



SEATTLE CITY COUNCIL

Legislative Summary

CB 119419

Record No.: CB 119419

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125746

In Control: City Clerk

File Created: 09/25/2018

Final Action: 12/20/2018

Title: AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer and storm drain easements within Seattle as being surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and to accept new easements; 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.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 – Relinquished Easements Legal Descriptions, Att 2 – Acquired Easements Legal Descriptions

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: Yes No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	10/09/2018	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	10/09/2018	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	10/17/2018	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			

Action Text: The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee

Notes:

- | | | | | | |
|---|---|------------|----------|---|------|
| 1 | City Council | 12/03/2018 | referred | Civil Rights,
Utilities,
Economic
Development, and
Arts Committee | |
| 1 | Civil Rights, Utilities,
Economic Development,
and Arts Committee | 12/11/2018 | pass | | Pass |

Action Text: The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 2 Chair Herbold, Member O'Brien

Opposed: 0

- | | | | | | |
|---|--------------|------------|--------|--|------|
| 1 | City Council | 12/17/2018 | passed | | Pass |
|---|--------------|------------|--------|--|------|

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

Notes:

In Favor: 6 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember O'Brien

Opposed: 0

- | | | | | | |
|---|------------|------------|------------------------------------|------------|--|
| 1 | City Clerk | 12/19/2018 | submitted for
Mayor's signature | Mayor | |
| 1 | Mayor | 12/20/2018 | Signed | | |
| 1 | Mayor | 12/20/2018 | returned | City Clerk | |
| 1 | City Clerk | 12/20/2018 | attested by City Clerk | | |

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125746

COUNCIL BILL 119419

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer and storm drain easements within Seattle as being surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and to accept new easements; 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 (SPU), has determined that all or portions of the sewer lines, storm drain lines, and facilities may be relocated to accommodate property; and

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

A. The sanitary sewer easement that the City accepted pursuant to Ordinance 110658 and recorded under Recording Number 8004020483; and

B. The sanitary sewer easement condemned under a portion of Superior Court Cause Number 277368, verdict 29 and not recorded; and

C. The sanitary sewer easement that the City accepted pursuant to Ordinance 104491 and recorded under Recording Number 7304120418; and

D. The drainage line easement that the City accepted pursuant to Ordinance 100342 and recorded under Recording Number 7106080656; and

1 E. The drainage line easement that the City accepted pursuant to Ordinance
2 100255 and recorded under Recording Number 7102230247; and
3 WHEREAS, easements are required from customers to allow for the installation, maintenance,
4 and operation of replacement or affected existing sanitary sewers and storm drain
5 facilities; and

6 WHEREAS, SPU has determined the interests of the City, SPU, and SPU's customers are best
7 served by relinquishing the existing sewer and storm drain easements and accepting new
8 easements to accommodate the relocated or affected existing sanitary sewers and storm
9 drain facilities; NOW, THEREFORE,

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

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

16 Section 2. The Director of Seattle Public Utilities, or Director's designee, is hereby
17 authorized to execute, on behalf of The City of Seattle, the relinquishment of all easement
18 property rights and interests set forth and legally described in Attachment 1 to this ordinance.

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

22 A. Grantor: Jackson Investors South LLC, a Washington limited liability company,
23 grants and conveys a sanitary sewer easement facilities and appurtenances to the City in the

1 vicinity of the 2400 block of S Jackson St., Seattle, Washington, as recorded under King County
2 Recording No. 20170705000615.

3 B. Grantors: Martin Taucher and Colleen Taucher, husband and wife, grant and
4 convey an easement for a sanitary sewer easement and appurtenances to the City in the vicinity
5 of the 3100 block of E Laurelhurst Dr. NE and Lake Washington, Seattle, Washington, as
6 recorded under King County Recording No. 199812012444.

7 C. Grantor: Interbay Urban Investors, LLC, a Delaware limited liability company,
8 grants and conveys an easement for a sanitary sewer easement and appurtenances to the City in
9 the vicinity of the 1500 block of W Armory Way and 15th Ave. W, Seattle, Washington, as
10 recorded under King County Recording No. 20170427000590.

11 D. Grantor: John Cunningham and Carolyn Cunningham, husband and wife, grant
12 and convey an easement for a sanitary sewer easement and appurtenances to the City in the
13 vicinity of NE 35th St. and NE Laurelcree Ln., Seattle, Washington, as recorded under King
14 County Recording No. 20040409000809.


15 E. Grantor: Seattle School District No. 1 grants and conveys an easement for a
16 stormwater maintenance easement and appurtenances to the City in the vicinity of NE 92nd St.
17 and Ashworth Ave. N, Seattle, Washington, as recorded under King County Recording No.
18 20160304000370.

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

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

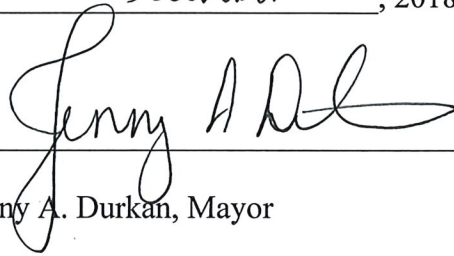
1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 17th day of December, 2018,
5 and signed by me in open session in authentication of its passage this 17th day of
6 December, 2018.

7 

8 President _____ of the City Council

9 Approved by me this 20th day of December, 2018.

10 

11 Jenny A. Durkan, Mayor

12 Filed by me this 20th day of December, 2018.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachments:
17 Attachment 1 - Relinquished Easements Legal Descriptions
18 Attachment 2 - Acquired Easements Legal Descriptions

ATTACHMENT 1

1. Description of easement relinquished by document King County Recording Number 20170705000615 (SPU file number 2016-007)

- a. Type: Sanitary Sewer Easement**
- b. Grantor: Promenade 23 Associates, a Washington Corporation**
- c. Title of Instrument: Easement**
- d. Recording No. 8004020483**
- e. Recording Date: April 2, 1980**
- f. Legal Description:**

A strip of land 10.00 feet in width over and across portions of Lots 6 through 11, Block 7, Jackson Street Addition, as recorded in Volume 2 of plats, page 24, Records of King County, Washington, and portion of 24th Avenue South as vacated under Ordinance 108468, lying 5 feet on each side of the following described center line: Beginning at the intersection of the center line of South King Street as platted in Burke's Second Addition, as recorded in Volume 1 of Plats, page 248, said records, with the west line of said addition; thence south 0°38'01" west along said west line 11.5 feet to the true point of beginning; thence north 67°58'05" west 104.2 feet; thence north 0°38'01" east 193.5 feet; thence south 89°21'59" east 97.0 feet; thence north 0°38'01" east 173.6 feet, more or less, to the south line of South Jackson Street as platted in said Jackson Street Addition produced easterly; ALSO, a strip of land 10 feet in width over and across a portion of 24th Avenue South as vacated under Ordinance 108469, lying 5 feet on each side of the common line between said Jackson Street Addition and said Burke's Second Addition;

2. Description of easement relinquished by document King County Recording Number 9812012444. (SPU file number 98037)

- a. Type: Sanitary Sewer Easement**
- b. Grantor: Martin Taucher and Colleen Taucher, husband and wife**
- c. Title of Instrument: Portion of King County Superior Court Cause Number 277368 Verdict No. 29**
- d. Recording No.: King County Court Cause Number 277368 Verdict No. 29**
- e. Recording Date: N\A**
- f. Legal Description:**

Portion of Lots 6 and 7, Block 24, Laurelhurst Addition, as described herein, and, Lot 6, and the north 5 feet of Lot 7, Block 2, Lake Washington Shorelands, Section 2, according to the official maps thereof filed in the office of the Commissioner of Public Lands in Olympia, Washington.

3. Description of easement relinquished by document King County Recording Number 20170427000590 (SPU file number 2017-002-001)

- a. **Type: Sanitary Sewer Easement**
- b. **Grantor: Kadiak Fisheries Co.**
- c. **Title of Instrument: Easement**
- d. **Recording No.: 7304120418**
- e. **Recording Date: April 12, 1973**
- f. **Legal Description:**

Portion of Lots 2 and 3, Block 128, Plat of Seattle Tide Lands described as follows: Beginning at the southeast corner of Lot 1, said Block 128, thence south 0°08'22" east 130.00 feet; thence north 89°51'38" east 34.68 feet; thence north 0°08'22" west 89.11 feet to the northeasterly line of said Lot 2; thence north 40°26'28" west 53.62 feet to the beginning;

4. Description of easement relinquished by document King County Recording Number 20060206002097 (SPU File Number 2006-26)

- a. Type: Easement**
- b. Grantor: The Housing Authority of The City of Seattle**
- c. Title of Instrument: Easement**
- d. Recording No.: 7106080656**
- e. Recording Date: June 8, 1971**
- f. Legal Description:**

That portion of Lots 11, and 12, Block 3, and of 39th Avenue South, in the Plat of Robinson's Tracts as recorded in Volume 14 of Plats, page 81, Records of King County, Washington and of the southwest one quarter of Section 27, Township 24 North, Range 4 East, W.M., lying 5 feet on each side of a line described as follows: Beginning at the east 1/16 corner of said subdivision; thence north 09°57'06" west along the 1/16 line of said subdivision 290.95 feet to the westerly line of 40th Avenue South; thence northerly along said westerly line, 76.42 feet to the true point of beginning to be designated point "A"; thence north 83°10'15" west 260.36 feet; thence south 73°43'51" west 187.01 feet; to a point to be designated point "B"; thence north 65°59'56" west 50.02 feet to the terminus of said line on the easterly line of Holly Park Drive South to be designated point "c", which terminus is 78.72 feet northerly along the easterly line of Holly Park Drive South from said 1/16 line; ALSO, that portion of said lots 11 and 12 described as follows: Beginning at the above designated point "C"; thence south 65°59'56" east 50.02 feet to above designated point "B"; thence south 73°43'51" west 35.42 feet to the easterly line of Holly Park Drive South; thence northerly along said easterly line 30 feet, more or less, to said point "C"; Records of King County, Washington from that certain drainage easement dated the May 25, 1971, recorded under Recording Number 7106080656, Records of King County, Washington

5. Description of easement relinquished by document King County Recording Number 20161221000279. (SPU file number 1520-07)

- a. Type: Easement**
- b. Grantor: Bernard D. Greene and Irene P. Greene his wife**
- c. Title of Instrument: Easement**
- d. Recording No.: 7102230247**
- e. Recording Date: February 23, 1971**
- f. Legal Description:**

That portion of Lots 6 and 7, Block 2, Seashore Park Addition to West Seattle, as recorded in Volume 14 of Plats, page 2, Records of King County, Washington, lying northeasterly of a line which is 10 feet southwesterly of and parallel with the northeasterly line of said Block 2 produced;

ATTACHMENT 2

1. Description of easement acquired by document King County Recording Number 20170705000615. (SPU file number 2016-007)

- a. Type: Sanitary Sewer Easement**
- b. Grantor: Jackson Investors South LLC, a Washington limited liability company**
- c. Title of Instrument: Sanitary Sewer Easement**
- d. Recording No. 20170705000615**
- e. Recording Date: July 5, 2017**
- f. Legal Description:**

An easement for sewer purposes over, across and under, that portion of Lots 1 through 6, inclusive, Block 2, Burke's Second Addition to the City of Seattle, according to the plat thereof, recorded in Volume 1 of Plats, page 248, in King County, Washington, more particularly described as follows:

Commencing at the northeast corner of said Lot 1 of Block 2, Burke's Second Addition, thence North 88°49'17" West, along the north line of said Lot 1, a distance of 2.00 feet to a point on the east line of a 12 foot sewer easement and the True Point of Beginning;
Thence leaving said north line South 1°17'00" West, 348.43 feet;
Thence South 39°31'08" West, 11.97 feet, to the south line of said Lot 6 and the north margin of South King Street;
Thence North 88°47'57" West, along said south line, 15.29 feet;
Thence leaving said south line, North 39°31'08" East, 17.30 feet;
Thence North 1°17'00" East, 344.25 feet to the north line of said Lot 1;
Thence South 88°49'17" East, 12.00 feet to the True Point of Beginning.

Containing approximately 4,331 square feet.

**2. Description of easement acquired by document King County Recording Number 9812012444.
(SPU file number 98037)**

- a. Type: Sanitary Sewer Easement**
- b. Grantor: Martin Taucher and Colleen Taucher, husband and wife**
- c. Title of Instrument: Easement Agreement and Relinquishment of Former Easement**
- d. Recording No. 9812012444**
- e. Recording Date December 1, 1998**
- f. Legal Description:**

A strip of land twelve (12) feet in width over and across Lots 6 and 7, Block 24, Laurelhurst Addition to the City of Seattle, as recorded in Volume 14 of Plats, Page 15, the center line of said strip being described as follows: Beginning at a point on the southerly line of said Lot 7, said point being distant one hundred sixty-five and forth-three one-hundredths (165.43) feet easterly of the southwest corner thereof; thence northwesterly along a straight line a distance of one hundred twenty and fourteen one-hundredths (120.14) feet to a point on the northerly line of said Lot 6, said point being distant one hundred fifty-nine and seventy one-hundredths (159.70) feet easterly from the northwest corner thereof;

Situate in the City of Seattle, County of King, State of Washington

3. Description of easement acquired by document King County Recording Number 20170427000590 (SPU File Number 2017-002-001)

- a. **Type:** Sanitary Sewer Easement
- b. **Grantor:** Interbay Urban Investors, LLC, a Delaware limited liability company
- c. **Title of Instrument:** Sanitary Sewer Easement
- d. **Recording No.:** 20170427000590
- e. **Recording Date:** April 27, 2017
- f. **Legal Description:**

THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY:

PARCEL C OF CITY OF SEATTLE LOT BOUNDARY ADJUSTMENT # 2505852 / 3007838, RECORDED UNDER KING COUNTY AUDITOR'S FILE NUMBER 20070830900001, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL C DEEDED TO THE CITY OF SEATTLE FOR STREET PURPOSES, AS RECORDED UNDER KING COUNTY RECORDING NUMBER 20170421000134, RECORDS OF KING COUNTY, WASHINGTON.

SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SEATTLE PUBLIC UTILITIES EASEMENT

COMMENCING AT THE SOUTHERNMOST SOUTHWEST CORNER OF SAID PARCEL C;
THENCE NORTH 00°08'22" WEST, ALONG A WESTERLY BOUNDARY OF SAID PARCEL, 136.31 FEET TO A CORNER OF SAID PARCEL AND THE POINT OF BEGINNING;
THENCE SOUTH 89°51'38" WEST, ALONG SAID WESTERLY BOUNDARY, 34.68 FEET TO A CORNER OF SAID PARCEL;
THENCE NORTH 00°08'22" WEST, ALONG SAID WESTERLY BOUNDARY, 130.00 FEET TO A CORNER OF SAID PARCEL;
THENCE NORTH 33°43'51" WEST, ALONG THE SOUTHWESTERLY BOUNDARY OF SAID PARCEL, 21.56 FEET;
THENCE NORTH 00°11'03" EAST, 9.52 FEET;
THENCE NORTH 88°52'50" EAST, 71.48 FEET;
THENCE NORTH 49°33'38" EAST, 35.65 FEET TO THE NORTHEASTERLY BOUNDARY OF SAID PARCEL;
THENCE SOUTH 40°26'28" EAST, ALONG SAID NORTHEASTERLY BOUNDARY, 20.00 FEET;
THENCE SOUTH 49°33'38" WEST, 40.51 FEET;
THENCE NORTH 86°42'05" EAST, 50.82 FEET TO THE NORTHEASTERLY BOUNDARY OF SAID PARCEL;
THENCE SOUTH 40°26'28" EAST, ALONG SAID NORTHEASTERLY BOUNDARY, 28.23 FEET;
THENCE SOUTH 86°42'05" WEST, 103.30 FEET;
THENCE SOUTH 00°08'22" EAST, 115.88 FEET TO THE POINT OF BEGINNING

SAID EASEMENT CONTAINS 9,151 SQUARE FEET, 0.2101 ACRES, MORE OR LESS.

4. Description of easement acquired by document King County Recording Number 20040409000809 (SPU File Number 2003-29)

- a. Type: Easement**
- b. Grantor: Cunningham, John E, and Carolyn A. Cunningham, husband and wife**
- c. Title of Instrument: Easement Agreement**
- d. Recording No.: 20040409000809**
- e. Recording Date: April 9, 2004**
- f. Legal Description:**

That portion of Lots 1 and 2, Block 23, Laurelhurst, according to the plat thereof recorded in Volume 14 of Plats, page 15, Records of King County, Washington, and a portion of Lots 1 and 2, Block 3, Lake Washington Shore Lands Section No. 2, according to the plat thereof filed in the office of the Commissioner of Public Lands in Olympia, Washington, lying within that area as described in Recording Number 20000729001852, Records of King County, Washington, described as follows:

Commencing on a point on the Southeasterly line of said Lot 2, Block 3, said point South 44°00'00" West a distance of 9.57 feet from the Most southerly corner of said Lot 1, Block 3; thence North 45°32'27" West a distance of 25.93 feet; thence North 42°52'27" West a distance of 74.69 feet; thence continuing North 42°52'27" West a distance of 7.63 feet to the True Point of Beginning; thence continuing North 42°52'27" West a distance of 17.25 feet; thence North 19°10'48" West a distance of 51.65 feet to the South line of a 20 foot wide easement for ingress, egress and utilities as described in Auditor's File No. 3067199, Records of King County, Washington; thence North 65°30'00" East along said South line a distance of 10.04 feet; thence South 19°10'48" East a distance of 66.59 feet; thence South 40°51'28" West a distance of 3.54 feet to the True Point of Beginning.

Situate in the City of Seattle, County of King, State of Washington

5. Description of easement acquired by document King County Recording Number 20160304000370 (SPU File Number 2015-020)

- a. Type: Easement**
- b. Grantor: Seattle School District No. 1**
- c. Title of Instrument: Stormwater Maintenance Easement**
- d. Recording No.: 20160304000370**
- e. Recording Date: March 4, 2016**
- f. Legal Description:**

THAT PORTION OF LOT 9, BLOCK 2, HULTEN'S ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 37 OF PLAT, PAGE 16, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 9;
THENCE SOUTH 88°29'01" EAST, ALONG THE SOUTHERLY MARGIN OF NORTHEAST 92ND STREET, A DISTANCE OF 49.91 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 88°29'01" EAST, ALONG SAID MARGIN, A DISTANCE OF 30.00 FEET;
THENCE SOUTH 01°30'59" WEST, A DISTANCE OF 10.00 FEET;
THENCE NORTH 88°29'01" WEST, A DISTANCE OF 30.00 FEET;
THENCE NORTH 01°30'59" EAST, A DISTANCE OF 10.00 FEET TO A POINT ON SAID SOUTHERLY MARGIN AND THE POINT OF BEGINNING;

CONTAINING 300 SQUARE FEET OR 0.0069 ACRES, MORE OR LESS.

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.