
)ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that Julie A. Rose is the person who appeared before me, and said person acknowledged that he/~~she~~ signed this instrument, on oath stated that he/~~she~~ was authorized to execute the instrument and acknowledged it as Trustee of Maple Leaf Revocable Trust in the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated 3/1/14

Noelle J. Figueira
(Printed Name)
NOTARY PUBLIC in and for the State of WA
Residing at Seattle, WA
My appointment expires 09-01-17

(SEAL)

NOELLE J. FIGUEIRA
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
09-01-17

SMS CITY CLERK

Peter J. Rose

Peter J. Rose

3/1/14
Date

STATE OF WA)
)ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that Peter J. Rose is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Owner of 1620 Lake WA Blvd. in the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated 3/1/14

Noelle J. Figueira
(Printed Name)
NOTARY PUBLIC in and for the State of WA
Residing at Seattle, WA.
My appointment expires 09-01-17

(SEAL)

NOELLE J. FIGUEIRA
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
09-01-17

FILED CITY CLERK

Julie A. Rose

Julie A. Rose

3-1-14
Date

STATE OF WA)
)ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that Julie A. Rose is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as owner of 1620 Lake WA Blvd. in the State of Washington, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated 3/1/14

Noelle J. Figueira
(Printed Name)
NOTARY PUBLIC in and for the State of WA
Residing at Seattle, WA.
My appointment expires 9-01-17

(SEAL) NOELLE J. FIGUEIRA
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
09-

2014 CITY CLERK

Exhibit A
Legal Descriptions of Access Easement Areas

1) North five (5) feet of Lot 15, Block E of Madrona Heights, according to plat recorded in Volume 9 of Plats at page(s) 100, in King County, Washington, except that portion thereof conveyed to City of Seattle for street purposes by deed recorded under recording number 609203, records of said county; and North five (5) feet of Lot 4, Block 43, Lake Washington Shore Lands, in King County, Washington, as shown on the official maps on file in the office of the Commissioner of Public Lands at Olympia, Washington.

2) South five (5) feet of Lot 12, Block E of Madrona Heights, according to plat recorded in Volume 9 of Plats at page(s) 100, in King County, Washington, except that portion thereof conveyed to City of Seattle for street purposes by deed recorded under recording number 609203, records of said county; and South five (5) feet of Lot 7, Block 43, Lake Washington Shore Lands, in King County, Washington, as shown on the official maps on file in the office of the Commissioner of Public Lands at Olympia, Washington.

SEA CITY CLERK

Exhibit B
Legal Description of Sewer Easement Area

LEGAL DESCRIPTION: SANITARY SEWER EASEMENT

A strip of land 12.00 feet in width, over that portion of Lots 12, 13, 14 and 15, Block E, Madrona Heights, according to Plat thereof recorded in Volume 9 of Plats, page 100, records of King County, Washington and Lots 4, 5, 6 and 7, Block 43, Lake Washington Shore Lands, in King County, Washington, as shown on the official maps on file in the office of the Commissioner of Public Lands at Olympia, Washington, said strip having 6.00 feet on each side of the following described centerline;

Commencing at the northwest corner of said Lot 15, said corner being on the easterly right of way margin of Lake Washington Boulevard, as conveyed by deed recorded under Recording Number 609203, records of said county; thence N90°00'00"E, along the north line of said lot and the north line of said Lot 4 a distance of 182.39 feet to THE POINT OF BEGINNING of the herein described centerline; thence S16°35'52"W 92.17 feet; thence S14°22'39"W 71.40 feet to Point A, said point being on the north line of the south 2.50 feet of said Lot 7; thence continuing S14°22'39"W 2.58 feet to the south line of said Lot 7 and the terminus of said centerline, said terminus bears N90°00'00"E 93.55 feet from the southwest corner of said Lot 12;

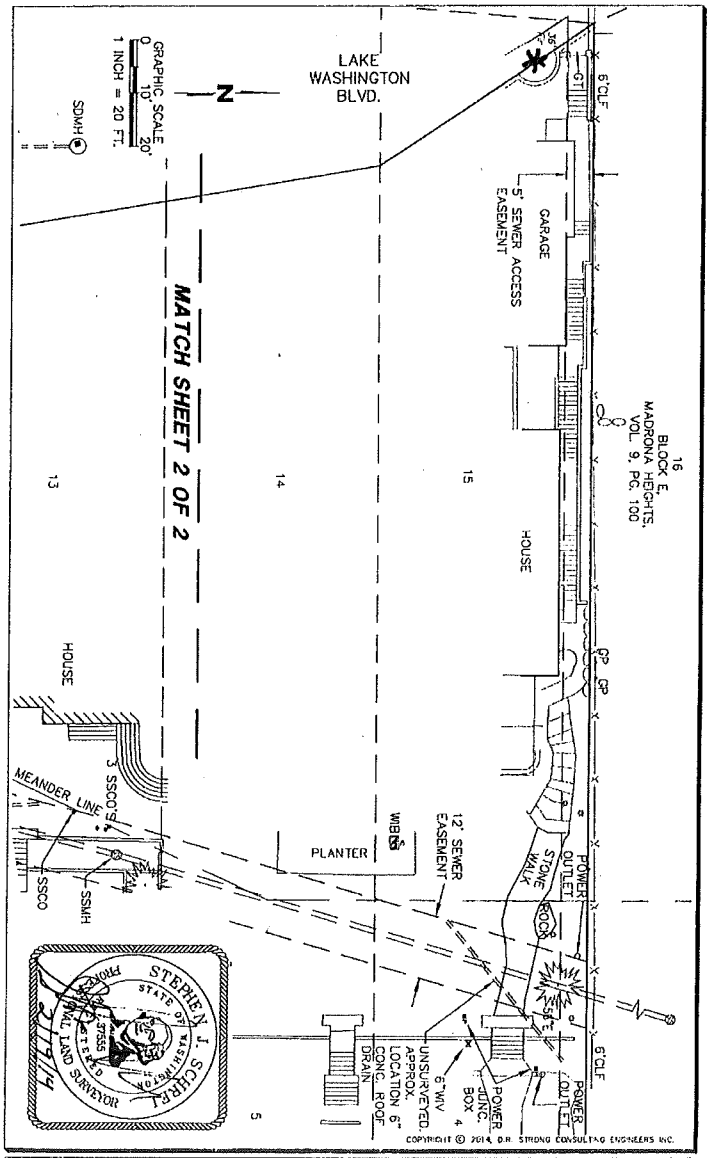
Together with a strip of land 5.00 feet in width, over that portion of said Lots 12 and 7 having 2.50 feet on each side of the following described centerline;

BEGINNING at said Point A; thence N90°00'00"W, along the north line of the south 2.50 feet of said Lot 7 and its westerly prolongation, 23.44 feet to the terminus of said centerline.

The sidelines of the above described strip of land shall be lengthened or shortened, as required, to intersect at all interior angle points, the south line of said Lots 12 and 7 and the north line of said Lot 4 and a line that bears N25°25'22"E and S25°25'22"W from the terminus of the herein described 5.00 foot strip.

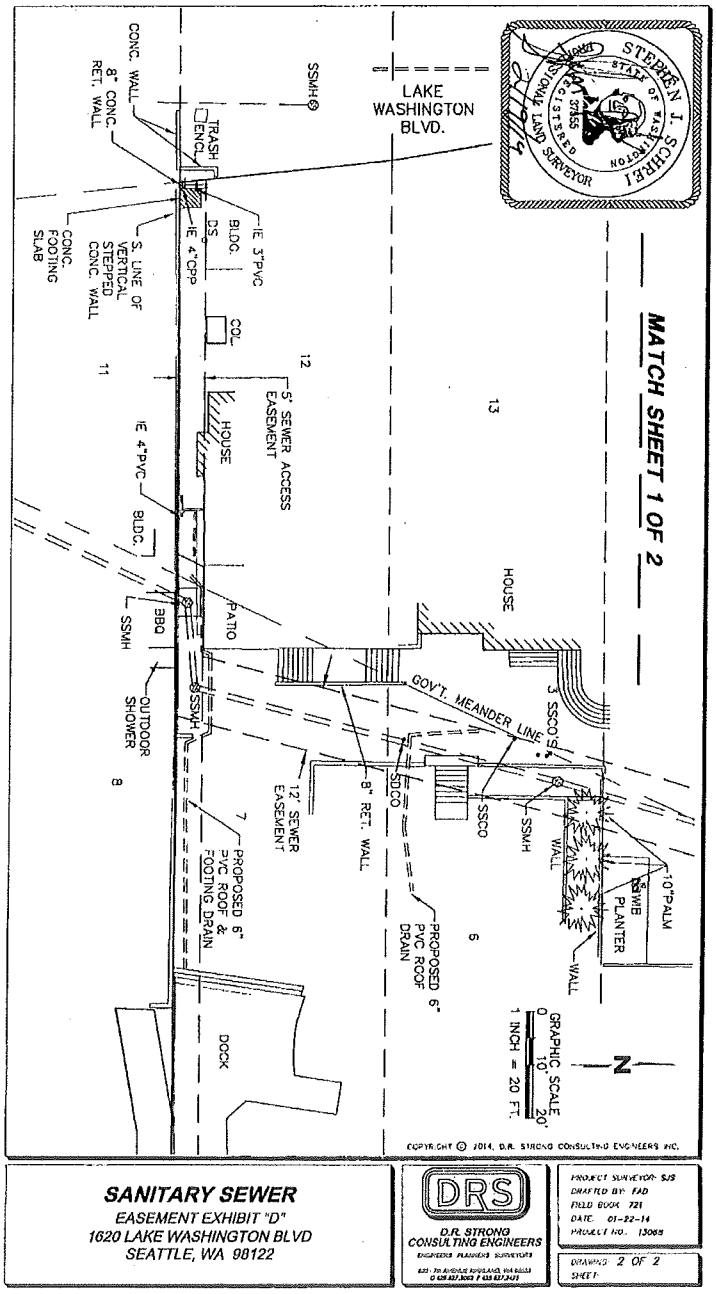
2015 CITY CLERK

Exhibit C - Improvements Within North One-Half of Property



SDS CITY CLERK

Exhibit D - Improvements Within South One-Half of Property



2015 CITY CLERK

Pree Carpenter
SPU 1620 LWB FISC
July 24, 2014
Version #2

Form revised: February 26, 2014

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Pree Carpenter/6-9754	Aaron Blumenthal/ 3-2656

Legislation Title:
AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer facilities within property commonly known as 1620 Lake Washington Boulevard surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights; authorizing the Director of Seattle Public Utilities to accept an easement from Julie Rose, Peter Rose and the Maple Leaf Revocable Trust for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

Summary of the Legislation:
This legislation would authorize the relinquishment of two easements for utility purposes and authorizes the acceptance of one new easement agreement to convey public sanitary sewage through private property and to access and maintain sanitary sewer facilities on private property.

Background:
In 1930 the City of Seattle condemned a sewer right-of-way and constructed a sanitary sewer along a portion of the western shore of Lake Washington. In 2013, the home owners at 1620 Lake Washington Boulevard punctured this sanitary sewer line while constructing a new detached garage and pavilion as authorized by City of Seattle Department of Planning and Development Construction Permit 6309760. SPU authorized relocating the sanitary sewer line to a different location on the property. This ordinance relinquishes unnecessary property rights for the abandoned sewer line and authorizes a new easement for the sanitary sewer line.

Please check one of the following:

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

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

b) **What is the financial cost of not implementing the legislation?**
Ongoing risk related to continued liability for maintaining and operating a public sewer on private property.

2015 CITY CLERK

c) **Does this legislation affect any departments besides the originating department?**
No.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
No viable alternatives are known.

e) **Is a public hearing required for this legislation?**
Yes. A public hearing is required for the City to relinquish property or property rights in accordance with RCW 35.94.040. A public hearing will be held before a City Council meeting, as designated by Council during public comment period.

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.

g) **Does this legislation affect a piece of property?**
Yes. Please see attached map.

h) **Other Issues:**
None known.

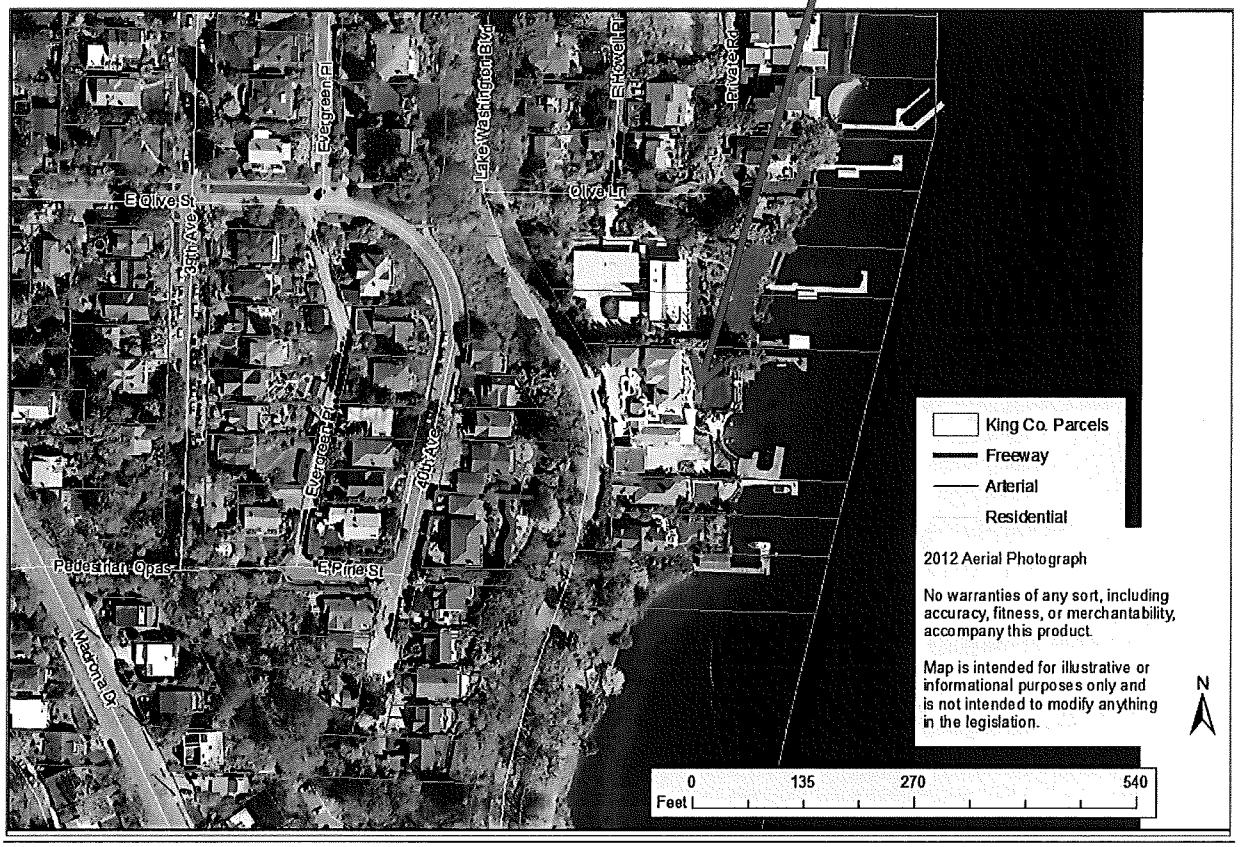
List attachments to the fiscal note below:
Exhibit A – Vicinity Map

2015 CITY CLERK

Pree Carpenter
SPU 1620 LWB FISC EXH A
March 1, 2014
Version #1

Exhibit A

1620 Lake Washington Blvd



SEA CITY CLERK

City of Seattle
Edward B. Murray
Mayor

September 2, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that would accept an easement from Julie and Peter Rose and the Maple Leaf Revocable Trust for sewer infrastructure and relinquish two easements that are surplus to the City's needs.

The original sewer alignment impeded the property owners' building plans. SPU agreed to the realignment of the sewer line at the property owners' expense as long as acceptable property rights were granted to allow conveyance of public sanitary sewage through private property and the future maintenance and operation of the relocated sewer line.

Thank you for your consideration of this legislation. Should you have questions, please contact Pree Carpenter at 386-9754.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Office of the Mayor
Seattle City Hall, 7th Floor
600 Fourth Avenue
PO Box 94749
Seattle, Washington 98124-4749

Tel (206) 684-4000
Fax: (206) 684-5360
Hearing Impaired use the Washington Relay Service (7-1-1)
www.seattle.gov/mayor

2014 CITY CLERK

STATE OF WASHINGTON -- KING COUNTY

--ss.

318667

No. 124657,658,659,660,661

CITY OF SEATTLE,CLERKS OFFICE

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 12th 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:TITLE ONLY ORDIANNCES

was published on

12/24/14

The amount of the fee charged for the foregoing publication is the sum of $97.18 which amount has been paid in full.

JENNIFER A. BORRERO NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 10-24-15

Subscribed and sworn to before me on

12/24/2014

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on December 1, 2014, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124657

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer facilities within property commonly known as 1620 Lake Washington Boulevard surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights; authorizing the Director of Seattle Public Utilities to accept an easement from Julie Rose, Peter Rose and the Maple Leaf Revocable Trust for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124658

AN ORDINANCE relating to Seattle Public Utilities; accepting easements granted to the City of Seattle for installation, operation, and maintenance of storm drainage facilities, sewer facilities, sanitary sewers, combined sanitary sewer facilities, drainage pipes, drain facilities, utilities, collection structures, culverts, outfall structures, fishways and streams, access and appurtenances necessary for drainage and wastewater utility purposes at various locations in Seattle and unincorporated King County, Washington; placing the easements under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124659

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to accept specified grants from the King County Flood Control District and the Washington State Department of Ecology and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124660

AN ORDINANCE relating to the solid waste system of Seattle Public Utilities; revising rates and charges for solid waste services; revising credits to low income customers for solid waste services; and amending Chapters 21.40 and 21.76 of the Seattle Municipal Code.

ORDINANCE NO. 124661

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

Date of publication in the Seattle Daily Journal of Commerce, December 24, 2014.

12/24(318667)