



## Legislation Text

File #: CB 119744, Version: 1

### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

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

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, 11 catchment wall easements (From Daniel Bayeh, located in a portion of Lots 10 and 11, Block 3, Sturtevant's Rainier Beach Lake Front Tracts; a catchment wall easement from Blue Bird Rentals, LLC, a Washington limited liability company, located in a portion of Lots 14 through 17, Block 46, Rainier Beach; a catchment wall easement from Margaret Brown, located in a portion of Lots 17 and 18, Block 46, Rainier Beach; a catchment wall easement from Dan J. Del Duca and Mary F. Del Duca, located in a portion of Lots 1 and 2, Block 35, Rainier Beach; a catchment wall easement from Paul J. Farrington and Ronald F. Minter, located in Lots 5 and 6, Block 2, Mayes' Addition to the City of Seattle; a catchment wall easement from Mark Duane Lewis, located in a portion of Lots 2 and 3, Block 2, Mayes' Addition to the City of Seattle; a catchment wall easement from Gene Louie and Lena T. Louie, located in a portion of Lots 3 through 5, Block 2, Mayes' Addition to the City of Seattle; a catchment wall easement from Lincoln A. Louie and Ann Marie D. Louie, located in a portion of Lots 3 through 5, Block 35, Rainier Beach; a catchment wall easement from Robert Miller and Ana Miller, located in a portion of Lots 11 and 12, Block 3, Sturtevant's Rainier Beach Lake Front Tracts; a catchment wall easement from Ngoc Nguyen and My Chau Tran, located in a portion of Lots 9 and 10, Block 3, Sturtevant's Rainier Beach Lake Front Tracts; a catchment wall easement from F. D. Staats, the Trustee of the F. D. Staats Family Trust, located in a portion of Lots 6 and 7, Block 35, Rainier Beach), for the purpose of protecting 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 the resources to identify landslide concerns that affect the right-of-way and prioritize and make repairs as necessary to maintain public safety; and

WHEREAS, historically, many landslide occurrences have been recorded along Rainier Avenue South between

South Carver Street and South Norfolk Street ("Impacted Area"), and in 1998, the City closed 1,000

linear feet of sidewalk in response to the landslide vulnerabilities in the area; and

WHEREAS, in 2000, SDOT commissioned a geotechnical consultant to perform a slope reconnaissance along

the Impacted Area that determined this area to be a moderate to high risk landslide hazard; and

WHEREAS, in April 2013, SDOT closed a segment of the Impacted Area, between 57<sup>th</sup> Avenue South and Cornell Avenue South (the “Street Segment”) in response to one of the most recent landslides that blocked Rainier Avenue South; and

WHEREAS, Ordinance 124374 was subsequently passed to accept an easement to construct and maintain a retaining wall along a portion of this Street Segment to mitigate potential adverse impacts due to a high probability of reoccurrence of landslide activity; and

WHEREAS, to that end, the City took permanent measures to restore and stabilize the steep slope above that portion of this Street Segment to prevent further slope erosion and protect the integrity of the roadway; and

WHEREAS, since these repairs, several more landslides have occurred in the area; and

WHEREAS, the City recognizes that more work needs to be done to stabilize an extended area of the steep slope along Rainier Avenue South from South Fletcher Street to the South City Limits near South Ryan Street (“Rainier Corridor”); and

WHEREAS, SDOT recently conducted an evaluation that identified five sites within the Rainier Corridor that are vulnerable to landslide activity and need work; and

WHEREAS, the Project recently received funding to facilitate the necessary repairs; and

WHEREAS, it is in the City’s best interest to take permanent measures to prevent further slope erosion by restoring and arresting future superficial surface erosion debris from entering the right-of-way; and

WHEREAS, the Project work will include characterizing the adjacent slope, placing catchment walls to recover the existing sidewalk, and rebuilding failed sidewalk panels; and

WHEREAS, the City Council must accept the permanent catchment wall easements granted by various private property owners to build a catchment wall along the impacted slope areas to prevent further surface debris flow and complete the Project; and

WHEREAS, Project completion will immediately reduce landslide hazards to Rainier Avenue South, reduce annual maintenance cost for landslide cleanup, and initiate the reopening of the closed sidewalk for public access; NOW, THEREFORE,

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

Section 1. The catchment wall easement dated July 27, 2018, granted by Daniel Bayeh, recorded under King County Recording Number 20190404000485 and attached as Attachment 1 to this ordinance, granting to the City an easement to construct, repair, replace, and maintain a catchment wall and any other modifications associated with the catchment wall as described in the easement over property legally described and depicted in Exhibit A and Exhibit B of Attachment 1 to this ordinance is accepted.

Section 2. The catchment wall easement dated March 20, 2019, granted by BLUE BIRD RENTALS, LLC, a Washington limited liability company, recorded under King County Recording Number 20190430000373 and attached as Attachment 2 to this ordinance, granting to the City an easement to construct, repair, replace, and maintain a catchment wall and any other modifications associated with the catchment wall as described and depicted in the easement over property legally described in Exhibit A and Exhibit B of Attachment 2 to this ordinance is accepted.

Section 3. The catchment wall easement dated December 13, 2018, granted by Margaret Brown, recorded under King County Recording Number 20190404000484 and attached as Attachment 3 to this ordinance, granting to the City an easement to construct, repair, replace, and maintain a catchment wall and any other modifications associated with the catchment wall as described in the easement over property legally described and depicted in Exhibit A and Exhibit B of Attachment 3 to this ordinance is accepted.

Section 4. The catchment wall easement dated May 30, 2018, granted by Dan J. Del Duca and Mary F. Del Duca, a married couple, recorded under King County Recording Number 20190404000489 and attached as Attachment 4 to this ordinance, granting to the City an easement to construct, repair, replace, and maintain a catchment wall and any other modifications associated with the catchment wall as described in the easement

over property legally described and depicted in Exhibit A and Exhibit B of Attachment 4 to this ordinance is accepted.

Section 5. The catchment wall easement dated December 13, 2018, granted by Paul J. Farrington and Ronald F. Minter, each as their separate estate, recorded under King County Recording Number 20190404000487 and attached as Attachment 5 to this ordinance, granting to the City an easement to construct, repair, replace, and maintain a catchment wall and any other modifications associated with the catchment wall as described in the easement over property legally described and depicted in Exhibit A and Exhibit B of Attachment 5 to this ordinance is accepted.

Section 6. The catchment wall easement dated February 26, 2019, granted by Mark Duane Lewis, recorded under King County Recording Number 20190404000481 and attached as Attachment 6 to this ordinance, granting to the City an easement to construct, repair, replace, and maintain a catchment wall and any other modifications associated with the catchment wall as described in the easement over property legally described and depicted in Exhibit A and Exhibit B of Attachment 6 to this ordinance is accepted.

Section 7. The catchment wall easement dated December 13, 2018, granted by Gene Louie and Lena T. Louie, recorded under King County Recording Number 20190404000482 and attached as Attachment 7 to this ordinance, granting to the City an easement to construct, repair, replace, and maintain a catchment wall and any other modifications associated with the catchment wall as described in the easement over property legally described and depicted in Exhibit A and Exhibit B of Attachment 7 to this ordinance is accepted.

Section 8. The catchment wall easement dated May 30, 2018, granted by Lincoln A. Louie and Ann Marie D. Louie, a married couple, recorded under King County Recording Number 20190404000488 and attached as Attachment 8 to this ordinance, granting to the City an easement to construct, repair, replace, and maintain a catchment wall and any other modifications associated with the catchment wall as described in the easement over property legally described and depicted in Exhibit A and Exhibit B of Attachment 8 to this ordinance is accepted.

Section 9. The catchment wall easement dated December 13, 2018, granted by Robert Miller and Ana Miller, recorded under King County Recording Number 20190404000486 and attached as Attachment 9 to this ordinance, granting to the City an easement to construct, repair, replace, and maintain a catchment wall and any other modifications associated with the catchment wall as described in the easement over property legally described and depicted in Exhibit A and Exhibit B of Attachment 9 to this ordinance is accepted.

Section 10. The catchment wall easement dated December 13, 2018, granted by Ngoc Nguyen and My Chau Tran, recorded under King County Recording Number 20190404000483 and attached as Attachment 10 to this ordinance, granting to the City an easement to construct, repair, replace, and maintain a catchment wall and any other modifications associated with the catchment wall as described in the easement over property legally described and depicted in Exhibit A and Exhibit B of Attachment 10 to this ordinance is accepted.

Section 11. The catchment wall easement dated May 30, 2018, granted by F.D. Staats, the Trustee of the F.D. Staats Family Trust, recorded under King County Recording Number 20190404000490 and attached as Attachment 11 to this ordinance, granting to the City an easement to construct, repair, replace, and maintain a catchment wall and any other modifications associated with the catchment wall as described in the easement over property legally described and depicted in Exhibit A and Exhibit B of Attachment 11 to this ordinance is accepted.

Section 12. The easements are placed under the jurisdiction of the Seattle Department of Transportation.

Section 13. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 14. 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 \_\_\_\_\_, 2020, and signed by  
me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

(Seal)

Attachments:

- Attachment 1 - Recorded Catchment Wall Easement granted by Daniel Bayeh
- Attachment 2 - Recorded Catchment Wall Easement granted by Blue Bird Rentals, LLC
- Attachment 3 - Recorded Catchment Wall Easement granted by Margaret Brown
- Attachment 4 - Recorded Catchment Wall Easement granted by Dan J. Del Duca  
and Mary F. Del Duca
- Attachment 5 - Recorded Catchment Wall Easement granted by Paul J. Farrington  
and Ronald F. Minter
- Attachment 6 - Recorded Catchment Wall Easement granted by Mark Duane Lewis
- Attachment 7 - Recorded Catchment Wall Easement granted by Gene Louie and Lena T. Louie
- Attachment 8 - Recorded Catchment Wall Easement granted by Lincoln A. Louie and  
Ann Marie D. Louie
- Attachment 9 - Recorded Catchment Wall Easement granted by Robert Miller and

Ana Miller

Attachment 10 - Recorded Catchment Wall Easement granted by Ngoc Nguyen  
and My Chau Tran

Attachment 11 - Recorded Catchment Wall Easement granted by F. D. Staats Family Trust