



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 118424

Record No.: CB 118424

Type: Ordinance (Ord)

Status: Passed

Version: 1

124 816

In Control: City Clerk

File Created: 05/11/2015

Final Action: 07/29/2015

**Title:** AN ORDINANCE relating to the City Light Department; declaring certain real property rights and improvements surplus to the City of Seattle's utility needs; and authorizing the release of an access easement and a permit for a groundwater observation well, and the conveyance of ownership of said groundwater well to James and Valerie Van Dyke in Pend Oreille County, Washington.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Sawant

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: mary.davis@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

Yes

No

| Version: | Acting Body:               | Date:      | Action:   | Sent To:                   | Due Date: | Return Date: | Result: |
|----------|----------------------------|------------|---|----------------------------|-----------|--------------|---------|
| 1        | Mayor                      | 06/02/2015 | Mayor's leg transmitted to Council  | City Clerk                 |           |              |         |
|          | <b>Action Text:</b>        |            | The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk |                            |           |              |         |
|          | <b>Notes:</b>              |            |   |                            |           |              |         |
| 1        | City Clerk                 | 06/02/2015 | sent for review   | Council President's Office |           |              |         |
|          | <b>Action Text:</b>        |            | The Council Bill (CB) was sent for review. to the Council President's Office    |                            |           |              |         |
|          | <b>Notes:</b>              |            |   |                            |           |              |         |
| 1        | Council President's Office | 06/04/2015 | sent for review   | Energy Committee           |           |              |         |
|          | <b>Action Text:</b>        |            | The Council Bill (CB) was sent for review. to the Energy Committee              |                            |           |              |         |
|          | <b>Notes:</b>              |            |   |                            |           |              |         |
| 1        | Full Council               | 06/29/2015 | referred  | Energy Committee           |           |              |         |

Action Text: The Council Bill (CB) was referred. to the Energy Committee  
Notes:

1 Energy Committee 07/08/2015

Notes: This Council Bill was heard in committee.

1 Energy Committee 07/22/2015 pass

Pass

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

In Favor: 3 Chair Sawant, Vice Chair Okamoto, Member O'Brien  
Opposed: 0

1 Full Council 07/27/2015 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, Council President Burgess, Councilmember  
Godden, Councilmember Harrell, Councilmember Licata, Councilmember  
O'Brien, Councilmember Okamoto, Councilmember Rasmussen,  
Councilmember Sawant  
Opposed: 0

1 City Clerk 07/28/2015 submitted for Mayor  
Mayor's signature

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor  
Notes:

1 Mayor 07/29/2015 Signed

Action Text: The Council Bill (CB) was Signed.  
Notes:

1 Mayor 07/29/2015 returned City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk  
Notes:

1 City Clerk 07/29/2015 attested by City  
Clerk

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

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Mary Davis  
SCL Van Dyke Easement and Well ORD  
May 5, 2015  
#D1

**CITY OF SEATTLE**  
**ORDINANCE** 124816  
**COUNCIL BILL** 118424

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4  
5 AN ORDINANCE relating to the City Light Department; declaring certain real property rights  
6 and improvements surplus to the City of Seattle's utility needs; and authorizing the  
7 release of an access easement and a permit for a groundwater observation well, and the  
8 conveyance of ownership of said groundwater well to James and Valerie Van Dyke in  
9 Pend Oreille County, Washington.

10  
11  
12 WHEREAS, Seattle City Light installed more than 40 ground water level monitoring wells in  
13 Pend Oreille County as part of the construction and licensing of the Boundary Dam in  
14 the 1950s and 1960s to study the dam reservoir's impact on ground water levels and the  
15 potential, if any, to flood local mines; and

16 WHEREAS, information from these monitoring wells was collected for nearly 50 years and  
17 indicated no deleterious ground water level effects, and the monitoring wells are no  
18 longer needed; and

19 WHEREAS, any groundwater monitoring well which is unusable, abandoned, whose use has  
20 been permanently discontinued, or is in disrepair must be properly decommissioned as  
21 required by Washington Administrative Code 173-160-381; and

22 WHEREAS, James and Valerie Van Dyke requested that the monitoring well on their property  
23 (Groundwater Observation Well No CS-36) not be decommissioned and agreed to take  
24 responsibility for any liabilities and regulatory responsibilities related to this well; NOW  
25 THEREFORE,

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

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SCL Van Dyke Easement and Well ORD  
May 5, 2015  
#D1

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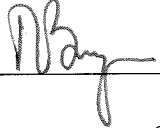
Section 1. Pursuant to the provisions of RCW 35.94.040 and after a public hearing, the real property rights acquired for a groundwater observation well, on the property legally described in Attachment 1 hereto, together with the groundwater monitoring well thereon, are no longer needed for the City of Seattle's utility purposes, and are declared surplus to City needs.

Section 2. The General Manager and Chief Executive Officer of Seattle City Light, or designee, is authorized to execute for and on behalf of the City of Seattle, a Release of Easement and Permit and Conveyance of Water Well Ownership substantially in the form attached hereto as Attachment 1.

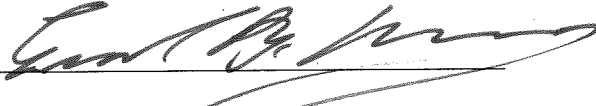
Mary Davis  
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1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle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


4 Passed by the City Council the 27<sup>th</sup> day of July, 2015, and  
5 signed by me in open session in authentication of its passage this  
6 27<sup>th</sup> day of July, 2015.

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8   
9 President \_\_\_\_\_ of the City Council

10 Approved by me this 28<sup>th</sup> day of July, 2015.

11  
12   
13 Edward B. Murray, Mayor

14 Filed by me this 29<sup>th</sup> day of July, 2015.

15  
16   
17 Monica Martinez Simmons, City Clerk

18  
19 (Seal)

20  
21 Attachment 1: Release of Easement and Permit and Conveyance of Water Well Ownership  
22

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April 10, 2015  
#D1

Attachment 1

After recording, return to:

Seattle City Light  
Real Estate Services  
700 Fifth Avenue, Suite 3200  
P.O. Box 34023  
Seattle, WA 98124-4023

**RELEASE OF EASEMENT AND PERMIT  
AND CONVEYANCE OF WATER WELL OWNERSHIP**

Reference Nos.: ..... 115713, 116817  
Grantor: ..... City of Seattle, Seattle City Light  
Grantees: ..... James and Valerie Van Dyke  
Legal Description (abbreviated): ... Ptn NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 10, T39N, R43E;  
and Govt Lot 2 Sec 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 3, T39N, R43E  
Assessor's Tax Parcel Nos.: ..... 433903430001, 433909110001, 433910220002 and  
433910500001  
Seattle City Light P.M. Nos.: ..... 394303-4-001a, 394303-4-001b

The CITY OF SEATTLE, a municipal corporation of the State of Washington, acting by and through its CITY LIGHT DEPARTMENT ("Grantor"), hereby grants to JAMES AND VALERIE VAN DYKE ("Grantees"), a complete release from that Access Road Easement dated April 21, 1965, and recorded under Recording No. 115713 in Pend Oreille County, Washington, lying within that property legally described as follows:

Release of Easement Area:

The NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 9 and NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 10;  
The NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  and Government Lot 2 of Section 10 and the SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 3,  
All in Township 39 North, Range 43 East, W.M.,  
situated in Pend Oreille County, State of Washington.

TOGETHER WITH a complete release from that Permit for Groundwater Observation Wells dated July 28, 1965, and recorded under Recording No. 116817 in Pend Oreille County, Washington, lying within that property legally described as follows:

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Release of Permit Area:

Government Lot 2 of Section 10 and the SW ¼ of SE ¼ of Section 3, Township 39 North, Range 43 East, W.M., EXCEPT Mineral rights underlying, situated in Pend Oreille County, State of Washington.

GRANTOR ALSO CONVEYS AND QUITCLAIMS to Grantees all right, title or interest, whether real or personal, in the monitoring well Grantor previously constructed on Grantees' Property (Government Lot 2 of Section 10) pursuant to the Permit for Groundwater Observation Wells described above ("Monitoring Well"), SUBJECT TO Grantees' acceptance of the Monitoring Well as-is, where-is, with all faults and without any representation or warranty whatsoever, express or implied, as to its condition or its suitability or sufficiency for the Grantees' intended purposes. Grantees acknowledge that wells that are no longer used for their intended purposes must be properly decommissioned according to Washington Administrative Code Section 173-160-381 and Grantees accept full responsibility for any such decommissioning. Grantees also releases and shall indemnify, defend, and hold Grantor and its past, present and future officials, employees, and agents, harmless from and against any and all claims, demands, penalties, fees, damages, losses, expenses (including but not limited to regulatory agencies, attorneys, contractors and consultants' fees and costs), and liabilities arising out of, or in any way connected with, the Monitoring Well, it being intended that Grantees shall so indemnify Grantor and such personnel without regard to any fault or responsibility of Grantor or Grantees. The obligation to decommission the Monitoring Well and the acknowledgement, release and indemnification touch and concern Grantees' Property and are intended to run with the land and bind Grantee and Grantee's heirs, successors and assigns, and inure to the benefit of Grantor and its successors and assigns.

This instrument is given by the CITY OF SEATTLE for the purpose of abandoning the Access Road Easement, the Permit for Groundwater Observation Well and the Monitoring Well aforesaid, and releasing and conveying its rights and interests thereto to Grantees, and is given for and in consideration of Grantees' acceptance of the terms and conditions set forth herein.

IN WITNESS WHEREOF, the CITY OF SEATTLE has caused this instrument to be executed pursuant to Ordinance \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF SEATTLE  
SEATTLE CITY LIGHT

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Mary Davis  
SCL Van Dyke Easement and Well ORD ATT 1  
April 10, 2015  
#D1

**ACCEPTANCE**

We, JAMES AND VALERIE VAN DYKE, certify that the interest in real property conveyed to us by this RELEASE OF EASEMENTS AND CONVEYANCE OF WELL dated the date first above written, and the terms and conditions of conveyance set forth herein, are hereby accepted on our behalf.

By: \_\_\_\_\_  
James Van Dyke

By: \_\_\_\_\_  
Valerie Van Dyke

STATE OF WASHINGTON )  
   ) ss.  
COUNTY OF KING )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stated that \_\_\_\_\_ was authorized to execute this instrument and acknowledged it as the \_\_\_\_\_ of the City Light Department of the City of Seattle, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Date \_\_\_\_\_

(Signature) \_\_\_\_\_

\_\_\_\_\_  
(Printed or typed name of Notary Public)  
Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

(Seal)



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STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, personally appeared JAMES VAN DYKE, to me known to be the person who executed the foregoing agreement, and acknowledged the same to be the free and voluntary act and deed of such person for the uses and purposes therein mentioned. WITNESS my hand and official seal hereto affixed the day and year written above in this certificate.

(Signature) \_\_\_\_\_

\_\_\_\_\_  
(Printed or typed name of Notary Public)  
Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

(Seal)

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, personally appeared VALERIE VAN DYKE, to me known to be the person who executed the foregoing agreement, and acknowledged the same to be the free and voluntary act and deed of such person for the uses and purposes therein mentioned. WITNESS my hand and official seal hereto affixed the day and year written above in this certificate.

(Signature) \_\_\_\_\_

\_\_\_\_\_  
(Printed or typed name of Notary Public)  
Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

(Seal)