

CITY OF SEATTLE
ORDINANCE 126832
COUNCIL BILL 120557

AN ORDINANCE relating to the Department of Transportation’s Hazard Mitigation Program; authorizing the Director of the Department of Transportation to acquire, accept, and record, on behalf of The City of Seattle, a Catchment Wall Easement from Paul Tan and Ly Ngoc Tan, a married couple, located in a portion of Lot 7, Block 35, Rainier Beach, and a Catchment Wall Easement from Gracie Lee Young, located in a portion of Lot 8, Block 35, Rainier Beach; for the purpose of extending the protection of the adjacent roadway of superficial surface erosion of the adjacent slopes along a portion of Rainier Avenue South; placing the real property rights under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts.

WHEREAS, the Landslide Mitigation Project under the Hazard Mitigation Program (the “Project”) provides the Seattle Department of Transportation (“SDOT”) with resources to identify landslide concerns that affect the right-of-way, undertake reconnaissance engineering and geotechnical studies of the problem areas, and prioritize and make repairs as necessary to maintain public safety; and

WHEREAS, historically, many landslides have occurred along Rainier Avenue South between Carver Street and South Norfolk Street (“Impacted Area”); and

WHEREAS, Ordinances 124374 and 126045 were passed in 2013 and 2020, respectively, accepting several easements to construct and maintain a retaining wall along portions of the Impacted Area to mitigate potential adverse impacts to Rainier Avenue South and the surrounding residences in the event of reoccurring landslides in the Impacted Area; and

WHEREAS, another landslide occurred in the Impacted Area due to heavy rainfall in February 2022 that damaged a new portion of the Impacted Area as well as a portion of the existing retaining wall; and

1 WHEREAS, SDOT has repaired the damaged portion of the retaining wall and plans to extend it
2 in the Impacted Area between South Perry Street and South Norfolk Street; and

3 WHEREAS, acceptance of the two new catchment wall easements is necessary and advisable to
4 construct and maintain the retaining wall extension; NOW, THEREFORE,

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

6 Section 1. The Catchment Wall Easement dated July 12, 2022, granted by Paul Tan and
7 Ly Ngoc Tan, a married couple, recorded under King County Recording Number
8 20220728000531 and attached as Attachment 1 to this ordinance, granting to The City of Seattle
9 (the “City”) an easement to construct, repair, replace, and maintain a catchment wall and any
10 other modifications associated with the catchment wall as described in the easement over
11 property legally described and depicted in Exhibit A of Attachment 1 to this ordinance is
12 accepted (a portion of Tax Parcel Number 712930-1765).

13 Section 2. The Catchment Wall Easement dated July 12, 2022, granted by Gracie Lee
14 Young, recorded under King County Recording Number 20220728000533 and attached as
15 Attachment 2 to this ordinance, granting to the City an easement to construct, repair, replace, and
16 maintain a catchment wall and any other modifications associated with the catchment wall as
17 described in the easement over property legally described and depicted in Exhibit A of
18 Attachment 2 to this ordinance is accepted (a portion of Tax Parcel Number 712930-1775).

19 Section 3. The easements accepted in Sections 1 and 2 of this ordinance are placed under
20 the jurisdiction of the Seattle Department of Transportation.

21 Section 4. Any act consistent with the authority of this ordinance taken prior to its
22 effective date is ratified and confirmed.

1 Section 5. 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 23rd day of May, 2023,
5 and signed by me in open session in authentication of its passage this 23rd day of
6 May, 2023.

7 

8 President Pro Tem of the City Council

9 Approved / returned unsigned / vetoed this 1st day of June, 2023.

10 

11 Bruce A. Harrell, Mayor

12 Filed by me this 1st day of June, 2023.

13 

14 Anne Frantilla, Interim City Clerk

15 (Seal)

16 Attachments:

17 Attachment 1 - Recorded Catchment Wall Easement granted by Paul Tan and Ly Ngoc Tan
18 Attachment 2 - Recorded Catchment Wall Easement granted by Gracie Lee Young
19
20

After recording return document to:

City of Seattle
Department of Transportation
700 5th Avenue – Suite 3800
PO Box 34996
Seattle, WA 98124-4966
Attn: Mary Jung

Document Title: Catchment Wall Easement
Reference Number of Related Document: N/A
Grantor(s): Paul Tan and Ly Ngoc Tan
Grantee: City of Seattle
Abbreviated Legal Description: Ptn of Lot 7 of Block 35, Rainier Beach, according to the plat thereof recorded in Volume 8 of Plats, Page 11, records of King County, WA.
Additional Legal Description is on Page(s) 5 and 6 of Document.
Assessor's Tax Parcel Number(s): 712930-1765

CATCHMENT WALL EASEMENT

Project: Rainier Avenue South Hazard Mitigation

The Grantors, **PAUL TAN and LY NGOC TAN, a married couple**, for and in consideration of mutual and offsetting benefits, other valuable consideration and the covenants and promises of the City hereinafter set forth, the receipt and sufficiency of which is hereby acknowledged, convey and warrant unto the **CITY OF SEATTLE**, a municipal corporation of the State of Washington, and its assigns, an Easement over, under, across and upon the hereinafter described lands (“the Easement area”) for the purposes of constructing, repairing, replacing and maintaining a catchment wall and other modifications associated therewith, to the same extent and purpose as if the rights herein granted had been acquired under Eminent Domain statutes of the State of Washington.

Tax Parcel Number 712930-1765
Project Parcel 1

Page 1 of 6 pages

CATCHMENT WALL EASEMENT

The Grantors reserve the right to use the Easement area for purposes that will not unreasonably interfere with the Grantee's full enjoyment of the rights granted by this Easement. Neither the Grantors nor their successors and assigns may erect or construct any building or structure, or excavate, within the Easement area without the prior written consent of the Seattle Department of Transportation ("SDOT"). Further, planting trees or any other vegetation, except for grass, shall not be allowed within the Easement area. Grantor will submit a proposed work plan to SDOT at least 120 days before any work is commenced in the Easement area. As used in this Easement, "building or structure" means anything constructed or erected on the ground or any improvement built up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs.

To the extent allowed by law, Grantors, their successors and assigns agree to indemnify Grantee from and against any and all claims, demands, suits, damages, loss or liability of any kind arising out of, or resulting from, erosion and/or landslides. The foregoing indemnity shall run with the land and bind Grantor(s) successors and assigns.

Said lands being situated in King County, State of Washington, and described as follows:

See Exhibit A attached hereto and made a part hereof.

Grantors:

By 
Paul Tan

By: 
Ly Ngoc Tan

Date: 6/29/2022, 2022

Tax Parcel Number 712930-1765
Project Parcel 1

CATCHMENT WALL EASEMENT

EXHIBIT A
PERMANENT EASEMENT DESCRIPTION
FOR LOT 7, BLOCK 35
RAINIER BEACH

THAT PORTION OF LOT 7 BLOCK 35, OF RAINIER BEACH, AS RECORDED IN VOLUME 8 OF PLATS, PAGE 11, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY MARGIN OF RAINIER AVENUE SOUTH AND SOUTHERLY MARGIN OF SOUTH PERRY STREET, ALSO KNOWN AS THE NORTHWESTERLY CORNER OF LOT 1, OF SAID BLOCK 35, TOGETHER WITH THAT PORTION OF SOUTH PERRY STREET AS VACATED BY COUNTY COMMISSION UNDER VOLUME 14-247 AND WHICH ATTACHED BY OPERATION OF LAW; THENCE ALONG SAID MARGIN OF RAINIER AVENUE SOUTH, S 40° 18' 47" E A DISTANCE OF 337.40 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT OF WAY MARGIN S 40° 18' 47" E A DISTANCE OF 20.60 FEET TO THE SOUTHEASTERLY PROPERTY LINE OF LOT 7; THENCE ALONG SAID PROPERTY LINE S 49° 42' 00" W 5.00 FEET; THENCE LEAVING SAID PROPERTY LINE N 40° 18' 47" W 20.60 FEET; THENCE N 49° 42' 00" E A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

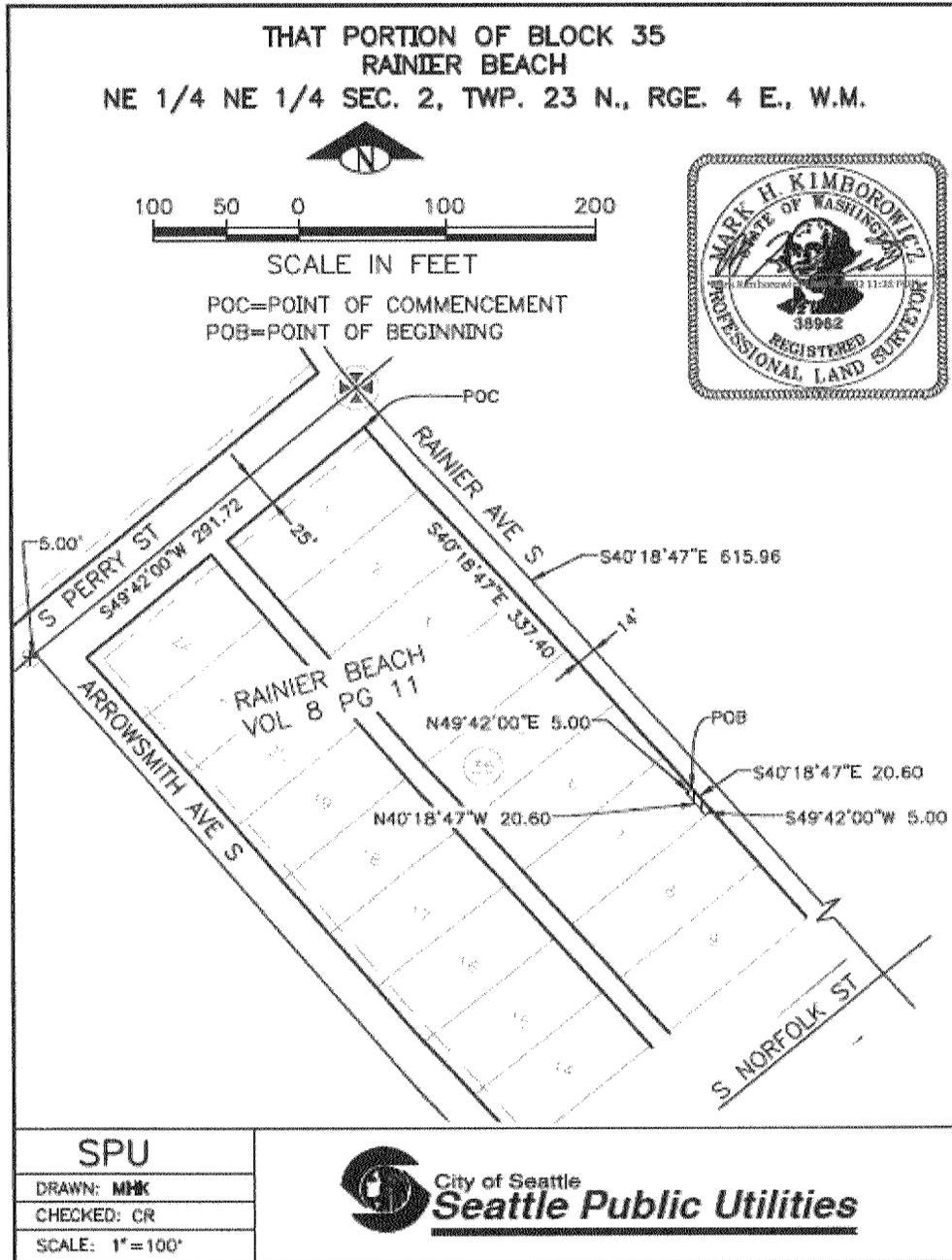
SITUATED IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

CONTAINING 103 SQ. FT., MORE OR LESS



Tax Parcel Number 712930-1765
Project Parcel 1

CATCHMENT WALL EASEMENT



Tax Parcel Number 712930-1765
 Project Parcel 1

After recording return document to:

City of Seattle
Department of Transportation
700 5th Avenue – Suite 3800
PO Box 34996
Seattle, WA 98124-4966
Attn: Mary Jung

Document Title: Catchment Wall Easement
Reference Number of Related Document: N/A
Grantor(s): Gracie Lee Young
Grantee: City of Seattle
Abbreviated Legal Description: Ptn of Lot 8 of Block 35, Rainier Beach, according to the plat thereof recorded in Volume 8 of Plats, Page 11, records of King County, WA.
Additional Legal Description is on Page(s) 5 and 6 of Document.
Assessor's Tax Parcel Number(s): 712930-1775

CATCHMENT WALL EASEMENT

Project: Rainier Avenue South Hazard Mitigation

The Grantor, **GRACIE LEE YOUNG**, for and in consideration of mutual and offsetting benefits, other valuable consideration and the covenants and promises of the City hereinafter set forth, the receipt and sufficiency of which is hereby acknowledged, conveys and warrants unto the **CITY OF SEATTLE**, a municipal corporation of the State of Washington, and its assigns, an Easement over, under, across and upon the hereinafter described lands (“the Easement area”) for the purposes of constructing, repairing, replacing and maintaining a catchment wall and other modifications associated therewith, to the same extent and purpose as if the rights herein granted had been acquired under Eminent Domain statutes of the State of Washington.

Tax Parcel Number 712930-1775
Project Parcel 2

Page 1 of 6 pages

CATCHMENT WALL EASEMENT

The Grantor reserves the right to use the Easement area for purposes that will not unreasonably interfere with the Grantee's full enjoyment of the rights granted by this Easement. Neither the Grantor nor her successors and assigns may erect or construct any building or structure, or excavate, within the Easement area without the prior written consent of the Seattle Department of Transportation ("SDOT"). Further, planting trees or any other vegetation, except for grass, shall not be allowed within the Easement area. Grantor will submit a proposed work plan to SDOT at least 120 days before any work is commenced in the Easement area. As used in this Easement, "building or structure" means anything constructed or erected on the ground or any improvement built up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs.

To the extent allowed by law, Grantor, her successors and assigns agree to indemnify Grantee from and against any and all claims, demands, suits, damages, loss or liability of any kind arising out of, or resulting from, erosion and/or landslides. The foregoing indemnity shall run with the land and bind Grantors successors and assigns.

Said lands being situated in King County, State of Washington, and described as follows:

See Exhibit A attached hereto and made a part hereof.

Grantor:

By: 
Gracie Lee Young

Date: 6-22, 2022

Tax Parcel Number 712930-1775
Project Parcel 2

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CATCHMENT WALL EASEMENT

EXHIBIT A

PERMANENT EASEMENT DESCRIPTION

FOR LOT 8, BLOCK 35

RAINIER BEACH

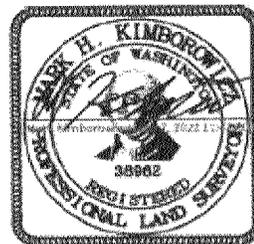
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THENCE CONTINUING ALONG SAID RIGHT OF WAY MARGIN S 40° 18' 47" E A DISTANCE OF 39.90 FEET; THENCE LEAVING SAID RIGHT OF WAY MARGIN S 49° 42' 00" W 5.00 FEET; THENCE N 40° 18' 47" W A DISTANCE OF 39.90 FEET TO THE NORTHWESTERLY PROPERTY LINE OF SAID LOT 8; THENCE ALONG SAID PROPERTY LINE N 49° 42' 00" E 5.00 FEET TO THE POINT OF BEGINNING.

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

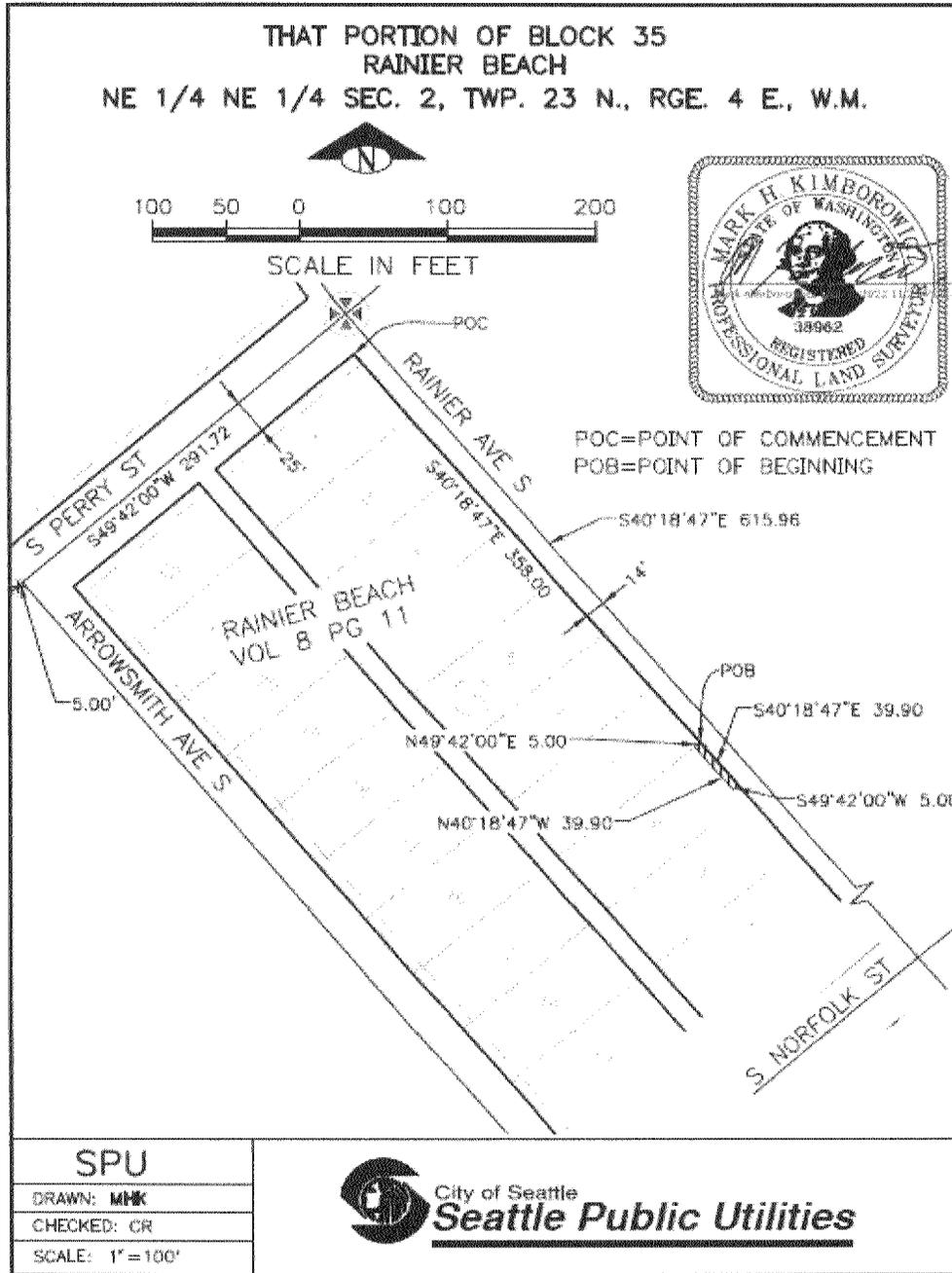
CONTAINING 200 SQ. FT., MORE OR LESS



Tax Parcel Number 712930-1775
Project Parcel 2

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CATCHMENT WALL EASEMENT



Tax Parcel Number 712930-1775
 Project Parcel 2