

Ordinance No. 124670

Council Bill No. 118276

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to execute an easement agreement for the purchase of a utility easement from E & L Investments, LLC; and ratifying and confirming certain prior acts.

CF No. _____

Date Introduced:	<u>12/1/14</u>	
Date 1st Referred:	To: (committee) <u>Energy</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>12/15/14</u> <u>8-0 (excused: Clark)</u>	
Date Presented to Mayor:	Date Approved: <u>12/16/14</u> <u>12/19/14</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. _____
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

[Signature]
Councilmember

Committee Action:

Pass Yes: KS MO SC 12/10/14

Full Council Action

12/15/14 Passed 8-0 (excused: Clark)

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

LAW DEPARTMENT

Law Dept. Review

OMP
Review

City Clerk
Review

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CITY OF SEATTLE

ORDINANCE 124670

COUNCIL BILL 118276

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to execute an easement agreement for the purchase of a utility easement from E & L Investments, LLC; and ratifying and confirming certain prior acts.

WHEREAS, in the course of providing electrical service to a new City Light customer at 1811 17th Avenue in Seattle, a new power pole with underground connections was installed on private property at 1806 16th Avenue; and

WHEREAS, City Light held prescriptive rights only for the existing overhead electric distribution line at 1806 16th Avenue; and

WHEREAS, the owners of 1806 16th Avenue, E & L Investments, LLC, through their attorney, have requested that City Light purchase an easement for \$10,000 to allow the pole to remain on their property, and City Light has determined that the purchase of the easement rights is the best course of action for the utility; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The General Manager and Chief Executive Officer of the City Light Department, or his designee, is hereby authorized to execute an easement agreement, on behalf of The City of Seattle, with E & L Investments, LLC, for the purchase of a utility easement from E & L Investments, LLC, substantially in the form attached hereto as Attachment 1.

Section 2. The easement rights purchased in the easement agreement are hereby placed under the jurisdiction of the City Light Department.

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



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

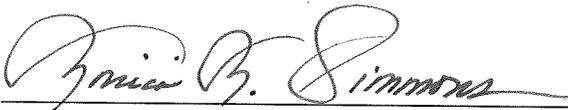
4 Passed by the City Council the 15th day of December, 2014, and
5 signed by me in open session in authentication of its passage this
6 15th day of December, 2014.

8 
9 _____
10 President _____ of the City Council

11 Approved by me this 19th day of December, 2014.

12 
13 _____
14 Edward B. Murray, Mayor

15 Filed by me this 19th day of December, 2014.

16 
17 _____
18 Monica Martinez Simmons, City Clerk

19
20
21 (Seal)

22
23
24 Attachment 1: Easement

John Bresnahan
SCL E & L Investments Easement ORD ATT 1
October 10, 2014
Version #1

Attachment 1

When recorded, return to:

SEATTLE CITY LIGHT
Real Estate Services
700 Fifth Avenue, SMT 3338
P.O. Box 34023
Seattle, WA 98124-4023

EASEMENT- (Electric)
Reference #: 250428-3-054
C/F #: 10040
Grantor: E & L Investments, LLC
Short Legal: Ptn. Lot 4, Blk. 14, Summit Addition, V.1, P. 109
Tax Parcel #: 808040-0180

THIS EASEMENT, made this _____ day of _____, 2014, between E & L INVESTMENTS, LLC, a Washington limited liability company, hereinafter called the "Grantor"; and the CITY OF SEATTLE, a Washington municipal corporation, acting by and through its CITY LIGHT DEPARTMENT, hereinafter called the "Grantee"; WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Thousand Dollars and No Cents (\$10,000.00) and other valuable consideration, receipt and sufficiency of which is hereby acknowledged, hereby grants to the Grantee, its successors and assigns, a utility easement for all purposes necessary, convenient or incidental to the construction, operation and maintenance of Grantee's electric distribution system (the "Facilities"), including the addition, removal or replacement of same at Grantee's election, either in whole or in part with either like or different sized facilities, at Grantee's sole cost and expense. All such Facilities shall be located upon, over, under, across, and through the following described lands and premises ("Property") situated in the County of King, State of Washington:

THE NORTH 41.5 FEET OF LOT 4, BLOCK 14, SUMMIT ADDITION TO THE CITY OF SEATTLE, PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 109, RECORDS OF KING COUNTY, WASHINGTON.

Except as otherwise set forth herein, Grantee's rights shall be exercised upon that portion ("Easement Area") of the Property depicted in the drawing attached hereto as Exhibit 1 and described as follows:



**THE NORTH 3 FEET OF THE EAST 8 FEET OF THE ABOVE-DESCRIBED
REAL PROPERTY.**

Together with the right at all times to the Grantee, its successors and assigns, of ingress to and egress from the Easement Area solely for the purposes set forth herein.

Also the right at all times to the Grantee, its successors and assigns, at Grantee's sole cost and expense, to cut and trim brush, trees or other plants standing or growing upon the Easement Area, which, in the opinion of Grantee, interfere with the maintenance or operation of, or constitute a menace or danger to, the Facilities.

The Grantor, its heirs, executors, administrators, successors and assigns, hereby covenants and agrees that no structure or fire hazards will be erected or permitted within the Easement Area and that no blasting or discharge of any explosives will be permitted within fifty (50) feet of the Facilities.

Grantee covenants and agrees that it shall use reasonable efforts to ensure that egress and access to the Property is not obstructed by Grantee or its contractors or employees except in case of an emergency or customary maintenance.

Grantee covenants and agrees that any work performed by or caused to be performed by Grantee within the Easement Area shall be performed at Grantee's sole cost and expense, and in a careful, workmanlike manner, free of claims or liens.

Any new building, structure or development constructed by Grantor on the Property shall be eligible to receive service from the Facilities, subject to Grantee's rules for the Facilities then in place and to the extent that there is sufficient capacity for such service, as solely determined by Grantee's Engineering Department.

The City of Seattle, as Grantee, is to be responsible, as provided by law, for any damage to the Grantor or the Property through its negligent acts or omissions in the construction, maintenance and operation of its Facilities.

This Easement will be governed by Washington law and venue for any dispute hereunder will be in King County Superior Court. In the event of any breach or threatened breach of this Agreement by either party, the non-defaulting party shall have the right to sue for damages and/or for specific performance and/or to enjoin such breach or threatened breach. Failure to enforce this Easement, or a breach thereof, will not constitute a waiver of any future rights or claims of breach under this Easement.



John Bresnahan
SCL E & L Investments Easement ORD ATT 1
October 10, 2014
Version #1

The rights, title, privileges and authority hereby granted shall continue and be in force until such time as the Grantee or its successors and assigns shall permanently remove all of its Facilities from the Property or shall permanently abandon said Facilities, at which time all such rights, title, privileges and authority shall terminate.

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.

GRANTOR:

E & L INVESTMENTS, LLC, a Washington limited liability company

By: _____

Printed Name: _____

Its: _____ (title)

GRANTEE:

CITY OF SEATTLE, a Washington municipal corporation

By: _____

Its: _____ (title)



John Bresnahan
SCL E & L Investments Easement ORD ATT 1
October 10, 2014
Version #1
COUNTY OF _____)

On this _____ day of _____, 2014, before me personally appeared _____ (print name), to me known to be the _____ (title) of the CITY OF SEATTLE, a Washington municipal corporation, that executed the within and foregoing instrument, and acknowledged that said instrument was the free and voluntary act and deed of the CITY OF SEATTLE for the uses and purposes therein mentioned, and on oath stated that _____ was authorized to execute said instrument on behalf of the CITY OF SEATTLE.

GIVEN under my hand and official seal hereto affixed the day and year in this certificate first above written.

(Notary seal)

(Signature of Notary)

(Print name of Notary)

NOTARY PUBLIC in and for the State of

Washington,

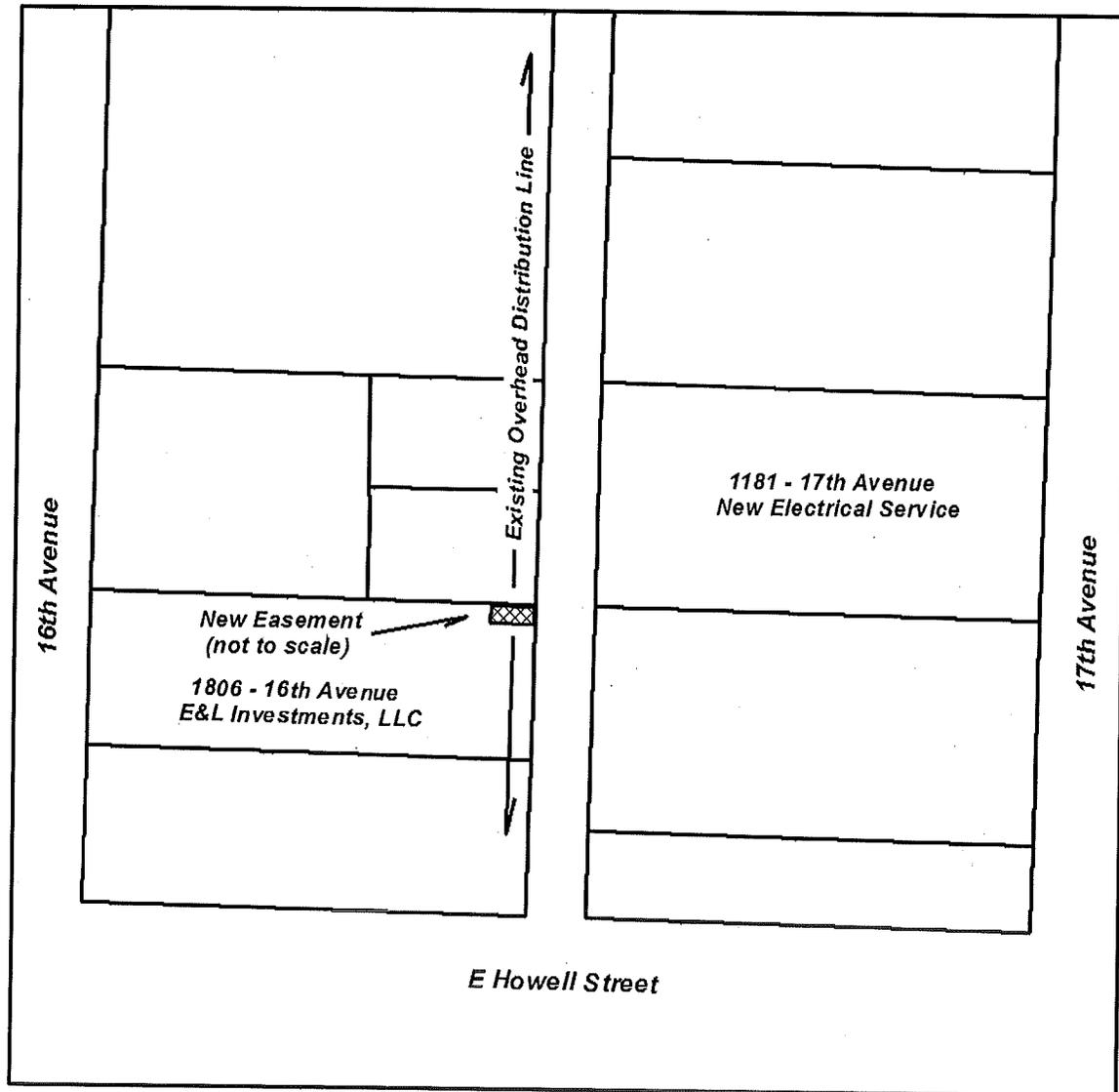
Residing at _____

My appointment expires _____



Exhibit 1

Depiction of Easement Area



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle City Light	Michael Jones / 684-3243	Greg Shiring / 386-4085

Legislation Title:

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to execute an easement agreement for the purchase of a utility easement from E & L Investments, LLC; and ratifying and confirming certain prior acts.

Summary of the Legislation:

This legislation will authorize Seattle City Light to purchase a utility easement from E & L Investments, LLC, to accommodate a utility pole placed on their property at 1806 - 16th Avenue.

Background:

While providing electrical service to a new City Light customer at 1811 - 17th Avenue in Seattle, a new power pole with underground connections was installed in an existing electric distribution line, across an alley on private property, at 1806 - 16th Avenue.

Although City Light held prescriptive rights for the existing overhead electric distribution line at 1806 - 16th Avenue, these rights were insufficient to install the new pole.

Through their attorneys, the owners of 1806 - 16th Avenue, E & L Investments, LLC, requested that City Light purchase an easement for \$10,000 to allow the pole to remain on their property. In consultation with City Light's Customer Service and Energy Delivery Unit, and considering the feasibility and cost for alternative installations, City Light has determined that the purchase of the easement is the best course of action for the utility.

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

 This legislation has financial implications.

Note to financial implications. This easement has been paid for from existing appropriations.

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?**
The cost to remove, re-engineer, and re-install the pole and underground trenching to the new customer was estimated at \$30,000.
- 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?**
The pole could have been removed, the installation re-engineered, and service provided to the new customer by other means.
- e) Is a public hearing required for this legislation?**
No.
- 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. A map of the easement area is included as Exhibit 1 to Attachment 1 to the Ordinance.
- h) Other Issues:**
None.

List attachments to the fiscal note below:

None.



City of Seattle
Edward B. Murray
Mayor

November 10, 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 which will authorize Seattle City Light to purchase a utility easement from E & L Investments, LLC, to resolve a claim related to an encroaching utility pole.

While providing electrical service to a new City Light customer at 1811 - 17th Avenue in Seattle, a new power pole with underground connections was installed in an existing electric distribution line at 1806 - 16th Avenue. Although City Light held prescriptive rights for the existing overhead distribution line, these rights were insufficient to install the new pole.

Through their attorneys, the owners of 1806 - 16th Avenue, E & L Investments, LLC, requested that City Light purchase an easement for \$10,000 to allow the pole to remain on their property. The purchase of this easement will resolve this situation most favorably for the City of Seattle and City Light's new customer at 1811 - 17th Avenue. Thank you for your consideration of this legislation. Should you have questions, please contact Michael Jones at 684-3243.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON -- KING COUNTY

--SS.

319379

No. 124667,668,669,670,671

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.

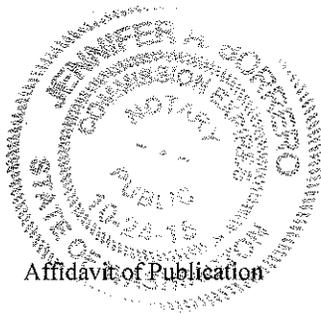
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCES

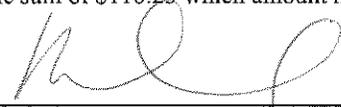
was published on

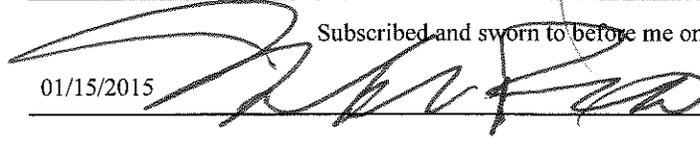
01/15/15

The amount of the fee charged for the foregoing publication is the sum of \$116.25 which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
01/15/2015 

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 15, 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. 124667

AN ORDINANCE granting Lambda Association of Gamma Phi Beta permission to maintain and operate a skybridge over and across the alley between 17th Avenue Northeast and 16th Avenue Northeast, north of Northeast 45th Street, for a ten-year term, renewable for two successive ten-year terms, specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124668

AN ORDINANCE relating to drainage, flood and habitat improvements being implemented through the Thornton Creek at 35th Ave NE project by Seattle Public Utilities along Thornton Creek on private and public lands; declaring easement rights related to Thornton Creek at 10706 35th Avenue Northeast surplus to the City's utility needs; authorizing relinquishment of the surplus of Transportation to acquire, accept, and record, on behalf of the City of Seattle a permanent bridge maintenance easement from Seattle School District #1; placing such easement under the Seattle Department of Transportation's jurisdiction; transferring in partial jurisdiction of a portion of property in the Southwest Quarter of Section 27, Township 26 North, Range 4 East, W.M., from Seattle Public Utilities to the Seattle Department of Transportation for bridge footings and maintenance; approving a five year Memorandum of Agreement between the Seattle School District and Seattle Public Utilities for activities on school lands; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124669

AN ORDINANCE relating to the City Light Department, authorizing the General Manager and Chief Executive Officer to purchase an easement from the Corporation of the Catholic Archbishop of Seattle for the relocation of the City Light Department's overhead electric lines within Northeast 195th Street in the City of Shoreline; and authorizing payment of fair market value to the Corporation of the Catholic Archbishop of Seattle for the easement.

ORDINANCE NO. 124670

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to execute an easement agreement for the purchase of a utility easement from E & L Investments, LLC; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124671

AN ORDINANCE relating to the Urban Forestry Commission, adding a new member and amending Sections 3.72.020 and 3.72.030 of the Seattle Municipal Code.

Date of publication in the Seattle Daily

Journal of Commerce, January 15, 2015,
1/15(319379)

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