



Legislation Details (With Text)

**File #:** CB 119564    **Version:** 1    **Name:** CB 119564  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 8/5/2019

**Final Action:** 8/9/2019    **Ord. No.** Ord 125883

**Title:** AN ORDINANCE relating to the Department of Parks and Recreation; accepting an easement from and entering into a Maintenance Agreement with Seattle Children’s Hospital, a Washington nonprofit corporation, as a condition of the public benefit requirement for the street vacation of portions of 41st Avenue NE and a portion of NE 46th Street petition approval contained in Clerk File 309690.

**Sponsors:** Mike O'Brien

**Indexes:**

**Attachments:** 1. Att 1 - Trail Easement Agreement, 2. Att 2 - Trail Easement Area, 3. Att 3 - Maintenance Agreement, 4. Summary and Fiscal Note, 5. Summary Att 1 – Depiction of Easement Area, 6. Presentation, 7. Signed Ordinance 125883, 8. Affidavit of Publication

Date	Ver.	Action By	Action	Result
8/9/2019	1	City Clerk	attested by City Clerk	
8/9/2019	1	Mayor	returned	
8/9/2019	1	Mayor	Signed	
8/9/2019	1	City Clerk	submitted for Mayor's signature	
8/5/2019	1	City Council	passed	Pass
7/30/2019	1	Sustainability and Transportation Committee	pass	Pass
7/8/2019	1	City Council	referred	
5/9/2019	1	Council President's Office	sent for review	
5/7/2019	1	City Clerk	sent for review	
5/7/2019	1	Mayor	Mayor's leg transmitted to Council	

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

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

AN ORDINANCE relating to the Department of Parks and Recreation; accepting an easement from and entering into a Maintenance Agreement with Seattle Children’s Hospital, a Washington nonprofit corporation, as a condition of the public benefit requirement for the street vacation of portions of 41st Avenue NE and a portion of NE 46th Street petition approval contained in Clerk File 309690.

WHEREAS, Seattle Children’s Hospital (“Children’s”) petitioned the City Council to approve the vacation of a portion of 41st Avenue NE and a portion of NE 46th Street; and

WHEREAS, the City Council granted preliminary approval of that petition through a document contained in Clerk File 309690 (the “Vacation Conditions”), with approval conditioned on Children’s providing certain public benefit features; and

WHEREAS, one public benefit feature required in the Vacation Conditions is an easement for public passage between the Burke-Gilman Trail and Sand Point Way NE across a portion of Children’s-owned property, known as the Hartmann Property; and

WHEREAS the Vacation Conditions require this easement to be both developed and maintained by Children’s; and

WHEREAS, the easement required in the Vacation Conditions will ensure public access to and mobility around a world-class health care facility as well as provide a safe route for trail users between Sand Point Way NE and the Burke-Gilman Trail; NOW, THEREFORE,

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

Section 1. The Superintendent of Parks and Recreation (“Superintendent”) or the Superintendent’s designee is authorized on behalf of The City of Seattle to execute and accept from Seattle Children’s Hospital (“Children’s”) a trail easement over Children’s property (“Trail Easement Agreement”) substantially in the form of Attachment 1 to this ordinance, and as depicted on Attachment 2 to this ordinance (“Trail Easement Area”), that provides for an easement over the area between the Burke-Gilman Trail and Sand Point Way NE.

Section 2. The Superintendent or the Superintendent’s designee is authorized on behalf of The City of Seattle to execute a Maintenance Agreement substantially in the form of Attachment 3 to this ordinance that requires Children’s and its assigns to maintain at its sole cost the Trail Easement Area and certain adjacent property.

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 \_\_\_\_\_, 2019, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

(Seal)

Attachments:

- Attachment 1 - Trail Easement Agreement
- Attachment 2 - Trail Easement Area
- Attachment 3 - Maintenance Agreement