

86:C:41

Ordinance No. 109697

AN ORDINANCE authorizing a quit claim deed to the State of Washington of certain City (Light Department) property in Government Lot 2, Section 3, Township 23 North, Range 4 East, W.M., for use as Interstate 5 right of way, and reserving to the City certain rights of access to the remainder parcels.

Deed # 18940
D.S. 2/11/81 P.M.

COMPTROLLER
FILE NUMBER Pdpm

Council Bill No. 101936

INTRODUCED: JAN 12 1981	BY: Exec.
REFERRED: JAN 12 1981	TO: Pdpm
REFERRED:	
REFERRED:	
REPORTED: FEB 17 1981	SECOND READING: FEB 17 1981
THIRD READING: FEB 17 1981	SIGNED: FEB 17 1981
PRESENTED TO MAYOR: FEB 18 1981	APPROVED: FEB 24 1981
RETD. TO CITY CLERK: FEB 24 1981	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE 109697

AN ORDINANCE authorizing a quit claim deed to the State of Washington of certain City (Light Department) property in Government Lot 2, Section 3, Township 23 North, Range 4 East, W.M., for use as Interstate 5 right of way, and reserving to the City certain rights of access to the remainder parcels.

WHEREAS, the State of Washington, under King County Cause No. 619744 brought an action to condemn certain fee-owned City (Light Department) transmission line right of way in Government Lot 2, Section 3, Township 23 North Range 4 East, W.M., and in Southside Garden Tracts (Volume 12 of Plats, page 34, records of King County, Washington) for Interstate 5 thereby rendering the transmission lines standing on the right of way remaining inaccessible for maintenance purposes except across the operating rights of way of transcontinental railroads, which railroads after prolonged negotiations refused to grant such access on a permanent and otherwise satisfactory basis; and

WHEREAS, the State of Washington in settlement of the issue of severance damage to the remainder of the transmission line right of way and system has agreed to take the required right of way by deed, the City reserving a gated access to the remainder parcels from the I-5 right of way, which access together with the offer of Six Thousand Eight Hundred Four and 20/100 Dollars (\$6,804.20) is acceptable to the City as indicated in the attachments hereto; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Mayor is authorized to execute and the City Comptroller to attest, for and on behalf of The City of Seattle, a quit claim deed substantially in the form of Exhibit "A" hereto, conveying to the State of Washington for highway purposes (I-5) the following described real property upon the terms stated therein:

PARCEL "A"

The westerly 100 feet of that portion of Government Lot 2 in Section 3, Township 23 North, Range 4 East, W.M. and Timothy Grow Donation Land Claim No. 44 and No. 48 in Townships 23 and 24 North, Range 4 East, W.M. lying easterly of and adjoining the northeasterly line of the right-of-way of Union Pacific Railroad Company and bounded on the north by the north line of said Donation Land Claim and bounded on the south by the northerly line of a road deeded to King County by deed recorded

1 in Volume 310 of Deeds, page 553, under Auditor's File
2 No. 337665, records of King County, said 100 feet being
measured at right angles to said northeasterly right-
of-way line.

3 PARCEL "B"

4 All that portion of the following described Tract "X"
5 lying northeasterly of a line described as follows:

6 Beginning at a point 140 feet westerly and opposite
7 Highway Engineer's Station (hereinafter referred to as
8 HES) 2754+50 on the centerline survey of SR 5, 126th
9 Street to Norfolk Street; thence northwesterly in a
10 straight line to a point 145 feet westerly and opposite
11 HES 1832+00 on the R/W Baseline of SR 5, Norfolk Street
12 to Bayview Street; thence northwesterly parallel with
13 said baseline 300 feet; thence northwesterly on a
14 straight line which, if projected northwesterly, would
15 intersect a point 180 feet westerly and opposite HES
16 1840+00 to the point of intersection of said line with
17 the westerly line of said below-described Tract "X";
18 thence northwesterly along said westerly line of said
Tract "X" to a point which is 37.5 feet northwesterly,
when measured at right angles to the centerline survey
of Access Road Easement as shown on sheet 3 of said
plan of SR 5, Norfolk Street to Bayview Street; thence
northwesterly in a straight line to a point on the
westerly side of County Road No. 808, also known as the
Van DeVanter Road (as conveyed to King County under
King County Recorder's No. 337665, 310 Deeds 553),
which is 180 feet westerly when measured at right
angles to the R/W baseline of said SR 5, Norfolk Street
to Bayview Street; thence northwesterly in a straight
line to a point which is 212 feet westerly and opposite
HES 1847+00 on said Baseline; thence northerly in a
straight line to a point which is 180 feet westerly and
opposite HES 1850+50 on said Baseline and the end of
this line description.

19 TRACT "X"

20 The southwesterly 100 feet of that portion of
21 Government Lot 2 in Section 3, Township 23 North,
22 Range 4 East, W.M. lying easterly of and adjoining
23 the northeasterly line of the right-of-way line of
24 the Union Pacific Railroad Company and bounded on
25 the north by the southerly line of a road deeded
to King County by deed recorded in Volume 310 of
Deeds, page 553, under Auditor's File No. 337665,
records of King County and on the south by the
north line of Norfolk Street, said 100 feet being
measured at right angles to said railroad right-
of-way line.

26 TOGETHER WITH all rights of ingress and egress, if any
27 (including all existing, future or potential easements
28 of access, light, view and air), to, from and between
said State Route No. 5 and the remainder of said Tract
"X".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PARCEL "C"

Tracts 41, 42, 110, 111, 114, 119 and 122 of Southside Garden Tracts, as per plat recorded in Volume 12 of Plats, page 34, records of King County; situate in the City of Seattle, County of King, State of Washington.

The lands being herein conveyed contain an area of 5.72 acres, more or less, the specific details concerning all of which may be found within those certain maps of definite location now of record and on file in the Office of the Secretary of Transportation at Olympia, Washington, bearing date of approval October 2, 1962, revised January 21, 1964.

IT IS UNDERSTOOD AND AGREED that the STATE shall construct on its right-of-way an OFF and ON APPROACH, not to exceed 20 feet in width, for a gated approach to the grantor's utility right-of-way to be used only for the operation, maintenance and repair of the said existing utility, and to be located on the westerly side, southbound only, at or near HES 2750+90 on the centerline survey of SR 5, South 126th Street to Norfolk Street, as shown on Sheet 2 of 2 Sheets of the plan showing access of said SR 5, South 126th Street to Norfolk Street, and to which OFF and ON APPROACH only, the grantor, its successors or assigns, reserve a right of reasonable access for the above-described purposes only, which APPROACH shall be maintained between the right-of-way line and the shoulder line of said highway, by the grantor, its successors or assigns.

Section 2. Any act pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

(To be used for all Ordinances except Emergency.)

Section ³..... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 17 day of February, 1981,
and signed by me in open session in authentication of its passage this 17 day of
February, 1981.

[Handwritten Signature]
President of the City Council.

Approved by me this 24 day of February, 1981.
[Handwritten Signature]
Mayor.

Filed by me this 24 day of February, 1981.

Attest: *[Handwritten Signature]*
City Comptroller and City Clerk.

(SEAL)

Published.....

By *[Handwritten Signature]*
Deputy Clerk.

Your
Seattle
City Light



L. Joe Miller, Acting Superintendent
Charles Royer, Mayor

December 31, 1980

Douglas N. Jewett, City Attorney
Law Department
City of Seattle

Attention: Mr. Grant Wilcox

Dear Mr. Jewett:

State vs. Hooker; King County Cause No. 619744
Condemnation of City (Light) Transmission Line Right-of-Way in
Government Lot 2, Section 3, Township 23 North, Range 4 East
and Southside Garden Tracts

In 1964, the State Department of Transportation filed condemnation action against the City on the above-referenced property for Interstate 5. The condemnation was not completed on these particular parcels, because the taking would eliminate access to the City's transmission line right-of-way.

The Department of Transportation has recently agreed to a permanent, gated access off of Interstate 5 to the right-of-way. This resolves City Light's need for access, and we, therefore, consent to the completion of the condemnation.

The necessary legislation attached hereto, has been drafted by Mr. Grant Wilcox and approved by City Light.

Yours truly,
Robert V. Cowan for

L. Joe Miller
Acting Superintendent

SL:bb

Enclosures: Draft letter
Draft ordinance

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98101

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

January 7, 1981

City Council
The City of Seattle

Re: State v. Hooker; King County Cause No. 619744
Condemnation of City (Light) Transmission Line
Right of Way in Govt. Lot 2, Sec. 3, Township
23 N., R 4 E and Southside Garden Tracts.

Dear Members:

In April, 1964, the State of Washington filed a condemnation action to acquire right of way for Interstate 5 under the case title State v. Kathryn Therese Hooker, et al., King County Cause No. 619744.

A number of city-owned parcels were included and settlements concerning all but the five parcels which were named under Item 4 of the State's "Notice in Condemnation" were reached many years ago, and the City was properly compensated. Item 4 could not be concluded on the basis of a cash award of \$6,804, as the State offered, because City Light Transmission line right of way was involved and after the State's taking the only access to the right of way would have been over fee-owned railroad operating property (mainline). Initially, the State offered to assist the City in bargaining with the railroads for permission to construct an access road across the railroad's operating property. Prolonged negotiations with the railroads resulted in the conclusion by both State and City that a permanent permit satisfactory to the City under the circumstances could not be arranged. The City continued to insist on a permanent access.

Now, the State Department of Transportation, realizing that the issue of severance damage (total loss of access) to the City's transmission line right of way can be put to rest in no other way than by allowing a gated access off Interstate 5, has agreed to that solution, to take the property described in Item 4 by deed from the City with the deed reserving to

LAW DEPARTMENT--THE CITY OF SEATTLE

City Council
Page Two
January 7, 1981

the grantor City a permanent gated access from Interstate 5 to the transmission line right of way and to incorporate the deed into the Judgment and Decree of Appropriation.

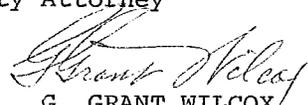
The property embraced by Item 4 is situated in Government Lot 2, Section 3, Township 23 North, Range 4 East, W.M., and Southside Garden Tracts (Volume 12 of Plats, page 34). The State constructed I-5 under an agreement for immediate possession and use.

Attached hereto is proposed legislation authorizing the deed referenced above, and by which the City retains permanent legal and practicable access to its transmission line right of way. We recommend enactment of the proposed legislation.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By


G. GRANT WILCOX
Assistant

GGW:rl
Enc.

CSS 20.14

The City of Seattle--Legislative Department

MR. PRESIDENT:

Your Committee on

P&M

**PERSONNEL AND PROPERTY
MANAGEMENT**

Date Reported
and Adopted

FEB 17 1981

to which was referred

C.B. 101986

Authorizing a quit claim deed to the State of Washington of certain City (Light Department) property in Government Lot 2, Section 3, Township 23 North, Range 4 East, W.M., for use as Interstate 5 right of way, and reserving to the City certain rights of access to the remainder parcels.

PASS - 2/11/81 P&M

H. Dolores Siberga

Chairman

Chairman

.....
.....
.....
.....
.....
.....
.....

Committee

.....
.....
.....
.....
.....
.....
.....

Committee

ORDINANCE 109697

AN ORDINANCE authorizing a quit claim deed to the State of Washington of certain City (Light Department) property in Government Lot 2, Section 3, Township 23 North, Range 4 East, W.M., for use as Interstate 5 right of way, and reserving to the City certain rights of access to the remainder parcels.

WHEREAS, the State of Washington, under King County Cause No. 619744 brought an action to condemn certain fee-owned City (Light Department) transmission line right of way in Government Lot 2, Section 3, Township 23 North Range 4 East, W.M., and 14 Southside Garden Tracts (Volume 12 of Plats, page 34, records of King County, Washington) for Interstate 5 thereby rendering the transmission lines standing on the right of way remaining inaccessible for maintenance purposes except across the operating rights of way of transcontinental railroads, which railroads after prolonged negotiations refused to grant such access on a permanent and otherwise satisfactory basis; and

WHEREAS, the State of Washington in settlement of the issue of severance damage to the remainder of the transmission line right of way and system has agreed to take the required right of way by deed, the City reserving a gated access to the remainder parcels from the I-5 right of way, which access together with the offer of Six Thousand Eight Hundred Four and 20/100 Dollars (\$6,804.20) is acceptable to the City as indicated in the attachments hereto; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Mayor is authorized to execute and the City Comptroller to attest, for and on behalf of The City of Seattle, a quit claim deed substantially in the form of Exhibit "A" hereto, conveying to the State of Washington for highway purposes (I-5) the following described real property upon the terms stated therein:

PARCEL "A"

The westerly 100 feet of that portion of Government Lot 2 in Section 3, Township 23 North, Range 4 East, W.M. and Timothy Grow Donation Land Claim No. 44 and No. 48 in Townships 23 and 24 North, Range 4 East, W.M. lying easterly of and adjoining the northeasterly line of the right-of-way of Union Pacific Railroad Company and bounded on the north by the north line of said Donation Land Claim and bounded on the south by the northerly line of a road deeded to King County by deed recorded in Volume 310 of Deeds, page 553, under Auditor's File No. 337665, records of King County, said 100 feet being measured at right angles to said northeasterly right-of-way line.

PARCEL "B"

All that portion of the following described Tract "X" lying northeasterly of a line described as follows:

Beginning at a point 140 feet westerly and opposite Highway Engineer's Station (hereinafter referred to as HES) 2754+50 on the centerline survey of SR 5, 126th Street to Norfolk Street; thence northwesterly in a straight line to a point 145 feet westerly and opposite HES 1832+00 on the R/W Baseline of SR 5, Norfolk Street to Bayview Street; thence northwesterly parallel with said baseline 360 feet; thence northwesterly on a straight line which, if projected northwesterly, would intersect a point 180 feet westerly and opposite HES 1840+00 to the point of intersection of said line with the westerly line of said below-described Tract "X"; thence northwesterly along said westerly line of said Tract "X" to a point which is 37.5 feet northwesterly, when measured at right angles to the centerline survey of Access Road Easement as shown on sheet 3 of said plan of SR 5, Norfolk Street to Bayview Street; thence northwesterly in a straight line to a point on the westerly side of County Road No. 808, also known as the Van DeVanter Road (as conveyed to King County under King County Recorder's No. 337665, 310 Deeds 553), which is 180 feet westerly when measured at right angles to the R/W Baseline of said SR 5, Norfolk Street to Bayview Street; thence northwesterly in a straight line to a point which is 212 feet westerly and opposite HES 1847+00 on said Baseline; thence northerly in a straight line to a point which is 180 feet westerly and opposite HES 1850+50 on said Baseline and the end of this line description.

TRACT "X"

The southwesterly 100 feet of that portion of Government Lot 2 in Section 3, Township 23 North, Range 4 East, W.M. lying easterly of and adjoining the northeasterly line of the right-of-way line of the Union Pacific Railroad Company and bounded on the north by the southerly line of a road deeded to King County by deed recorded in Volume 310 of Deeds, page 553, under Auditor's File No. 337665, records of King County and on the south by the north line of Norfolk Street, said 100 feet being measured at right angles to said railroad right-of-way line.

TOGETHER WITH all rights of ingress and egress, if any (including all existing, future or potential easements of access, light, view and air), to, from and between said State Route No. 5 and the remainder of said Tract "X".

PARCEL "C"

Tracts 41, 42, 111, 114, 119 and 122 of Southside Garden Tracts, as per plat recorded in Volume 12 of Plats, page 34, records of King County, situate in the City of Seattle, County of King, State of Washington.

The lands being herein conveyed contain an area of 5.72 acres, more or less, the specific details concerning all of which may be found within those certain maps of definite location now of record and on file in the Office of the Secretary of Transportation at Olympia, Washington, bearing date of approval October 2, 1962, revised January 21, 1964.

IT IS UNDERSTOOD AND AGREED that the STATE shall construct on its right-of-way an OFF and ON APPROACH, not to exceed 20 feet in width, for a gated approach to the grantor's utility right-of-way to be used only for the operation, maintenance and repair of the said existing utility, and to be located on the westerly side, southbound only, at or near HES 2750+90 on the centerline survey of SR 5, South 126th Street to Norfolk Street, as shown on Sheet 2 of 2 Sheets of the plan showing access of said SR 5, South 126th Street to Norfolk Street, and to which OFF and ON APPROACH only, the grantor, its successors or assigns, reserve a right of reasonable access for the above-described purposes only, which APPROACH shall be maintained between the right-of-way line and the shoulder line of said highway, by the grantor, its successors or assigns.

Section 2. Any act pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council this 17 day of February, 1981, and signed by me in open session in authentication of its passage this 17 day of February, 1981.

Approved by me this 24 day of February, 1981.

Filed by me this 24 day of February, 1981.

Attest: Tim Hill, City Comptroller and City Clerk.

(SEAL)

By: Thomas Lumber, Deputy Clerk.

C-685

Affidavit of Publication

TO: [illegible]
DATE: [illegible]
BY: [illegible]

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a
Ordinance No. 109697

was published on February 26, 1981

B. Blair
Subscribed and sworn to before me on

February 26, 1981

Barbara C. Thomas
Notary Public for the State of Washington,
residing in Seattle.