SEATTLE CITY COUNCIL

Legislative Summary

CB 118806

Record No.: CB 118806 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 **Ord. no:** Ord 125166 **In Control:** City Clerk

File Created: 08/26/2016

Final Action: 10/07/2016

Title: AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer facility easements within property bound by 25th Avenue NE, NE 49th Street, 30th Avenue NE, and NE 45th Street in Seattle as being surplus to the City's utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and to accept a new easement from University Village Limited Partnership for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

Notes:

Sponsors: Herbold

Date

Filed with City Clerk:

Mayor's Signature:

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 - Relinquishment and Partial Relinquishment of Easements, Att 2 - Sanitary Sewer Easement

Drafter: bob.hennessey@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	09/06/2016	Mayor's leg transmitted to Council	Civil Rights, Utilities, Economic Development, and Arts Committee			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the Civil Rights, Utilities, Economic Development, and Arts Committee						
	Notes:						
1	City Clerk	09/06/2016	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	09/09/2016	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee	

Action Text: The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee

Notes:

1	Full Council	09/19/2016	referred	Civil Rights, Utilities, Economic Development, and Arts Committee	

Action Text: The Council Bill (CB) was referred. to the Civil Rights, Utilities, Economic Development, and Arts Committee

Notes:

1	Civil Rights, Utilities, Economic Development, and Arts Committee	09/23/2016	pass		Pass

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

In Favor: 1 Chair Herbold

Opposed: 0

Absent(NV): 1 Vice Chair Sawant

1	Full Council	10/03/2016	passed		Pass

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

Notes:

In Favor: 7 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien

Opposed: 0

1	City Clerk	10/05/2016	submitted for Mayor's signature	Mayor
1	Mayor	10/07/2016	Signed	
1	Mayor	10/07/2016	returned	City Clerk
1	City Clerk	10/07/2016	attested by City Clerk	

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

Notes:

CITY OF SEATTLE

ORDINANCE 125166

COUNCIL BILL 118806

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer facility easements within property bound by 25th Avenue NE, NE 49th Street, 30th Avenue NE, and NE 45th Street in Seattle as being surplus to the City's utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and to accept a new easement from University Village Limited Partnership for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

WHEREAS, the University Village Partnership ("U Village") wishes to further develop its property, requiring relocation of portions of Seattle Public Utility (SPU) facilities, the relinquishment of a portion of an existing easement, and the acquisition of a new easement; and

WHEREAS, SPU has approved plans and specifications for the relinquishment of portions of the existing easement; and

WHEREAS, U Village will grant a sanitary sewer easement to the City that meets the specifications of SPU; and

WHEREAS, SPU has determined the interests of the utility and its customers are best served by relinquishing portions of existing easements and accepting a new easement in the same property; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Pursuant to the provisions of RCW 35.94.040, and after a public hearing, a portion of the existing easements, legally described and defined as the Relinquishment Areas in Exhibits A and B of Attachment 1 to this ordinance, are hereby declared to be no longer required for providing public utility service and surplus to the City's needs.

Section 2. The Director of Seattle Public Utilities, or the Director's designee, is authorized to execute for and on behalf of The City of Seattle a Relinquishment of Easement, substantially in the form of Attachment 1 to this ordinance.

Section 3. The Director of Seattle Public Utilities, or the Director's designee, is authorized to accept a utility easement for a sanitary sewer from the University Village Partnership, substantially in the form of Attachment 2 to this ordinance.

Section 4. Any act consistent with the authority of this ordinance taken after the passage of the ordinance, but prior to the effective date, is hereby ratified and confirmed.

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 3rd day of October, 2016, and signed by me in open session in authentication of its passage this 3rd day of October, 2016.

President _____ of the City Council

Approved by me this 7th day of October, 2016.

Edward B. ~~Murray, Mayor~~

Filed by me this 7th day of OCTOBER, 2016.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment 1 – Relinquishment and Partial Relinquishment of Easements
Exhibit A – Easement Area Legal Description
Exhibit B – Easement Area Map
Attachment 2 – Sanitary Sewer Easement
Exhibit A – Easement Area Legal Description
Exhibit B – Easement Area Map

Recording Requested By And
When Recorded Mail To:

Carolyn Johnson
Seattle Public Utilities
Real Property Services
PO BOX 34018
Seattle WA 98124-4018

RELINQUISHMENT AND PARTIAL RELINQUISHMENT OF EASEMENTS

Reference Number of related document:	20020603001570
Grantor:	City of Seattle
Grantee:	University Village Limited Partnership
Legal Description (abbreviated):	Pt of SW ¼ of the SE ¼ of Sec 9, T25N, R4E, WM, King County, WA
Additional Legal Description	Exhibit "A" & "B" To This Document
Assessor's Tax Parcel ID#:	Pt of 0925049430 and 0925049346

R\W # 2016-014

On this _____ day of _____, 2016, THE CITY OF SEATTLE, a municipal corporation of the State of Washington, (Grantor"), for and in consideration of public good, mutual benefits and other valuable consideration receipt of which is hereby acknowledged, does hereby relinquish and partially relinquish to the University Village Limited Partnership ('U Village"), hereinafter called ("Grantee"), a Washington limited partnership, all rights, title and interest in the easement agreement identified as "Sewer Easement Modification Agreement" recorded under King County Recording Number 20020603001570 and re-recorded under King County Recording Number 20160314000569 legally described as follows:

Legal description for Easement Area for relinquishment and partial relinquishment as per attached Exhibit "A" and depicted in Exhibit "B" of this document.

("Easement Relinquishment Areas")

IN WITNESS THEREOF, Grantor executes this document through its Director of Seattle Public Utilities, or designee, as authorized by Ordinance _____this _____ day of 2016.

THE CITY OF SEATTLE, Seattle Public Utilities

By: _____

Name: _____

Title: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that _____ signed this instrument, on oath stated that _____ is authorized to execute the instrument and acknowledged it as the Director, Seattle Public Utilities, of the City of Seattle, a municipal corporation of the State of Washington, to be the free an voluntary act of such party for the uses and purposes mentioned in this instrument.

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

_____
Notary (print name) _____
Notary Public in and for the State of Washington,
residing at _____
My Appointment expires _____

EXHIBIT "A"

LEGAL DESCRIPTION
RELINQUISHMENT AREAS

THE EAST 12 FEET OF THE WEST 631 6 FEET OF THE NORTH 19 FEET OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M.;

AND;

THE EAST 12 FEET OF THE WEST 631 6 FEET OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M.;

AND;

EXCEPT THAT PORTION OF THE EAST 12 FEET OF THE WEST 631 6 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, THENCE SOUTH 89°55'47" EAST 603 03 FEET ALONG THE NORTH LINE THEREOF,
THENCE SOUTH 00°06'08" EAST 259 81 FEET,
THENCE SOUTH 58°43'01" EAST 19 69 FEET TO THE WEST LINE OF SAID EAST 12 FEET, THE WESTERLY MARGIN OF THE SEWER EASEMENT DESCRIBED IN INSTRUMENTS RECORDED UNDER KING COUNTY RECORDING NOS 4651607 AND 4651608 AND THE TRUE POINT OF BEGINNING,
THENCE CONTINUING SOUTH 58°43'01" EAST 14 06 FEET TO THE EASTERLY MARGIN OF SAID SEWER EASEMENT, THENCE NORTH 00°09'10" WEST 277 31 FEET ALONG SAID EASTERLY MARGIN TO SAID NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, THENCE NORTH 89°55'47" WEST 12 00 FEET ALONG SAID NORTH LINE TO THE WESTERLY MARGIN OF SAID SEWER EASEMENT,
THENCE SOUTH 00°09'10" EAST 270 02 FEET ALONG SAID WESTERLY MARGIN TO THE TRUE POINT OF BEGINNING.

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

AND;

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION, THENCE SOUTH 89°55'47" EAST 603 03 FEET ALONG THE NORTH LINE THEREOF,
THENCE SOUTH 00°06'08" EAST 253 22 FEET TO THE TRUE POINT OF BEGINNING,
THENCE CONTINUING SOUTH 00°06'08" EAST 25 00 FEET,
THENCE SOUTH 89°53'52" WEST 12 00 FEET,
THENCE NORTH 00°06'08" WEST 25 00 FEET,
THENCE NORTH 89°53'52" EAST 12 00 FEET TO THE TRUE POINT OF BEGINNING.

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

AND;

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION, THENCE SOUTH 89°55'47" EAST 603 03 FEET ALONG THE NORTH LINE THEREOF,
THENCE SOUTH 00°06'08" EAST 234 06 FEET, TO THE TRUE POINT OF BEGINNING,
THENCE CONTINUING SOUTH 00°06'08" EAST 25 75 FEET,
THENCE SOUTH 58°43'01" EAST 19 69 FEET TO THE WEST LINE OF THE EAST 12 00 FEET OF THE WEST 631 6 FEET OF SAID SOUTHEAST QUARTER OF SECTION 9 AND THE WESTERLY MARGIN OF THE SEWER EASEMENT DESCRIBED IN INSTRUMENTS RECORDED UNDER KING COUNTY RECORDING NOS 4651607 AND 4651608,

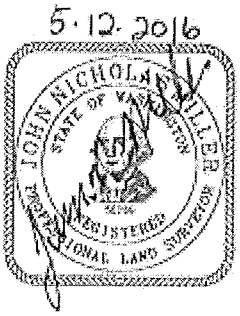
EXHIBIT "A"
Continued

THENCE SOUTH 00°09'10" EAST 14.06 FEET ALONG SAID WEST LINE AND WESTERLY MARGIN,
THENCE NORTH 58°43'01" WEST 33 76 FEET,
THENCE NORTH 00°06'08" WEST 32 51 FEET,
THENCE SOUTH 89°55'47" EAST 12 00 FEET, TO THE POINT OF BEGINNING.

AND;

THE EAST 241 16 FEET OF THE WEST 566 64 FEET OF THE SOUTH 12 FEET OF THE NORTH 31 FEET OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M.

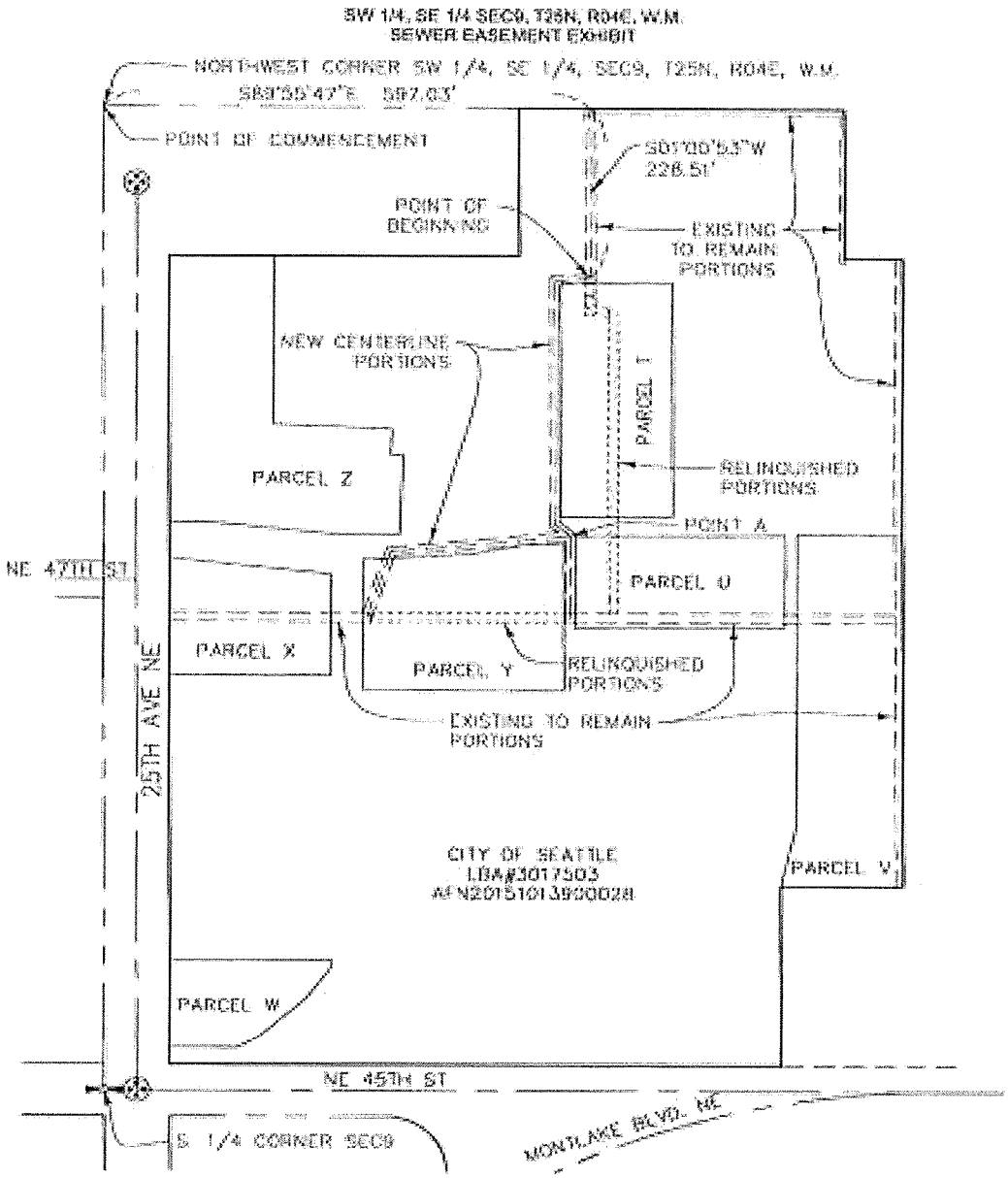
5.12.2016

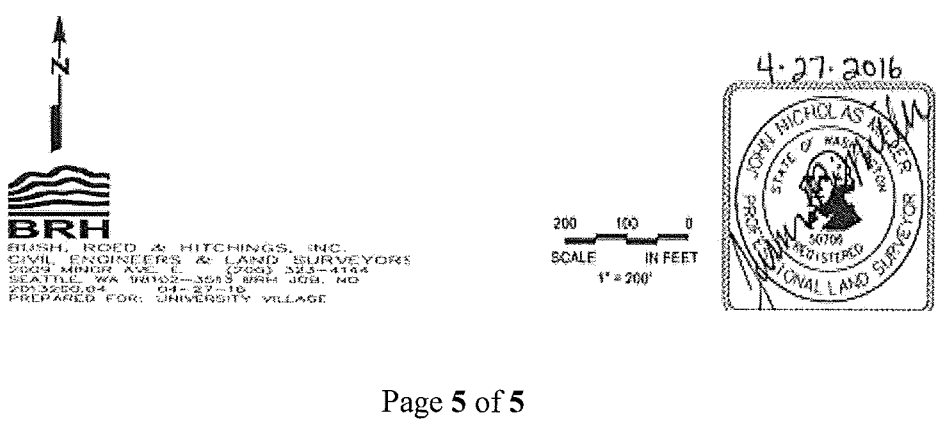


UNIVERSITY VILLAGE
JOHN N. MILLER, PLS NO. 50706
BRH JOB NO. 2013200.04
MAY 12, 2016

BUSH, ROED & HITCHINGS, INC.
2009 MINOR AVENUE EAST
SEATTLE, WA 98102
(206) 323-4144

EXHIBIT "B"


SW 1/4, SE 1/4 SEC9, T25N, R04E, W.M.
SEWER EASEMENT EXHIBIT
NORTHWEST CORNER SW 1/4, SE 1/4, SEC9, T25N, R04E, W.M.
S88°55'47"E 597.03'
POINT OF COMMENCEMENT
S01°00'53"W
228.51'
POINT OF BEGINNING
EXISTING TO REMAIN PORTIONS
NEW CENTERLINE PORTIONS
PARCEL T
PARCEL Z
RELINQUISHED PORTIONS
POINT A
NE 47TH ST
PARCEL U
PARCEL X
PARCEL Y
RELINQUISHED PORTIONS
EXISTING TO REMAIN PORTIONS
25TH AVE NE
CITY OF SEATTLE
LBA#3017503
AFN20151013900028
PARCEL V
PARCEL W
NE 45TH ST
S 1/4 CORNER SEC9
MONTLAKE BLVD. NE


N
BRH
BUSH, ROED & HITCHINGS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
2009 MINOR AVE. E. (206) 323-4144
SEATTLE, WA 98102-3613 BRH JOB. NO
2013250.04 04-27-16
PREPARED FOR: UNIVERSITY VILLAGE
200 100 0
SCALE IN FEET
1" = 200'
4-27-2016
JOHN NICHOLAS MEYER
STATE OF WASHINGTON
50706
REGISTERED
PROFESSIONAL LAND SURVEYOR

Recording Requested By And
When Recorded Mail To:

Carolyn Johnson
Seattle Public Utilities
City of Seattle
PO Box 34018
Seattle WA 98124-4108

SANITARY SEWER EASEMENT

Reference #s of Documents Released or Assigned:	None
Grantor(s):	University Village Limited Partnership
Grantee(s):	City of Seattle
Legal Description:	Pt of SW ¼ of the SE ¼ of Sec 9, T25N, R4E, WM, King County, WA
Additional Legal Description	Exhibit "A" and "B" To This Document
Assessor's Tax Parcel#:	Portions of 0925049346; 0925049430

R|W#2016-015

THIS EASEMENT granted this _____ day of _____ , 2016, by University Village Limited Partnership, a Washington limited partnership, hereinafter called "Grantor," to the **City of Seattle**, a municipal corporation of the State of Washington, acting through its agency, Seattle Public Utilities, hereinafter called the "Grantee."

WITNESSETH: Said Grantor, for and in consideration of the public good, mutual benefits and other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, do by these present, grant, bargain, and convey, to the Grantee an easement for a public sanitary sewer mainline and appurtenances, ("Public Utility Facilities") over, under, through, across and upon the real property in Seattle, King County, Washington herein described in the attached:

Exhibit "A"
depicted in Exhibit "B"

(the "Easement Area")

This Easement shall include only such rights in the Easement Area as shall be necessary for the purposes of construction, reconstruction, inspection, alteration, operation, improvement,

maintenance, repair and replacement of the Public Utility Facilities ("**Purposes**"), together with the right to have unrestricted access to the Public Utility Facilities at all times.

Grantor hereby agrees that no other permanent structures, trees, fill or obstructions of any kind, shall be constructed, planted or permitted to remain within the boundaries of said Easement Area, without prior written permission of the Grantee.

Grantor hereby agrees that no other utility facilities, such as conduits, cables, pipelines, vaults, meters, poles or posts, whether public or private, will be installed prior to obtaining Grantee's review and written approval.

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

Grantor shall indemnify, defend and hold harmless Grantee, its officers, employees and agents from any and all liabilities, losses, damages, costs, expenses or claims of any kind or nature (including, without limitation, reasonable attorneys' fees and any liability for costs of investigation, abatement, remediation, cleanup, fines, penalties, or other damages arising under any environmental laws) from and against any third party claims, including but not limited to regulatory agency enforcement action, arising out of the disposal, release or discharge, by Grantor, of hazardous materials or substances, as that term may be defined by applicable local, state or federal law to the Easement Area, except to the extent caused by Grantee's operations for the purposes set forth herein.

This Easement and each of the terms, provisions, conditions and covenant herein, shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

Dated this _____ day of _____, 2016.

UNIVERSITY VILLAGE LIMITED
PARTNERSHIP, a Washington limited partnership

By: UV, INC, a Washington
Corporation, its General Partner

By _____
Stuart M. Sloan, its President

STATE OF WASHINGTON)
): ss.
County of King)

On this day before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **STUART M SLOAN** to me known to be the President of **UV, INC**, the general partner of **UNVIVERSITY VILLAGE LIMITED PARTNERSHIP**, the limited partnership described in and which executed the within and foregoing instrument, for the uses and purposes therein mentioned, and on oath stated that he is authorized to executed said instrument in the name of and on behalf of such parties.

GIVEN under my hand and official seal hereto affixed this _____ day of _____ , 2016

_____
Notary (print name) _____
Notary Public in and for the State of Washington,
residing at _____
My Appointment expires _____

EXHIBIT "A"

LEGAL DESCRIPTION

A 12 FOOT WIDE STRIP OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING 6 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION,
THENCE SOUTH 89°55'47" EAST 597 03 FEET ALONG THE NORTH LINE THEREOF,
THENCE SOUTH 00°06'08" EAST 228.51 FEET, TO THE TRUE POINT OF BEGINNING OF THIS CENTERLINE DESCRIPTION;
THENCE SOUTH 85°37'40" WEST 43 72 FEET;
THENCE SOUTH 00°02'54" EAST 329 04 FEET;
THENCE SOUTH 50°00'31" EAST 26 07 FEET, TO A POINT HEREINAFTER REFERRED TO AS "POINT A";
THENCE SOUTH 00°12'01" EAST 110 57 FEET, TO A POINT WHICH IS 6 FEET NORTH OF THE SOUTH 12 FEET OF THE NORTH 31 FEET OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION, ALSO BEING 572 64 FEET EAST OF THE WEST LINE OF SAID SECTION, AND THE END OF THIS PORTION DESCRIPTION;

TOGETHER WITH

BEGINNING AT THE AFOREMENTIONED "POINT A",
THENCE SOUTH 84°30'11" WEST 2 90 FEET;
THENCE SOUTH 18°11'58" WEST 93 69 FEET, TO A POINT WHICH IS 6 FEET NORTH OF THE SOUTH 12 FEET OF THE NORTH 31 FEET OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION, ALSO BEING 321 12 FEET EAST OF THE WEST LINE OF SAID SECTION, AND THE END OF THIS PORTION DESCRIPTION;

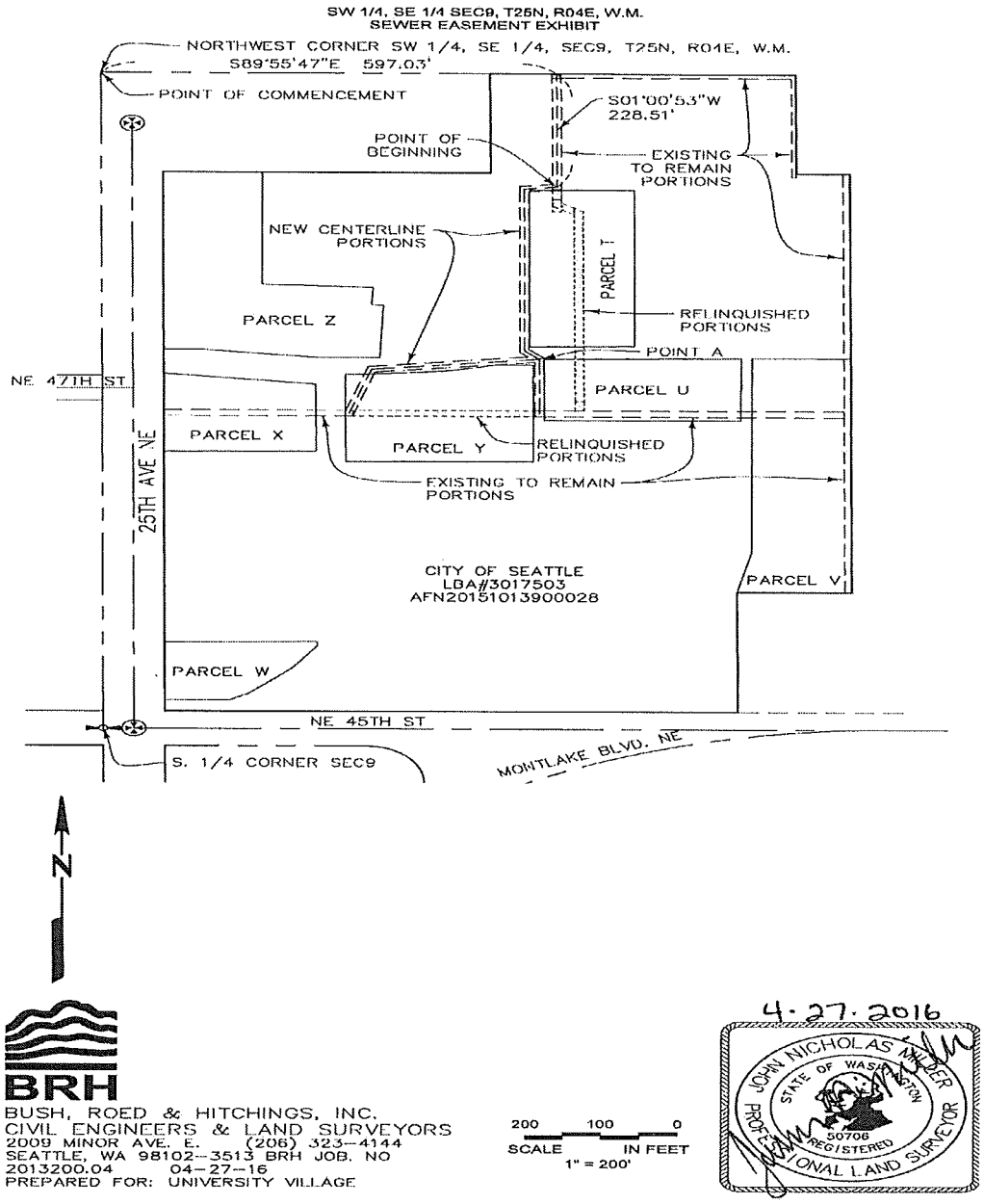
THE SIDELINES OF SAID STRIP SHOULD BE PROLONGED OR SHORTENED SO AS TO BEGIN OR END COINCIDENT WITH THE SIDELINES OF THE SEWER EASEMENT AS DESCRIBED IN INSTRUMENT RECORDED UNDER RECORDING NUMBER 20020603001570, RECORDS OF KING COUNTY, WASHINGTON.

4-27-2016

UNIVERSITY VILLAGE
JOHN N. MILLER, PLS NO. 50706
BRH JOB NO. 2013200.04
APRIL 27, 2016

BUSH, ROED & HITCHINGS, INC.
2009 MINOR AVENUE EAST
SEATTLE, WA 98102
(206) 323-4144

EXHIBIT B



BRH

BUSH, ROED & HITCHINGS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
2009 MINOR AVE. E. (206) 323-4144
SEATTLE, WA 98102-3513 BRH JOB. NO
2013200.04 04-27-16
PREPARED FOR: UNIVERSITY VILLAGE

200 100 0
SCALE IN FEET
1" = 200'

4.27.2016
JOHN NICHOLAS ANDERSON
STATE OF WASHINGTON
50706
REGISTERED
PROFESSIONAL LAND SURVEYOR