SEATTLE CITY COUNCIL

Legislative Summary

CB 118617

Record No.: CB 118617 **Type:** Ordinance (Ord) 124990 **Status:** Passed

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

File Created: 01/11/2016

Final Action: 02/11/2016

Title: AN ORDINANCE relating to the Bridge Rehabilitation and Replacement project; authorizing the Director of the Seattle Department of Transportation to acquire, accept, and record, on behalf of The City of Seattle, a permanent easement from Neubert Family Limited Partnership, a Washington limited partnership, located in a portion of Lots 6, 7, and 8, together with a portion of the vacated alley abutting Lot 8, Block 17 of Town of Seattle, as laid out by D. S. Maynard, commonly known as D.S. Maynard's Plat of Seattle, for the purposes of constructing, repairing, replacing, and maintaining a Yesler Way abutment wall, sidewalk, and other transportation infrastructure; placing the real property rights and interests conveyed by such easement under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att A - Recorded Easement Granted by Neubert Limited Partnership

Drafter: gretchen.haydel@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	01/19/2016	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					
1	City Clerk	01/19/2016	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	01/21/2016	sent for review	Sustainability and Transportation Committee	

Action Text: The Council Bill (CB) was sent for review. to the Sustainability and Transportation Committee
Notes:

1	Full Council	02/01/2016	referred	Sustainability and Transportation Committee	

Action Text: The Council Bill (CB) was referred. to the Sustainability and Transportation Committee
Notes:

1	Sustainability and Transportation Committee	02/02/2016	pass		Pass

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

In Favor: 2 Chair O'Brien, Vice Chair Johnson

Opposed: 0

1	Full Council	02/08/2016	passed		Pass

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

In Favor: 8 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1	City Clerk	02/08/2016	submitted for Mayor's signature	Mayor	

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

1	Mayor	02/11/2016	Signed		

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

1	Mayor	02/11/2016	returned	City Clerk	

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

1	City Clerk	02/11/2016	attested by City Clerk		

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

CITY OF SEATTLE

ORDINANCE 124990

COUNCIL BILL 118617

AN ORDINANCE relating to the Bridge Rehabilitation and Replacement project; authorizing the Director of the Seattle Department of Transportation to acquire, accept, and record, on behalf of The City of Seattle, a permanent easement from Neubert Family Limited Partnership, a Washington limited partnership, located in a portion of Lots 6, 7, and 8, together with a portion of the vacated alley abutting Lot 8, Block 17 of Town of Seattle, as laid out by D. S. Maynard, commonly known as D.S. Maynard's Plat of Seattle, for the purposes of constructing, repairing, replacing, and maintaining a Yesler Way abutment wall, sidewalk, and other transportation infrastructure; placing the real property rights and interests conveyed by such easement under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming prior acts.

WHEREAS, the Yesler Bridge (Bridge) was built in 1910 and displays unique and historic design elements which include decorative pedestrian railings, ornamental capitals, casings, and corbels on the exterior fascia girders; and

WHEREAS, the Bridge is located over 4th Avenue South at the intersection of Yesler Way, Terrace Street, and 4th Avenue South in the Pioneer Square Historic District, just a few blocks north of King Street Station; and

WHEREAS, historic preservation is a key element of the Yesler Way Over 4th Avenue South Bridge Project, a project under the Bridge Rehabilitation and Replacement project (Yesler Bridge Project), as the Bridge is one of the oldest steel bridges in Seattle; and

WHEREAS, the Department of Transportation is working closely with the Pioneer Square Preservation Board and the International Special Review District Board to ensure that the Bridge and nearby neighborhoods maintain their key historic features and setting, while also addressing the Bridge's safety and maintenance risks; and

WHEREAS, it is critical that the City accept the property rights necessary for construction of the Yesler Bridge Project to rehabilitate the Bridge to improve public safety in Pioneer

Square and the International District as well as to enhance the service life and maintenance of the Bridge; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Easement granted by Neubert Family Limited Partnership, a Washington limited partnership, a copy of which is attached to this ordinance as Attachment A and recorded under Recording Number 20150821001203, dated August 3, 2015, for a portion of tax parcel number 524780-1045, is accepted.

Section 2. The Easement referenced above shall be placed under the jurisdiction of the Seattle Department of Transportation. Funding for the Yesler Bridge Project, including this property acquisition, comes from bonds backed by the Commercial Parking Tax and a grant from the Federal Highway Bridge Program.

Section 3. Any act consistent with the authority and prior to the effective date of this ordinance 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 8th day of February, 2016, and signed by me in open session in authentication of its passage this 8th day of February, 2016.

President _____ of the City Council

Approved by me this 11th day of Feb, 2016.

Edward B. Murray, Mayor

Filed by me this 11th day of February, 2016.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment A - Recorded Easement Granted by Neubert Limited Partnership

1

Unofficial Document

After recording return document to:

City of Seattle
Department of Transportation
700 5th Avenue – Suite 3900
PO Box 34996
Seattle, WA 98124-4966
Attn: Sam Spencer

Document Title: Easement
Reference Number of Related Document: N/A
Grantor(s): Neubert Family Limited Partnership
Grantee: City of Seattle
Abbreviated Legal Description: Maynards D S Plat Por N & E of Prefontaine Pl Less St, King County, Washington
Additional Legal Description is on Page(s) 5 of Document.
Assessor's Tax Parcel Number(s): 524780-1045

EXCISE TAX NOT REQUIRED
King Co. Records Division
By _____, Deputy

EASEMENT

Project: Yesler Bridge Rehabilitation

The Grantor, **NEUBERT FAMILY LIMITED PARTNERSHIP**, a Washington Limited Partnership; for and in consideration of TEN AND NO/100 DOLLARS ($10.00), and other valuable consideration, receipt of which is acknowledged, conveys and grants to the Grantee, the **CITY OF SEATTLE**, a municipal corporation of the State of Washington and its successors and assigns, an Easement over, under, across and upon the below-described lands ("the Easement Area").

The Easement is conveyed and granted for the purposes of constructing, repairing, replacing, and maintaining a Yesler Way abutment wall, sidewalk, and other transportation infrastructure; and modifications associated with the abutment wall, sidewalk and other transportation infrastructure; to the same extent and purpose as if the rights granted by this Easement had been acquired under Eminent Domain statutes of the State of Washington.

It is understood that the Grantor shall retain the right to maintain, repair, and replace Prefontaine Building ventilation systems located in the Easement Area. The Grantor shall have no other rights or interests in the Easement Area, and may not use the

Unofficial Document

EASEMENT

Easement Area for any purpose except to maintain, repair, and replace ventilation systems in the Easement Areas.

It is also understood by the Grantor that it is waiving all rights to ingress or egress from the Easement Area to 4th Avenue South, and waiving all damages claims associated with the Grantee's elimination of ingress and egress from the Easement Area to 4th Avenue South. The Grantor understands that its sole ingress or egress to the Easement Area shall be from the Prefontaine Building.

So long as this Easement is in effect, the Grantor shall take no action to disturb the stability or integrity of the infrastructure constructed by Grantee as allowed by this Easement.

It is understood and agreed that the Grantee shall not jeopardize the stability or integrity of the Prefontaine Building's footing when constructing, repairing, replacing and maintaining the Easement Area or the Yesler Way abutment wall, sidewalk and other transportation infrastructure.

To the extent allowed by law, the Grantee and their successors and assigns agree to indemnify the Grantor from and against any and all claims, demands, suits, damages, loss or liability of any kind arising out of or resulting from the Grantee's removal or replacement of the abutment wall by the Grantee or Grantee's successors and assigns.

The Easement Area is located in King County, State of Washington, and is described in Exhibit A that is attached and made a part of this Easement.

Unofficial Document

EASEMENT

Neubert Family Limited Partnership
a Washington limited partnership

By: Thomas A. Henson

Name: Thomas A. Henson

Its: General Partner

Dated: June 10, 2015

STATE OF WASHINGTON)
§
County of King)

On this 10 day of June, 2015, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Thomas A Henson to me known to be the General Partner of the Neubert Family Limited Partnership, a Washington limited partnership, and acknowledged the said instrument to be the free and voluntary act and deed of said party for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

Notary Seal
W. SCOTT DETRO
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
10-19-18

W Scott Detro

Notary (print name) W. Scott DeTro
Notary Public in and for the State of Washington,
residing at Omak
My Appointment expires 10/19/18

Tax Parcel Number 712930-1740

Unofficial Document

EASEMENT

THE CITY OF SEATTLE
a Washington municipal corporation

By: _____

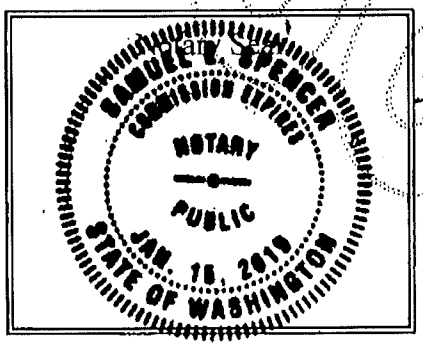
Name: Scott Kubly
Its: Director, Department of Transportation

Dated: 8/3, 2015

STATE OF WASHINGTON)
: §
County of King)

On this 3rd day of August, 2015, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared SCOTT KUBLY, to me known to be the Director of the Department of Transportation of the City of Seattle, a Washington municipal corporation, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.



_____
Notary (print name) Samuel E Spencer
Notary Public in and for the State of Washington,
residing at Seattle, WA
My Appointment expires 1-15-2019

Tax Parcel Number 712930-1740

Working Copy Only

EASEMENT

EXHIBIT A

TAX PARCEL 5247801045
NEUBERT FAMILY LIMITED PARTNERSHIP

PERMANENT EASEMENT DESCRIPTION:

THE EAST 9.07 FEET OF THE NORTH 4.17 FEET OF ALL THAT PART OF LOTS 6, 7 AND 8 AND THE EAST 8 FEET IN WIDTH OF THE VAC. ALLEY ABUTTING ON LOT 8 IN BLOCK 17 OF D. S. MAYNARD'S PLAT OF THE TOWN, NOW CITY OF SEATTLE, AND LIES NLY. AND ELY. OF PREFONTAINE PLACE, EX. THE EAST 9 FT. IN WIDTH THEREOF, TAKEN FOR THE WIDENING OF 4TH AVENUE AND SUBJECT TO THE PERPETUAL RIGHT-OF-WAY THROUGH AND UNDERNEATH SAID PREMISES FOR A RAILWAY TUNNEL, AS THE SAME IS NOW LOCATED AND CONSTRUCTED THROUGH, UNDERNEATH AND ACROSS SAID PREMISES, AND SUBJECT TO THE RIGHT OF THE CITY OF SEATTLE TO ERECT AND MAINTAIN A STAIRWAY 6 FT. IN WIDTH IN THE CLEAR, ELY. AND WLY. ALONG THE ELY. SIDE OF THE PREMISES, WITH SUFFICIENT HEADROOM FOR FOOT PASSENGERS TO DESCEND FROM YESLER WAY TO FOURTH AVENUE SOUTH, AS PROVIDED IN THE JUDGEMENT IN SUIT 50320 IN THE SUPERIOR COURT FOR KING COUNTY.

CONTAINING 38 SQUARE FEET, MORE OR LESS.

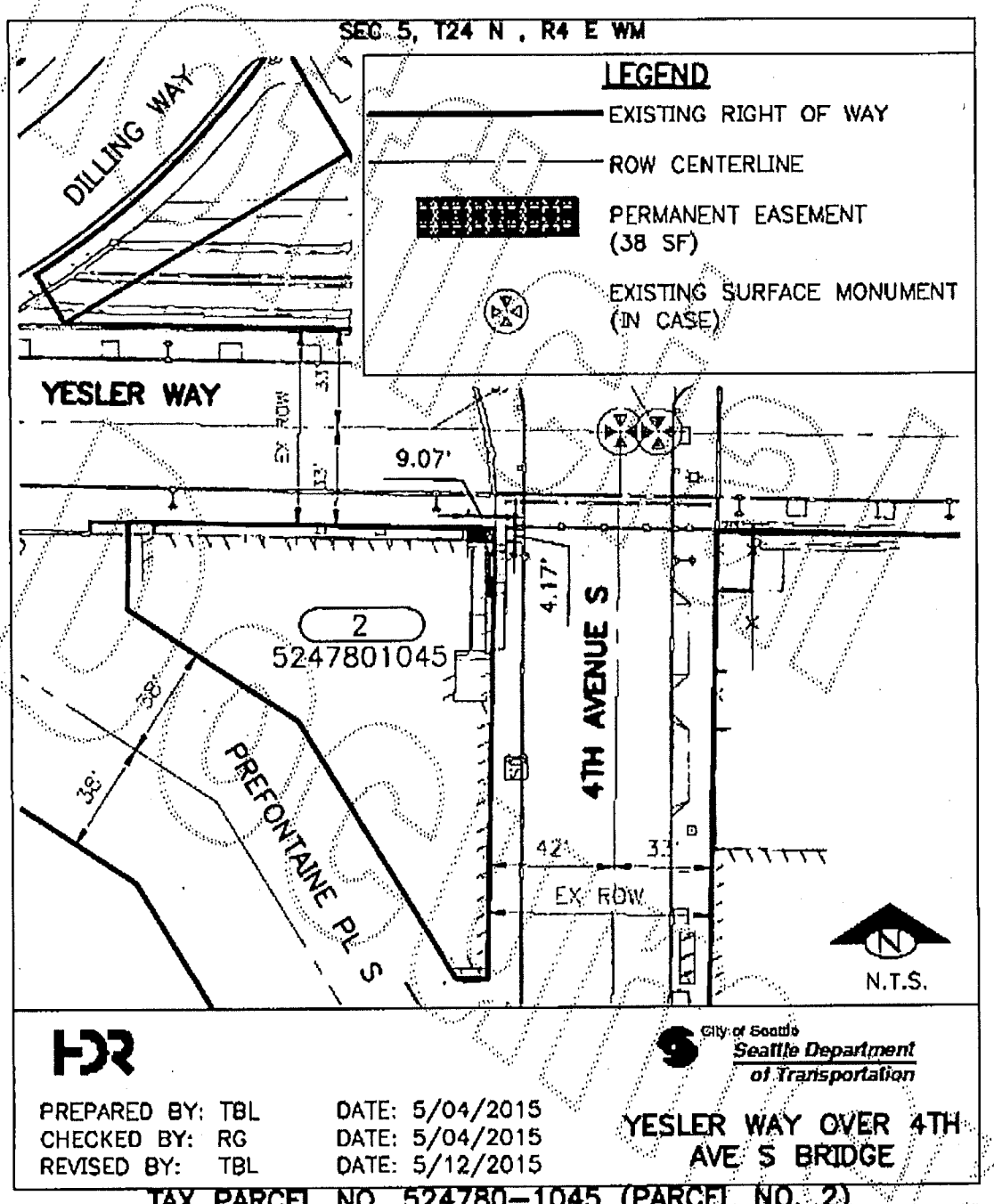
SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

5/4/15

Tax Parcel Number 712930-1740

EASEMENT

PORTION OF LOTS 6-7-8, BLOCK 17
MAYNARD D S PLAT, PORTION N & E OF PREFONTAINE PL LESS ST PLAT



TAX PARCEL NO. 524780-1045 (PARCEL NO. 2)

Tax Parcel Number 712930-1740