



SEATTLE CITY COUNCIL

Legislative Summary

CB 119212

Record No.: CB 119212

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125549

In Control: City Clerk

File Created: 02/13/2018

Final Action: 03/30/2018

Title: AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer and storm drain easements within the City of 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 - Descriptions of Relinquished Easements, Att 2 - Descriptions of Acquired Easements

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 | 02/26/2018 | Mayor's leg transmitted to Council | City Clerk | | | |
| 1 | City Clerk | 02/27/2018 | sent for review | Council President's Office | | | |
| 1 | Council President's Office | 03/02/2018 | 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:

Legislative Summary Continued (CB 119212)

- 1 Full Council 03/12/2018 referred Civil Rights,
Utilities,
Economic
Development, and
Arts Committee
- 1 Civil Rights, Utilities, 03/13/2018 pass Pass
Economic Development,
and Arts Committee
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:
In Favor: 3 Chair Herbold, Vice Chair Sawant, Member O'Brien
Opposed: 0
- 1 Full Council 03/19/2018 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
Notes:
In Favor: 8 Councilmember Bagshaw, Councilmember González , Council
President Harrell, Councilmember Herbold, Councilmember Johnson,
Councilmember Mosqueda, Councilmember O'Brien, Councilmember
Sawant
Opposed: 0
- 1 City Clerk 03/23/2018 submitted for Mayor
Mayor's signature
- 1 Mayor 03/30/2018 Signed
- 1 Mayor 03/30/2018 returned City Clerk
- 1 City Clerk 03/30/2018 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
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CITY OF SEATTLE

ORDINANCE 125549

COUNCIL BILL 119212

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer and storm drain easements within the City of 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 SPU, has determined that all or portions of the sewer lines, storm drain lines and facilities may be relocated to accommodate property improvement construction of its customers; and

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

The storm drain easement that the City accepted pursuant to Ordinance 111047 and recorded under Recording Number 8211240941; and

The storm drain easement that the City accepted pursuant to Ordinance 111047 and recorded under Recording Number 8211240940; and

The sewer easement that the city accepted pursuant to Ordinance 125064 and recorded under Recording Number 9010310244; and

The temporary construction easement not accepted pursuant to ordinance and recorded under Recording Number 20000217000764; and

1 The temporary construction easement not accepted pursuant to ordinance and recorded
2 under Recording Number 9710030902; and

3 The temporary construction easement not accepted pursuant to ordinance and recorded
4 under Recording Number 9710071702; and

5 The temporary construction easement not accepted pursuant to ordinance and recorded
6 under Recording Number 9710071699; and

7 The storm water drainage facility easement accepted pursuant to Ordinance 76186 and
8 recorded under Recording Number 3721517; and

9 WHEREAS, easements are required from customers that benefit the City to allow for the
10 installation, maintenance and operation of replacement or affected existing sanitary
11 sewers and storm drain facilities; and

12 WHEREAS, SPU has determined that the interests of the City, the Utility, and its customers are
13 best served by relinquishing the existing sewer and storm drain easements and accepting
14 new easements to accommodate the relocated or affected existing sanitary sewers and
15 storm drain facilities; NOW, THEREFORE,

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

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

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

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

7 Grantor: Don P. Goertzen, an unmarried person, grants and conveys an easement for
8 drainage facilities and appurtenances to the City in the vicinity of the 2100 block
9 of Perkins Lane West, Seattle, Washington, as recorded under King County
10 Recording No. 20021031001185.

11 Grantors: Harold A. Daubenspeck and Rita M. Daubenspeck, husband and wife, grant
12 and convey an easement for drainage facilities and appurtenances to the City in
13 the vicinity of the 3000 block of Perkins Lane West, Seattle, Washington, as
14 recorded under King County Recording No. 9710030902.

15 Grantor: Ruth M. Kildall, a married person, grants and conveys an easement for drainage
16 facilities and appurtenances to the City in the vicinity of the 2800 block of Perkins
17 Lane West, Seattle, Washington, as recorded under King County Recording
18 No. 20021031001184.

19 Grantor: Joan McDonell, an unmarried person, grants and conveys an easement for
20 drainage facilities and appurtenances to the City in the vicinity of the 2800 block
21 of Perkins Lane West, Seattle, Washington, as recorded under King County
22 Recording No. 20021031001186.

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

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

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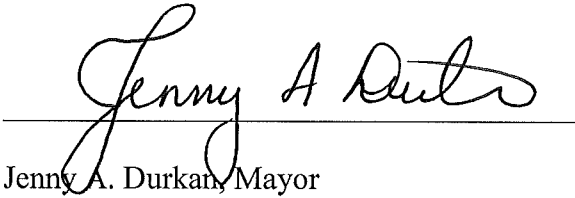
1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 19th day of March, 2018,
5 and signed by me in open session in authentication of its passage this 19th day of
6 March, 2018.

7 

8 President _____ of the City Council

9 Approved by me this 30th day of March, 2018.

10 
11 Jenny A. Durkan, Mayor

12 Filed by me this 30th day of MARCH, 2018.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)
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17
18
19

20 Attachments:
21 Attachment 1 – Descriptions of Relinquished Easements
22 Attachment 2 – Descriptions of Accepted Easements

ATTACHMENT 1 - DESCRIPTIONS OF RELINQUISHED EASEMENTS

1. Description of easement relinquished by document King County Recording Number 20160411001385. (SPU file number 2015-014-001)

- a. **Type: Storm Drain Easement**
- b. **Grantor: Consolidated Freightways, a Delaware corporation**
- c. **Title of Instrument: Easement**
- d. **Recording No.: 8211240941**
- e. **Recorded Date: November 24, 1982**
- f. **Legal Description:**

Portion of the east-westerly alley in Block 3, Joseph R. McLaughlin's Waterfront Addition, as recorded in Volume 13 of Plats, Page 28, Records of King County, Washington, being that portion of the alley lying between the northeasterly line of East Marginal Way South, as established by Ordinance 32881 and a line 25 feet northeasterly of and parallel to said northeasterly line

2. Description of easement relinquished by document King County Recording Number 20160411001386. (SPU file number 2015-014-002)

- a. **Type: Storm Drain Easement**
- b. **Grantor: Frank J. Tonkin, Jr.**
- c. **Title of Instrument: Easement**
- d. **Recording No.: 8211240940**
- e. **Recorded Date: November 24, 1982**
- f. **Legal Description:**

Portion of the east-westerly alley in Block 3, Joseph R. McLaughlin's Waterfront Addition, as recorded in Volume 13 of Plats, Page 28, Records of King County, Washington, being that portion of the alley lying between the northeasterly line of East Marginal Way South, as established by Ordinance 32881 and a line 25 feet northeasterly of and parallel to said northeasterly line

3. Description of easement to be relinquished. (SPU file number 90049-01)

- a. **Type: Sewer Easement**
- b. **Grantor: Lynn C. Tuttle, an unmarried individual**
- c. **Title of Instrument: Easement (Individual)**
- d. **Recording No.: 9010310244**
- e. **Recorded Date: October 31, 1990**
- f. **Legal Description:**

North 3 feet of Lot 33, Block 27, Madison Street Addition to the City of Seattle, as per plat recorded in Volume 2 of Plats, page 85, Records of King County, Washington,

4. **Description of easement relinquished by document King County Recording Number 20021031001185. (SPU file number 2002-36-09)**
 - a. **Type: Temporary Construction Easement**
 - b. **Grantor: Don P. Goertzen**
 - c. **Title of Instrument: Temporary Easement Perkins Lane Landslide Damage Repair**
 - d. **Recording No.: 20000217000764**
 - e. **Recorded Date: February 17, 2000**
 - f. **Legal Description:**

Block A, Lot 1, and Block O, Lot 1, Carleton Beach Tracts, Records of King County, Washington

5. **Description of easement relinquished by document King County Recording Number 20021031001183. (SPU file number 2002-36-01)**
 - a. **Type: Temporary Construction Easement**
 - b. **Grantors: Harold A. and Rita M. Daubenspeck, husband and wife**
 - c. **Title of Instrument: Temporary Easement Perkins Lane Landslide Damage Repair**
 - d. **Recording No.: 9710030902**
 - e. **Recorded Date: October 3, 1997**
 - f. **Legal Description:**

Lot Track 9, Carleton Highlands – Assessors Plat, Records of King County, Washington.

6. **Description of easement relinquished by document King County Recording Number 20021031001184. (SPU file number 2002-36-04)**
 - a. **Type: Temporary Construction Easement**
 - b. **Grantor: Ruth M Kildall**
 - c. **Title of Instrument: Temporary Easement Perkins Lane Landslide Damage Repair**
 - d. **Recording No.: 9710071702**
 - e. **Recorded Date: October 7, 1997**
 - f. **Legal Description:**

Lot Tract 16, Carleton Highland – Assessors Plat, Records of King County, Washington

7. **Description of easement relinquished by document King County Recording Number 20021031001186. (SPU file number 2002-36-03)**
 - a. **Type: Temporary Construction Easement**
 - b. **Grantor: Joan McDonell**
 - c. **Title of Instrument: Temporary Easement Perkins Lane Landslide Damage Repair**
 - d. **Recording No.: 9710071699**
 - e. **Recorded Date: October 7, 1997**

f. Legal Description:

Lot Tract 15, Assessors Plat of Carleton Highland, Vol. 33 Plats, page 26; together with vacated street adjoining.

8. Description of easement relinquished by document King County Recording Number 20161026000935. (SPU file number A0060)

a. **Type: Easement**

b. **Grantor: C. and Doris H. Van Geest, his wife; L. R. & Antionette Beckett, his wife**

c. **Title of Instrument: Easement**

d. **Recording No.: 3721517**

e. **Recorded Date: September 8, 1947**

f. **Legal Description:**

The west 4.00 feet of Lot 12, Block 33, Denny and Hoyt's Addition to the City of Seattle, W. T., as recorded in Volume 2 of King County Plats at Page 136.

ATTACHMENT 2 - DESCRIPTIONS OF ACQUIRED EASEMENTS

1. Description of easement acquired by document King County Recording Number 20021031001185. (SPU file number 2002-36-09)

- a. **Type: Drainage Facilities Easement**
- b. **Grantor: Don P. Goertzen, an unmarried person**
- c. **Title of Instrument: Easement Agreement and Relinquishment of Former Temporary Easement**
- d. **Recording No.: 20021031001185**
- e. **Recorded Date: October 31, 2002**
- f. **Legal Description:**

All that portion of Lot 1 Division O, also known as Block O, Carleton Beach Tracts according to the plat thereof found in Volume 25 of Plats, Page 18, records of King County, Washington, described as follows

Beginning at the westerly most corner of said Lot 1;

Thence North 45° 52' 25" East 80.12 feet to the northerly most corner thereof,

Thence South 45° 19' 40" East along the northeasterly line thereof 0.96 feet,

Thence South 34° 36' 47" West 47.75 feet,

Thence South 41° 05' 20" West 32.73 feet to the southwesterly line thereof and a point hereinafter known as Point A,

Thence North 47° 19' 40" West 13.03 feet to the True Point of Beginning

Also

An easement 12.00 feet in width across said Lot 1 being 6.00 feet on each side on the following described center line

Commencing at the aforesaid Point A,

Thence South 47° 19' 40" East 35.18 feet to the True Point of Beginning,

Thence North 39° 08' 00" East 37.75 feet,

Thence North 05° 02' 41" West 26.96 feet,

Thence North 50° 38' 26" East 24.42 feet to the northeasterly line of said Lot 1 and the terminus of the center line herein described.

2. Description of easement acquired by document King County Recording Number 20021031001183. (SPU file number 2002-36-01)

- a. **Type: Drainage Facilities Easement**
- b. **Grantors: Harold A. Daubenspeck and Rita M. Daubenspeck, husband and wife**
- c. **Title of Instrument: Easement Agreement and Relinquishment of Former Temporary Easement**
- d. **Recording No.: 20021031001183**
- e. **Recorded Date: October 31, 2002**
- f. **Legal Description:**

All that portion of Lot 9 Assessors Plat of Carleton Highlands according to the plat thereof found in Volume 33 of Plats, Page 26, records of King County, Washington, described as follows

Beginning at the southwest corner of said Lot 9,
Thence North 23° 06' 23" East along the west line thereof 75.03 feet,
Thence South 09° 08' 35" East 70.41 feet to the south line thereof,
Thence North 89° 17' 32" West 40.63 feet to the point of beginning

3. Description of easement acquired by document King County Recording Number 20021031001184. (SPU file number 2002-36-04)

- a. **Type: Drainage Facilities Easement**
- b. **Grantor: Ruth M. Kildall a married person**
- c. **Title of Instrument: Easement Agreement and Relinquishment of Former Temporary Easement**
- d. **Recording No.: 20021031001184**
- e. **Recorded Date: October 31, 2002**
- f. **Legal Description:**

All that portion of Lot 16 Assessors Plat of Carleton Highlands according to the plat thereof found in Volume 33 of Plats, Page 26, records of King County, Washington, lying west of the following described line:

Commencing at the southwest corner of said Lot 16;
Thence South 89° 17' 30" East along the south line thereof 90.77 feet to the True Point of Beginning of said line;
Thence North 40° 40' 33" East 42.24 feet;
Thence North 27° 53' 31" West 77.03 feet to the north line of said Lot 16 and the terminus of said line.

4. Description of easement acquired by document King County Recording Number 20021031001186. (SPU file number 2002-36-03)

- a. **Type: Drainage Facilities Easement**
- b. **Grantor: Joan McDonell, an unmarried person**
- c. **Title of Instrument: Easement Agreement and Relinquishment of Former Temporary Easement**
- d. **Recording No.: 20021031001186**
- e. **Recorded Date: October 31, 2002**
- f. **Legal Description:**

All that portion of Lot 15 Assessors Plat of Carleton Highlands according to the plat thereof found in Volume 33 of Plats, Page 26, records of King County, Washington, described as follows:

Beginning at the southwest corner of said Lot 15;

Thence northwesterly along the west line thereof and the arc of a 51.00 foot radius curve whose center point bears North 63° 45' 40" East through a central angle of 32° 09' 35" an arc distance of 28.63 feet;

Thence continue North 05° 55' 15" East along said west line 11.38 feet to a point hereinafter known as Point A;

Thence South 89° 39' 17" East 14.00 feet;

Thence South 00° 20' 43" West 6.46 feet;

Thence South 83° 36' 51" East 13.78 feet;

Thence North 76° 12' 02" East 55.00 feet;

Thence South 13° 47' 58" East 10.00 feet;

Thence South 76° 12' 02" West 68.94 feet;

Thence South 00° 46' 47" West 18.16 feet to the south line of said Lot 15;

Thence North 89° 17' 30" West 12.45 feet to the True point of Beginning.

Also:

Commencing at the aforementioned Point A;

Thence continue North 05° 55' 15" East along the west line of said Lot 15 a distance of 21.39 feet and the True Point of Beginning;

Thence continue North 05° 55' 15" East along the west line of said Lot 15 a distance of 17.18 feet to a point hereinafter known as Point B;

Thence North 84° 56' 45" East 72.57 feet;

Thence South 13° 58' 38" East 10.00 feet;

Thence South 76° 01' 22" West 50.00 feet;

Thence South 86° 31' 22" West 28.01 feet to the True Point of Beginning.

Also;

Commencing at the aforementioned Point B;

Thence continue North 05° 55' 15" East along the west line of said Lot 15 a distance of 20.74 feet and the True Point of Beginning;

Thence continue North 05° 55' 15" East along the west line of said Lot 15 a distance of 9.12 feet;

Thence continue North 06° 05' 19" East 7.81 feet to the northwest corner of said Lot 15;

Thence South 89° 17' 29" East along the north line thereof 74.20 feet;

Thence South 06° 28' 36" East 7.25 feet;

Thence South 83° 31' 24" West 77.27 feet to the True Point of Beginning.