



Legislation Text

File #: CB 118870, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the Seattle Public Utilities Department; declaring as surplus certain portions of a portion of the City's Tolt Water Transmission Pipeline right-of-way, King County Assessor Parcel number 0326049122, to serve the property commonly known as 19229 47th Ave NE, The City of Lake Forest Park, Washington 98156, Elizabeth Simmons-O'Neill and John Joseph O'Neill, Grantee's property, King County Assessor Parcel number 4400900040, and granting a non-exclusive easement for existing utility service lines, and the maintenance and use of a driveway access over and across the same.

WHEREAS, The City of Seattle ("City"), by and through its Seattle Public Utilities Department, owns and operates the TOLT water transmission pipeline and appurtenances within a City owned 70 foot wide right-of-way ("TOLT right-of-way"), which passes through The City of Lake Forest Park, Washington and provides water to the City of Seattle's Lake Forest Park Reservoir; and

WHEREAS, the City's TOLT right-of-way passes adjacent to the property commonly known as 19229 47th Ave NE, The City of Lake Forest Park, Washington 98156, currently owned by Elizabeth Simmons-O'Neill and John Joseph O'Neill, King County Assessor Parcel Number 4400900040; and

WHEREAS, the adjacent property owner at 19229 47th Ave NE, The City of Lake Forest Park, Washington 98156, lacks legal access across the City's TOLT right-of-way for a driveway to serve the single family residence; and

WHEREAS, the adjacent property owner purchased the property with the understanding that a legal ingress and egress existed across the City's TOLT right-of-way; and

WHEREAS, the property owner has contacted the Fidelity National Title Group, the company which insured

the title at the time of the property's purchase, in order to secure legal ingress and egress across the City's TOLT right-of-way; and

WHEREAS, to avoid legal dispute, Fidelity National Title Group has requested that the City grant an easement for ingress and egress to the adjacent property across the City TOLT right-of-way; and

WHEREAS, the City is willing to grant a non-exclusive easement for ingress and egress driveway access across the City's TOLT right-of-way subject to certain terms and conditions; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. After a public hearing and pursuant to the provisions of RCW 35.94.040, certain real property rights in King County, Washington, legally described and depicted in Attachment 1 to this ordinance and Exhibits A and B thereto, are hereby declared to be no longer required for providing public utility service and to be surplus to the City's needs.

Section 2. Upon receipt of payment in the amount of three thousand three hundred and fifty dollars and 0/100 (\$3,350), the Director of Seattle Public Utilities, or the Director's designee, is hereby authorized to execute, for and on behalf of The City of Seattle, an easement agreement, substantially in the form of Attachment 1 to this ordinance, to grant a non-exclusive easement, which shall run with the land, for existing utility service lines, and the maintenance and use of a driveway access over and across that portion of the City's TOLT right-of-way legally described and depicted in Attachment 1 to this ordinance and Exhibits A and B thereto, to serve the adjacent property at 19229 47th Ave NE, The City of Lake Forest Park, Washington 98156. The rights and use of the non-exclusive easement granted by this ordinance shall be subject to the terms and conditions set forth in Attachment 1, which The City of Seattle deems to be in the best public interest.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if

not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2016, and signed by me in open session in authentication of its passage this _____ day of _____, 2016.

President _____ of the City Council

Approved by me this _____ day of _____, 2016.

Edward B. Murray, Mayor

Filed by me this _____ day of _____, 2016.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment 1 - Easement Agreement