



Legislation Details (With Text)

File #: CB 118579 **Version:** 1 **Name:** CB 118579
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 12/7/2015

Final Action: 12/17/2015 **Ord. No.** Ord 124954

Title: AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to drainage and wastewater facility easements within the City of Seattle as being surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accepting new easements for City-owned drainage and wastewater facilities; placing the real property rights and interests conveyed by the easements under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Sponsors: Sally Bagshaw

Indexes:

Attachments: 1. Att 1 - Descriptions of Relinquished Easements, 2. Att 2 - Descriptions of Aquired Easements, 3. Summary and Fiscal Note, 4. Summary Ex A - Easement Maps, 5. Drainage Waste Water Easements Presentation (12/3/15), 6. Signed Ord 124954

Date	Ver.	Action By	Action	Result
12/17/2015	1	City Clerk	attested by City Clerk	
12/17/2015	1	Mayor	returned	
12/17/2015	1	Mayor	Signed	
12/11/2015	1	City Clerk	submitted for Mayor's signature	
12/7/2015	1	City Council	passed	Pass
12/3/2015	1	Seattle Public Utilities and Neighborhoods Committee	pass	Pass
11/23/2015	1	City Council	referred	
11/17/2015	1	Council President's Office	sent for review	
11/17/2015	1	City Clerk	sent for review	
11/17/2015	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to drainage and wastewater facility easements within the City of Seattle as being surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accepting new easements for City-owned drainage and wastewater facilities; placing the real property rights and

interests conveyed by the easements under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

WHEREAS, certain property improvements were built or have been planned to be built by various property owners and customers of Seattle Public Utilities (SPU) within the easements originally granted to The City of Seattle (City) for drainage and wastewater purposes; and

WHEREAS, the City, acting by and through Seattle Public Utilities, has determined that all or portions of the sanitary sewer, storm drainage, and combined sewer lines may be relocated to accommodate property improvement construction of its customers; and

WHEREAS, the City has also determined the following existing drainage and wastewater facility easements are surplus to the City's needs:

A portion of the sewer easement that the City accepted pursuant to Ordinance 83823 and recorded under Recording Number 4542018; and

A portion of the sanitary sewer easement which the City accepted pursuant to Ordinance 105897 and recorded under Recording Number 7608100664; and

The storm drain easement which the City accepted pursuant to Ordinance 111792 and recorded under Recording Number 8405100854; and

The sanitary sewer and storm drain easement that the City accepted pursuant to Ordinance 108282 and recorded under Recording Number 7811290860; and

The sewer easement that was not accepted by the City pursuant to an ordinance and recorded under Assessors Number 1927717; and

A portion of the sewer easement that the City accepted pursuant to Ordinance 70875 and recorded under Recording Number 3167432; and

The storm drain easement which the City accepted pursuant to Ordinance 100507 and recorded under Recording Number 7106080646; and

The storm drain easement which the City accepted pursuant to Ordinance 100507 and recorded under

Recording Number 7106080643; and

A portion of the storm drain easement that the City accepted pursuant to Ordinance 100507 and recorded under Recording Number 7106080645; and

A portion of the easement that the City accepted pursuant to Ordinance 76365 and recorded under Recording Number 3747117; and

Portions of the sewer easement as condemned pursuant to Ordinance 64937 under King County Superior Court Cause Number 277368; and

A portion of the drain and sewer easement that was not accepted by the City pursuant to an ordinance and recorded under Recording Number 313588; and

A portion of the sewer easement as condemned pursuant to Ordinance 62906 under King County Superior Court Cause Number 277355; and

A portion of the sewer easement that the City accepted pursuant to Ordinance 60015 and recorded under Recording Number 2632967; and

A portion of the sewer easement that the City accepted pursuant to Ordinance 87331 and recorded under Recording Number 4921749; and

A portion of the sewer easement that the City accepted pursuant to Ordinance 88891 and recorded under Recording Number 5119249; and

The sewer easement that was not accepted by the City pursuant to an ordinance and recorded under Recording Number 20030807001603; and

A portion of the public utility easement related to the street vacation authorized by Ordinance 58782 and recorded under Recording Number 2587716; and

The sewer easement that was not accepted by the City pursuant to an ordinance but granted to Lake City Sewer District, predecessor in interest to the City of Seattle, and recorded under Recording Number 4364223; and

The sewer easement that was not accepted by the City pursuant to an ordinance but granted to Lake City Sewer District, predecessor in interest to the City of Seattle, and recorded under Recording Number 4354063; and

A portion of the sewer easement that the City accepted pursuant to Ordinance 63622 and recorded under Recording Number 2759928; and

The drain easement that the City accepted pursuant to Ordinance 91052 and recorded under Recording Number 5417549; and

The storm drain easement that the City accepted pursuant to Ordinance 124658 and recorded under Recording Number 9805281882; and

The storm drain easement that the City accepted pursuant to Ordinance 124658 and recorded under Recording Number 9805281883; and

WHEREAS, easements are required from customers that benefit the City to allow for the installation, maintenance and operation of replacement or affected existing sanitary sewers and storm drain facilities; and

WHEREAS, Seattle Public Utilities has determined that the interests of the City, the Utility, and its customers are best served by relinquishing the existing sewer facility easements and accepting new easements to accommodate the relocated or affected existing sanitary sewers and storm drain facilities; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Pursuant to the provisions of RCW 35.94.040, and after public hearing, portions of certain existing easements, as set forth and legally described within Attachment 1 to this ordinance, to construct, maintain and operate sanitary sewer and storm drainage utilities in the City of Seattle are hereby declared no longer required for municipal utility purposes and are surplus to the City of Seattle's utility needs.

Section 2. The Director of Seattle Public Utilities, or Director's designee, is hereby authorized to

execute, on behalf of The City of Seattle, the relinquishment of all or portions of easement property rights and interests set forth and legally described in Attachment 1.

Section 3. The City of Seattle hereby accepts the easements granted to the City of Seattle for sanitary sewer and storm drain facilities over, under, across, and upon the real property generally described below and legally described in Attachment 2 to this ordinance.

Grantors: The Samuel & Jessie Kenney Presbyterian Home, a Washington corporation, and Kenney Property Corporation, a Washington corporation, grant and convey a storm drain and appurtenances easement to the City in the vicinity of Southwest Othello Street and 46th Place Southwest, Seattle, Washington, as recorded under King County Recording No. 20011023000854.

Grantor: The Anne Calcagni Revocable Trust grants and conveys to the City a sanitary sewer and appurtenances easement in the vicinity of Southwest Jacobsen Road and Southwest Hudson Street, Seattle Washington, as recorded under King County Recording No. 20150602000133.

Grantor: William L. Bradburd, an unmarried individual, grants and conveys to the City a sanitary sewer and appurtenances easement in the vicinity of South Lane Street and 18th Avenue South, Seattle, Washington, as recorded under King County Recording No. 20010330002175.

Grantor: LV Associates L.L.C., a Washington Limited Liability Company, grants and conveys to the City a sanitary sewer and appurtenances easement in the vicinity of Minor Avenue North and Mercer Street, Seattle, Washington, as recorded under King County Recording No. 20010122000592.

Grantors: Nicholas S. Eitel and Julie H. Eitel, husband and wife, grant and convey to the City a sanitary sewer and appurtenances easement in the vicinity of 55th Avenue Northeast and Northeast 45th Street, Seattle, Washington, as recorded under King County Recording No. 20001009000315.

Grantor: The Housing Authority of The City of Seattle, a municipal corporation of the State of

Washington, grants and conveys to the City storm drainage and appurtenances easements in the vicinity of South Holly Park Drive and South Myrtle Street, Seattle Washington, as recorded under King County Recording No. 20000727000699 and King County Recording No.20000727000700.

Grantors: Richard Alvord and Nancy Alvord, husband and wife, grant and convey to the City a sanitary sewer and appurtenances easement in the vicinity of Northeast 35th Street and East Laurelhurst Drive Northeast, Seattle, Washington, as recorded under King County Recording No. 20030211002903.

Grantor: Isola Real Estate VI, LLC, a Washington limited liability company, grants and conveys to the City a sanitary sewer and appurtenances easement in the vicinity of West Howe Street and 8th Avenue West, Seattle, Washington, as recorded under King County Recording No. 20150223000090.

Grantors: Lisa Mennet and Gabe Newell, wife and husband, grant and convey to the City a sanitary sewer and appurtenances easement in the vicinity of Lakeshore Drive South and South Eddy Street, Seattle, Washington, as recorded under King County Recording No. 20051102000322.

Grantor: Stellar-Cobalt, LLC, a limited liability company of the State of Washington, grants and conveys to the City a sanitary sewer and appurtenances easement in the vicinity of South King Street and Lakeshore Avenue South, Seattle, Washington, as recorded under King County Recording No. 20011206000969.

Grantor: Monga Associates, LLC, a New York limited liability company, grants and conveys to the City a sanitary sewer and appurtenances easement in the vicinity of North 135th Street and Stone Avenue North, Seattle, Washington, as recorded under King County Recording No. 20040217000299.

Grantors: Mark S. Anderson and Marlee Ann Anderson, husband and wife, grant and convey to the City a sanitary sewer and appurtenances easement in the vicinity of Northeast 41st Street and 55th Avenue Northeast, Seattle, Washington, as recorded under King County Recording No. 20020924000654.

Grantor: Becky Arnett Hussey, a married person as her separate estate, grants and conveys to the City a sanitary sewer and appurtenances easement in the vicinity of East Laurelhurst Drive Northeast and Northeast 35th Street, Seattle, Washington, as recorded under King County Recording No. 20031208001638.

Grantors: Martin Schwartz and Meghan Schwartz, husband and wife, grant and convey to the City a public storm sewer drain facility and appurtenances easement in the vicinity of East Spring Street and 37th Alley, Seattle, Washington, as recorded under King County Recording No. 20020927000102.

Grantor: Tenney Toyota, Inc., a corporation of the state of Washington, grants and conveys to the City a sanitary sewer and appurtenances easement in the vicinity of Northeast 135th Street and 32nd Avenue Northeast, Seattle, Washington, as recorded under King County Recording No. 9803270635.

Grantor: Ellen Conedera Dial, as Trustee of Madison Park Trust, grants and conveys to the City a public sanitary sewer with appurtenances easement in the vicinity of East Lee Street and Knox Place East, Seattle, Washington, as recorded under King County Recording No. 20070622000011.

Grantor: Aurora Acres, Inc., a corporation of the state of Washington, grants and conveys to the City a

storm drain pipeline with appurtenances easement in the vicinity of Stone Avenue North and North 135th Street, Seattle, Washington, as recorded under King County Recording No. 20000818000279.

Section 4. The real property rights and interests conveyed by the easements referenced and accepted in this ordinance shall be placed under the jurisdiction of Seattle Public Utilities.

Section 5. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 6. 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 _____, 2015, and signed by me in open session in authentication of its passage this ____ day of _____, 2015.

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Descriptions of Relinquished Easements

Attachment 2 - Descriptions of Acquired Easements