



Legislation Text

File #: CB 120624, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to Seattle Public Utilities; authorizing the acceptance of a watermain easement within a portion of Parcel B on Lot Boundary Adjustment No. 3011771 in Section 20, Township 24 North, Range 4 East, W.M., King County, Washington; placing the accepted easement under the jurisdiction of Seattle Public Utilities; declaring a portion of an existing watermain easement located on Parcel B surplus to the City’s needs and authorizing the relinquishment of the surplus portion of the easement; and ratifying and confirming certain prior acts.

WHEREAS, The City of Seattle (“City”) owns and operates a watermain and appurtenances (“Water

Facilities”) located over and across Parcel B on private property at 5510 Airport Way S, Seattle

(“Private Property”), owned by Encore Elysian LLC, a Delaware limited liability company (“Elysian”)

that operates a production brewery on the site; and

WHEREAS, the Private Property is encumbered by a watermain easement granted to the City on September 20,

1983, recorded under King County Recording Number 198310040802 (“Existing Easement”); and

WHEREAS, Elysian developed the Private Property in a manner that necessitates the relocation of a portion of

the Water Facilities to a different location within Parcel B; and

WHEREAS, Elysian relocated a portion of the Water Facilities within Parcel B and granted the City a new

easement over the realigned location; and

WHEREAS, the relocation of the Water Facilities within Parcel B makes a portion of the Existing Easement on

the Private Property no longer necessary for utility purposes and surplus to the City’s needs; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City of Seattle accepts the easement granted for water utility purposes over, under, across, and upon the real property generally described below and legally described in Attachment 1 to this ordinance.

A. Grantor: Encore Elysian, LLC, a Delaware limited liability company; King County Recording Number 20220520000968.

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

Section 3. Pursuant to the provisions of RCW 35.94.040 and after public hearing, the portion of the watermain easement recorded under King County Recording Number 198310040802, as described in Attachment 2 to this ordinance and lying within Parcel B on the Private Property, is declared to be no longer required for municipal utility purposes and surplus to the City's needs.

Section 4. The General Manager and CEO of Seattle Public Utilities, or the General Manager and CEO's designee, is hereby authorized to execute, for and on behalf of the City, a partial relinquishment of the surplus portion of the Existing Easement, legally described and attached hereto as Attachment 2, in consideration of the receipt of the easement described in Section 1 of this ordinance.

Section 5. Any action taken pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 6. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

Attachments:

Attachment 1 - Legal Description of Acquired Easement

Attachment 2 - Legal Description of Relinquished Easement