



## Legislation Text

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File #: CB 119165, Version: 1

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### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

### COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights to be surplus to the City's municipal utility needs; authorizing the General Manager/CEO of Seattle Public Utilities to grant a permanent, non-exclusive water utility easement, and restrictive well covenants, to the Sallal Water Association, a non-profit Washington corporation, for the purpose of construction, operation, and maintenance of a water system; and over, upon, across, and under a portion of The City of Seattle's Cedar River Watershed property in Section 34, Township 23 North, Range 8 East, W.M., in King County, Washington.

WHEREAS, City of Seattle Ordinance 112530, passed in 1985, authorized the Superintendent of the Seattle Water Department to enter into an agreement ("Agreement") with the Sallal Water Association (hereinafter "Sallal"), to provide improvements and/or replacements to the Sallal water system and to terminate water service to Sallal by The City of Seattle (hereinafter the "City"); and

WHEREAS, City of Seattle Ordinance 112531, passed in 1985, authorized the Superintendent of the Seattle Water Department to enter into and execute on behalf of The City of Seattle an easement ("Easement") with Sallal, to provide for the construction, operation, and maintenance of water supply and storage facilities and water transmission lines together with all necessary equipment and facilities appurtenant thereto over, upon, across, and under City property located within Section 34, Township 23 North, Range 8 East, W.M., King County, Washington; and

WHEREAS, said Agreement was executed and said Easement granted; and

WHEREAS, Sallal determined it needs to increase the reliability of its water supply, and therefore has requested that the City grant additional easement area to expand the diameter of its two existing well easements, and be granted a third well easement; and

WHEREAS, King County requires the owner of the property to record a restrictive covenant, for the protection of a public water supply; and

WHEREAS, the City is willing to grant Sallal's easement request, and to execute and record the restrictive covenant; and

WHEREAS, the City and Sallal are willing to update the insurance requirements and the water access and quality control regulations required in Ordinances 112530 and 112531; 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 attached 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 \$97,200, the General Manager/CEO of Seattle Public Utilities, or her designee, is hereby authorized to execute and grant to the Sallal Water Association ("Sallal"), for and on behalf of The City of Seattle, a permanent, non-exclusive water utility easement, substantially in the form of Attachment 1 to this ordinance, for the purpose of constructing, operating, and maintaining a water system over, upon, across, and under City property legally described and depicted in Attachment 1 and Exhibits A and B thereto.

Section 3. The General Manager/CEO of Seattle Public Utilities, or the General Manager/CEO's designee, is hereby authorized to execute and grant to King County a restrictive covenant for public water supply, substantially in the form of Attachment 2 to this ordinance, over the well easement areas legally described and depicted in Exhibits A and B thereto. Said covenant shall supersede the well covenants previously recorded under King County Recording Numbers 8511200359 and 8511200360.

Section 4. Other than as authorized herein, and in the Easement Agreement identified as Attachment 1 hereto, this ordinance does not terminate or modify any other City ordinances, easements, or agreements of any

kind related to Sallal.

Section 5. 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 \_\_\_\_\_, 2018, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

**Attachments:**

Attachment 1 - Water Utility Easement and Agreement

Attachment 2 - Restrictive Covenant - Public Water Supply