

CITY OF SEATTLE
ORDINANCE 126112
COUNCIL BILL 119828

AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities or designee to acquire by negotiation or eminent domain (condemnation) four separate parcels of land and all other necessary property rights owned by JSO Legacy Properties, LLC; John S. Roach as his separate property, and BNSF Railway Company, all located within Blocks 25 and 26 and vacated Court Street of the recorded plat of South Seattle, for water operations general purposes, and to execute, accept, and record deeds and conveyance documents and agreements deemed by the General Manager/CEO to be necessary to this transaction on behalf of the City; placing the conveyed real properties under the jurisdiction of Seattle Public Utilities; authorizing payment of all other costs associated with the acquisition; and ratifying and confirming certain prior acts.

WHEREAS, since 2006 Seattle Public Utilities (SPU) has leased property to store excavation material and spoils required for water infrastructure repairs; and

WHEREAS, SPU desires to acquire property to create its own storage and spoils yard to ensure unrestricted material availability, and

WHEREAS, after SPU conducted an extensive search and evaluation of properties, it has found suitable property for its south storage and spoils yard; and

WHEREAS, RCW 8.12.030, 35.67.020, and 35.92.020 authorize The City of Seattle (City) to purchase or condemn property for utility or general municipal purposes; and

WHEREAS, the City Council has determined that the property legally described below meets SPU's needs for a site for a south storage and spoils yard; and

WHEREAS, the City approved a project in the Adopted 2015-2020 Capital Improvement Program Budget to address acquisition of a south storage and spoils yard; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

1 Section 1. Public convenience and necessity require the property identified in the records
2 of the King County Assessor as Parcel Numbers 788610-1010, 788610-0916, 788610-0917, and
3 a portion of 788610-0915, situated in the City of Seattle, County of King, State of Washington,
4 together with all rights, privileges, and other property thereto, legally described and depicted in
5 Attachments 1, 2, 3, 4, 5, and 6 to this ordinance to be acquired through negotiation or eminent
6 domain (condemnation), for public use; namely for but not limited to Seattle Public Utilities
7 water operations general purposes.

8 Section 2. The General Manager/CEO of Seattle Public Utilities or the General Manager/
9 CEO's designee is authorized on behalf of The City of Seattle (City): to negotiate and to enter
10 into agreements to acquire the four properties in Section 1 of this ordinance and, upon payment
11 of just compensation, to accept and record deeds and other necessary instruments on behalf of
12 the City; to provide relocation assistance to the extent required by law to the occupants of the
13 properties; and to enter into agreements with the existing owners and tenants as needed to
14 facilitate the successful acquisition of the properties.

15 Section 3. The Seattle City Attorney is authorized to commence and prosecute
16 proceedings in the manner provided by law to condemn, take, damage, and appropriate in fee
17 simple the real property or other property rights described in Section 1 of this ordinance, after
18 just compensation has been made or paid into court for the owners thereof in the manner
19 provided by law. The Seattle City Attorney is further authorized to stipulate for the purpose of
20 minimizing damages.

21 Section 4. The property acquisition provided for by this ordinance shall be paid from the
22 \$5,700,000 authorized by Ordinance 126000 for BSL Code BC-SU-C410B, Master Project
23 C600405 – S. Spoils Yard Purchase – Mead Street.

1 Section 5. The four properties, when acquired by The City, shall be placed under the
2 jurisdiction of Seattle Public Utilities and designated for water operations general purposes.

3 Section 6. Any act consistent with the authority of this ordinance taken after its passage
4 and prior to its effective date is ratified and confirmed.

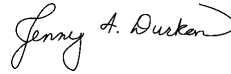
1 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 20th day of July, 2020,
5 and signed by me in open session in authentication of its passage this 20th day of
6 July, 2020.



7 _____
8 President _____ of the City Council

9 Approved by me this 24th day of July, 2020.



10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this 24th day of July, 2020.



13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

- 1 Attachments:
- 2 Attachment 1 – Legal Description of Parcels #786610-1010 and #788610-0916
- 3 Attachment 2 – Map of Parcels #788610-1010 and #788610-0916
- 4 Attachment 3 – Legal Description of Parcel # 788610-0917
- 5 Attachment 4 – Map of Parcel # 788610-0917
- 6 Attachment 5 – Legal Description Portion of Parcel # 788610-0915
- 7 Attachment 6 – Map of Portion of Parcel # 788610-0915

Attachment 1
Legal Description of King County Parcels #786610-1010 and #788610-0916

THOSE PORTIONS OF LOTS 1 AND 2, BLOCK 25, AND LOTS 1 TO 6, INCLUSIVE, BLOCK 26, SOUTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 35, IN KING COUNTY, WASHINGTON, AND OF ADJACENT VACATED COURT STREET, AS COLORED IN SOLID PINK ON THE BLUE PRINT ATTACHED TO AND MADE A PART OF THAT CERTAIN DEED EXECUTED DECEMBER 21, 1923 BY NORTHERN PACIFIC RAILWAY COMPANY, A WISCONSIN CORPORATION, TO ANNIE NIXON HOULAHAN, A WIDOW, RECORDED JANUARY 2, 1924 IN VOLUME 1222 OF DEEDS, PAGE 28 UNDER AUDITOR'S FILE NO. 1817532. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID BLOCK 26, DISTANT 15.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE FRANCHISE GRANTED TO THE NORTHERN PACIFIC RAILWAY COMPANY BY ORDINANCE NO. 9118 OF THE CITY OF SEATTLE, AMENDED BY ORDINANCE NO. 12018 OF SAID CITY, COVERING 'SHORE LINE' TRACTS;

THENCE NORTH 4°18'58" EAST PARALLEL WITH SAID RAILROAD RIGHT-OF-WAY 390.00 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF THE SPOKANE STREET INTERCHANGE RIGHT-OF-WAY;

THENCE EASTERLY ALONG SAID SOUTHERLY LINE TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY I-5;

THENCE SOUTHERLY ALONG SAID WESTERLY LINE TO ITS INTERSECTION WITH THE EAST LINE OF SAID BLOCK 26;

THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF BLOCK 26 TO THE NORTH LINE OF SOUTH CHARLESTOWN STREET;

THENCE WESTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING;

EXCEPTING AND RESERVING A RIGHT-OF-WAY 9 FEET IN WIDTH ON EACH SIDE OF THE CENTER LINES OF THE SPUR TRACTS OF THE RAILWAY COMPANY CONSTRUCTED OVER AND ACROSS SAID PREMISES, SAID CENTER LINES BEING SHOWN IN RED ON SAID BLUE PRINT;

TOGETHER WITH THAT PORTION OF VACATED 9TH AVENUE ABUTTING BLOCK 26, SOUTH SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS. PAGE 35, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 26, SOUTH SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS. PAGE 35, IN KING COUNTY, WASHINGTON;

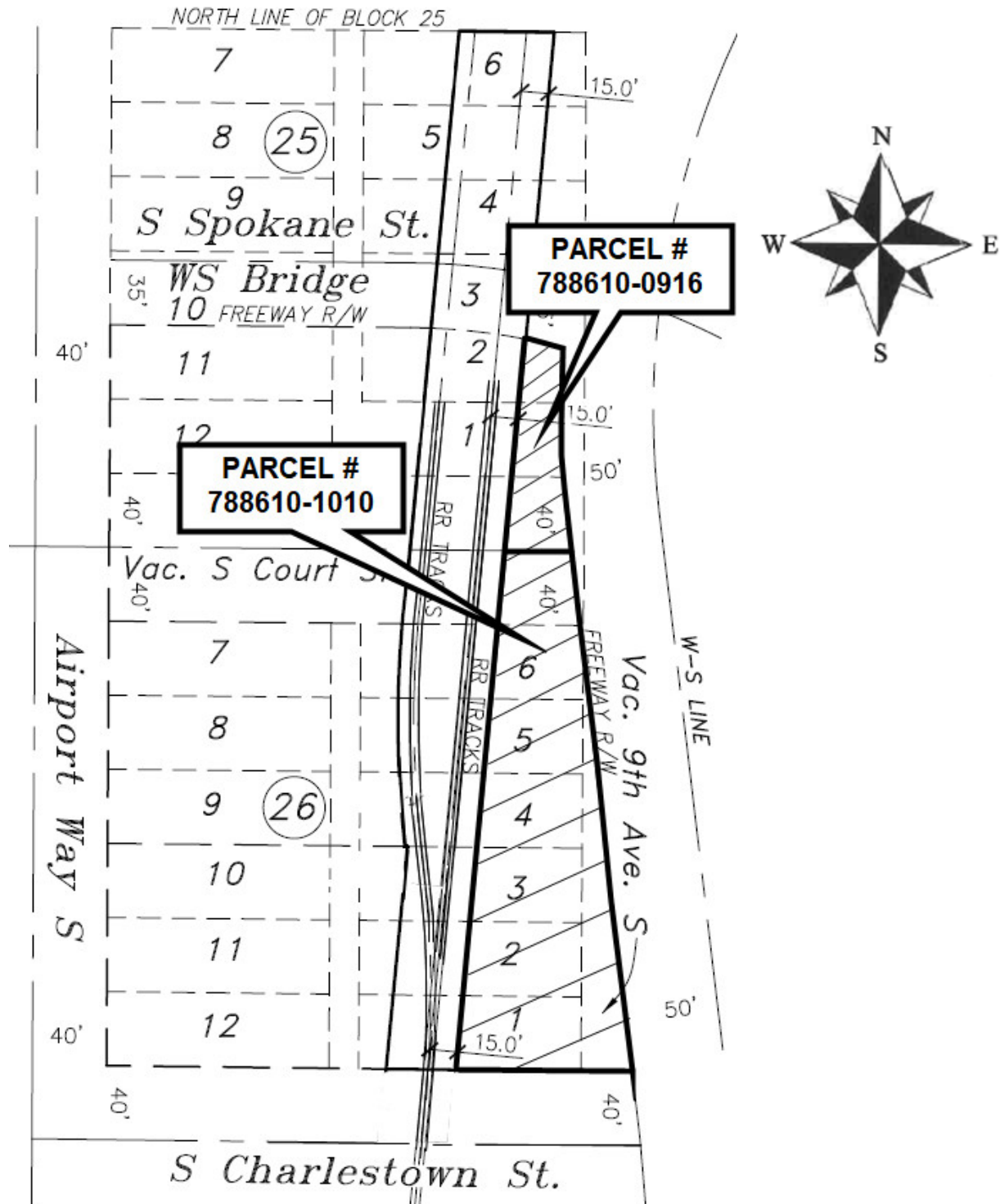
THENCE NORTHERLY ALONG THE EAST LINE OF SAID BLOCK 26, TO ITS INTERSECTION OF THE WEST LINE OF INTERSTATE HIGHWAY I-5;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID INTERSTATE HIGHWAY I-5 TO ITS INTERSECTION WITH THE NORTHERLY LINE OF SOUTH CHARLESTOWN STREET PRODUCED EASTERLY;

THENCE WESTERLY ALONG SAID NORTH LINE OF SOUTH CHARLESTOWN STREET PRODUCED TO THE POINT OF BEGINNING.

Attachment 2
Map of Parcel King County Parcels #788610-1010 and #788610-0916

PORTION OF SW 1/4 of NE ¼, SEC. 17, TWP 24N, R 4 E, W.M., King County, WA



Attachment 3
Legal Description of King County Parcel #788610-0917

Parcel 1:

All of Lot 10 and the North 33 feet of Lot 11, Block 25, South Seattle, according to the plat recorded in volume 1 of plats, page 35, in King County, Washington.

Those portions of Lot 3 and the North 33 feet of Lot 2 in said block lying Westerly of a line parallel with and distant 8.5 feet Westerly, measured at right angles, from the center line of the most Westerly spur track as now constructed in said block;

That portion of the alley in said block vacated by Ordinance No. 45130, lying between the produced South lines of the North 33 feet of Lots 11 and 2 and the produced North lines of Lots 3 and 10, more particularly described as follows:

Commencing at the Northwest corner of said Lot 10;
Thence South along the East line of Airport Way 73 feet;
Thence East of a line 7 feet North of and parallel with the South line of said Lots 11 and 2, a distance of 170 feet to a point Westerly, measured at right angles, from the center line of the most Westerly spur track of Northern Pacific Railway Company as now constructed in said block;
Thence Northerly on a direct line parallel with said center line 73.25 feet to a point of the North line of said Lot 3;
Thence West along the North line of said Lots 3 and 10, 176.58 feet to the point of beginning;

EXCEPT that portion thereof conveyed to the State of Washington for Primary State Highway No. 1 by deed recorded under Auditor's file no. 5835982,

Parcel 2:

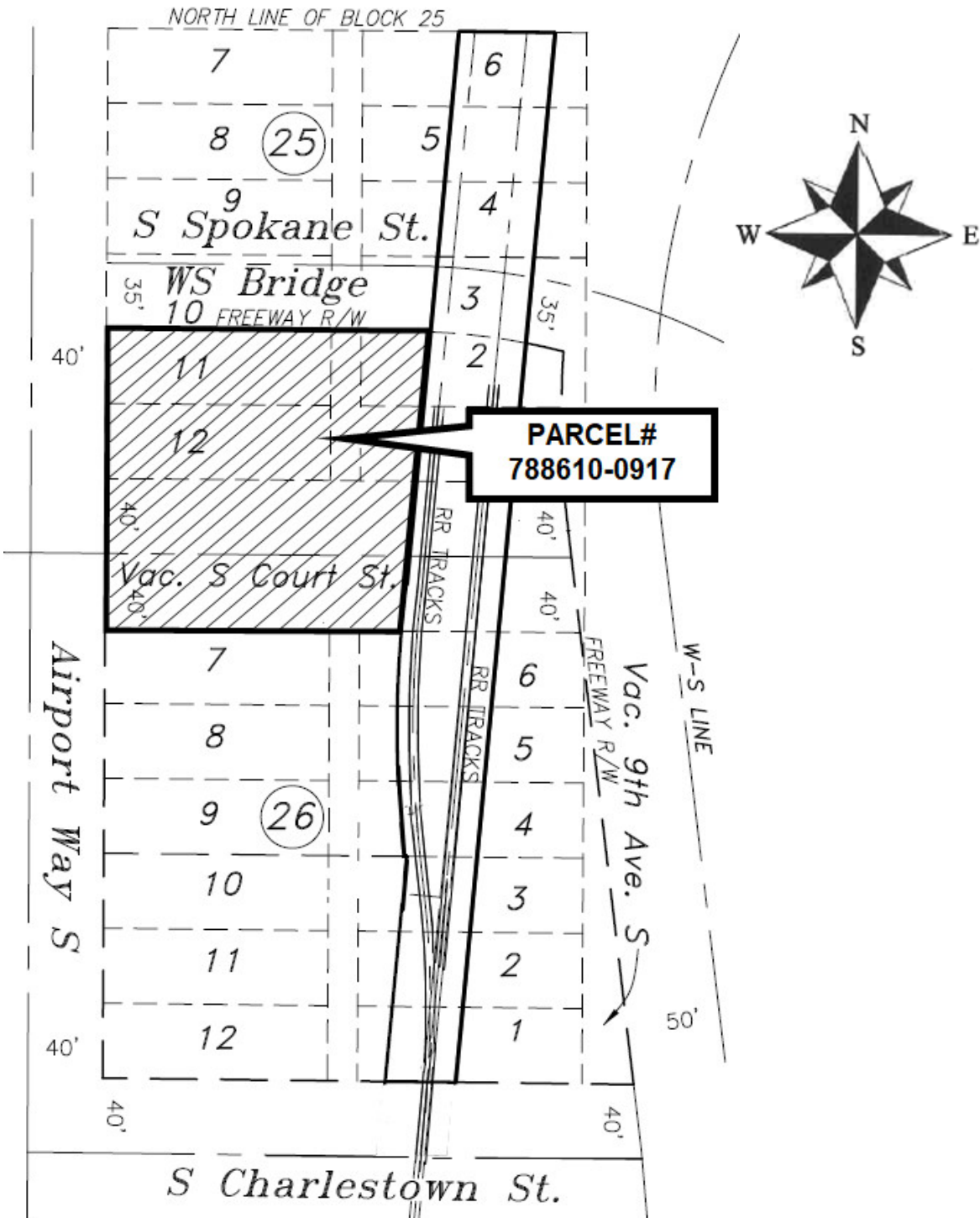
All of Lot 12 and the South 7 feet of Lot 11 and that portion of Lot 1 and the South 7 feet of Lot 2, in Block 25, South Seattle, according to the plat recorded in volume 1 of plats, page 35, in King County, Washington, lying Westerly of line drawn parallel to and distant 8.5 feet Westerly (measured at right angles) from the center line of the most Westerly Spur track as constructed across said Block on June 17, 1949;

Together with that portion of vacated alley in said block adjoining the above described property;

And together with all that portion of the 80 feet vacated Court Street lying between Blocks 25 and 26, South Seattle, and lying between the East line of Airport Way (formerly 8th Avenue South) and a line parallel or concentric with and distant 8.5 feet Westerly (measured at right angles and/or radially) from the center line of said spur track.

Attachment 4
Map of Parcel King County Parcel #788610-0917

PORTION OF SW 1/4 of NE ¼, SEC. 17, TWP 24N, R 4 E, W.M., King County, WA



Attachment 5
Legal Description of a Portion of King County Parcels #788610-0915

PARCEL A:

ALL THAT PORTION OF RAILWAY COMPANY'S RIGHT-OF-WAY LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

BLOCK 25, PLAN OF SOUTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 35, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF SOUTH COURT STREET ON THE SOUTH WHICH ATTACHED BY OPERATIONS OF LAW PURSUANT TO CITY OF SEATTLE ORDINANCE NUMBER 45130;

EXCEPT THOSE PORTIONS CONVEYED ON THE WEST BY DEED(S) RECORDED UNDER RECORDING NUMBERS 3636560 AND 3928412;

EXCEPT THOSE PORTIONS CONVEYED ON THE EAST BY DEED(S) RECORDED UNDER RECORDING NUMBER 1817532; AND

ALL THAT PORTION OF RAILWAY COMPANY'S RIGHT-OF-WAY LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

BLOCK 26, PLAN OF SOUTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 35, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF SOUTH COURT STREET ON THE NORTH WHICH ATTACHED BY OPERATIONS OF LAW PURSUANT TO CITY OF SEATTLE ORDINANCE NUMBER 45130;

EXCEPT THOSE PORTIONS CONVEYED ON THE WEST BY DEED(S) RECORDED UNDER RECORDING NUMBER(S) 3565340 AND 4094628;

EXCEPT THOSE PORTIONS CONVEYED ON THE EAST BY DEED(S) RECORDED UNDER RECORDING NUMBER 1817532.

PARCEL B:

THAT PORTION OF THE NORTH HALF OF UN-VACATED S. CHARLESTOWN ST. THAT, UPON VACATION, WOULD ATTACH BY OPERATION OF LAW TO THAT PORTION OF BLOCK 26 LYING WITHIN THE RAILWAY COMPANY'S RIGHT-OF-WAY.

EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

Attachment 6
Map of a Portion of King County Parcel #788610-0915

PORTION OF SW 1/4 of NE 1/4, SEC. 17, TWP 24N, R 4 E, W.M., King County, WA

