#11

Pree Carpenter
SPU Hydrant Relinquishment ORD
June 5, 2012
Version #2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117654

AN ORDINANCE relating to Seattle Public Utilities; declaring a fire hydrant easement in King County Parcel No. 9528101615 surplus to the City of Seattle's utility needs; and authorizing the Director of Seattle Public Utilities to execute a Relinquishment of Easement relinquishing the easement.

WHEREAS, Charles B. Teel, Daryl Vander Pol, and Gerald Teel granted the City a hydrant easement, said easement recorded as King County Auditor No. 8811151287 and accepted by City of Seattle Ordinance 114604; and

WHEREAS, a hydrant was built nearby in the street right-of-way; and

WHEREAS, no hydrant was built in the easement area; and

WHEREAS, this hydrant easement has become surplus to the City's needs; 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 public hearing, the hydrant easement in King County Parcel No. 9528101615 and recorded as King County Auditor No. 8811151287, as accepted by Ordinance 114604, is hereby found and declared to be no longer required for municipal utility purposes and surplus to the City of Seattle's utility needs.

Section 2. The Director of Seattle Public Utilities, or his designee, is hereby authorized to execute for and on behalf of The City of Seattle the Relinquishment of Easement, substantially in the form of Attachment 1 attached hereto.

COUNCIL CLERK

Section 3. 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 ____ day of _____, 2012, and signed by me in open session in authentication of its passage this _____ day of _____, 2012.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2012.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1: Relinquishment of Easement

Pree Carpenter
SPU Hydrant Relinquishment ATT 1
March 21, 2012
Version #1

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

RELINQUISHMENT OF EASEMENT

Reference #s of Documents Released or Assigned:	8811151287 (198811151287)
Grantor:	City of Seattle
Grantee:	Green Lake Joint Venture LLC
Legal Description (abbreviated):	Portion of Lot 5, Blk 35, Woodlawn Add to Greenlake, Vol 6, Pg 20
Assessor's Tax Parcel ID#:	Pt of 952810-1615

RW 5-002

On this _____ day of _____, 2012, **THE CITY OF SEATTLE,** a municipal corporation of the State of Washington, ("City"), for and in consideration of mutual and offsetting benefits, receipt of which is hereby acknowledged, does hereby relinquish to **GREEN LAKE JOINT VENTURE LLC**, a Washington limited liability company ("Green Lake"), its successors and assigns, all right, title and interest in that easement for a hydrant and appurtenances, including connecting water service pipes and certain access rights, dated November 8, 1988, recorded under King County Auditor's Number 8811151287 and described as follows and as shown below on Page 3 of 3:

That portion of Lot 5, Block 35, Woodlawn Addition to Greenlake, according to the plat recorded in Volume 6 of Plats, page 20, in King County, Washington, described as follows:

Beginning at the intersection of the east line of said Lot 5 with the northerly margin of N.E. 71st Street as established by City of Seattle Ordinance No. 92084; thence southwesterly along the northwesterly margin of said N.E. 71st Street a distance of 7 (seven) feet to the True Point of Beginning: thence continuing southwesterly along said street margin a distance of 8 (eight) feet; thence northwest along a line perpendicular to said street margin a distance of 4 (four) feet; thence northeasterly along a line parallel to and 4 (four) feet distant from, as measured at right angles, said

COUNCIL CLERK

street margin a distance of 8 (eight) feet; thence southeasterly to the True Point of Beginning of this description.

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.

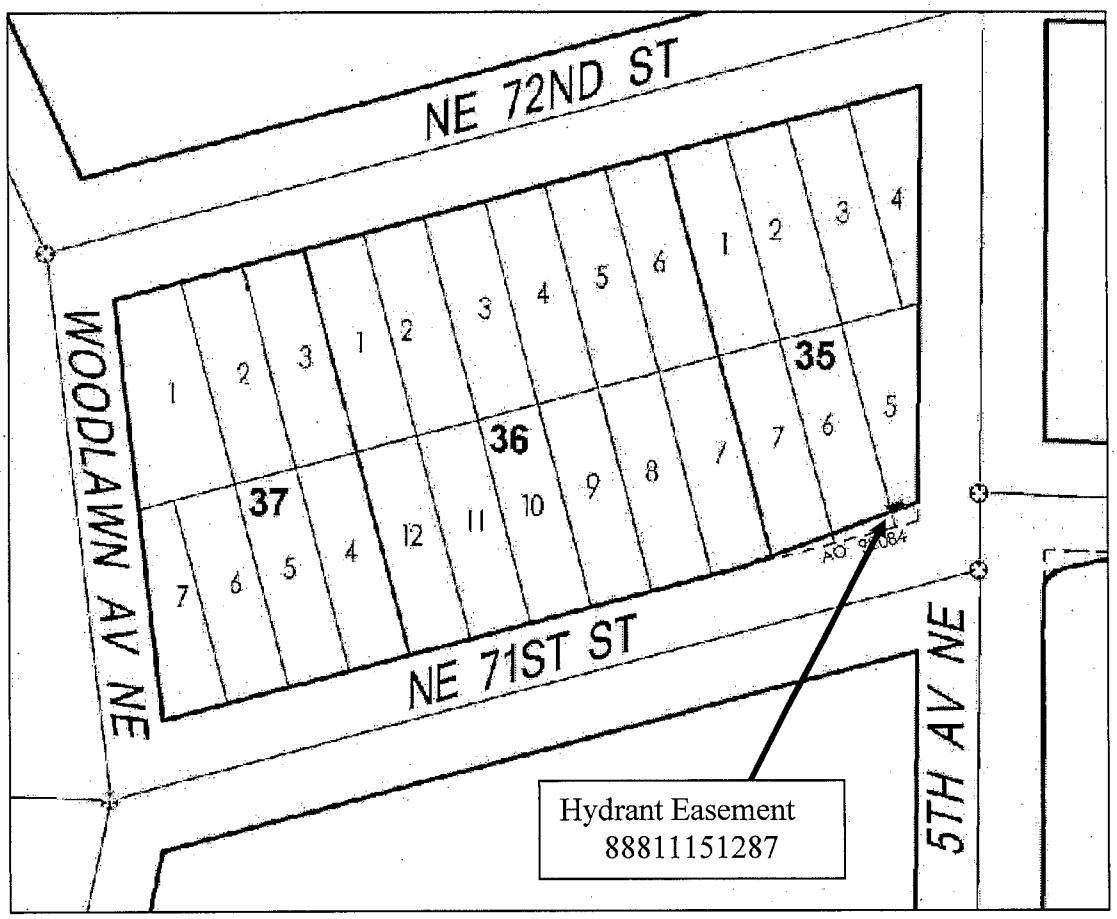
_____
NAME
(Print) _____
NOTARY PUBLIC in and for the State of
_____
Residing at _____.
My appointment expires _____.

((SEAL))

COUNCIL CLERK

Pree Carpenter
SPU Hydrant Relinquishment ATT 1
March 21, 2012
Version #1

Easement 8811151287



Attachment 1 to SPU Hydrant Relinquishment ORD

COUNCIL CLERK

Form revised: December 6, 2011

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Pree Carpenter/386-9754	Karl Stickel/684-8085

Legislation Title:
AN ORDINANCE relating to Seattle Public Utilities; declaring a fire hydrant easement in King County Parcel No. 9528101615 surplus to the City of Seattle's utility needs; and authorizing the Director of Seattle Public Utilities to execute a Relinquishment of Easement relinquishing the easement.

Summary of the Legislation:
The ordinance would relinquish the rights the City acquired when it accepted hydrant easement 8811151287 through City of Seattle Ordinance 114604.

Background:
The City in 1988 acquired a hydrant easement at the request of the underlying property owners, who later revised their development plans and the hydrant was placed nearby in the street right-of-way. After the buildings on this block east of Green Lake were leveled and excavation commenced, the development was put on hold. For several years this site was an empty pit. Recently the developers found new financing and discovered the hydrant easement in a title report. They asked the City to relinquish the hydrant easement. SPU engineers determined the hydrant easement is surplus to the City's needs and that it is appropriate to relinquish the easement.

Please check one of the following:

X This legislation does not have any financial implications.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

b) **What is the financial cost of not implementing the legislation?**
None to the City. The developer would need to revise its plans to avoid encroaching into the easement area if the easement was not relinquished.

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?**

COUNCIL CLERK

None.

e) **Is a public hearing required for this legislation?**
Yes. The Council committee meeting will satisfy the public hearing requirement.

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. Map attached to Attachment 1 of the Ordinance.

h) **Other Issues:**
None known.

List attachments to the fiscal note below:
None

COUNCIL CLERK

City of Seattle
Office of the Mayor

October 9, 2012

Honorable Sally J. 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 a hydrant easement and declare it surplus to the City's needs. This hydrant easement was acquired more than two decades ago at the request of the property owners.

The City obtained this easement in a private parcel in1988. However, instead of locating a hydrant on that property, it was instead placed nearby in street right-of-way after the property owners' development plans changed. The hydrant easement was never used. Earlier this year, the property owners contacted the City and asked that the easement be relinquished because it restricts their flexibility in developing the property.

SPU engineers do not anticipate a future need for a hydrant at this location. Relinquishing this easement will remove an obstruction and allow the project construction to proceed. 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

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcginn@seattle.gov

COUNCIL CLERK