



SEATTLE CITY COUNCIL

Legislative Summary

CB 119056

Record No.: CB 119056

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125412

In Control: City Clerk

File Created: 07/24/2017

Final Action: 09/21/2017

Title: AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to the needs of the City Light Department; authorizing the partial release of a City Light easement; and accepting the payment of fair market value for the partial release of easement.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Sawant

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 - Agreement and Amendment of Easement, Att 1 Ex A - Legal Description of Quadrant Property, Mayor's Letter on Returning Bill Unsigned

Drafter: John.Bresnahan@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: Yes No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	08/08/2017	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	08/08/2017	sent for review	Council President's Office			
1	Council President's Office	08/10/2017	sent for review	Energy and Environment Committee			
Action Text: The Council Bill (CB) was sent for review. to the Energy and Environment Committee							
Notes:							
1	Full Council	08/14/2017	referred	Energy and Environment Committee			



City of Seattle
Mayor Tim Burgess

September 21, 2017

Monica Martinez Simmons
Seattle City Clerk
600 4th Avenue, 3rd Floor
Seattle, WA 98124

Dear Ms. Martinez Simmons,

I support the content of Council Bill 119056 and voted for it as a member of the City Council on September 18, 2017. The City Attorney's Office has advised, to preserve the separation of the branches of City government, not to have a person that voted for the passage of a Bill as a Councilmember sign it as Mayor.

I am returning Council Bill 119056 without my signature, understanding that it will become law.

Sincerely,

A handwritten signature in black ink, appearing to read 'TBurgess', written in a cursive style.

Tim Burgess
Mayor of Seattle

CITY OF SEATTLE

ORDINANCE 125412

COUNCIL BILL 119056

AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to the needs of the City Light Department; authorizing the partial release of a City Light easement; and accepting the payment of fair market value for the partial release of easement.

WHEREAS, the Quadrant Corporation (“Quadrant”) owns real property in Snohomish County, Washington (“Property”), that it intends to develop into a multi-lot single family residential development; and

WHEREAS, The City of Seattle owns an easement for electric transmission line purposes (“Easement”) over a portion of said Property, granted by M.C. Carlson, dated May 25, 1927, and recorded under Snohomish County Auditor’s File Number 407776; and

WHEREAS, the Easement was amended through a partial release of easement by City Light in 1994 to M.C. Carlson, recorded under Snohomish County Auditor’s File Number 9406030003 (the “Amended Easement”), which resulted in the Amended Easement encumbering only the west 50 feet of the Property; and

WHEREAS, the Easement was acquired for the purpose of constructing a transmission line that was built in a different location; and

WHEREAS, all other portions of the Easement encumbering properties other than the Property were released by City Light to the underlying fee owners in the 1980s and 1990s; and

WHEREAS, the Amended Easement encumbering the Property serves no useful purpose and is not required for the continued access, construction, operation, or maintenance of the City Light transmission corridors in Snohomish County; and

1 WHEREAS, Quadrant has requested that The City of Seattle release the portion of the Amended
2 Easement encumbering the Property so that it can complete its development project; and

3 WHEREAS, Quadrant has offered the sum of \$31,000 for the partial release of the Amended
4 Easement, which represents the fair market value of the easement rights, with The City of
5 Seattle reserving rights to trim, cut, or remove any vegetation in the easement area to
6 protect City Light electric transmission facilities; NOW, THEREFORE,

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

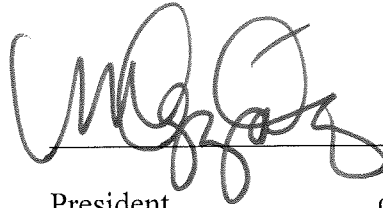
8 Section 1. Pursuant to the provisions of RCW 35.94.040 and after a public hearing,
9 certain easement rights within the Property for electric transmission purposes granted by M.C.
10 Carlson to The City of Seattle, recorded under Snohomish County Auditor's File Number
11 407776, and subsequently amended by partial release of easement recorded under Snohomish
12 County Auditor's File Number 9406030003, are no longer needed for The City of Seattle's
13 utility purposes over the Property, and are declared surplus to City needs.

14 Section 2. The General Manager and Chief Executive Officer of the City Light
15 Department, or the General Manager and Chief Executive Officer's designee, is authorized to
16 execute a Partial Release of Easement document, substantially in the form as attached hereto as
17 Attachment 1 to this ordinance, and record it with the Snohomish County Auditor's Office.

18 Section 3. The General Manager and Chief Executive Officer of the City Light
19 Department, or the General Manager and Chief Executive Officer's designee, is authorized to
20 accept payment of \$31,000 for the partial release of the Easement and deposit the payment into
21 the General Light Fund.

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 18th day of September, 2017,
5 and signed by me in open session in authentication of its passage this 18th day of
6 September, 2017.

7 

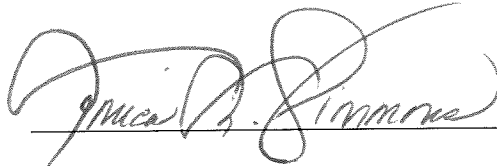
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2017.

Returned Unsigned
by Mayor

10 _____
11 Mayor, _____

12 Filed by me this 21st day of September, 2017.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachments:
17 Attachment 1 - Agreement and Amendment of Easement
18 Exhibit A - Legal Description of Quadrant Property
19

Attachment 1

After Recording Return to:

Fikso Kretschmer Smith Dixon Ormseth PS
2025 First Avenue, Suite 1130
Seattle, WA 98121-2100
Attn: Stacy Clark or Tina Lieu

Instruments affected: 407776, 461198
Grantor: THE QUADRANT CORPORATION, SUCCESSOR TO M.C.
CARLSON
Grantee: THE CITY OF SEATTLE
Abbreviated Legal Description: NW of SE 28-27-5
Additional Legal Description is on Exhibit A of Document
Assessor's Tax Parcel No.: 27052800410200

**AGREEMENT AND AMENDMENT OF EASEMENT
(with partial release)**

AGREEMENT AND AMENDMENT OF EASEMENT (this "Amendment"), dated as of _____, 20__, by and between THE CITY OF SEATTLE, a Washington municipal corporation ("City"), and THE QUADRANT CORPORATION, a Washington corporation ("Quadrant").

RECITALS

A. Quadrant is the owner of the real property commonly known as 22304 45th Ave. SE, Bothell, Snohomish County, Washington, and legally described on Exhibit A attached to this Amendment ("Quadrant Property").

B. The Quadrant Property is encumbered by an Easement dated May 25, 1927 in favor of the City and recorded in Snohomish County under no. 407776 ("Easement"), for the construction, operation, and maintenance of an electrical transmission system, together with the right to remove vegetation that might endanger the transmission system.

C. The Easement originally burdened the entire Quadrant Property but, by instrument recorded in Snohomish County under no. 9406030003, was released as to all but the west 50 feet of the Quadrant Property.

D. Quadrant and the City desire to amend the Easement to limit the purpose of the Easement to the City's right to trim or remove any vegetation or tree in the west 50 feet of the

Quadrant Property that, in the City’s sole opinion and discretion, could pose a hazard to the City’s electric transmission facilities to the west of the Quadrant Property.

AMENDMENT AND AGREEMENT

The City and Quadrant agree to amend the Easement as follows:

1. **Rights of City under Easement.** The City retains the right to access and enter upon the west 50 feet of the Quadrant Property (“Easement Area”), and to trim or remove any vegetation or tree anywhere within the Easement Area that, in the sole opinion of the City, could pose a hazard to the City’s electric transmission lines located west of the Easement Area. The City retains the right to come upon the Easement Area from time to time to inspect trees anywhere within the Easement Area. The City’s ingress and egress to and from the Easement Area will be via the transmission corridor to the west of the Easement Area. The City may in its discretion remove from the Easement Area any vegetation trimmings resulting from its activities. The City’s entry upon and activities in the Easement Area will be accomplished in accordance with all applicable laws, and will be at the City’s sole risk and expense, and Quadrant and its successors will have no liability or responsibility for any loss, cost, liability, third-party claim or expense (including reasonable attorneys’ fees) whatsoever resulting from the City’s exercise of its rights under the Easement as amended.

2. **Release of Other Rights.** The City hereby releases all rights of the City to use or come upon the Quadrant Property under the Easement, except those rights of the City as provided in Section 1 above.

3. **Rights of Burdened Property Owners.** Quadrant and its successors as fee owners of the Easement Area shall not interfere with the City’s exercise of its rights under the Easement as amended hereby, but otherwise will continue to have all rights of ownership of the Easement Area.

4. **Release of Stanley Easement.** The west 50 feet of the Quadrant Property (together with other property) was subject to a separate Easement in favor of the City dated July 25, 1927 and recorded in Snohomish County under no. 461198 (“Stanley Easement”). By instruments recorded in King County, Washington under no. 8803100797 and Snohomish County under no. 8502130217, part or all of the Stanley Easement was purportedly released. For the purpose of clearing title, and for the convenience of future title examiners, the City confirms that the Stanley Easement has been fully extinguished and released from the Quadrant Property.

5. **Binding Effect.** The Easement as amended by this Agreement and Amendment of Easement is a covenant running with the land, appurtenant to the transmission corridor to the west of the Easement, burdening the Quadrant Property and inuring to the benefit of the City and its successors in perpetuity, so long as the corridor to the west of the Easement Area is used for electric transmission facilities, equipment, or other utility lines or facilities.

EXECUTED as of the date first written above and effective on the Effective Date.

CITY OF SEATTLE

By _____
Name _____
Title _____

THE QUADRANT CORPORATION

By _____
Name _____
Title _____

EXHIBIT A

LEGAL DESCRIPTION OF QUADRANT PROPERTY

LOT 2 OF SNOHOMISH COUNTY SHORT PLAT RECORDED UNDER RECORDING NUMBER 9804105003, RECORDS OF SNOHOMISH COUNTY, BEING A PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON.