

#1
CB117421

1
2 **ORDINANCE**

3 AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public
4 Utilities to transfer sewer infrastructure to King County; and to relinquish portions of two
5 sewer main easements in King County Parcel No. 2824049007, known as 7777 Perimeter
6 Road South, King County International Airport, Seattle; and to declare portions of the
easements and associated sewer infrastructure in the above property surplus to the City of
Seattle's needs.

7 WHEREAS, at no cost to the City, King County installed sewer mains within King County
8 International Airport; and

9 WHEREAS, for a nominal charge, King County transferred ownership of sewer mains in this
10 area to the City as authorized by City of Seattle Ordinance 87482, approved August 26,
1958, and King County Resolution 18615, executed June 23, 1958; and

11 WHEREAS, King County granted the City sewer easements for the transferred sewer mains and
12 for additional sewer mains that connected the transferred sewer mains to the City sewer
13 system, said easements recorded as King County Auditor Nos. 5120969 and 5212110 and
accepted by City of Seattle Ordinance 87482 and 89652; and

14 WHEREAS, the City built new sewer mains in 1967 in Airport Way South to serve this area and
15 plugged and abandoned in place approximately 140 feet of the King County-installed
16 sewer main in Easement 5212110; and

17 WHEREAS, as a result of the 1967 construction the remaining sewer main serves only one
18 property owner and has become a private sewer main; and

19 WHEREAS, a portion of the property over the private sewer main is being redeveloped by
20 Quad 7 Development, LLC, Lessee, requiring both the transfer of ownership of
approximately 910 feet of the King County-installed sewer main to King County and the
21 partial relinquishment of Easements 5120969 and 5212110; and

22 WHEREAS, portions of these sewer easements and associated sewer infrastructure have become
23 surplus to the City's needs; NOW, THEREFORE,



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

2 Section 1. Pursuant to the provisions of RCW 35.94.040, and after public hearing,
3 portions of the sewer easement rights and sewer main in King County Parcel No. 2824049007, as
4 accepted by Ordinances 87482 and 89652 and as described in Attachments 1 through 4 attached
5 hereto, are hereby found and declared to be no longer required for municipal utility purposes and
6 surplus to the City of Seattle's utility needs.
7

8 Section 2. The Director of Seattle Public Utilities, or his designee, is hereby authorized
9 to execute for and on behalf of the City of Seattle the Partial Relinquishment of Easements,
10 substantially in the form of Attachments 1 and 2 and depicted in Attachment 3 attached hereto.
11

12 Section 3. The Director of Seattle Public Utilities, or his designee, is hereby authorized
13 to execute for and on behalf of the City of Seattle a Bill Of Sale and Transfer of Personal
14 Property, substantially in the form of Attachment 4 attached hereto.
15
16
17
18
19
20
21
22
23
24
25
26
27



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 ____ day of _____, 2012, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2012.

7
8
9 _____
10 President _____ of the City Council

11 Approved by me this ____ day of _____, 2012.

12
13 _____
14 Michael McGinn, Mayor

15
16 Filed by me this ____ day of _____, 2012.

17
18 _____
19 Monica Martinez Simmons, City Clerk

20
21 (Seal)

- 22
23 Attachment 1 – Partial Relinquishment of Easement 5120969
24 Attachment 2 – Partial Relinquishment of Easement 5212110
25 Attachment 3 – Partial Relinquishments of Easements at King County International Airport
26 Attachment 4 – Bill of Sale and Transfer of Personal Property



Attachment 1

Recording Requested By And
When Recorded Mail To:

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

PARTIAL RELINQUISHMENT OF EASEMENT

Reference #s of Documents Released or Assigned:.....Pt of AF #5120969
Grantor:.....City of Seattle
Grantee:.....King County
Legal Description (abbreviated):.....Pt of SE ¼ Sec 28, T 24 N, R 4 E, WM
Assessor's Tax Parcel ID#:.....Pt of 282404-9007

RW 2008-17-001

On this _____ day of _____, 2012, **THE CITY OF SEATTLE**, a municipal corporation of the State of Washington, ("Grantor"), for and in consideration of mutual and offsetting benefits, receipt of which is hereby acknowledged, does hereby relinquish to **KING COUNTY**, a political subdivision of the State of Washington ("Grantee"), its successors and assigns, all right, title and interest in the portion of that certain drainage easement dated June 23, 1958, recorded under King County Auditor's Number 5120969 and described as follows and as shown below on Page 4 of 4:

That portion of the following described easement within the Samuel Maples Donation Claim No 49 and the Henry Van Asselt Donation Claim No 50 lying within the Southwest Quarter of the Southeast Quarter of Section 28, Township 24 North, Range 4 East, W.M.

A sewer easement 10 feet in width over portion of L. M. Collins' Donation Claim, of Samuel Maple's Donation Claim, and of Henry Van Asselt's Donation Claim, and of the Filled Riverbed of the Duwamish River, the center-line of which is described as follows: Beginning at the intersection of the center-line of Hardy Street and the center-line of Airport Way; thence southeasterly along the center-line of Airport Way 1189 feet; thence south 19° 10' 21" west to the northwesterly line of Boeing Field as established by King County Superior Court Cause No. 210213; thence continuing

Page 1 of 4

SPU KC Airport Easements ORD ATT 1



south 19° 10' 21" west to a point 129.07 feet (measured along said bearing) from the center-line of Airport Way;
thence south 38° 40' 01" east 326.44 feet; thence south 38° 43' 38" east 1315.35 feet;
thence south 38° 47' 30" east 300.15 feet; thence south 38° 39' 30" east 350.77 feet;
thence south 38° 44' 52" east 694.90 feet; thence south 6° 36' 16" west 88.33 feet;
thence south 38° 51' 44" east 290.01 feet; thence south 38° 46' 36" east 269.82 feet;
thence south 37° 08' 50" east 524.00 feet; thence south 26° 01' 34" east 46.00 feet to the TRUE POINT OF BEGINNING of that portion of easement to be relinquished;
thence south 26° 01' 34" east 26.47 feet to the Southerly line of the Samuel Maples Donation Claim No 49 also being the northerly line of Henry Van Asselt Donation Claim No 50; thence south 26° 01' 34" east 219.73 feet; thence south 48° 29' 16" east 118.41 feet; thence south 24° 00' 53" east 287.43 feet; thence south 31° 45' 11" east 276.33 feet to the terminus of said easement relinquishment; except any portion thereof that may lie within that certain parcel of land deeded by King County to the United States of America under Auditor's File No. 3159030.

IN WITNESS THEREOF, Grantor executes this document through its Director of Seattle Public Utilities as authorized by Ordinance _____, this ____ day of _____, 2012.

THE CITY OF SEATTLE

By: _____
Ray Hoffman, Seattle Public Utilities

STATE OF _____)
)ss.
COUNTY OF _____)

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

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year above first written.

NAME



Pree Carpenter
SPU KC Airport Easements ORD ATT 1
November 17, 2011
Version #3

(Print) _____
NOTARY PUBLIC in and for the State of

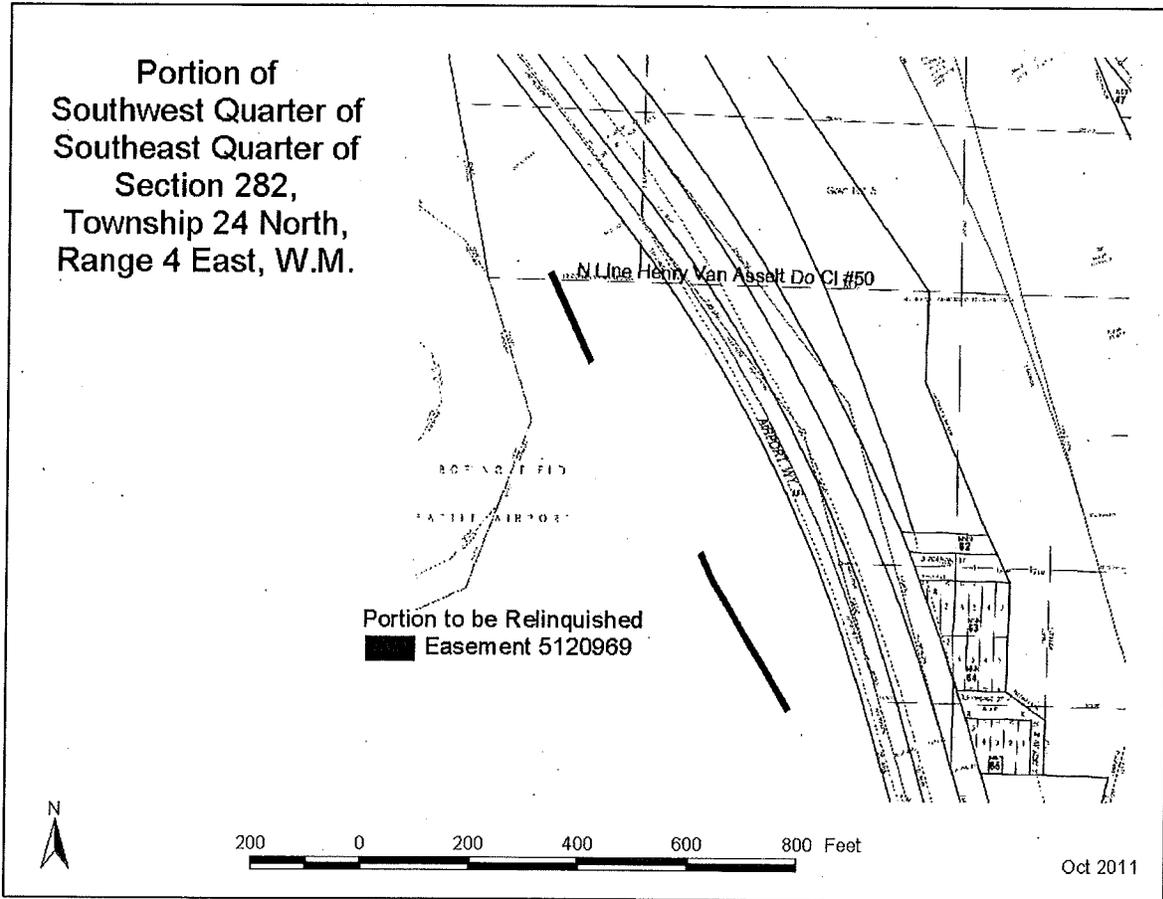
Residing at _____

My appointment expires _____

((SEAL))



Portion of Easement 5120969 Relinquished by this Document



Pre Carpenter
SPU KC Airport Easements ORD ATT 2
November 17, 2011
Version #2

Attachment 2

Recording Requested By And
When Recorded Mail To:

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

PARTIAL RELINQUISHMENT OF EASEMENT

Reference #s of Documents Released or Assigned: Pt of AF #5212110
Grantor: City of Seattle
Grantee: King County
Legal Description (abbreviated): Pt of SE ¼ Sec 28, T 24 N, R 4 E, WM
Assessor's Tax Parcel ID#: Pt of 282404-9007

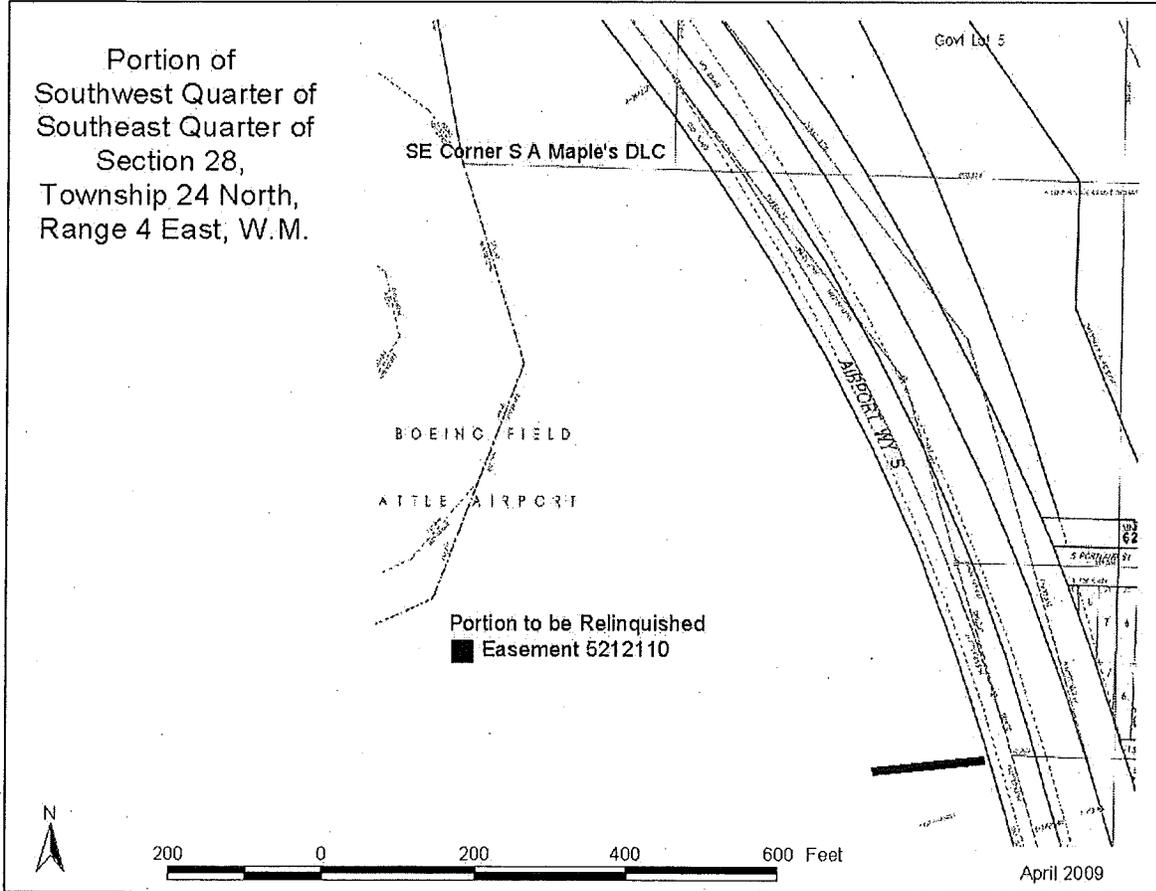
RW 2008-17-002

On this _____ day of _____, 2012, **THE CITY OF SEATTLE**, a municipal corporation of the State of Washington, ("Grantor"), for and in consideration of mutual and offsetting benefits, receipt of which is hereby acknowledged, does hereby relinquish to **KING COUNTY**, a political subdivision of the State of Washington ("Grantee"), its successors and assigns, all right, title and interest in the portion of that certain drainage easement dated September 6, 1960, recorded under King County Auditor's Number 5212110 and described as follows:

A 10-foot easement for sewer purposes over a portion of Henry Van Asselt Donation Claim No. 50 in Section 28, Township 24 North, Range 4 East, W.M., being 5 feet on each side of a center line described as follows: Beginning at the intersection of the southwesterly line of Airport Way and the south line of said section; thence north 17° 29' 38" west along said southwesterly line 291.35 feet to the true point of beginning; thence south 83° 51' 57" west 147.35 feet.



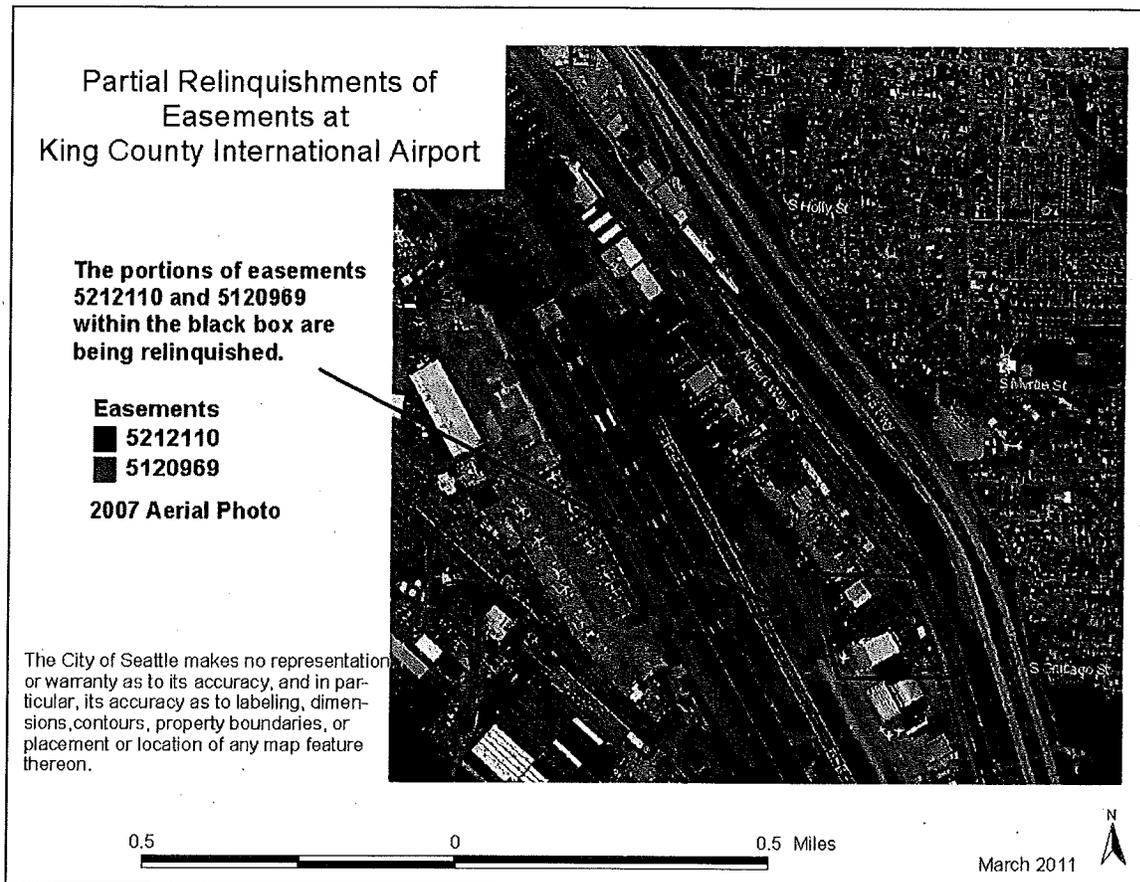
Portion of Easement 5212110 Relinquished by this Document



Attachment 3

Partial Relinquishments of Easements at King County International Airport

This map shows the entire easements with the portions to be relinquished.



Pree Carpenter
SPU KC Airport Easements ORD ATT 4
November 17, 2011
Version #2

NAME
(Print) _____
NOTARY PUBLIC in and for the State of

Residing at _____
My appointment expires _____

((SEAL))



Exhibit A

That portion of eight (8) inch concrete sewer line as constructed, in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, Township 24 N, Range 4 East as described and illustrated below:

Beginning at WW Pump Station 045, running southwesterly 134.03 feet, more or less, to maintenance hole labeled 072-025;

Thence running southeasterly 241.25 feet, more or less, to maintenance hole labeled 072-026;

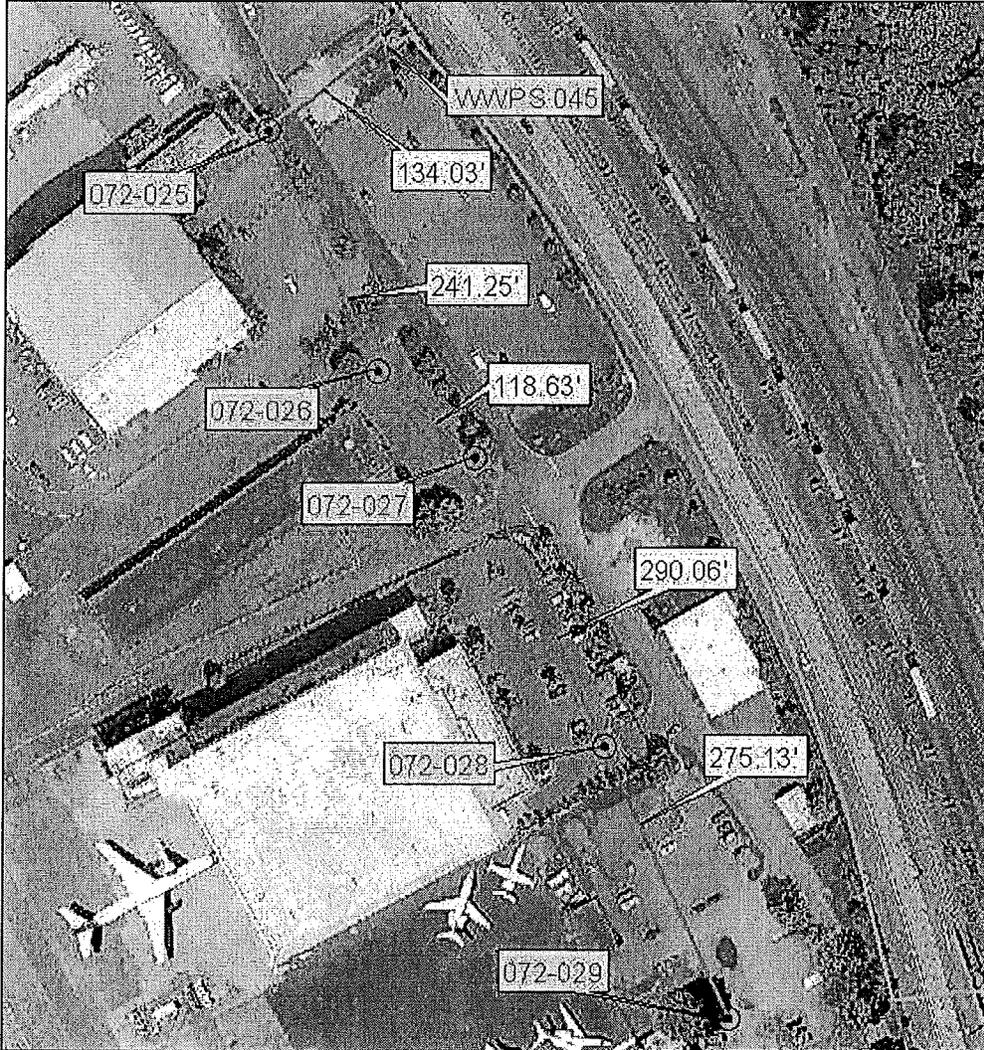
Thence running southeasterly 118.63 feet, more or less, to maintenance hole labeled 072-027;

Thence running southeasterly 290.06 feet, more or less, to maintenance hole labeled 072-028;

Thence running southeasterly 275.13 feet, more or less, to maintenance hole labeled 072-029; and the end of this description.



(Pump station and maintenance holes labeled with City of Seattle labels.)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Prece Carpenter/386-9754	Karen Grove/684-5805

Legislation Title:

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to transfer sewer infrastructure to King County; and to relinquish portions of two sewer main easements in King County Parcel No. 2824049007, known as 7777 Perimeter Road South, King County International Airport, Seattle; and to declare portions of the easements and associated sewer infrastructure in the above property surplus to the City of Seattle's needs.

Summary of the Legislation:

This ordinance relinquishes portions of two sewer easements and surpluses portions of sewer mains to King County.

Background:

King County constructed and transferred to the City of Seattle approximately 910 feet of sewer line ("Subject Line") as part of a larger sewer project. King County granted the City easements for a portion of the Subject Line (approximately 635 feet). The Subject Line is along the eastern edge of King County International Airport.

In 1960 the southern end of the Subject Line was connected to a sewer main that connected to a sewer system east of Airport Way South. The 1960 easement granted by King County included this sewer. In 1967 the City of Seattle built a new sewer main in Airport Way South that paralleled the Subject Line. It is connected to the Subject Line at its north end. The southern connection of the Subject Line (approximately 140 feet of sewer main) built in 1960 was abandoned. The easement for the abandoned line was not relinquished at that time.

In 2008 a real estate development management company contacted Seattle Public Utilities about relinquishing portions of our easements so that they could construct hangar buildings. The Subject Line now serves one property owner (King County) and has become a private sewer. The 70-year old sewer mains have no intrinsic value to the utility. Attachment 1 shows which sewer lines and easement portions would be declared surplus or relinquished as part of the proposed legislation.

X This legislation does not have any financial implications.

Other Implications:



- a) **Does the legislation have indirect financial implications, or long-term implications?**
Relinquishing the easements and selling the infrastructure protects the City from liability should the infrastructure fail.
- b) **What is the financial cost of not implementing the legislation?**
Unknown future liability. King County already maintains this infrastructure.
- 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?**
None. Relinquishing the easements requires an ordinance.
- e) **Is a public hearing required for this legislation?**
Yes. The required public hearing will occur when the Council considers this ordinance.
- 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 is attached.
- h) **Other Issues:**
None.

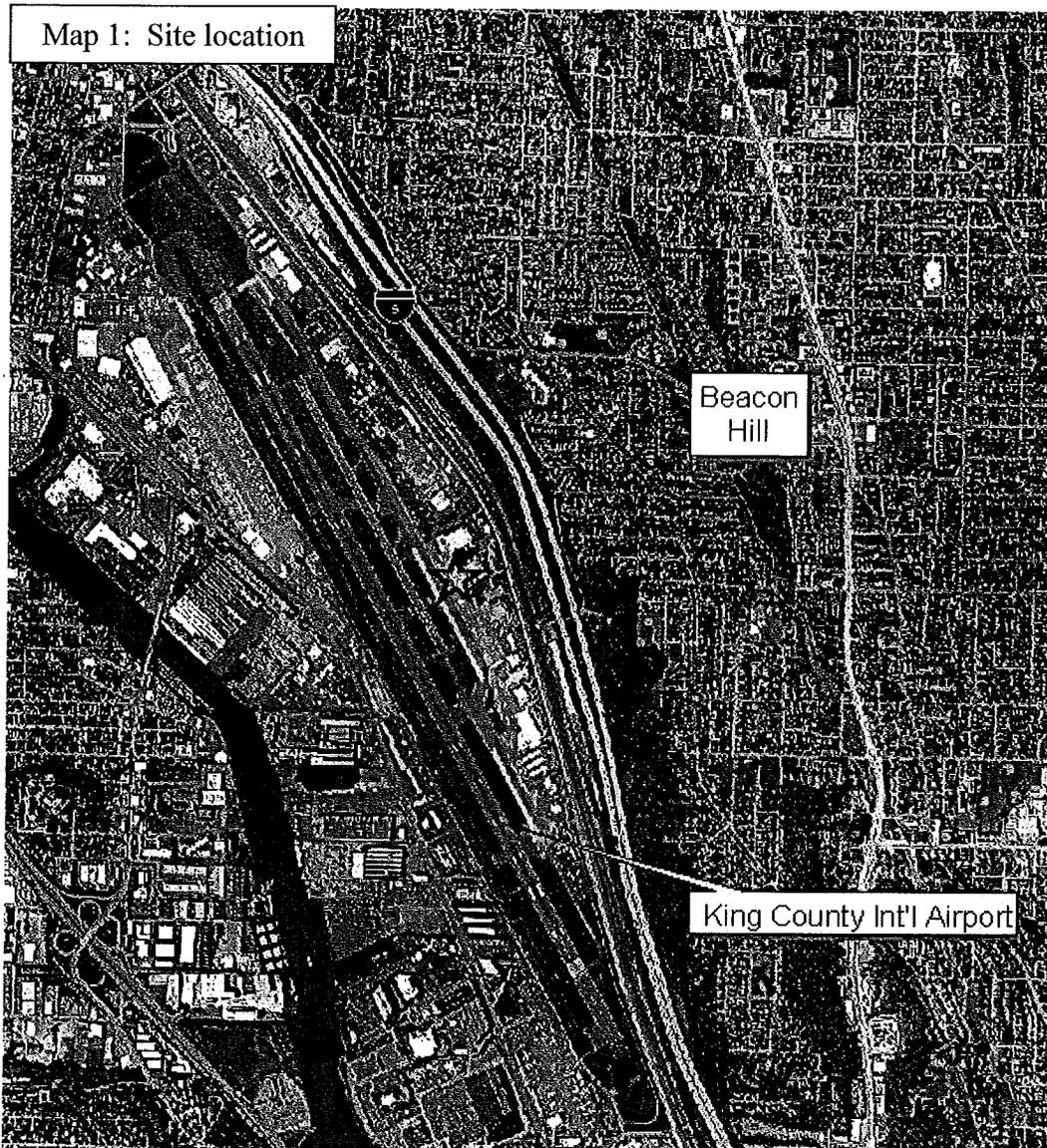
List attachments to the fiscal note below:

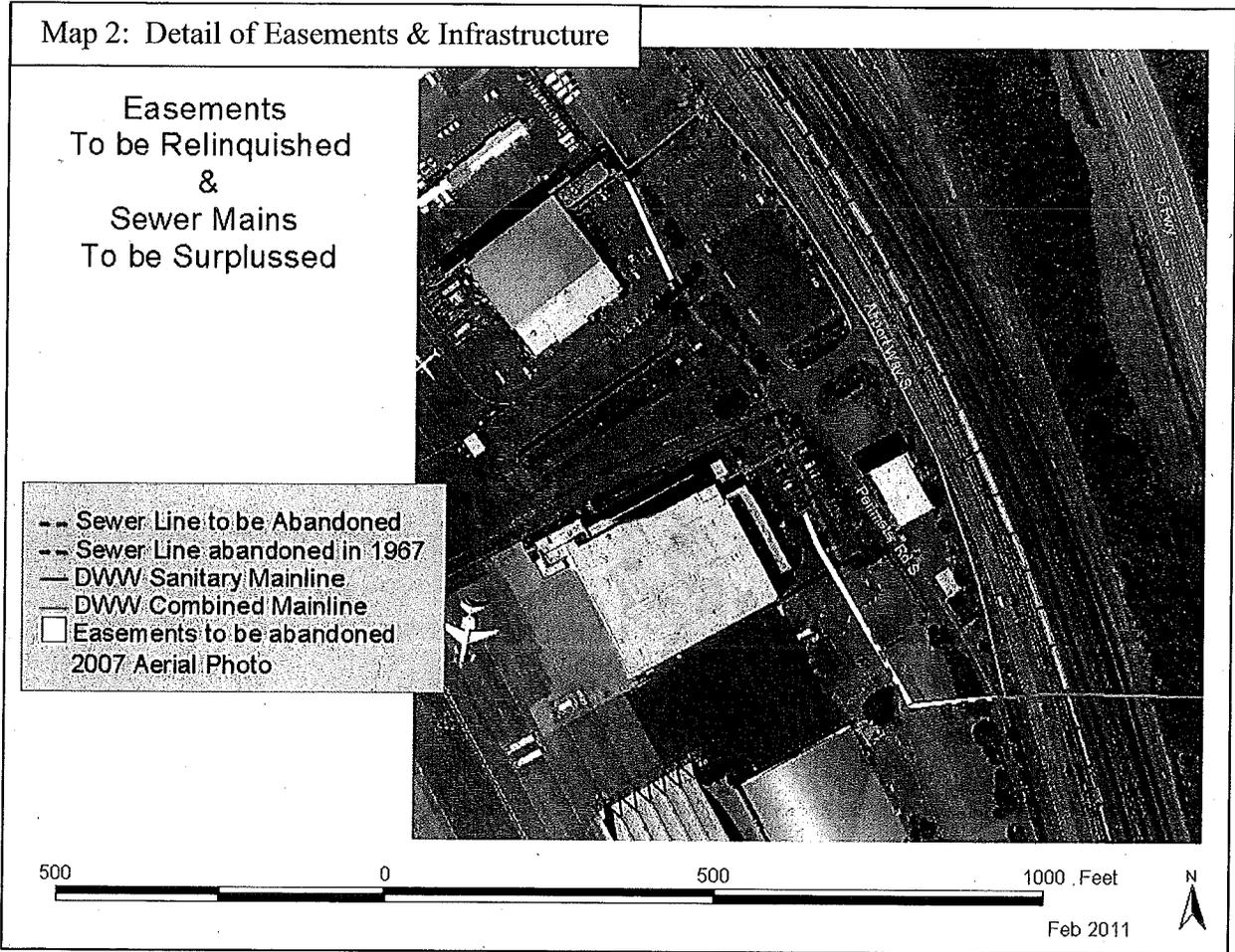
Exhibit A – Site location and Detail of Easements & Infrastructure Maps



Exhibit A

(These maps are intended for illustrative or informational purposes only and are not intended to modify anything in the legislation.)







City of Seattle
Office of the Mayor

February 21, 2012

Honorable Sally Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that would relinquish portions of two sewer easements and declare the sewer mains associated with them surplus to the City's needs. These mains serve only one customer, King County International Airport, and are no longer needed for public use. In addition, relinquishing these unneeded portions of pipe would clear the way for a private construction project within King County International Airport.

The easements were acquired in 1958 and 1960. Since then, the sewer pipe in a segment of the easement acquired in 1958 has essentially become a side sewer, and the sewer pipe in a portion of the easement acquired in 1960 has been abandoned. King County's lessee at this location wants to redevelop a hangar site on behalf of Galvin Flying Services. The easements at the redevelopment site are a hindrance for this private construction project.

Relinquishing the irrelevant portions of these two easements will remove a barrier from a needed construction project. Thank you for your consideration of this legislation. Should you have questions, please contact Pree Carpenter at 386-9754.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

