

CITY OF SEATTLE
ORDINANCE 126882
COUNCIL BILL 120624

AN ORDINANCE relating to Seattle Public Utilities; authorizing the acceptance of a watermain easement within a portion of Parcel B on Lot Boundary Adjustment No. 3011771 in Section 20, Township 24 North, Range 4 East, W.M., King County, Washington; placing the accepted easement under the jurisdiction of Seattle Public Utilities; declaring a portion of an existing watermain easement located on Parcel B surplus to the City’s needs and authorizing the relinquishment of the surplus portion of the easement; and ratifying and confirming certain prior acts.

WHEREAS, The City of Seattle (“City”) owns and operates a watermain and appurtenances (“Water Facilities”) located over and across Parcel B on private property at 5510 Airport Way S, Seattle (“Private Property”), owned by Encore Elysian LLC, a Delaware limited liability company (“Elysian”) that operates a production brewery on the site; and

WHEREAS, the Private Property is encumbered by a watermain easement granted to the City on September 20, 1983, recorded under King County Recording Number 198310040802 (“Existing Easement”); and

WHEREAS, Elysian developed the Private Property in a manner that necessitates the relocation of a portion of the Water Facilities to a different location within Parcel B; and

WHEREAS, Elysian relocated a portion of the Water Facilities within Parcel B and granted the City a new easement over the realigned location; and

WHEREAS, the relocation of the Water Facilities within Parcel B makes a portion of the Existing Easement on the Private Property no longer necessary for utility purposes and surplus to the City’s needs; NOW, THEREFORE,

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

2 Section 1. The City of Seattle accepts the easement granted for water utility purposes
3 over, under, across, and upon the real property generally described below and legally described
4 in Attachment 1 to this ordinance.

5 A. Grantor: Encore Elysian, LLC, a Delaware limited liability company; King County
6 Recording Number 20220520000968.

7 Section 2. The real property rights and interests conveyed by the easements referenced
8 and accepted in this ordinance shall be placed under the jurisdiction of Seattle Public Utilities.

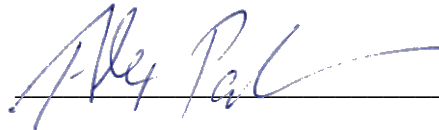
9 Section 3. Pursuant to the provisions of RCW 35.94.040 and after public hearing, the
10 portion of the watermain easement recorded under King County Recording Number
11 198310040802, as described in Attachment 2 to this ordinance and lying within Parcel B on the
12 Private Property, is declared to be no longer required for municipal utility purposes and surplus
13 to the City's needs.

14 Section 4. The General Manager and CEO of Seattle Public Utilities, or the General
15 Manager and CEO's designee, is hereby authorized to execute, for and on behalf of the City, a
16 partial relinquishment of the surplus portion of the Existing Easement, legally described and
17 attached hereto as Attachment 2, in consideration of the receipt of the easement described in
18 Section 1 of this ordinance.

19 Section 5. Any action taken pursuant to the authority and prior to the effective date of this
20 ordinance is hereby ratified and confirmed.

1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 8th day of August, 2023,
5 and signed by me in open session in authentication of its passage this 8th day of
6 August, 2023.

7 

8 President Pro Tem of the City Council

9 Approved / returned unsigned / vetoed this 14th day of August, 2023.

10 

11 Bruce A. Harrell, Mayor

12 Filed by me this 14th day of August, 2023.

13 

14 Scheereen Dedman, City Clerk

15 (Seal)

16 Attachments:

17 Attachment 1 - Legal Description of Acquired Easement

18 Attachment 2 - Legal Description of Relinquished Easement

ATTACHMENT 1 – Legal Description of Acquired Easement

1. **Description of easement acquired by document King County Recording Number 20220520000968. (SPU File Number 63-003)**
 - a. **Type: Easement**
 - b. **Grantor: Elysian Brewery LLC, a Washington limited liability company**
 - c. **Title of Instrument: Watermain Easement**
 - d. **Recording No.:**
 - e. **Recording Date:**
 - f. **Legal Description:**

That portion of Parcel B, as described in City of Seattle Lot Boundary Adjustment Number 3011771, as recorded under Recording Number 20110311900004, records of King County, Washington, situated in the northwest quarter of the southeast quarter of Section 20, Township 24 North, Range 4 East, W.M., described as follows:

Commencing at the most southwesterly corner of said Parcel B; thence N 32° 58' 13" W along easterly right of way margin of Airport Way South a distance of 129.82 feet to the Point of Beginning; thence continuing along said right of way margin N 32° 58' 13" W a distance of 20.01 feet; thence leaving said right of way margin N 59° 06' 24" E a distance of 92.98 feet; thence N 14° 06' 24" E a distance of 25.70 feet; thence N 59° 06' 24" E a distance of 38.03 feet to the easterly boundary of said Parcel B said point being the beginning of a 5765.65 foot non tangent curve concave to northeast which radius point bears N 57° 44' 58" E; thence southeasterly along the arc of said curve, also being the easterly boundary of said Parcel B, through a central angle of 0° 11' 56" a distance of 20.01 feet; thence leaving said easterly boundary of Parcel B S 59° 06' 24" W a distance of 30.25 feet; thence S 14° 06' 24" W a distance of 25.70 feet; thence S 59° 06' 24" W a distance of 100.54 feet to the Point of Beginning.

Situated in the City of Seattle, County of King, State of Washington.

ATTACHMENT 2 – Legal Description of Relinquished Easement

1. **Description of easement relinquished by document King County Recording Number 20220520000983 (SPU File Number 63-003)**
 - a. **Type: Easement**
 - b. **Grantor: Aeronautical Machinists, Inc.**
 - c. **Title of Instrument: Water Main Easement**
 - d. **Recording No.: 198310040802**
 - e. **Recording Date: September 20, 1983**
 - f. **Legal Description:**

The real property in King County, Washington, in which the Granter has interest now vested or which may hereafter be acquired by Granter in connection with the pending Street Vacation Petition No. 288231, to wit:

The northwesterly 30 feet of that portion of South Lucile Street as set aside for street by County Commissioners - April 27, 1903, lying northeasterly of the northeasterly line of Airport Way South and southwesterly of the railroad right of way; being the northwesterly 30 feet of the southeasterly 80 feet of Lot 5, Block 8, King County Addition, as recorded in Volume 8 of Plats, page 59, Records of King County Washington Addition, as recorded in Volume 8 of Plats, page 59, Records of King County, Washington.