



SEATTLE CITY COUNCIL

Legislative Summary

CB 118433

Record No.: CB 118433

Type: Ordinance (Ord)

Status: Passed

Version: 1

124941

In Control: City Clerk

File Created: 05/04/2015

Final Action: 12/04/2015

Title: AN ORDINANCE vacating a subterranean portion of the west side of 5th Avenue between Columbia Street and Marion Street, on the petition of Fifth & Columbia Investors, LLC (Clerk File 309447).

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Rasmussen

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: Amy Gray

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	05/26/2015	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	05/26/2015	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	05/27/2015	sent for review	Transportation Committee			
	Action Text:	The Council Bill (CB) was sent for review. to the Transportation Committee					
	Notes:						
1	Full Council	07/13/2015	referred	Transportation Committee			
1	Transportation Committee	11/24/2015	pass				Pass
	Action Text:	The Committee recommends that Full Council pass the Council Bill (CB).					

In Favor: 3 Chair Rasmussen, Vice Chair O'Brien, Member Godden

Opposed: 0

Late Arrival: 1 Bagshaw

1 Full Council 11/30/2015 passed Pass

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

Notes:

In Favor: 8 Council President Burgess, Councilmember Bagshaw, Councilmember Godden, Councilmember Gonzalez, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Rasmussen

Opposed: 0

1 City Clerk 12/02/2015 submitted for Mayor
Mayor's signature

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1 Mayor 12/04/2015 Signed

Action Text: The Council Bill (CB) was Signed.

Notes:

1 Mayor 12/04/2015 returned City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

1 City Clerk 12/04/2015 attested by City
Clerk

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

Notes:

CITY OF SEATTLE
ORDINANCE 124941
COUNCIL BILL 118433

AN ORDINANCE vacating a subterranean portion of the west side of 5th Avenue between Columbia Street and Marion Street, on the petition of Fifth & Columbia Investors, LLC (Clerk File 309447).

WHEREAS, Fifth & Columbia Investors, LLC filed a petition under Clerk File 309447 to vacate a subterranean portion of the west side of 5th Avenue between Columbia Street and Marion Street; and

WHEREAS, following a December 2, 2008 public hearing on the petition, the Seattle City Council (City Council) conditionally granted the petition; and

WHEREAS, a Public Place Indemnity Agreement was completed and recorded with King County Recorder's Office under recording number 20080623001350; and

WHEREAS, as provided for in RCW 35.79.030 and Seattle Municipal Code Chapter 15.62, the Petitioner has paid the City a vacation fee of \$99,000 that is the full appraised value of the subterranean property; and

WHEREAS, Fifth & Columbia Investors, LLC have met all conditions imposed by the City Council in connection with the vacation petition; and

WHEREAS, vacating a subterranean portion of the west side of 5th Avenue between Columbia Street and Marion Street is in the best interests of the public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The subterranean portion of the west side of 5th Avenue between Columbia Street and Marion Street described below is vacated:

1 A SUBTERRANEAN PORTION OF FIFTH AVENUE, SEATTLE, WASHINGTON,
2 IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 25 NORTH, RANGE 4
3 EAST, W.M., ADJOINING LOTS 6, 7, AND A PORTION OF LOT 3 IN BLOCK 25 OF
4 ADDITION TO THE TOWN OF SEATTLE, AS LAID OUT ON THE CLAIMS OF C.D.
5 BOREN AND A.A. DENNY AND H.L. YESLER (COMMONLY KNOWN AS C.D. BOREN'S
6 ADDITION TO THE CITY OF SEATTLE), AS PER PLAT RECORDED IN VOLUME 1 OF
7 PLATS, PAGE 25, RECORDED OF KING COUNTY, AND LYING BELOW THE
8 EXISTING SIDEWALK BETWEEN THE ELEVATIONS OF 71.0 FEET AND 149.5 FEET,
9 BASED ON NAVD-88 VERTICAL DATUM, MORE PARTICULARLY DESCRIBED AS
10 FOLLOWS:

11 BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 25, AT A POINT
12 WHICH IS APPROXIMATELY 20.0 FEET BENEATH THE EXISTING SIDEWALK AT AN
13 ELEVATION OF 149.5' FEET, BASED ON NAVD-88 VERTICAL DATUM, AND THE
14 TRUE POINT OF BEGINNING;

15 THENCE NORTH $30^{\circ}37'33''$ WEST ALONG THE WEST MARGIN OF SAID FIFTH
16 AVENUE AND SAID BLOCK 25, A DISTANCE OF 122.33 FEET;

17 THENCE NORTH $59^{\circ}22'54''$ EAST, A DISTANCE OF 7.00 FEET;

18 THENCE SOUTH $30^{\circ}37'33''$ EAST PARALLEL WITH THE WEST MARGIN OF
19 SAID FIFTH AVENUE, A DISTANCE OF 122.33 FEET;

20 THENCE SOUTH $59^{\circ}22'54''$ WEST, A DISTANCE OF 7.00 FEET TO THE TRUE
21 POINT OF BEGINNING.

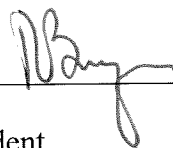
22 SAID SUBTERRANEAN PORTION LYING BETWEEN AND UPPER LIMIT AT
23 ELEVATION 149.5 FEET AND A LOWER LIMIT AT ELEVATION OF 71.0 FEET, NAVD-
24 88 VERTICAL DATUM.

25 CONTAINING AN AREA OF 856 SQUARE FEET, OR 0.0197 ACRES, AND
26 CONTAINING A VOLUME OF 67,220 CUBIC FEET, MORE OR LESS.

27 SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.
28

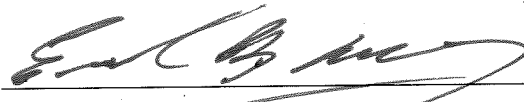
Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 30th day of NOVEMBER, 2015, and signed by me in open session in authentication of its passage this 30th day of NOVEMBER, 2015.



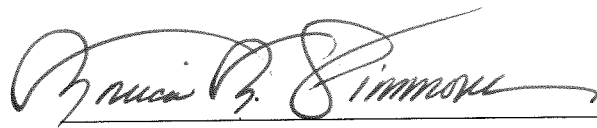
President _____ of the City Council

Approved by me this 4th day of December, 2015.



Edward B. Murray, Mayor

Filed by me this 4th day of December, 2015.



Monica Martinez Simmons, City Clerk

(Seal)

BILL SUMMARY & FISCAL NOTE

Department:	Contact Person/Phone:	Executive Contact/Phone:
Seattle Department of Transportation	Amy Gray/6-4638	Christie Parker/4-5211

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE vacating a subterranean portion of the west side of 5th Avenue between Columbia Street and Marion Street, on the petition of Fifth & Columbia Investors, LLC (Clerk File 309447).

Summary and background of the Legislation:

This Council Bill completes the subterranean vacation process for a portion of 5th Avenue between Columbia Street and Marion Street on the petition of Fifth & Columbia Investors, LLC.

The Petitioner sought the subterranean vacation in order to develop a mixed-use project that includes the preservation of the landmark First United Methodist Church sanctuary immediately north of the project. Following a December 2, 2008 public hearing on the petition, the City Council conditionally granted the petition. The subterranean vacation of seven feet provides additional space in the parking structure for ramping and parking in an extremely confined area.

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?

The vacation petition, already approved by the Seattle City Council, obligates the City to complete the vacation process, provided that the Petitioner meets all the conditions imposed by the City Council. The Petitioner has met all the conditions. By not implementing this legislation, the City could be in violation of its obligations, which

could have financial implications.

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

No. As part of the initial vacation review process, all interested departments were notified of the vacation petition and asked to comment. Any identified issues were resolved prior to the approval of this final legislation.

d) Is a public hearing required for this legislation?

No.

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, it completes the subterranean vacation of right-of-way.

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?

There are no perceived RSJI implications for this piece of legislation.

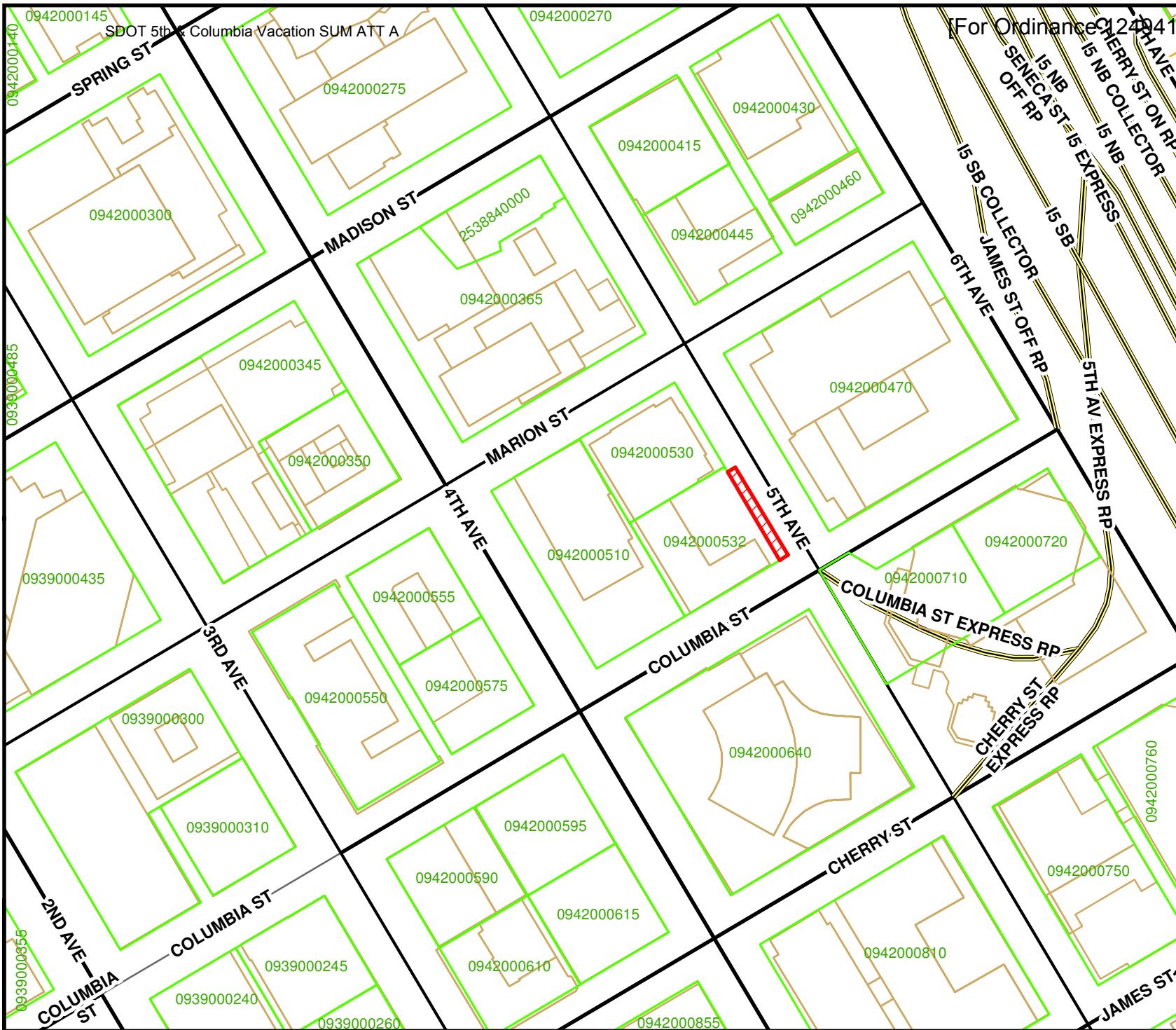
h) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.

This legislation is not a new initiative nor a major programmatic expansion.

i) Other Issues:

List attachments below:

Attachment A - Street Vacation Area Map



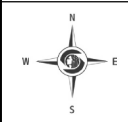
[For Ordinance 124941 / CB 118598]

5th Avenue
Subterranean
Vacation

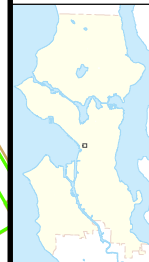
Clerk File:
309447

Petitioner:
Fifth & Columbia
Investors LLC

 Vacation area:
approx. 860 sf;
starting 20 feet
below grade



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THE CITY OF SEATTLE
All rights reserved.
Produced by the Seattle
Department of Transportation
No warranties of any sort,
including accuracy, fitness or
merchantability, accompany
this product.



Coordinate System:
State Plane, NAD83-91,
Washington, North Zone
Orthophoto Source:
Pictometry

PLOT DATE : March 2015
AUTHOR : Street Vacation



5th Avenue Subterranean Vacation

STATE OF WASHINGTON -- KING COUNTY

--SS.

331616

No. 124938,939,940,941,942

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.

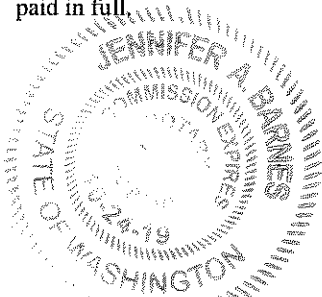
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCES

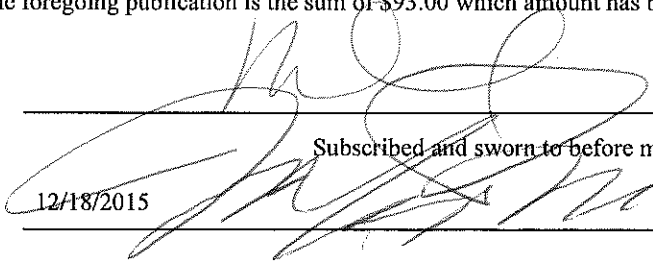
was published on

12/18/15

The amount of the fee charged for the foregoing publication is the sum of \$93.00 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on
12/18/2015

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 November 30, 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>. Document Type

Ordinance 124938 AN ORDINANCE relating to the Seattle Public Utilities; declaring certain real property rights as being surplus to the City's municipal utility needs; granting non-exclusive easements to The City of Renton for an ingress and egress roadway, including related slope and drainage utility purposes, and a temporary construction easement, upon, under, and across a portion of the City's Cedar River Pipeline right-of-way, located in the southwest quarter of the southeast quarter of Section 21, Township 23 North, Range 5 East, W.M., King County, Washington; and ratifying and confirming certain prior acts.

Ordinance 124939

AN ORDINANCE granting Swedish Health Services d.b.a. Swedish Medical Center/Ballard permission to maintain and operate a pedestrian skybridge and private utilities over and across Tallman Avenue Northwest, north of Northwest Central Avenue, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

Ordinance 124940

AN ORDINANCE vacating the northern 273 feet of the alley in Block 93, D.T. Denny's First Addition to North Seattle in the block bounded by Mercer Street, Westlake Avenue North, Republican Street, and 9th Avenue North in the South Lake Union neighborhood of Seattle, on the petition of City Place VI, LLC (Clerk File 312425).

Ordinance 124941

AN ORDINANCE vacating a subterranean portion of the west side of 5th Avenue between Columbia Street and Marion Street, on the petition of Fifth & Columbia Investors, LLC (Clerk File 309447).

Ordinance 124942

AN ORDINANCE accepting the gift of an automated bicycle counter display and funding for installation of the display; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, December 18, 2015.
12/18(331616)