SEATTLE CITY COUNCIL

Legislative Summary

CB 118575

Record No.: CB 118575 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 124953 **In Control:** City Clerk

File Created: 10/29/2015

Final Action: 12/17/2015

Title: AN ORDINANCE relating to Seattle Public Utilities; accepting an easement situated adjacent to Seward Park granted to The City of Seattle for construction and abandoning-in-place of horizontal construction tiebacks; placing the easement under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Bagshaw

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 - Easement Granted by Kenny K. Ho

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	11/10/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	11/10/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	11/12/2015	sent for review	Seattle Public Utilities and Neighborhoods Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Seattle Public Utilities and Neighborhoods Committee						
	Notes:						

1	Full Council	11/23/2015	referred	Seattle Public Utilities	

Action Text: The Council Bill (CB) was referred. to the Seattle Public Utilities
Notes:

1	Seattle Public Utilities and Neighborhoods Committee	12/03/2015	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:

In Favor: 2 Chair Bagshaw, Member Harrell

Opposed: 0

1	Full Council	12/07/2015	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
Notes:

In Favor: 7 Council President Burgess, Councilmember Bagshaw, Councilmember Godden, Councilmember González , Councilmember Harrell, Councilmember Licata, Councilmember Rasmussen

Opposed: 0

1	City Clerk	12/11/2015	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1	Mayor	12/17/2015	Signed		

Action Text: The Council Bill (CB) was Signed.
Notes:

1	Mayor	12/17/2015	returned	City Clerk	

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1	City Clerk	12/17/2015	attested by City Clerk		

Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 124953

COUNCIL BILL 118575

AN ORDINANCE relating to Seattle Public Utilities; accepting an easement situated adjacent to Seward Park granted to The City of Seattle for construction and abandoning-in-place of horizontal construction tiebacks; placing the easement under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

WHEREAS, The City of Seattle, operating through Seattle Public Utilities (SPU), owns and operates a combined sewer system that overflows to Lake Washington during heavy rain events; and

WHEREAS, the combined sewer system overflows (CSOs) are governed by the State of Washington under the terms of a National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, based on the volume of overflows and their impact on water quality in Lake Washington, Basin 44, which includes Seward Park and upland residential neighborhoods, has been identified in the NPDES permit and related Consent Decree between The City of Seattle, the Environmental Protection Agency (EPA) and State of Washington as a priority for CSO reduction, including regulatory milestones for completion of a capital improvement project; and

WHEREAS, as authorized by Ordinance 124491, SPU received a partial transfer of jurisdiction for a portion of Seward Park from the Department of Parks and Recreation for the construction of an underground CSO storage tank; and

WHEREAS, the construction of the CSO storage tank is benefitted by the use of horizontal construction tiebacks extending into private property; and

WHEREAS, Kenny K. Ho, the adjacent neighbor, granted a tieback easement; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City of Seattle (City) hereby accepts the easement granted to the City by Kenny K. Ho for the construction and abandoning-in-place of horizontal construction tiebacks as legally described and depicted in Attachment 1.

Section 2. The real property rights conveyed by this easement shall be placed under the jurisdiction of Seattle Public Utilities.

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

Section 4. 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 7th day of December, 2015, and signed by me in open session in authentication of its passage this 7th day of December, 2015.

_____
President _____ of the City Council

Approved by me this 17th day of December, 2015.

_____
Edward B. Murray, Mayor

Filed by me this 17th day of December, 2015.

_____
Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment 1 – Easement Granted by Kenny K. Ho

Attachment 1: Easement Granted by Kenny K. Ho

Recording Requested By And
When Recorded Mail To:

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

201502030010 87
SEA PUBLIC UTI EAS 77.00
PAGE-001 OF 006
02/03/2015 14:55
KING COUNTY, WA

EXCISE TAX NOT REQUIRED
King Co. Records
By _____ Deputy

TIEBACK EASEMENT

Reference #s of Documents Released or Assigned: n/a
Grantor:..... Ho, Kenny K.
Grantee:..... City of Seattle
Legal Description (abbreviated):..... Ptn Lot 14, Blk 1, The Uplands
Assessor's Tax Parcel ID#:..... 883540-0080

RW# 2013-006-003

THIS TIEBACK EASEMENT granted this 3 day of December, 2014, by **Kenny K. Ho,** 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." Grantor is the owner of real property located in the City of Seattle commonly known as 6030 Lake Shore Drive South ("Property").

1. Grant of Easement. The Grantor, for and in consideration of the public good and other valuable consideration, the sufficiency of which is hereby acknowledged, grants and conveys to the Grantee a Tieback Easement (the "Easement") upon the portion of the Property that is legally described in Exhibit A and illustrated in Exhibit B ("Easement Area").

2. Purpose of Easement. The Grantee shall have the right to use the Easement Area for the purpose of constructing and abandoning-in-place two rows of five (5) to eight (8) horizontal construction tiebacks ("Tiebacks") each row located between twenty (20) and forty (40) feet below ground surface to support the construction of Grantee's Seward Park CSO Reduction Project, as depicted in Exhibit C. Grantee shall have the right to maintain the Tiebacks tensioned in place for the duration of Grantee's Seward Park CSO construction project, which is estimated to begin first quarter 2015 and be completed June 2017. The Tiebacks will gradually de-tension in place and are expected to be completely relaxed within ten years after construction.

In the event property, improvements or vegetation within the Easement Area are disturbed or damaged by Grantee's use of the Easement Area, Grantee shall restore the disturbed or damaged property, improvements or vegetation to the condition existing as of the date this Easement Agreement became effective.

3. Grantee's Use of Easement Area. Grantee's right to use the Easement Area is limited by the purposes and conditions of use described in this Easement Agreement. Grantee's right to use the Easement Area shall be non-exclusive for the duration of this Easement Agreement as described in Paragraph 4. Grantor may use the Easement Area in any manner that does not interfere with the rights granted herein. Grantee shall have the right to permit third parties to enter upon the Easement Area to accomplish the purposes described herein, provided that all such parties abide by the terms of this Easement Agreement.

4. Term of Easement Agreement. This Easement Agreement shall commence on the date of recording and shall remain in effect for ten (10) years at which time it will be deemed abandoned.

5. Binding Effect. The Easement granted by this Easement Agreement, and the duties, restrictions, limitations, and obligations created by this Easement Agreement, shall burden the Property and shall be binding upon the Grantor and its respective successors, assigns, mortgagees, and sublessees and each and every person who shall at any time have a fee, leasehold, mortgage, or other interest in any part of the Easement Area.

6. Compliance with Applicable Law and Indemnification. Grantee shall at all times exercise its rights under this Easement Agreement and its use of the Easement Area in accordance with the requirements of all applicable statues, orders, rules, and regulations of any public authority having jurisdiction. Grantee agrees to assume all risk of loss, damage, or injury that may result from Grantee's exercise of its rights under this Easement Agreement or use of the Easement Area, except to the extent caused by Grantor's negligence. Grantee hereby agrees to indemnify Grantor from and against any and all liability, loss, damage, expense, actions, and claims incurred by Grantor arising from the exercise by Grantee, its employees, or contractors, of the rights granted in this Easement Agreement or use of the Easement Area, except to the extent caused by Grantor's negligence.

8. Notices. Any notices required or permitted under this Easement Agreement shall be given in writing and either personally delivered or sent by U.S. Mail, postage prepaid, to the addresses as indicated below:

To Grantor: Kenny K. Ho
6030 Lake Shore Drive South
Seattle, WA 98118

To Grantee: City of Seattle
Seattle Public Utilities
700 Fifth Avenue, Suite 4900
PO Box 34018
Seattle, WA 98124-4018
Attn: Facilities and Real Property Services

9. Exhibits Incorporated. All exhibits attached hereto, as listed below, are expressly incorporated into and form a part of this Easement Agreement.

Exhibit A: Legal Description of Easement Area
Exhibit B: Tieback Location Illustration

10. Recording. This Easement Agreement shall be recorded in the real property records of King County, Washington.

KH

Dated this 3rd day of December, 2014.

By:

STATE OF Washington)
) ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that Ho Kenny Kai 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 city of Seattle of Ho Kenny Kai 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 3rd day of December 2014

Name (Print) Carla Cenantes

NOTARY PUBLIC in and for the State of Washington

residing at Seattle,

My appointment expires 10/21/2016

Exhibit A: Legal Description of Easement Area

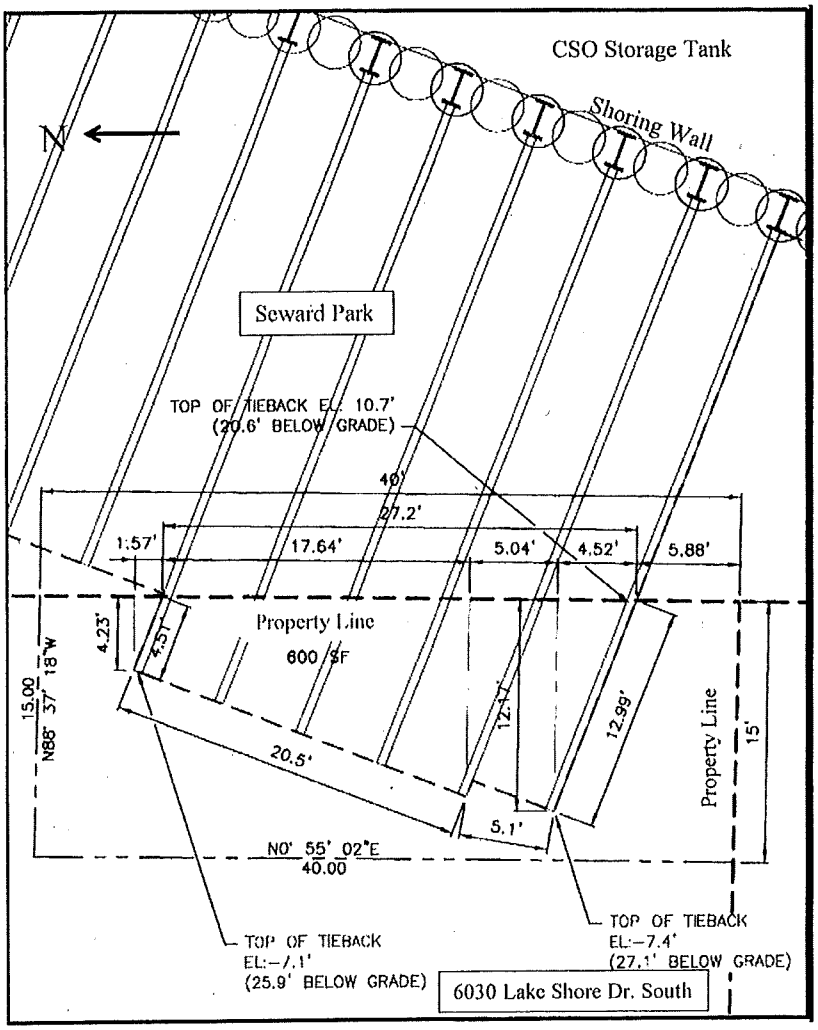
The East 15 feet of the south 40 feet of the following described property:

The north 75 feet of Lot 14, as measured along the east line thereof, Block 1, The Uplands, an Addition to the City of Seattle, according to the plat thereof recorded in Volume 28 of Plats, Page 42, records of King County, Washington.

Situate in the County of King, State of Washington.

(600 square feet, more or less)

Exhibit B: Tieback Location Illustration



STATE OF WASHINGTON -- KING COUNTY

--ss.

331978 No.

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:124944-955 TITLE ONLY

was published on

01/04/16

The amount of the fee charged for the foregoing publication is the sum of $207.35 which amount has been paid in full.

JENNIFER A. BARNES
COMMISSION EXPIRES
6-24-19
STATE OF WASHINGTON

Subscribed and sworn to before me on

01/04/2016

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on December 7, 2015, 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 124955

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter into an Interlocal Agreement with Kitsap County to acquire Light Detection and Ranging data; and ratifying and confirming certain prior acts.

Ordinance 124954

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to drainage and wastewater facility easements within the City of Seattle as being surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accepting new easements for City-owned drainage and wastewater facilities; placing the real property rights and interests conveyed by the easements under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Ordinance 124953

AN ORDINANCE relating to Seattle Public Utilities; accepting an easement situated adjacent to Seward Park granted to The City of Seattle for construction and abandoning in-place of horizontal construction tiebacks; placing the easement under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Ordinance 124952

AN ORDINANCE relating to land use; amending Sections 22.170.190, 23.41.018, 23.43.008, 23.43.010, 23.43.012, 23.44.014, 23.44.022, 23.44.024, 23.44.034, 23.45.516, 23.45.518, 23.45.522, 23.45.536, 23.47A.009, 23.47A.014, 23.47A.016, 23.47A.024, 23.49.019, 23.49.036, 23.49.041, 23.50.034, 23.57.008, 23.75.140, 23.84A.014, and 23.84A.028 of the Seattle Municipal Code to integrate low impact development into land development codes, standards, and rules.

Ordinance 124951

AN ORDINANCE relating to street and sidewalk use; addressing low impact development requirements in the City of Seattle's Phase I Municipal Stormwater National Pollutant Discharge Elimination System general permit issued by the Washington State Department of Ecology; correcting typographical errors and section references; clarifying regulations, and making minor amendments; and amending Sections 15.02.042, 15.02.044, 15.02.046, 15.04.010, 15.04.035, 15.06.050, 15.20.070, 15.22.060, 15.22.080, 15.22.100, 15.22.110, 15.32.160, 15.36.010, 15.44.030, 15.46.020, 15.70.030, 15.72.010, and 15.91.016 of the Seattle Municipal Code.

Ordinance 124950

AN ORDINANCE relating to the City's traffic code; amending Sections 11.14.055, 11.14.184, 11.23.380, 11.23.400, 11.31.020, 11.34.020, 11.56.020, 11.56.025, 11.56.320, 11.56.350, 11.56.355, 11.57.310, 11.72.065, and 11.84.380 of the Seattle Municipal Code, adding Section 11.58.435 to the Seattle Municipal Code, and repealing Section 11.14.185 of the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Ordinance 124949

AN ORDINANCE relating to the City's criminal code; amending Sections 6.36.020, 12A.06.120, 12A.06.180, 12A.06.195, 12A.14.080, 12A.16.030, 12A.20.100, 12A.24.010, 12A.24.150, 18.12.255, and 18.12.257 of the Seattle Municipal Code and adding Sections 12A.10.150, 12A.10.220, and 12A.24.105 to the Seattle Municipal Code to conform the Seattle Municipal Code with changes in state law and make technical corrections.

Ordinance 124948

AN ORDINANCE relating to affordable housing; authorizing the Director of the Office of Housing to enter into and administer an Interlocal Cooperation Agreement with King County, Pierce County, Snohomish County, and the cities of Bellevue, Issaquah, Kenmore, Kirkland, Mercer Island, Redmond, and Woodinville to create and operate a Regional Equitable Development Initiative Fund (REDI Fund) for the Puget Sound Region; and providing that 2015 appropriations for the REDI Fund shall automatically carry forward into the 2016 fiscal year.

Ordinance 124947

AN ORDINANCE relating to land use and zoning, amending Section 23.47A.004 of the Seattle Municipal Code to allow for the expansion of up to 20,000 square feet of existing medical services uses in Neighborhood Commercial 1 zones.

Ordinance 124946

AN ORDINANCE relating to the Seattle Streetcar; amending Ordinance 122424 to revise reporting requirements of operating streetcar lines.

Ordinance 124945

AN ORDINANCE relating to the Construction and Land Use Fund; adding a new Section 22.202.070 to the Seattle Municipal Code.

Ordinance 124944

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

Date of publication in the Seattle Daily Journal of Commerce, January 4, 2016.

1/4(331978)