



SEATTLE CITY COUNCIL

Legislative Summary

CB 118486

Record No.: CB 118486

Type: Ordinance (Ord)

Status: Passed

Version: 1

124855

In Control: City Clerk

File Created: 07/31/2015

Final Action: 09/11/2015

Title: AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to a sewer facility easement within a portion of property located at 14027 Lake City Way NE as being surplus to the City's utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accept a new easement granted from 14027 Lake City Investors, LLC for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

Date

Notes:

Filed with City Clerk: 9/11/2015

Mayor's Signature: 9/11/2015

Sponsors: Bagshaw

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 - Relinquishment of Easement, Att 2 - 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	08/11/2015	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 Notes:						
1	City Clerk	08/11/2015	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	08/12/2015	sent for review	Seattle Public Utilities and Neighborhoods Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Seattle Public Utilities and Neighborhoods Committee						

- Notes:
- 1 Full Council 08/17/2015 referred Seattle Public Utilities and Neighborhoods Committee
- Action Text: The Council Bill (CB) was referred. to the Seattle Public Utilities and Neighborhoods Committee
- Notes:
- 1 Seattle Public Utilities and Neighborhoods Committee 08/20/2015 pass 09/08/2015 Pass
- Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
- Notes:
- In Favor: 3 Chair Bagshaw, Vice Chair Sawant, Member Harrell
- Opposed: 0
- 1 Full Council 09/08/2015 passed Pass
- Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
- Notes:
- In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant
- Opposed: 0
- 1 City Clerk 09/10/2015 submitted for Mayor's signature Mayor
- Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
- Notes:
- 1 Mayor 09/11/2015 Signed
- Action Text: The Council Bill (CB) was Signed.
- Notes:
- 1 Mayor 09/11/2015 returned City Clerk
- Action Text: The Council Bill (CB) was returned. to the City Clerk
- Notes:
- 1 City Clerk 09/11/2015 attested by City Clerk
- Action Text: The Ordinance (Ord) was attested by City Clerk.
- Notes:
-

CITY OF SEATTLE
ORDINANCE 124855
COUNCIL BILL 118486

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to a sewer facility easement within a portion of property located at 14027 Lake City Way NE as being surplus to the City's utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accept a new easement granted from 14027 Lake City Investors, LLC for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

WHEREAS, when the City annexed the area between 1st Avenue Northeast and Lake Washington and the City Limits and East 145th Street, pursuant to Ordinance 82426, the City acquired an easement for sanitary sewer purposes in the property located at 14027 Lake City Way NE; and

WHEREAS, the owner of such property wishes to build a mixed-use building, consisting of residential and retail use, which will require an expansion of the City's sanitary sewer easement; and

WHEREAS, the owner has granted an expanded sanitary sewer easement to the City that meets the specifications of Seattle Public Utilities; and

WHEREAS, Seattle Public Utilities has determined that the interests of the utility and its customers are best served by relinquishing the existing easement and accepting the expanded 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 public hearing, the real property rights in the Easement recorded under King County Recording No. 4634544 are

1 hereby found and declared to be no longer required for municipal utility purposes and are surplus
2 to The City of Seattle's utility needs.

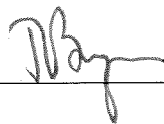
3 Section 2. The Director of Seattle Public Utilities, or the Director's designee, is
4 authorized to execute for and on behalf of The City of Seattle the attached Relinquishment of
5 Easement, substantially in the form of Attachment 1.

6 Section 3. The Director of Seattle Public Utilities, or the Director's designee, is
7 authorized to accept a utility easement for a sanitary sewer granted by the Lake City Investors,
8 LLC, as described and shown in Attachment 2 and as recorded in King County Records under
9 Recording Number 20121109000731.

10 Section 4. Any act consistent with the authority and prior to the effective date of this
11 ordinance 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 8th day of September, 2015, and signed by me in open session in authentication of its passage this 8th day of September, 2015.



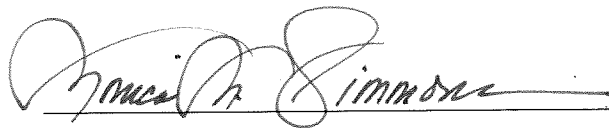
President _____ of the City Council

Approved by me this 11th day of September, 2015.



Edward B. Murray, Mayor

Filed by me this 11th day of September, 2015.



Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1: Relinquishment of Easement

Attachment 2: Sewer Easement (Recording Number 20121109000731)

ATTACHMENT 1

Recording Requested By And
When Recorded Mail To:

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

RELINQUISHMENT OF EASEMENT

Reference Number of Document Released	4634541
Grantor:.....	City of Seattle
Grantee:.....	Lake City Investors, LLC
Legal Description (abbreviated):.....	Pt of NE ¼ Sec 21, T 26 N, R4 E, WM
Assessor's Tax Parcel ID#:.....	Pt of 7663700900-09

RW 2011-024-002
Bella Largo Apts
14027 Lake City Way NE

THE CITY OF SEATTLE, acting through its Seattle Public Utilities Department, does hereby release and relinquish all right title and interest in that certain easement dated June 28th, 1953, recorded under Recording Number 4634541, Records of King County, Washington, described as follows:

A permanent sewer easement consisting of the South 5 feet of the West 140 feet of Lot 3 Block 19, Seattle Suburban Home Tracts, as recorded in Volume 7, page 93 of Plats, Records of King County, Washington

ATTACHMENT 1

THE CITY OF SEATTLE, acting by and through its Seattle Public Utilities

By: _____

Printed Name _____

Title _____

Date _____

STATE OF Washington)

) ss.

COUNTY OF King)

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 is 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 his free and voluntary act of such party for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Print Name: _____

Notary Public in and for the State
of Washington, residing at _____

My appointment expires _____

A-0141

Recording Requested By And
When Recorded Mail To:

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



20121109000731

SEA PUBLIC UTI EAS 77.00
PAGE-001 OF 006
11/09/2012 10:00
KING COUNTY, WA

20120215000861

SEA PUBLIC UTI EAS 67.00
PAGE-001 OF 006
02/15/2012 08:59
KING COUNTY, WA

SEWER EASEMENT

Reference #s of Documents Released or Assigned: none
Grantor: Lake City Investors, LLC
Grantee: City of Seattle
Legal Description (abbreviated): Pt of NE ¼ Sec 21 T 26 N, R4 E, WM
Assessor's Tax Parcel ID#: Pt of 7663700900-09

re-record to correct a scrivener's error

RW 2011-024
Bella Lago Apts
14027 Lake City Way NE

THIS EASEMENT granted this 13th day of February, 2012 by LAKE CITY INVESTORS, LLC, a Delaware Limited Liability Company and qualified in the State of Washington, hereinafter called "Grantor," to the CITY OF SEATTLE, a municipal corporation of the State of Washington, acting through and by Seattle Public Utilities, hereinafter called the "Grantee."

WITNESSETH: Said Grantor for and in consideration of the benefits herein between Grantor and Grantee, and other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, do by these presents grant, bargain, sell, convey, and warrant to the Grantee an easement for the purposes of operating and maintaining a ~~water~~^{sewer} main, a water line and appurtenances ("Facilities") over, under, through, across and upon the real property in Seattle, King County, Washington described in Exhibit A ("Easement Areas"). Herein found on page(s) 4-5.

This easement shall include only such rights in the Easement Areas as shall be necessary for the construction, reconstruction, inspection, alteration, operation, improvement, maintenance, repair and replacement of the Facilities, and access thereto.

The Grantee shall have the right without prior institution of any suit or proceeding at law, at such time as may be necessary, to enter upon the Easement Areas for the purposes herein described, without incurring any legal obligation or liability therefore.

EXCISE TAX NOT REQUIRED

King Co. Records

By [Signature] Deputy

Grantor hereby agrees that no buildings, other permanent structures, trees, fill or obstructions of any kind, shall be constructed, planted or permitted to remain within the boundaries of said Easement Areas, other than those specifically included in the plan drawings to be approved, by SDOT Permit No. 53832 and DPD Permit Nos. 6139483, 6270467, 6283656 ("Plans") if any, without prior written permission of the Director of Seattle Public Utilities, or any such officer or board who may hereafter succeed to the jurisdiction and powers in respect to the Facilities now possessed by the Director of Seattle Public Utilities.

Grantor also hereby agrees that no other utility facilities, such as conduits, cables, pipelines, vaults, meters, poles or posts, whether public or private, other than those approved in the Plans, will be installed prior to obtaining Seattle Public Utilities' review and written approval.

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

Grantor waives any present or future claim against the Grantee relating to hazardous substances, pollutants, or contaminants within the Easement Areas, and shall indemnify and defend the Grantee from any such claim, including enforcement action by a regulatory agency, unless the hazardous substances, pollutants or contaminants result from the Grantee's operations

The covenants herein contained shall run with the land and shall be binding on the parties, their successors and assigns forever.

Dated this 13th day of February, 2012.

LAKE CITY INVESTORS, LLC

By: see attached

Printed name _____

Title _____

STATE OF _____)
) ss.
COUNTY OF _____)

Attached to
Sewer Easement

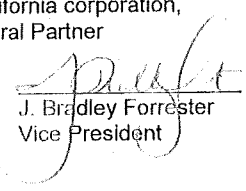
Lake City Investors LLC,
a Delaware limited liability company

By: CC Lake City LLC
a Delaware limited liability company
Sole Member

By: CA Investment Partners LLC,
a Delaware limited liability company
Managing Member

By: Continental American Properties, Ltd.,
a California limited partnership
Managing Member

By: DJE Financial Corp.,
a California corporation,
General Partner

By: 
J. Bradley Forrester
Vice President

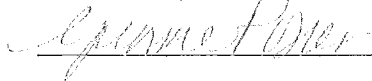
Attached to
Sewer Easement

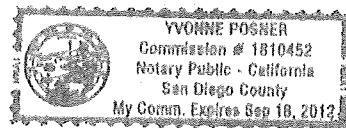
State of California)
County of San Diego)

On February 13, 2012, before me, Yvonne Posner, Notary Public, personally appeared J. Bradley Forrester, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.





CORE DESIGN, INC.
BELLEVUE WA 98007

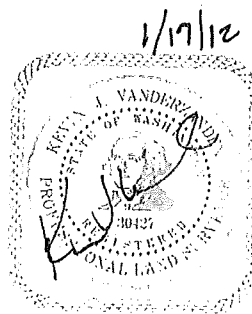
Core Project No: 11042
10/21/2011

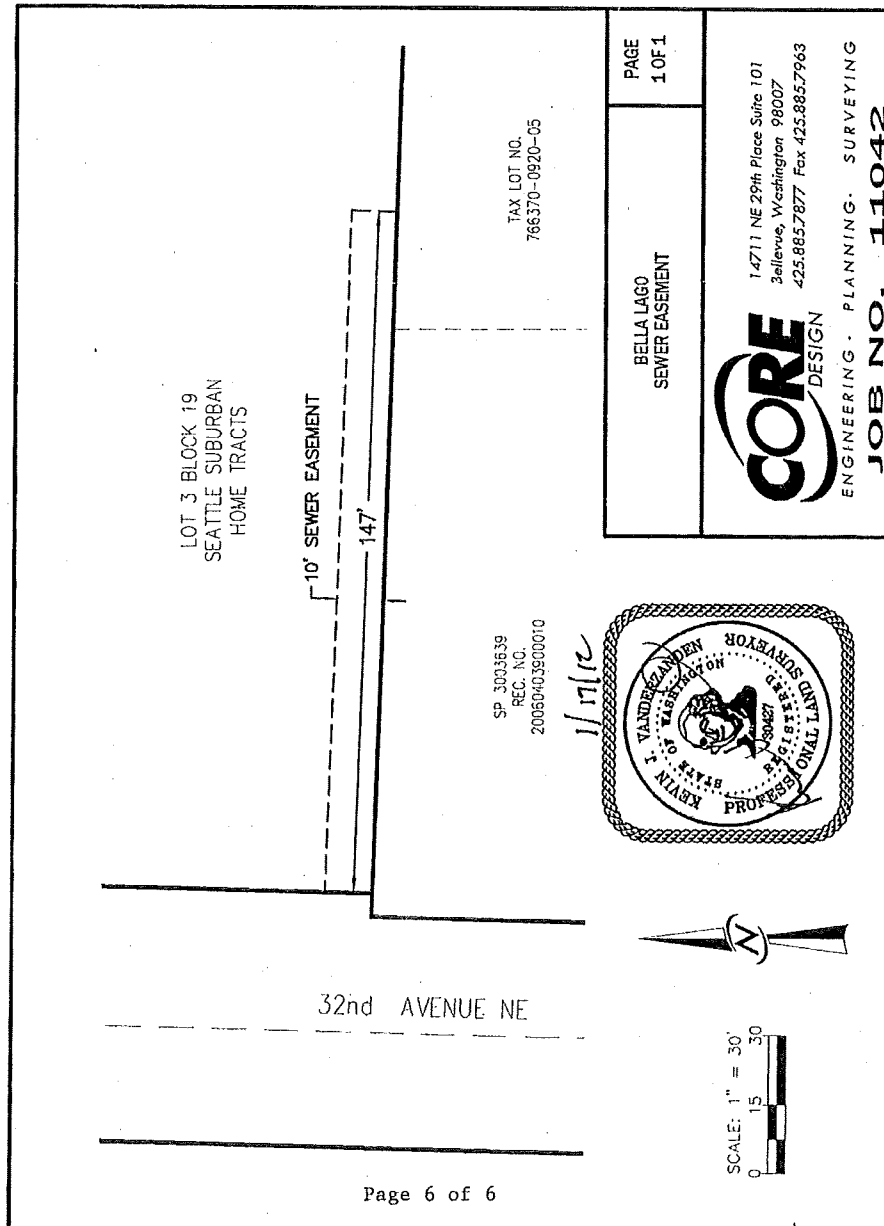
Exhibit A

Legal Description - Sanitary Sewer Easement

That portion of Lot 3, Block 19, Seattle Suburban Home Tracts, according to the Plat thereof recorded in Volume 7 of Plats, Page 93, in King County Washington; described as follows:

The South 10.00 feet of the East 147.00 feet of the West 152.00 feet of said Lot 3.





SUMMARY and FISCAL NOTE

Department:	Contact Person/Phone:	Executive Contact/Phone:
Seattle Public Utilities	Carolyn Johnson/4-8385	Aaron Blumenthal/3-2656

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to a sewer facility easement within a portion of property located at 14027 Lake City Way NE as being surplus to the City's utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accept a new easement granted from 14027 Lake City Investors, LLC for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

Summary and background of the Legislation:

The City of Seattle acquired various easements in conjunction with the 1953 annexation of the area between 1st Avenue Northeast and Lake Washington and East 145th Street. This legislation would relinquish one of those easements, which is 5-feet in width. It would be replaced with an easement in the same location that is 10-feet in width. The wider easement is needed to accommodate a new development project which requires a larger sewer main.

2. CAPITAL IMPROVEMENT PROGRAM

☐ This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

☒ This legislation does not have direct financial implications.

4. OTHER IMPLICATIONS

- a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?
No
- b) Is there financial cost or other impacts of not implementing the legislation?
No
- c) Does this legislation affect any departments besides the originating department?
No
- d) Is a public hearing required for this legislation?

Yes. A Public Hearing is required for the City to relinquish property or property rights and in accordance to RCW 35.94.040.

- e) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No

- f) Does this legislation affect a piece of property?**

Yes. See Exhibit A attached

- g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

This legislation does not have RSJI impacts and does not impact vulnerable or historically disadvantaged communities.

- h) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.**

NA

- i) Other Issues:**

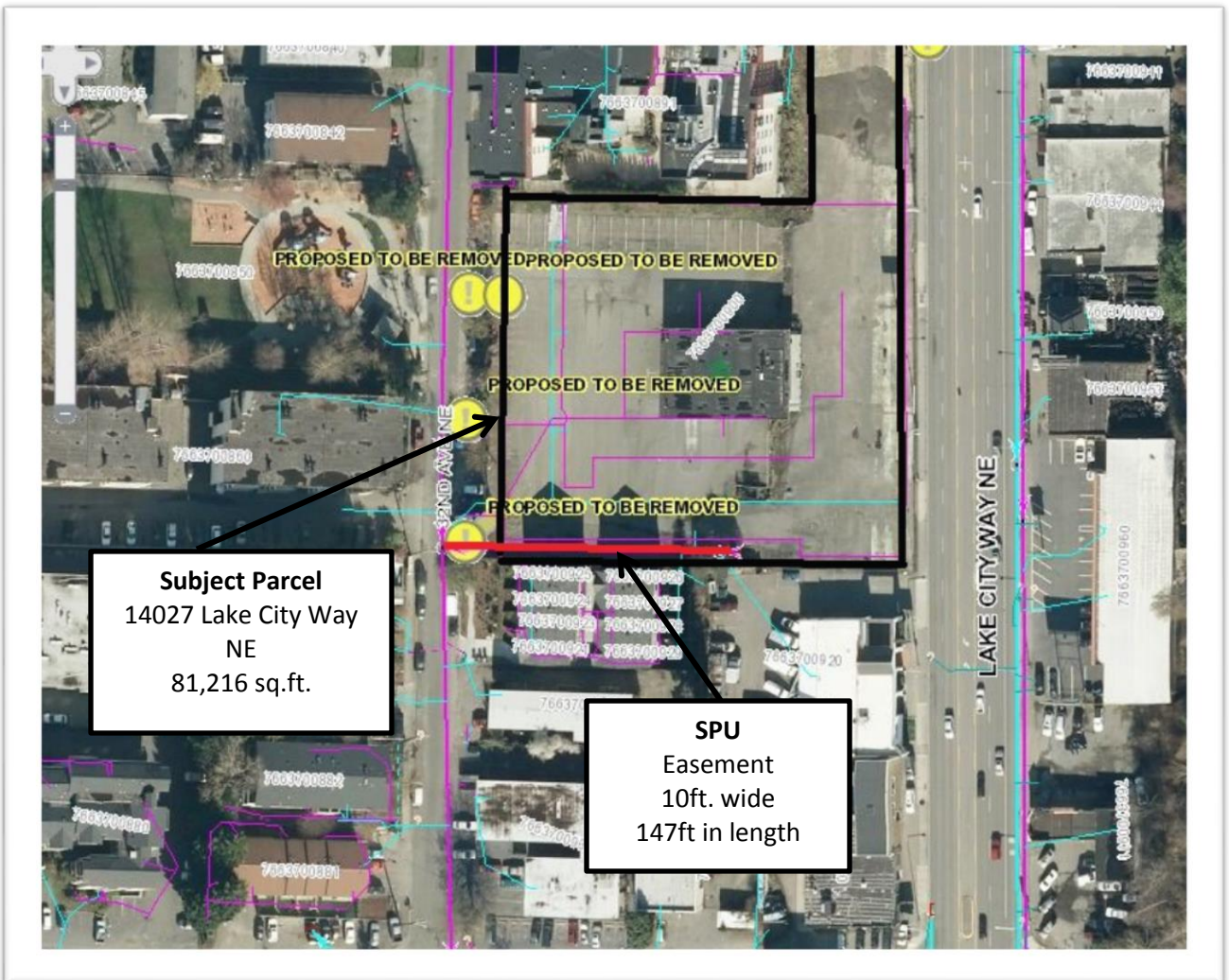
None

List attachments below:

Exhibit A – Vicinity Map

Exhibit A

Vicinity Map of 14027 Lake City Way NE
Parcel Pin 7663700900-09



STATE OF WASHINGTON -- KING COUNTY

--SS.

328688

No. 124855,854,853,852,851

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

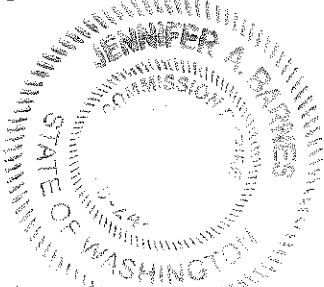
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCE

was published on

09/24/15

The amount of the fee charged for the foregoing publication is the sum of \$116.25 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

09/24/2015

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on September 8th, 2015, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 124855

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to a sewer facility easement within a portion of property located at 14027 Lake City Way NE as being surplus to the City's utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accept a new easement granted from 14027 Lake City Investors, LLC for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

Ordinance 124854

AN ORDINANCE relating to the management of the South Fork Tolt River Municipal Watershed; authorizing ecological forest thinning projects in accordance with the South Fork Tolt River Watershed Management Plan in Sections 25, 26, 27, 29, 30, 32, 33, 34, and 35, Township 26 North, Range 9 East, W.M.; declaring the logs resulting from said projects to be surplus to the City's needs; authorizing the sale of such logs pursuant to applicable City contracting and surplus property sale procedures; and directing use of the proceeds therefrom to fund Plan implementation.

Ordinance 124853

AN ORDINANCE relating to the Cedar River Watershed; authorizing five years of ecological thinning, in accordance with the Cedar River Watershed Habitat Conservation Plan, in Sections 15, 16, 21 and 22, Township 22, North, Range 7, East, W.M., Sections 8 and 9, Township 22, North, Range 8, East, W.M., Sections 2 and 11, Township 21, North, Range 9, East, W.M.; Sections 34 and 35, Township 22, North, Range 9, East, W.M., Sections 3, 4 and 10, Township 21, North, Range 10, East, W.M., and Sections 32 and 33, Township 22, North, Range 10, East, W.M.; declaring the logs resulting from ecological thinning to be surplus to the City's needs; authorizing the sale of such logs pursuant to applicable City contracting and surplus property sale procedures; and directing deposit of the proceeds therefrom to the Water Fund for the purposes of the Habitat Conservation Plan implementation.

Ordinance 124852

AN ORDINANCE relating to the Cedar River Municipal Watershed and amending the Secondary Use Policies, adopted by Ordinance 114632, to provide for the limited application of the herbicide Imazapyr to treat invasive knotweed species.

Ordinance 124851

AN ORDINANCE relating to the Landmark Preservation Board; amending Section 25.12.270 of the Seattle Municipal Code to change the qualifications for members of the Board, and making technical corrections.

Date of publication in the Seattle Daily Journal of Commerce, September 24, 2015.
9/24(328688)