



SEATTLE CITY COUNCIL

Legislative Summary

CB 118617

Record No.: CB 118617

Type: Ordinance (Ord)

Status: Passed

Version: 1

124990

In Control: City Clerk

File Created: 01/11/2016

Final Action: 02/11/2016

Title: AN ORDINANCE relating to the Bridge Rehabilitation and Replacement project; authorizing the Director of the Seattle Department of Transportation to acquire, accept, and record, on behalf of The City of Seattle, a permanent easement from Neubert Family Limited Partnership, a Washington limited partnership, located in a portion of Lots 6, 7, and 8, together with a portion of the vacated alley abutting Lot 8, Block 17 of Town of Seattle, as laid out by D. S. Maynard, commonly known as D.S. Maynard's Plat of Seattle, for the purposes of constructing, repairing, replacing, and maintaining a Yesler Way abutment wall, sidewalk, and other transportation infrastructure; placing the real property rights and interests conveyed by such easement under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att A - Recorded Easement Granted by Neubert Limited Partnership

Drafter: gretchen.haydel@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	01/19/2016	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					
1	City Clerk	01/19/2016	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 01/21/2016 sent for review Sustainability and Transportation Committee
Action Text: The Council Bill (CB) was sent for review. to the Sustainability and Transportation Committee
Notes:
- 1 Full Council 02/01/2016 referred Sustainability and Transportation Committee
Action Text: The Council Bill (CB) was referred. to the Sustainability and Transportation Committee
Notes:
- 1 Sustainability and Transportation Committee 02/02/2016 pass Pass
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:
In Favor: 2 Chair O'Brien, Vice Chair Johnson
Opposed: 0
- 1 Full Council 02/08/2016 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
In Favor: 8 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant
Opposed: 0
- 1 City Clerk 02/08/2016 submitted for Mayor's signature Mayor
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:
- 1 Mayor 02/11/2016 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:
- 1 Mayor 02/11/2016 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:
- 1 City Clerk 02/11/2016 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
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CITY OF SEATTLE
ORDINANCE 124990
COUNCIL BILL 118617

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3
4
5 AN ORDINANCE relating to the Bridge Rehabilitation and Replacement project; authorizing
6 the Director of the Seattle Department of Transportation to acquire, accept, and record,
7 on behalf of The City of Seattle, a permanent easement from Neubert Family Limited
8 Partnership, a Washington limited partnership, located in a portion of Lots 6, 7, and 8,
9 together with a portion of the vacated alley abutting Lot 8, Block 17 of Town of Seattle,
10 as laid out by D. S. Maynard, commonly known as D.S. Maynard's Plat of Seattle, for the
11 purposes of constructing, repairing, replacing, and maintaining a Yesler Way abutment
12 wall, sidewalk, and other transportation infrastructure; placing the real property rights
13 and interests conveyed by such easement under the jurisdiction of the Seattle Department
14 of Transportation; and ratifying and confirming prior acts.

15
16 WHEREAS, the Yesler Bridge (Bridge) was built in 1910 and displays unique and historic
17 design elements which include decorative pedestrian railings, ornamental capitals,
18 casings, and corbels on the exterior fascia girders; and

19 WHEREAS, the Bridge is located over 4th Avenue South at the intersection of Yesler Way,
20 Terrace Street, and 4th Avenue South in the Pioneer Square Historic District, just a few
21 blocks north of King Street Station; and

22 WHEREAS, historic preservation is a key element of the Yesler Way Over 4th Avenue South
23 Bridge Project, a project under the Bridge Rehabilitation and Replacement project
24 (Yesler Bridge Project), as the Bridge is one of the oldest steel bridges in Seattle; and

25 WHEREAS, the Department of Transportation is working closely with the Pioneer Square
26 Preservation Board and the International Special Review District Board to ensure that the
27 Bridge and nearby neighborhoods maintain their key historic features and setting, while
28 also addressing the Bridge's safety and maintenance risks; and

29 WHEREAS, it is critical that the City accept the property rights necessary for construction of the
30 Yesler Bridge Project to rehabilitate the Bridge to improve public safety in Pioneer

1 Square and the International District as well as to enhance the service life and
2 maintenance of the Bridge; NOW, THEREFORE,

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

4 Section 1. The Easement granted by Neubert Family Limited Partnership, a Washington
5 limited partnership, a copy of which is attached to this ordinance as Attachment A and recorded
6 under Recording Number 20150821001203, dated August 3, 2015, for a portion of tax parcel
7 number 524780-1045, is accepted.

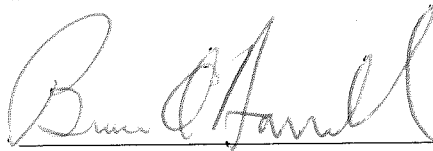
8 Section 2. The Easement referenced above shall be placed under the jurisdiction of the
9 Seattle Department of Transportation. Funding for the Yesler Bridge Project, including this
10 property acquisition, comes from bonds backed by the Commercial Parking Tax and a grant from
11 the Federal Highway Bridge Program.

12 Section 3. Any act consistent with the authority and prior to the effective date of this
13 ordinance is ratified and confirmed.

14

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 8th day of February, 2016, and
5 signed by me in open session in authentication of its passage this
6 8th day of February, 2016.

7 
8 _____

9 President _____ of the City Council

10
11 Approved by me this 11th day of February, 2016.

12 
13 _____

14 Edward B. Murray, Mayor

15
16 Filed by me this 11th day of February, 2016.

17 
18 _____

19 Monica Martinez Simmons, City Clerk

20
21 (Seal)

22
23 Attachments:
24 Attachment A - Recorded Easement Granted by Neubert Limited Partnership

1

EASEMENT

Easement Area for any purpose except to maintain, repair, and replace ventilation systems in the Easement Areas.

It is also understood by the Grantor that it is waiving all rights to ingress or egress from the Easement Area to 4th Avenue South, and waiving all damages claims associated with the Grantee's elimination of ingress and egress from the Easement Area to 4th Avenue South. The Grantor understands that its sole ingress or egress to the Easement Area shall be from the Prefontaine Building.

So long as this Easement is in effect, the Grantor shall take no action to disturb the stability or integrity of the infrastructure constructed by Grantee as allowed by this Easement.

It is understood and agreed that the Grantee shall not jeopardize the stability or integrity of the Prefontaine Building's footing when constructing, repairing, replacing and maintaining the Easement Area or the Yesler Way abutment wall, sidewalk and other transportation infrastructure.

To the extent allowed by law, the Grantee and their successors and assigns agree to indemnify the Grantor from and against any and all claims, demands, suits, damages, loss or liability of any kind arising out of or resulting from the Grantee's removal or replacement of the abutment wall by the Grantee or Grantee's successors and assigns.

The Easement Area is located in King County, State of Washington, and is described in Exhibit A that is attached and made a part of this Easement.

EASEMENT

Neubert Family Limited Partnership
a Washington limited partnership

By: Thomas A. Henson

Name: Thomas A. Henson

Its: General Partner

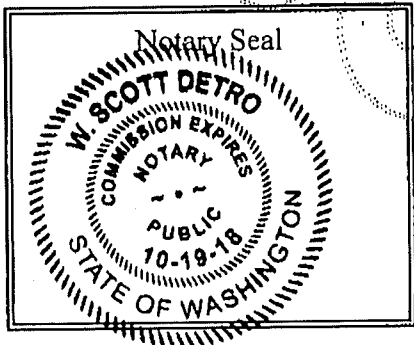
Dated: June 10, 2015

STATE OF WASHINGTON)

County of King)

On this 10 day of June, 2015, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Thomas A. Henson to me known to be the General Partner of the Neubert Family Limited Partnership, a Washington limited partnership, and acknowledged the said instrument to be the free and voluntary act and deed of said party for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.



W. Scott Detro
Notary (print name) W. Scott Detro
Notary Public in and for the State of Washington,
residing at Orrisk
My Appointment expires 10/19/18

EASEMENT

THE CITY OF SEATTLE
a Washington municipal corporation

By: [Signature]

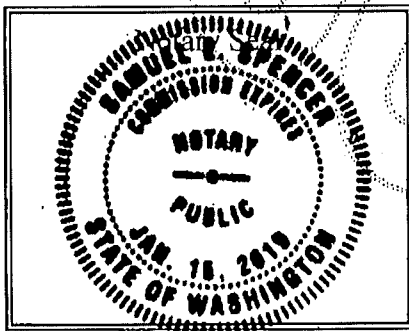
Name: Scott Kubly
Its: Director, Department of Transportation

Dated: 8/3, 2015

STATE OF WASHINGTON)
) §
County of King)

On this 3rd day of August, 2015, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared SCOTT KUBLY, to me known to be the Director of the Department of Transportation of the City of Seattle, a Washington municipal corporation, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.



[Signature]
Notary (print name) Samuel E Spencer
Notary Public in and for the State of Washington,
residing at Seattle, WA
My Appointment expires 1-15-2019

EASEMENT

EXHIBIT A

**TAX PARCEL 5247801045
NEUBERT FAMILY LIMITED PARTNERSHIP**

PERMANENT EASEMENT DESCRIPTION:

THE EAST 9.07 FEET OF THE NORTH 4.17 FEET OF ALL THAT PART OF LOTS 6, 7 AND 8 AND THE EAST 8 FEET IN WIDTH OF THE VAC. ALLEY ABUTTING ON LOT 8 IN BLOCK 17 OF D. S. MAYNARD'S PLAT OF THE TOWN, NOW CITY OF SEATTLE, AND LIES NLY. AND ELY. OF PREFONTAINE PLACE, EX. THE EAST 9 FT. IN WIDTH THEREOF, TAKEN FOR THE WIDENING OF 4TH AVENUE AND SUBJECT TO THE PERPETUAL RIGHT-OF-WAY THROUGH AND UNDERNEATH SAID PREMISES FOR A RAILWAY TUNNEL, AS THE SAME IS NOW LOCATED AND CONSTRUCTED THROUGH, UNDERNEATH AND ACROSS SAID PREMISES, AND SUBJECT TO THE RIGHT OF THE CITY OF SEATTLE TO ERECT AND MAINTAIN A STAIRWAY 6 FT. IN WIDTH IN THE CLEAR, ELY. AND WLY. ALONG THE ELY. SIDE OF THE PREMISES, WITH SUFFICIENT HEADROOM FOR FOOT PASSENGERS TO DESCEND FROM YESLER WAY TO FOURTH AVENUE SOUTH, AS PROVIDED IN THE JUDGEMENT IN SUIT 50320 IN THE SUPERIOR COURT FOR KING COUNTY.

CONTAINING 38 SQUARE FEET, MORE OR LESS.

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

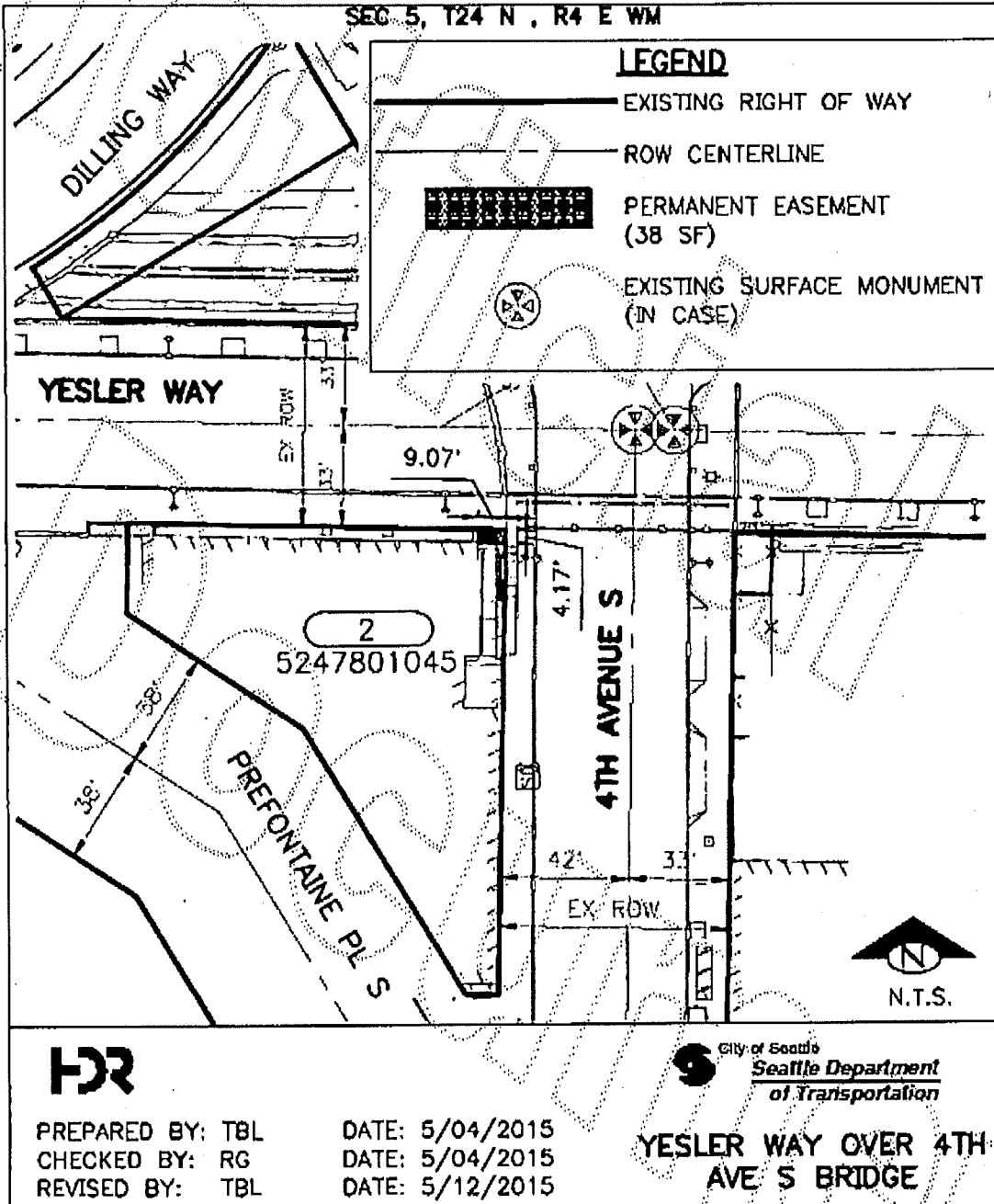


5/4/15

Tax Parcel Number 712930-1740

EASEMENT

PORTION OF LOTS 6-7-8, BLOCK 17
MAYNARD D S PLAT, PORTION N & E OF PREFONTAINE PL LESS ST PLAT



TAX PARCEL NO. 524780-1045 (PARCEL NO. 2)

Tax Parcel Number 712930-1740