



SEATTLE CITY COUNCIL

Legislative Summary

CB 119154

Record No.: CB 119154

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125505

In Control: City Clerk

File Created: 11/08/2017

Final Action: 01/05/2018

Title: AN ORDINANCE granting Pier 54, LLC permission to maintain and operate a pedestrian walkway and a covered patio, including benches, tables, food preparation and serving areas, outdoor lighting, pedestrian deck, pilings, and other related appurtenant structures in the public place on the north side of Madison Street, west of Alaskan Way, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

Notes:

Sponsors: O'Brien

Date

Filed with City Clerk: 1/5/2018

Mayor's Signature: 1/5/2018

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: amy.gray@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	11/21/2017	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	11/21/2017	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	11/29/2017	sent for review	Sustainability and Transportation Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Sustainability and Transportation Committee						
	Notes:						

- 1 Full Council 12/04/2017 referred Sustainability and Transportation Committee
Action Text: The Council Bill (CB) was referred to the Sustainability and Transportation Committee
Notes:
- 1 Sustainability and Transportation Committee 12/08/2017 pass Pass
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:
In Favor: 2 O'Brien, Johnson
Opposed: 0
- 1 Full Council 01/02/2018 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
Notes:
In Favor: 9 Councilmember Bagshaw, Councilmember Gcnzález , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant
Opposed: 0
- 1 City Clerk 01/03/2018 submitted for Mayor's signature Mayor
- 1 Mayor 01/05/2018 Signed
- 1 Mayor 01/05/2018 returned City Clerk
- 1 City Clerk 01/05/2018 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
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CITY OF SEATTLE

ORDINANCE 125505

COUNCIL BILL 119154

AN ORDINANCE granting Pier 54, LLC permission to maintain and operate a pedestrian walkway and a covered patio, including benches, tables, food preparation and serving areas, outdoor lighting, pedestrian deck, pilings, and other related appurtenant structures in the public place on the north side of Madison Street, west of Alaskan Way, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

WHEREAS, by Ordinance 112217, The City of Seattle granted Ivar's Inc. permission to construct and maintain a pedestrian walkway and a covered patio, including benches, tables, food preparation and serving areas, outdoor lighting, pedestrian deck, pilings, and other related appurtenant structures and other related appurtenant structures in the public place on the north side of Madison Street, west of Alaskan Way; and

WHEREAS, the permission authorized by Ordinance 112217 was amended by Resolution 28305, Resolution 29331, Resolution 30477, and Ordinance 121855, and the permission ended on May 3, 2015; and

WHEREAS, Ivar's Inc. applied to the Director of Transportation to continue maintaining and operating a pedestrian walkway and a covered patio and has satisfied all the terms of the original authorizing ordinance as amended;

WHEREAS, Pier 24, LLC purchased the property located at 1001 Alaskan Way, from Ivar's Inc., on May 24, 2017, and Pier 54, LLC, has applied to transfer the application to renew the pedestrian walkway and covered patio from Ivar's Inc., NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

1 Section 1. **Permission.** Subject to the terms and conditions of this ordinance, The City of
2 Seattle (“City”) grants permission (also referred to in this ordinance as a permit) to Pier 54 LLC.,
3 and its successors and assigns as approved by the Director of Transportation (“Director”)
4 according to Section 15 of this ordinance (the party named above and each such approved
5 successor and assign is referred to as “Permittee”), to maintain and operate a pedestrian walkway
6 and a covered patio, including benches, tables, food preparation and serving areas, outdoor
7 lighting, pedestrian deck, pilings, and other related appurtenant structures (“pedestrian walkway
8 and patio”) in the public place on the north side of Madison Street, west of Alaskan Way, for a
9 ten-year term, renewable for two successive ten-year terms, adjacent in whole or in part to the
10 property legally described as:

11 PORTION OF LOT 8 AND ALL OF LOTS 9-12, BLOCK 181, SEATTLE
12 TIDELANDS; TOGETHER WITH PORTIONS OF ADJOINING LANDS IN THE
13 SOUTHEAST QUARTER OF SECTION 31-25-4, KING COUNTY, WASHINGTON.
14

15 Section 2. **Term.** The permission granted to Permittee is for a term of ten years starting
16 on May 4, 2015 and ending at 11:59 p.m. on May 3, 2025. Upon written application made by the
17 Permittee at least 180 days before expiration of the term, the Director may renew the permit
18 twice, each time for a successive ten-year term, subject to the considerations set forth in Section
19 3 of this ordinance and subject to the right of the City to require removal of the pedestrian
20 walkway and covered patio or to revise this ordinance or any of the terms and conditions of the
21 permission granted by this ordinance. The total term of the permission, including renewals, shall
22 not exceed 30 years. The Permittee shall submit any application for a new permission no later
23 than 180 days prior to the expiration of the then-existing term.

24 Section 3. **Basis for renewal.** Renewal of the permission may be granted, denied, or
25 amended in accordance with Title 15 of the Seattle Municipal Code and is subject to the

1 transportation needs of the area anticipated at the time of expiration of the initial term of the
2 permission, including the status of the rebuilding of Alaskan Way/Elliot Way and other projects
3 in the area. The Director shall make a determination and give written notice of that determination
4 to the Permittee by the eighth year of the initial term of this permission, whether the
5 transportation needs require denial or amendment to the permission granted by the authorizing
6 ordinance. Nothing in this section impairs the rights of the City Council and the Director under
7 other sections of this ordinance, including to require the removal of the pedestrian walkway and
8 covered patio pursuant to Section 5 of this ordinance.

9 Section 4. **Protection of utilities.** The permission granted is subject to the Permittee
10 bearing the expense of any protection, support, or relocation of existing utilities deemed
11 necessary by the owners of the utilities, and the Permittee being responsible for any damage to
12 the utilities due to the construction, repair, reconstruction, maintenance, operation, or removal of
13 the pedestrian walkway and covered patio and for any consequential damages that may result
14 from any damage to utilities or interruption in service caused by any of the foregoing.

15 Section 5. **Removal for public use or for cause.** The permission granted is subject to
16 use of the public place by the City and the public for travel, utility purposes, and other public
17 uses or benefits. The City expressly reserves the right to deny renewal, or terminate the
18 permission at any time prior to expiration of the initial term or any renewal term, and require the
19 Permittee to remove the pedestrian walkway and covered patio, or any part thereof or installation
20 on the public place, at the Permittee's sole cost and expense in the event that:

- 21 (a) the City Council determines by ordinance that the space occupied by the
22 pedestrian walkway and covered patio is necessary for any public use or benefit or that
23 the pedestrian walkway and covered patio interferes with any public use or benefit; or

1 (b) the Director determines that use of the pedestrian walkway and covered patio has
2 been abandoned; or

3 (c) the Director determines that any term or condition of this ordinance has been
4 violated, and the violation has not been corrected by the Permittee by the compliance date
5 after a written request by the City to correct the violation (unless a notice to correct is not
6 required due to an immediate threat to the health or safety of the public).

7 A City Council determination that the space is needed for, or the pedestrian walkway and
8 covered patio interferes with, a public use or benefit is conclusive and final without any right of
9 the Permittee to resort to the courts to adjudicate the matter.

10 Section 6. **Permittee's obligation to remove and restore.** If the permission granted is
11 not renewed at the expiration of a term, or if the permission expires without an application for a
12 new permission being granted, or if the City terminates the permission, then within 90 days after
13 the expiration or termination of the permission, or prior to any earlier date stated in an ordinance
14 or order requiring removal of the pedestrian walkway and covered patio, the Permittee shall, at
15 its own expense, remove the pedestrian walkway and covered patio and all of the Permittee's
16 equipment and property from the public place and replace and restore all portions of the public
17 place that may have been disturbed for any part of the pedestrian walkway and covered patio in
18 as good condition for public use as existed prior to construction of the pedestrian walkway and
19 covered patio and in at least as good condition in all respects as the abutting portions of the
20 public place as required by Seattle Department of Transportation (SDOT) right-of-way
21 restoration standards.

22 Failure to remove the pedestrian walkway and covered patio as required by this section
23 is a violation of Chapter 15.90 of the Seattle Municipal Code (SMC) or successor provision;

1 however, applicability of Chapter 15.90 does not eliminate any remedies available to the City
2 under this ordinance or any other authority. If the Permittee does not timely fulfill its obligations
3 under this section, the City may in its sole discretion remove the pedestrian walkway and
4 covered patio and restore the public place at the Permittee's expense, and collect such expense in
5 any manner provided by law.

6 Upon the Permittee's completion of removal and restoration in accordance with this
7 section, or upon the City's completion of the removal and restoration and the Permittee's
8 payment to the City for the City's removal and restoration costs, the Director shall then issue a
9 certification that the Permittee has fulfilled its removal and restoration obligations under this
10 ordinance. Upon prior notice to the Permittee and entry of written findings that it is in the public
11 interest, the Director may, in the Director's sole discretion, conditionally or absolutely excuse the
12 Permittee from compliance with all or any of the Permittee's obligations under this section.

13 Section 7. **Repair or reconstruction.** The pedestrian walkway and covered patio shall
14 remain the exclusive responsibility of the Permittee and the Permittee shall maintain the
15 pedestrian walkway and covered patio in good and safe condition for the protection of the public.
16 The Permittee shall not reconstruct or repair the pedestrian walkway and covered patio except in
17 strict accordance with plans and specifications approved by the Director. The Director may, in
18 the Director's judgment, order the pedestrian walkway and covered patio reconstructed or
19 repaired at the Permittee's cost and expense because of: the deterioration or unsafe condition of
20 the pedestrian walkway and covered patio; the installation, construction, reconstruction,
21 maintenance, operation, or repair of any municipally-owned public utilities; or for any other
22 cause.

1 Section 8. **Failure to correct unsafe condition.** After written notice to the Permittee and
2 failure of the Permittee to correct an unsafe condition within the time stated in the notice, the
3 Director may order the pedestrian walkway and covered patio be closed or removed at the
4 Permittee's expense if the Director deems that the pedestrian walkway and covered patio has
5 become unsafe or creates a risk of injury to the public. If there is an immediate threat to the
6 health or safety of the public, a notice to correct is not required.

7 Section 9. **Continuing obligations.** Notwithstanding termination or expiration of the
8 permission granted, or closure or removal of the pedestrian walkway and covered patio, the
9 Permittee shall remain bound by all of its obligations under this ordinance until the Director has
10 issued a certification that the Permittee has fulfilled its removal and restoration obligations under
11 Section 6 of this ordinance. Notwithstanding the issuance of that certification, the Permittee shall
12 continue to be bound by the obligations in Section 10 of this ordinance and shall remain liable
13 for any unpaid fees assessed under Section 16 and Section 18 of this ordinance.

14 Section 10. **Release, hold harmless, indemnification, and duty to defend.** The
15 Permittee, by accepting the terms of this ordinance, releases the City, its officials, officers,
16 employees, and agents from any and all claims, actions, suits, liability, loss, costs, expense,
17 attorneys' fees, or damages of every kind and description arising out of or by reason of the
18 pedestrian walkway and covered patio or this ordinance, including but not limited to claims
19 resulting from injury, damage, or loss to the Permittee or the Permittee's property.

20 The Permittee agrees to at all times defend, indemnify, and hold harmless the City, its
21 officials, officers, employees, and agents from and against all claims, actions, suits, liability,
22 loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only
23 damages that may result from the sole negligence of the City, that may accrue to, be asserted by,

1 or be suffered by any person or property including, without limitation, damage, death, or injury
2 to members of the public or to the Permittee's officers, agents, employees, contractors, invitees,
3 tenants, tenants' invitees, licensees, or successors and assigns, arising out of or by reason of:

4 (a) the existence, condition, construction, reconstruction, modification, maintenance,
5 operation, use, or removal of the pedestrian walkway and covered patio or any portion thereof, or
6 the use, occupation, or restoration of the public place or any portion thereof by the Permittee or
7 any other person or entity;

8 (b) anything that has been done or may at any time be done by the Permittee by reason of
9 this ordinance; or

10 (c) the Permittee failing or refusing to strictly comply with every provision of this
11 ordinance; or arising out of or by reason of the pedestrian walkway and covered patio or this
12 ordinance in any other way.

13 If any suit, action, or claim of the nature described above is filed, instituted, or begun
14 against the City, the Permittee shall upon notice from the City defend the City, with counsel
15 acceptable to the City, at the sole cost and expense of the Permittee, and if a judgment is
16 rendered against the City in any suit or action, the Permittee shall fully satisfy the judgment
17 within 90 days after the action or suit has been finally determined, if determined adversely to the
18 City. If it is determined by a court of competent jurisdiction that Revised Code of Washington
19 (RCW) 4.24.115 applies to this ordinance, then in the event claims or damages are caused by or
20 result from the concurrent negligence of the City, its agents, contractors, or employees, and the
21 Permittee, its agents, contractors, or employees, this indemnity provision shall be valid and
22 enforceable only to the extent of the negligence of the Permittee or the Permittee's agents,
23 contractors, or employees.

1 Section 11. **Insurance.** For as long as the Permittee exercises any permission granted by
2 this ordinance and until the Director has issued a certification that the Permittee has fulfilled its
3 removal and restoration obligations under Section 6 of this ordinance, the Permittee shall obtain
4 and maintain in full force and effect, at its own expense, insurance and/or self-insurance that
5 protects the Permittee and the City from claims and risks of loss from perils that can be insured
6 against under commercial general liability (CGL) insurance policies in conjunction with:

7 (a) construction, reconstruction, modification, operation, maintenance, use, existence, or
8 removal of the pedestrian walkway and covered patio or any portion thereof, as well
9 as restoration of any disturbed areas of the public place in connection with removal of
10 the pedestrian walkway and covered patio;

11 (b) the Permittee's activity upon or the use or occupation of the public place described in
12 Section 1 of this ordinance; and

13 (c) claims and risks in connection with activities performed by the Permittee by virtue of
14 the permission granted by this ordinance.

15 Minimum insurance requirements are CGL insurance written on an occurrence form at least as
16 broad as the Insurance Services Office (ISO) CG 00 01. The City requires insurance coverage to
17 be placed with an insurer admitted and licensed to conduct business in Washington State or with
18 a surplus lines carrier pursuant to chapter 48.15 RCW. If coverage is placed with any other
19 insurer or is partially or wholly self-insured, such insurer(s) or self-insurance is subject to
20 approval by the City's Risk Manager.

21 Minimum limits of liability shall be \$2,000,000 per Occurrence; \$4,000,000 General
22 Aggregate; \$2,000,000 Products/Completed Operations Aggregate, including Premises
23 Operation; Personal/Advertising Injury; Contractual Liability. Coverage shall include the "City

1 of Seattle, its officers, officials, employees and agents” as additional insureds for primary and
2 non-contributory limits of liability subject to a Separation of Insureds clause.

3 Within 60 days after the effective date of this ordinance, the Permittee shall provide to
4 the City, or cause to be provided, certification of insurance coverage including an actual copy of
5 the blanket or designated additional insured policy provision per the ISO CG 20 12 endorsement
6 or equivalent. The insurance coverage certification shall be delivered or sent to the Director or to
7 SDOT at an address as the Director may specify in writing from time to time. The Permittee shall
8 provide a certified complete copy of the insurance policy to the City promptly upon request.

9 If the Permittee is self-insured, a letter of certification from the Corporate Risk Manager
10 may be submitted in lieu of the insurance coverage certification required by this ordinance, if
11 approved in writing by the City’s Risk Manager. The letter of certification must provide all
12 information required by the City’s Risk Manager and document, to the satisfaction of the City’s
13 Risk Manager, that self-insurance equivalent to the insurance requirements of this ordinance is in
14 force. After a self-insurance certification is approved, the City may from time to time
15 subsequently require updated or additional information. The approved self-insured Permittee
16 must provide 30 days’ prior notice of any cancellation or material adverse financial condition of
17 its self-insurance program. The City may at any time revoke approval of self-insurance and
18 require the Permittee to obtain and maintain insurance as specified in this ordinance.

19 In the event that the Permittee assigns or transfers the permission granted by this
20 ordinance, the Permittee shall maintain in effect the insurance required under this section until
21 the Director has approved the assignment or transfer pursuant to Section 15 of this ordinance.

22 Section 12. **Contractor insurance.** The Permittee shall contractually require that any and
23 all of its contractors performing work on any premises contemplated by this permit name the

1 “City of Seattle, its officers, officials, employees and agents” as additional insureds for primary
2 and non-contributory limits of liability on all CGL, Automobile and Pollution liability insurance
3 and/or self-insurance. The Permittee shall also include in all contract documents with its
4 contractors a third-party beneficiary provision extending to the City construction indemnities and
5 warranties granted to the Permittee.

6 Section 13. **Performance bond.** Within 60 days after the effective date of this ordinance,
7 the Permittee shall deliver to the Director for filing with the City Clerk a sufficient bond
8 executed by a surety company authorized and qualified to do business in the State of Washington
9 that is: in the amount of \$130,000, and conditioned with a requirement that the Permittee shall
10 comply with every provision of this ordinance and with every order the Director issues under this
11 ordinance. The Permittee shall ensure that the bond remains in effect until the Director has issued
12 a certification that the Permittee has fulfilled its removal and restoration obligations under
13 Section 6 of this ordinance. An irrevocable letter of credit approved by the Director in
14 consultation with the City Attorney’s Office may be substituted for the bond. In the event that
15 the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall
16 maintain in effect the bond or letter of credit required under this section until the Director has
17 approved the assignment or transfer pursuant to Section 15 of this ordinance.

18 Section 14. **Adjustment of insurance and bond requirements.** The Director may adjust
19 minimum liability insurance levels and surety bond requirements during the term of this
20 permission. If the Director determines that an adjustment is necessary to fully protect the
21 interests of the City, the Director shall notify the Permittee of the new requirements in writing.
22 The Permittee shall, within 60 days of the date of the notice, provide proof of the adjusted
23 insurance and surety bond levels to the Director.

1 Section 15. **Consent for and conditions of assignment or transfer.** The permission
2 granted by this ordinance shall not be assignable or transferable by operation of law; nor shall the
3 Permittee transfer, assign, mortgage, pledge or encumber the same without the Director's
4 consent, which the Director shall not unreasonably refuse. The Director may approve assignment
5 or transfer of the permission granted by this ordinance to a successor entity only if the successor
6 or assignee has accepted in writing all of the terms and conditions of the permission granted by
7 this ordinance; has provided, at the time of the acceptance, the bond and certification of
8 insurance coverage required under this ordinance; and has paid any fees due under Section 18 of
9 this ordinance. Upon the Director's approval of an assignment or transfer, the rights and
10 obligations conferred on the Permittee by this ordinance shall be conferred on the successors and
11 assigns. Any person or entity seeking approval for an assignment or transfer of the permission
12 granted by this ordinance shall provide the Director with a description of the current and
13 anticipated use of the pedestrian walkway and covered patio.

14 Section 16. **Inspection fees.** The Permittee shall, as provided by SMC Chapter 15.76 or
15 successor provision, pay the City the amounts charged by the City to inspect pedestrian walkway
16 and a covered patio, including benches, tables, food preparation and serving areas, outdoor
17 lighting, pedestrian deck, pilings, and other related appurtenant structures of the permitted use
18 during construction, reconstruction, repair, annual safety inspections, and at other times deemed
19 necessary by the City. An inspection or approval of the pedestrian walkway and covered patio by
20 the City shall not be construed as a representation, warranty, or assurance to the Permittee or any
21 other person as to the safety, soundness, or condition of the pedestrian walkway and covered patio.
22 Any failure by the City to require correction of any defect or condition shall not in any way limit the
23 responsibility or liability of the Permittee.

1 Section 17. **Inspection reports.** The Permittee shall submit to the Director, or to SDOT
2 at an address specified by the Director, an inspection report that:

- 3 (a) describes the physical dimensions and condition of all load-bearing elements of
4 pedestrian deck, piling, and other supporting structures of the permitted use;
5 (b) describes any damages or possible repairs to any element of the pedestrian deck,
6 piling, and other supporting structures of the permitted use;
7 (c) prioritizes all repairs and establishes a timeframe for making repairs; and
8 (d) is stamped by a professional structural engineer licensed in the State of
9 Washington.

10 A report meeting the foregoing requirements shall be submitted within 60 days after the effective
11 date of this ordinance; subsequent reports shall be submitted every two years, within 30 days
12 prior to the anniversary date of the last inspection report; provided that, in the event of a natural
13 disaster or other event that may have damaged the pedestrian deck, piling, and other supporting
14 structures of the permitted use, the Director may require that additional reports be submitted by a
15 date established by the Director. In addition to the routine inspection every two years, an
16 underwater inspection shall be performed once every 24 months. The underwater inspection shall
17 meet the requirements found in the Federal Highway Administration Report No. FHWA-NHI-
18 10-027. The Permittee has the duty of inspecting and maintaining the pedestrian walkway and
19 covered patio. The responsibility to submit structural inspection reports periodically or as
20 required by the Director does not waive or alter any of the Permittee's other obligations under
21 this ordinance. The receipt of any reports by the Director shall not create any duties on the part
22 of the Director. Any failure by the Director to require a report, or to require action after receipt of
23 any report, shall not waive or limit the obligations of the Permittee.

1 Section 18. **Annual fee.** Beginning on May 4, 2015, and annually thereafter, the
2 Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an
3 annual fee of \$11,882.62, or as adjusted annually thereafter, for the privileges granted by this
4 ordinance.

5 Adjustments to the annual fee shall be made in accordance with a term permit fee
6 schedule adopted by the City Council and may be made every year. In the absence of a schedule,
7 the Director may only increase or decrease the previous year's fee to reflect any inflationary
8 changes so as to charge the fee in constant dollar terms. This adjustment will be calculated by
9 adjusting the previous year's fee by the percentage change between the two most recent year-end
10 values available for the Consumer Price Index for the Seattle-Tacoma-Bremerton Area, All
11 Urban Consumers, All Products, Not Seasonally Adjusted. All payments shall be made to the
12 City Director of Finance for credit to the Transportation Fund.

13 Section 19. **Compliance with other laws.** Permittee shall construct, maintain and operate
14 the pedestrian walkway and covered patio in compliance with all applicable federal, state,
15 County and City laws and regulations. Without limitation, in all matters pertaining to the
16 pedestrian walkway and covered patio, the Permittee shall comply with the City's laws
17 prohibiting discrimination in employment and contracting including Seattle's Fair Employment
18 Practices Ordinance, Chapter 14.04, and Fair Contracting Practices code, Chapter 14.10 (or
19 successor provisions).

20 Section 20. **Acceptance of terms and conditions.** The Permittee shall deliver to the
21 Director its written signed acceptance of the terms of this ordinance within 60 days after the
22 effective date of this ordinance. The Director shall file the written acceptance with the City
23 Clerk. If no such acceptance is received within that 60-day period, the privileges conferred by

1 this ordinance shall be deemed declined or abandoned and the permission granted deemed lapsed
2 and forfeited and the Permittee shall, at its own expense, remove the pedestrian walkway and
3 covered patio and all of the Permittee's equipment and property and replace and restore all
4 portions of the public place as provided in Section 6 of this ordinance.

5 Section 21. **Obligations run with the Property.** The obligations and conditions
6 imposed on the Permittee by and through this ordinance are covenants that run with the land and
7 bind subsequent owners of the property adjacent to the pedestrian walkway and covered patio
8 and legally described in Section 1 of this ordinance (the "Property"), regardless of whether the
9 Director has approved assignment or transfer of the permission granted herein to such
10 subsequent owner(s). At the request of the Director, Permittee shall provide to the Director a
11 current title report showing the identity of all owner(s) of the Property and all encumbrances on
12 the Property. The Permittee shall, within 60 days of the effective date of this ordinance, and prior
13 to conveying any interest in the Property, deliver to the Director upon a form to be supplied by
14 the Director, a covenant agreement imposing the obligations and conditions set forth in this
15 ordinance, signed and acknowledged by the Permittee and any other owner(s) of the Property
16 and recorded with the King County Recorder's Office. The Director shall file the recorded
17 covenant agreement with the City Clerk. The covenant agreement shall reference this ordinance
18 by its ordinance number. At the request of the Director, Permittee shall cause encumbrances on
19 the Property to be subordinated to the covenant agreement.

20 Section 22. **Section titles.** Section titles are for convenient reference only and do not
21 modify or limit the text of a section.

22 Section 23. **Ratify and confirm.** Any act consistent with the authority of this ordinance
23 taken after its passage and prior to its effective date is ratified and confirmed.

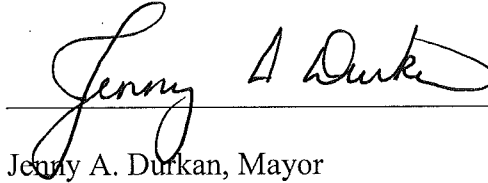
1 Section 24. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 2nd day of January, 2018,
5 and signed by me in open session in authentication of its passage this 2nd day of
6 January, 2018.


7 

8 President _____ of the City Council

9 Approved by me this 5th day of Januy, 2018.

10 
11 Jenny A. Durkan, Mayor

12 Filed by me this 5th day of January, 2018.

13 
14 Monica Martinez Simmons, City Clerk

15 (Seal)