



Legislation Details (With Text)

**File #:** CB 119326    **Version:** 1    **Name:** CB 119326  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 8/13/2018

**Final Action:** 8/24/2018    **Ord. No.** Ord 125656

**Title:** AN ORDINANCE vacating a subterranean portion of East Howe Street between Eastlake Avenue East and Fairview Avenue East, on the petition of Bender Development, LP, and Bender Equities, Inc. (Clerk File 313430).

**Sponsors:** Mike O'Brien

**Indexes:**

**Attachments:** 1. Ex 1 - Property Use and Development Agreement, 2. Summary and Fiscal Note, 3. Summary Att A - E. Howe Street Subterranean Vacation Area Map, 4. Presentation, 5. Signed Ordinance 125656, 6. Affidavit of Publication

Date	Ver.	Action By	Action	Result
8/24/2018	1	City Clerk	attested by City Clerk	
8/24/2018	1	Mayor	returned	
8/17/2018	1	Mayor	Signed	
8/15/2018	1	City Clerk	submitted for Mayor's signature	
8/13/2018	1	City Council	passed	Pass
8/7/2018	1	Sustainability and Transportation Committee	pass	Pass
8/6/2018	1	City Council	referred	
7/3/2018	1	Council President's Office	sent for review	
6/26/2018	1	City Clerk	sent for review	
6/26/2018	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE vacating a subterranean portion of East Howe Street between Eastlake Avenue East and Fairview Avenue East, on the petition of Bender Development, LP, and Bender Equities, Inc. (Clerk File 313430).

WHEREAS, Inhabit Eastlake LLC ("Petitioner") filed a petition under Clerk File 313430 to vacate a subterranean portion of East Howe Street between Eastlake Avenue East and Fairview Avenue East; and

WHEREAS, Bender Development, LP, and Bender Equities, Inc. are the successors in interest and the current

Petitioners; and

WHEREAS, following a December 9, 2014, public hearing on the petition, the City Council conditionally granted the petition; and

WHEREAS, a Property Use and Development Agreement recorded with the King County Recorder's Office under Recording No. 20180201000039 commits the Petitioners and their successors to fulfill ongoing public-benefit obligations required by the vacation; and

WHEREAS, as provided for in RCW 35.79.030 and Seattle Municipal Code Chapter 15.62, on December 15, 2016 the Petitioner paid the City a vacation fee of \$91,000, which is the full appraised value of the property; and

WHEREAS, Bender Development, LP and Bender Equities, Inc., have obtained a term permit for the at-grade public benefit installation located over and across East Howe Street, south of Yale Place East and west of Eastlake Avenue East; and

WHEREAS, Bender Development, LP, and Bender Equities, Inc., have met all conditions imposed by the City Council in connection with the vacation petition; and

WHEREAS, vacating the subterranean portion of East Howe Street between Eastlake Avenue East and Fairview Avenue East is in the best interest of the public; NOW, THEREFORE,

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

Section 1. A subterranean portion of East Howe Street between Eastlake Avenue East and Fairview Avenue East in the Eastlake neighborhood of Seattle described below is vacated:

THAT PORTION OF EAST HOWE STREET, ALSO KNOWN AS BLOOMSFIELD STREET, HILTON ADDITION TO THE CITY OF SEATTLE, RECORDED IN VOLUME 3 OF PLATS, PAGE 157, RECORDS OF KING COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PUNCHED 5/8" BRASS PLUG IN CONCRETE IN CAST IRON CASE, DOWN 0.08' FEET, 5.00 FEET SOUTHERLY OF THE CENTERLINE OF EAST HOWE STREET, AS IT RUNS EAST, AND THE CENTERLINE OF EASTLAKE AVENUE EAST;

THENCE SOUTH 12°48'31" EAST, ALONG THE CENTERLINE OF EASTLAKE AVENUE EAST, A DISTANCE OF 10.46 FEET TO THE CENTERLINE OF EAST HOWE STREET AS IT RUNS WEST;

THENCE NORTH 88°58'36" WEST, ALONG THE CENTERLINE OF SAID EAST HOWE STREET, A DISTANCE OF 40.44;

THENCE SOUTH 12°48'35" WEST, A DISTANCE OF 15.45 FEET TO THE NORTH LINE OF LOT 1, BLOCK 3, OF SAID HILTON ADDITION, BEING 1.82' WEST OF THE NORTHEAST CORNER OF SAID LOT 1, ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 88°58'36" WEST, A DISTANCE OF 76.86 FEET;

THENCE NORTH 60°27'03" WEST, A DISTANCE OF 62.82 FEET TO THE NORTH LINE OF SAID EAST HOWE STREET;

THENCE SOUTH 88°58'36" EAST ALONG SAID LINE, A DISTANCE OF 124.67 FEET;

THENCE SOUTH 12°48'35" WEST, A DISTANCE OF 30.90 FEET OT THE TRUE POINT OF BEGINNING;

THE UPPER LIMIT OF VERTICAL SPACE CONTAINED WITHIN THIS DESCRIPTION SHALL BE AN ELEVATION OF 50.00 FEET;

THE LOWER LIMIT OF VERTICAL SPACE CONTAINED WITHIN THIS DESCRIPTION SHALL BE TO THE LOWEST LEVEL OF LEGAL OWNERSHIP;

SAID ELEVATIONS DESCRIBED HEREIN ARE EXPRESSED IN TERMS OF THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) AS OF THE DATE OF THIS INSTRUMENT AND ARE BASED ON CITY OF SEATTLE BENCHMARK NUMBER "SNV-5117", BEING A 2" BRASS CAP, 0.5' SOUTH AND EAST OF THE INTERSECTION OF BACK OF SIDEWALKS AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF EASTLAKE AVENUE EAST AND FAIRVIEW AVENUE EAST, HAVING AN ELEVATION OF 37.54 FEET;

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

Section 2. The Property Use and Development Agreement, King County Recording Number 20180201000039, attached as Exhibit 1 to this ordinance, is accepted.

Section 3. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_

President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Exhibit:  
Exhibit 1 - Property Use and Development Agreement