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CB11735D

**ORDINANCE \_\_\_\_\_**

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AN ORDINANCE relating to the Bridge Rehabilitation and Replacement project; amending Ordinance 123417 to authorize the Director of the Department of Transportation to accept, on behalf of the City of Seattle, a Hydrant Easement from SPO, LLC, a Washington limited liability company in a portion of Block 30 of Ladd's First Addition to South Seattle for the purposes of construction, reconstruction, alteration, operation, maintenance, and repair of the water service facilities in connection with the Airport Way South Viaduct Over Argo Railroad Yard project.

WHEREAS, the City is constructing an elevated crossing of Airport Way South over the Argo Railroad Yard (Project); and

WHEREAS, one phase of the Project requires the City to build an earthen wall to support and stabilize the north approach of the Airport Way South Viaduct (Viaduct); and

WHEREAS, the City intended to obtain a Maintenance Easement from SPO, LLC, a Washington limited liability company (SPO) to facilitate maintenance of this wall and passed Ordinance 123417 authorizing such acquisition; and

WHEREAS, subsequent to passing Ordinance 123417 in October of 2010, SPO and the City were unable to come to terms on the purchase price for the Maintenance Easement; and

WHEREAS, the Seattle Fire Department pursuant to the Seattle Fire Code, Chapter 22.600 of the Seattle Municipal Code, requires fire hydrants on both sides of a four lane roadway such as the Viaduct; and

WHEREAS, to facilitate the Project and meet the requirements of the Seattle Fire Code, the City Council amends Ordinance 123417 to accept the Hydrant Easement from SPO; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** Section 2 of Ordinance 123417 is deleted in its entirety and replaced to read as follows:

~~((Section 2. The easement property rights when recorded shall be placed under the jurisdiction of the Seattle Department of Transportation))~~



1           Section 2. The Hydrant Easement granted by SPO, recorded under recording number  
2 20110617001130 and dated June 17, 2011, which is attached as Exhibit 1 and incorporated into  
3 this ordinance, is accepted. The easement is granted for the purposes of construction,  
4 reconstruction, alteration, operation, maintenance and repair of the water service facilities. The  
5 easement includes the following-described real property:

6           That certain parcel of land situated in the City of Seattle, County of King, State of  
7 Washington, being that portion of the Northwest Quarter of the Northeast Quarter  
8 of Section 20, Township 24 North, Range 4 East, W.M., included within a strip of  
9 land 6.50 feet wide, the easterly line of which is described as follows:

10           Commencing at the southeast corner of said Block 30 of Ladd's First Addition to  
11 South Seattle, according to the Plat thereof recorded in Volume 10 of Plats,  
12 Pages 75 and 75 ½, records of said county, said corner also being on the westerly  
13 right-of-way line of Airport Way S.:

14           Thence along said westerly right-of-way line, South 07° 45' 33" East 236.27 feet  
15 to the True Point of Beginning;

16           Thence continuing South 07° 45' 33" East 13.50 feet to the terminus of said strip.

17           Containing: 88 square feet, more or less.

18           **Section 2.** Section 3 of Ordinance 123417 is deleted in its entirety and replaced ((~~in its~~  
19 ~~entirety~~)) to read as follows:

20           ((~~Section 3. This ordinance shall take effect and be in force 30 days from and after its~~  
21 ~~approval by the Mayor, but if not approved and returned by the Mayor within ten days after~~  
22 ~~presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.))~~

23           Section 3. The real property conveyed in Sections 1 and 2 above are placed under the  
24 jurisdiction of the Seattle Department of Transportation.

25           **Section 3.** Section 4 of Ordinance 123417 is added to read as follows:

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





Recording Requested By And  
When Recorded Mail To:



20110617001130

PACIFIC NW TIT EAS 66.00  
PAGE-001 OF 005  
06/17/2011 15:55  
KING COUNTY, WA

SDOT  
700 5TH AVE. #3900  
P.O. Box 34996  
Seattle, Wa. 98124-4996  
Attn: Larry Huggins

**HYDRANT EASEMENT**

Reference #s of Documents Released or Assigned:	None	5/64
Grantor(s): .....	SPO, LLC	
Grantee(s): .....	City of Seattle	
Legal Description (abbreviated): .....	Ptn of NW 1/4 of NE 1/4 of S20-T24N-R4E	
Assessor's Tax Parcel ID#: .....	Ptn of 202404-9013	

The Grantor, SPO, LLC, a Washington limited liability company, for and in consideration of \$10.00 (TEN AND NO/100 DOLLARS), the receipt of which is acknowledged, conveys to the Grantee, THE CITY OF SEATTLE, a municipal corporation of the State of Washington, an easement for a hydrant and appurtenances, including connecting water service pipes (the water service facilities), over, across and along the following described real property in King County, Washington for the construction, reconstruction, alteration, operation, maintenance and repair of the water service facilities:

**FILED BY PNWT**

As described on Exhibit A (the easement area) attached to and made a part of this easement.

*PNWT 664830-12*

Grantee or its agents shall have the right without prior institution of any suit or proceeding at law, at such times as may be necessary, to enter upon the easement area for the described purposes, without incurring any legal obligation or liability therefor, provided that the work shall be accomplished in such a manner that the private improvements existing in the working area, including but not limited to, driveway, curb cut and gate as negotiated, 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 shall have the right to use the property for any other legal purpose not inconsistent with the rights granted by this easement.



Grantor agrees that no building, fence, wall, rockery, trees, shrubbery or obstruction of any kind shall be erected or planted, or any fill material placed within the boundaries of the easement area without the written permission of the City of Seattle's Director of Seattle Public Utilities, and that no excavation shall be made within the easement and that the surface level of the ground within the easement area shall be maintained at the same elevation as the base of the hydrant. Grantee shall install within the easement, at its sole expense, protective bollards to function as fence posts around the hydrant.

Grantor agrees that no other utility facilities, such as conduits, cables, pipelines, vaults poles, posts, whether public or private, will be installed within the easement area. All crossings must maintain a minimum vertical clearance of 18 inches from the branches. Sewer crossings must maintain a minimum vertical clearance of 24 inches from the branches. Crossing of the utilities under hydrant branches must maintain a minimum vertical clearance of 6 inches from the bottom of the hydrant branch.

Grantor waives any present or future claim against the City relating to hazardous substances, pollutants, or contaminants, and shall indemnify and defend the City from any such claim, including enforcement action by a regulatory agency, unless the hazardous substances, pollutants or contaminants result from the City's operations. To construct/install the hydrant, the City shall remove and appropriately dispose of the soil in the hydrant easement area to a final finished grade as determined by the City, which is anticipated to be approximately 20.5 feet measured from NAVD 88. The City and Grantor agree that the City shall only be liable for costs of removing and disposing of soil from the hydrant easement area.

This easement and each of the terms, provisions, conditions and covenants, shall be binding upon and inure to the benefit of the parties and their respective heirs, successors and assigns.



SPO, LLC  
a Washington limited liability company

By: *Steven G. Stivala*

Name: Steven G. Stivala  
Its: Manager

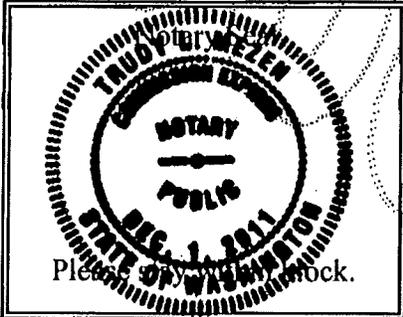
Dated: JUNE 8, 2011

STATE OF WASHINGTON )

County of King )

On this 8<sup>th</sup> day of June, 2011, before me personally appeared STEVEN G. STIVALA, and that he acknowledged and signed this instrument and on oath stated that he was authorized to execute the instrument and acknowledge it as the Manager of SPO, LLC, a Washington limited liability company, to be its free and voluntary act and deed for the uses and purposes therein mentioned.

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



*Trudy L. Mezer*  
Notary (print name) TRUDY L. MEZER  
Notary Public in and for the State of Washington,  
residing at Seattle, Wa.  
My Appointment expires 12/1/2011





**EXHIBIT A**

**LEGAL DESCRIPTION**

**PERMANENT EASEMENT  
SPO, INC. PROPERTY  
Tax Parcel No. 202404-9013**

That certain parcel of land situated in the City of Seattle, County of King, State of Washington, being that portion of the Northwest Quarter of the Northeast Quarter of Section 20, Township 24 North, Range 4 East, W.M., included within a strip of land 6.50 feet wide, the easterly line of which is described as follows:

**Commencing** at the southeast corner of said Block 30 of Ladd's First Addition to South Seattle, according to the Plat thereof recorded in Volume 10 of Plats, Pages 75 and 75 1/2, records of said county, said corner also being on the westerly right-of-way line of Airport Way S.;  
thence along said westerly right-of-way line, South 07°45'33" East 236.27 feet to the **True Point of Beginning**;  
thence continuing South 07°45'33" East 13.50 feet to the terminus of said strip.

**Containing:** 88 square feet, more or less.



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Department of Transportation	Larry Huggins/4-5001	Rebecca Guerra/4-5339

**Legislation Title:**

AN ORDINANCE relating to the Bridge Rehabilitation and Replacement project; amending Ordinance 123417 to authorize the Director of the Department of Transportation to accept, on behalf of the City of Seattle, a Hydrant Easement from SPO, LLC, a Washington limited liability company in a portion of Block 30 of Ladd's First Addition to South Seattle for the purposes of construction, reconstruction, alteration, operation, maintenance, and repair of the water service facilities in connection with the Airport Way South Viaduct Over Argo Railroad Yard project.

**Summary and background of the Legislation:**

This proposed legislation authorizes the Director of the Seattle Department of Transportation to accept a hydrant easement from SPO LLC, a Washington limited liability company for the purposes of construction, reconstruction, alteration, operation, maintenance and repair of the hydrant and water service facilities and places the easement under the jurisdiction of the Seattle Department of Transportation. SPO's property adjoins the Airport Way South Viaduct (Viaduct) and a hydrant easement is necessary for the City to install and maintain a new fire hydrant and water service pipes as required by the Seattle Fire Department.

The Viaduct was constructed in 1928 and is located north of the intersection of Airport Way South and South Lucille Street and carries Airport Way South over Union Pacific's Argo Railroad Yard and the Burlington Northern Santa Fe Railway Mainline tracks. It was originally constructed to provide grade separation between the Union Pacific, Northern Pacific, and Seattle to Tacoma Interurban railroad tracks and the north-south automobile and streetcar traffic. The Viaduct is now classified as an arterial and is a heavily traveled route for freight traffic in the area. The Viaduct is now showing evidence of significant stress and needs rehabilitation.

This portion of the Airport Way South Viaduct Over Argo Railroad Yard project (Project) provides for the replacement of the north approach of the Viaduct with a mechanically stabilized earth wall and installation of a new fire hydrant and water service pipes. Rehabilitation of the Viaduct is part of the Bridge Rehabilitation and Replacement project which is funded primarily from the "Bridging the Gap" funding package. Rehabilitation of the Viaduct has been a longstanding goal for the City and once completed, will stabilize the bridge for this heavily used freight route.



<b>Project Name:</b>	<b>Project I.D.:</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date:</b>
Bridge Rehabilitation and Replacement	TC366850	Citywide	Ongoing	Ongoing

Please check any of the following that apply:

This legislation creates, funds, or anticipates a new CIP Project.

This legislation does not have any financial implications.

This legislation has financial implications.

**Other Implications:**

**a) Does the legislation have indirect financial implications, or long-term implications?**

The City paid SPO \$2,200 for the Hydrant easement. Operation and maintenance costs will be absorbed in the existing bridge maintenance budget.

**b) What is the financial cost of not implementing the legislation?**

The existing Viaduct is located north of the intersection of Airport Way South and South Lucile Street. The bridge carries Airport Way south over the Argo Railroad Yard. Airport Way South is classified as an arterial and is one of many heavily traveled routes for freight traffic in the area.

The Project provides for the demolition and replacement of the existing timber approaches with a mechanically stabilized earth wall. This legislation amends Ordinance 123417 to authorize the Director to accept a hydrant easement from SPO in connection with the replacement of the north approach of the Viaduct. The Seattle Fire Code requires that a fire hydrant be installed near each of the approaches. In order to accomplish this, it is necessary for the City to acquire a hydrant easement from SPO.

If this legislation is not implemented, SDOT will not be able to meet the Seattle Fire Code requirement which requires a fire hydrant near each approach of the Viaduct. This easement location is the only location option that will satisfy the code requirement by providing hydrant service to the northwest side of the approach and, ultimately a portion of the main span structure as well.

**c) Does this legislation affect any departments besides the originating department?**

Coordination with the Seattle Fire Department is necessary to install and maintain the fire hydrant and water service pipes. Our Project Manager, Ken Lee, is coordinating with Gary English at (206) 386-1450 and Russ Boyd at (206) 386-1455 of the Seattle Fire Department.



- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None.
- 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.
- h) **Other Issues:** None.

**List attachments to the fiscal note below:**

Exhibit A: Maps.



**EXHIBIT A**  
Tax Parcel Number 202404-9013



**LEGEND:**

 Hydrant Easement Area



SCALE: 1"=300'







City of Seattle  
Office of the Mayor

November 15, 2011

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill which amends Ordinance 123417 to authorize acceptance of a Hydrant Easement granted to the City of Seattle by SPO, LLC, a Washington limited liability company for the rehabilitation of the Airport Way South Viaduct and places the easement under the jurisdiction of the Seattle Department of Transportation. SPO's property adjoins the Viaduct and a hydrant easement is necessary for the City to meet the hydrant requirements of the Seattle Fire Code.

This portion of the project provides for the replacement of the north approach of the Viaduct with a mechanically stabilized earth wall and installation of a new fire hydrant. Rehabilitation of the Viaduct is part of the Bridge Rehabilitation and Replacement project which is funded primarily from the "Bridging the Gap" funding package. Rehabilitation of the Viaduct has been a longstanding goal for the City and once completed, will stabilize the bridge for this heavily used freight route.

Thank you for your consideration of this legislation. Should you have any questions, please contact Larry Huggins at 684-5001.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

