



Legislation Text

File #: CB 119140, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE authorizing the General Manager and Chief Executive Officer of Seattle Public Utilities to enter into agreements with the Port of Seattle and BP West Coast Products LLC for the purposes of satisfying utility-related conditions for the Port’s street vacation petition for its Terminal 18 Redevelopment Project on Harbor Island, City of Seattle Clerk File No. 301929; declaring certain easement rights located on Harbor Island as no longer required for municipal utility purposes and surplus to the City’s needs; and ratifying and confirming certain prior acts.

WHEREAS, the Port of Seattle (“Port”) petitioned The City of Seattle to vacate various rights-of-way, including portions of 11th Avenue SW, 13th Avenue SW, SW Florida Street, and SW Hanford Street (“Streets”) on Harbor Island, as part of its Terminal 18 Redevelopment Project (“Project”), as more particularly described in the vacation petition to The City of Seattle, Clerk File No. 301929 (“Petition”); and

WHEREAS, the vacation of the Streets is conditioned, in part, on resolving utility issues to the satisfaction of the relevant utilities prior to the approval of the final street vacation ordinance; and

WHEREAS, Seattle Public Utilities (SPU) owns and operates various municipal water, sewer, and drainage facilities (“Facilities”) on Harbor Island, which are an integral part of SPU’s municipal utility systems, portions of which are located within the Streets to be vacated or on property owned by the Port or other parties; and

WHEREAS, SPU and the Port entered into the Terminal 18 Redevelopment Agreement, dated April 1, 1999 (“Redevelopment Agreement”), which described various utility construction, relocation, transfer, and abandonment plans for the Project for Port-owned and SPU-owned municipal water, storm drainage,

and sewer facilities and contemplated a final ownership scheme that, to the extent possible, resulted in Port-owned utility facilities on Port-owned property and SPU-owned utility facilities in remaining public right-of-way to minimize the need for utility easements on Port-owned property; and

WHEREAS, satisfactory resolution of SPU's utility issues includes being granted various utility and public access easements for its municipal utility systems and Facilities existing within the Streets to be vacated, on property owned by the Port and other parties, and entering into a transfer agreement to transfer ownership of certain utility facilities between SPU and the Port; and

WHEREAS, the satisfactory resolution of SPU's utility issues also includes resolution of an issue that arose during the Project and resulted in a conflicting permanent structure being built by a third party pursuant to an easement that was subject to an existing easement for an SPU sewer facility without the required SPU consent, which is being removed by the third party; and

WHEREAS, the Port of Seattle Commission, acting through the Northwest Seaport Alliance Managing Members, in its regular meeting dated August 1, 2017, authorized the Chief Executive Officer of the Port, or the Chief Executive Officer's designee, to execute these agreements; and

WHEREAS, these agreements, collectively, will resolve SPU's utility issues arising from the Petition to its satisfaction; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The General Manager and Chief Executive Officer ("General Manager/CEO") of Seattle Public Utilities, or the General Manager/CEO's designee, is authorized to execute any necessary documents and agreements; accept, deliver, and record on behalf of the City any necessary deeds or agreements; and take any other actions reasonably necessary to effectuate this ordinance, including the following agreements:

A. Easement Agreement 15-084-A for Utility Easements at Terminal 18 and Release of Pre-existing Easement Interests and Rights, King County Recording No. 20170920000226, attached hereto as Attachment A;

B. SPU-Port Transfer Agreement 15-085-A for Harbor Island, dated September 8, 2017, attached hereto as Attachment B;

C. Port Granted Public Access Easement Agreement 15-086-A, King County Recording No. 20110630000954, attached hereto as Attachment C;

D. Easement Agreement between BP West Coast Products LLC (BP), the Port and SPU 15-087-A, King County Recording No. 201709050000509, attached hereto as Attachment D.

Section 2. Pursuant to the provisions of RCW 39.34.040 and after a public hearing, upon the effective date of an adopted Seattle City Council ordinance finalizing the street vacation pursuant to the petition to The City of Seattle, Clerk File No. 301929, the following easement interests or reservations of rights located on Harbor Island are hereby found and declared to be no longer required for providing public utility service and to be surplus to the City's needs consistent with Section 4, Release of Easements, of Easement Agreement 15-084-A for Utility Easements at Terminal 18 and Release of Pre-existing Easement Interests and Rights:

A. Seattle Ordinance No. 114944 - to the extent rights were reserved for municipal storm facilities in that final vacation ordinance vacating a portion of 11th Avenue SW.

B. King County Recording Nos. 5674818 and 5674820 - in their entirety for rights for municipal storm facilities.

C. That portion of King County Recording No. 7708250859 to the extent it encumbers Grantor's Property (Assessor's Tax Parcel 7666701880) and King County Recording Nos. 7708250860 and 7708250861 in their entirety for rights for municipal sewer facilities.

D. Seattle Ordinance No. 109970 - to the extent rights were reserved for municipal sewer facilities in that final vacation ordinance vacating a portion of 11th Avenue SW.

E. Seattle Ordinance No. 100158 - to the extent rights were reserved for municipal sewer and storm facilities in that final vacation ordinance vacating a portion of 11th Avenue SW.

F. King County Recording Nos. 5448709 and 8301860651 - in their entirety for rights for

municipal storm facilities in a vacated portion of SW Hanford Street under Seattle Ordinance No. 91212.

G. To the extent Seattle has any, rights for municipal storm facilities in Block 394, Lots 9 and 10.

H. King County Recording No. 5674821 - the City confirms its release of the remaining portion of easement rights for sewer facilities as described in King County Recording No. 9806020316, which was not notarized by the City at the time of recording.

I. King County Recording No. 5674822 - the City confirms its release of a portion of easement rights for sewer facilities as described in King County Recording No. 9806020316, which was not notarized by the City at the time of recording.

Section 3. The General Manager/CEO of Seattle Public Utilities, or the General Manager/CEO's designee, is authorized to execute any necessary documents and agreements; accept, deliver, and record on behalf of the City any necessary deeds, agreements, or relinquishments; and take any other actions reasonably necessary to effectuate the release of easement interests or reservation of rights authorized by Section 2 of this ordinance. The rights granted pursuant to Section 1 of this ordinance will be under the jurisdiction of Seattle Public Utilities.

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

Section 5. 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)

Attachments:

- Attachment A - Master Easement Agreement 15-084-A for Utility Easements at Terminal 18 and Release of Pre-existing Easement Interests and Rights
 - Exhibit A - Terminal 18 Overall Easement Map
 - Exhibit B - Easements
 - Exhibit C - SPU Easement, Related King County Assessor Tax Parcel Number and Restricted Covenant Recorded Number
 - Exhibit D - Terminal 18 Environmental Protocols
 - Exhibit E - Street Use Permit Maps
 - Exhibit F - Utility Easement Letters
- Attachment B - SPU-Port Transfer Agreement 15-085-A for Harbor Island
- Attachment C - Public Access Easement Agreement
- Attachment D - Easement Agreement 15-087-A