

ORDINANCE No. 120249

COUNCIL BILL No. 113474

AN ORDINANCE vacating the alley in block 36, Brooklyn Addition, and portions of 15th Avenue Northeast and University Way Northeast, as called for in the University of Washington Southwest Campus Master Plan, accepting a Property Use and Development Agreement, accepting deeds to real property for street purposes in connection therein, and laying off realigned 15th Avenue Northeast.

Law Department
The City of Seattle--Legislative

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____ report that we have considered the same and respectfully recommend

Approved 3-0: RJM, HW, JC

1-29-01 Passed 8-0 (Excused)

COMPTROLLER FILE No. _____

Introduced: <u>NOV - 6 2000</u>	By: <u>McIVER</u>
Referred: <u>NOV - 6 2000</u>	To: <u>TRANSPORTATION</u>
Referred:	To:
Referred:	To:
Reported: <u>1-29-01</u>	Second Reading:
Third Reading: <u>1-29-01</u>	Signed: <u>1-29-01</u>
Presented to Mayor: <u>1-30-01</u>	Approved: <u>2/5/01</u>
Returned to City Clerk: <u>2/5/01</u>	Published: <u>full app.</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

(U)

Committee Chair

Law Department

Richard J. McLean

The City of Seattle--Legislative Department

In Addition, and portions of 15th
as called for in the University of
accepting a Property Use and
property for street purposes in
the Northeast.

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

Approved 3-0: RJM, HW, JC

1-29-01 Passed 8-0 (Excused: Pageler)

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Committee Chair

*(E) Committee Report
has been reviewed
and approved
Attachments
NO ordinance on desk*

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE **120249**

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AN ORDINANCE vacating the alley in Block 36, Brooklyn Addition, and portions of 15th Avenue Northeast and University Way Northeast, as called for in the University of Washington Southwest Campus Master Plan, accepting a Property Use and Development Agreement, accepting deeds to real property for street purposes in connection therein, and laying off realigned 15th Avenue Northeast.

WHEREAS, there has been filed with the City Council the petition of University of Washington (Clerk File 297914) for the vacation of public rights of way, as therein fully described; and

WHEREAS, a public hearing on said petition was held on November 30, 1993; and

WHEREAS, following extensive review and numerous public hearings, the Southwest Campus Master Plan was approved by the Seattle City Council (Ordinance 117149) and the University of Washington Board of Regents in 1994; and

WHEREAS, the Southwest Campus Master Plan calls for the vacation of the said rights-of-way and for the realignment and rededication of 15th Avenue Northeast; and

WHEREAS, certain public amenities were conditions for the vacation approval, including improvements to the Sakuma Viewpoint, pedestrian and bike trails, landscaping, viewing areas and open space; and

WHEREAS, the petitioner was required to provide improvements to parking and traffic to enhance public and business access including a new parking lot, traffic signal and signage; and

WHEREAS, a Property Use and Development Agreement has been duly filed with King County that commits the petitioner to fulfill all ongoing obligations required by the Seattle City Council; and

WHEREAS, an equivalent amount of right-of-way will be rededicated to the City; Now, Therefore;

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That
The alley in Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County, Washington, being the alley between 15th Avenue Northeast and University Way Northeast, south of Northeast Pacific Street and north of Northeast Boat Street;
Together with:
15th Avenue Northeast, south of Northeast Pacific Street and north of Northeast Boat Street;
Together with:
University Way Northeast, south of Northeast Pacific Street and north of Northeast Boat Street;

be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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1 Section 2. That the Property Use and Development Agreement, King County
2 Recording Number 20000825000511, attached hereto as Attachment A, is hereby accepted.

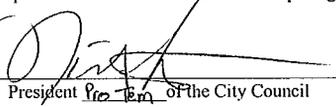
3 Section 3 That the City Clerk is hereby authorized and directed to file a copy of
4 said Property Use and Development Agreement and this Ordinance at the King County
5 Records and Elections Division and the City Clerk's Office, and to deliver copies of the
6 same to the Director of the Department of Design, Construction and Land Use, and to the
7 King County's Assessor's Office.

8 Section 4. That the deed executed by the University of Washington on the 18th day
9 of August, 2000, King County Recording Number 20000825000510, conveying to the City
10 of Seattle for street purposes the property in Seattle, King County, Washington, described
11 and attached hereto as Attachment B, is hereby accepted, and the real property conveyed by
12 such deed is placed under the jurisdiction of the Seattle Transportation Department.

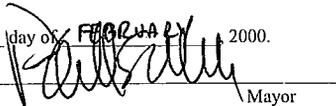
13 Section 5. That 15th Avenue Northeast be and the same is hereby laid off, opened,
14 widened, extended and established over, through, across and upon the real property
15 described in Section 4 hereof.

16 Section 6. This ordinance shall take effect and be in force thirty (30) days from and
17 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
18 (10) days after presentation, it shall take effect as provided by Municipal Code Section
19 1.04.020.

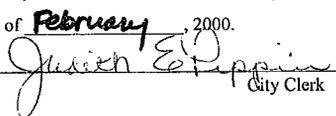
20 PASSED by the City Council of the City of Seattle this 29th day of
21 January, 2000, and signed by me in open session in authentication of its passage
22 this 29th day of January, 2000.



President Pro Tem of the City Council

23 Approved by me this 5th day of FEBRUARY, 2000.
24 

Mayor

25 Filed by me this 5th day of February, 2000.
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City Clerk

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29 (Seal)
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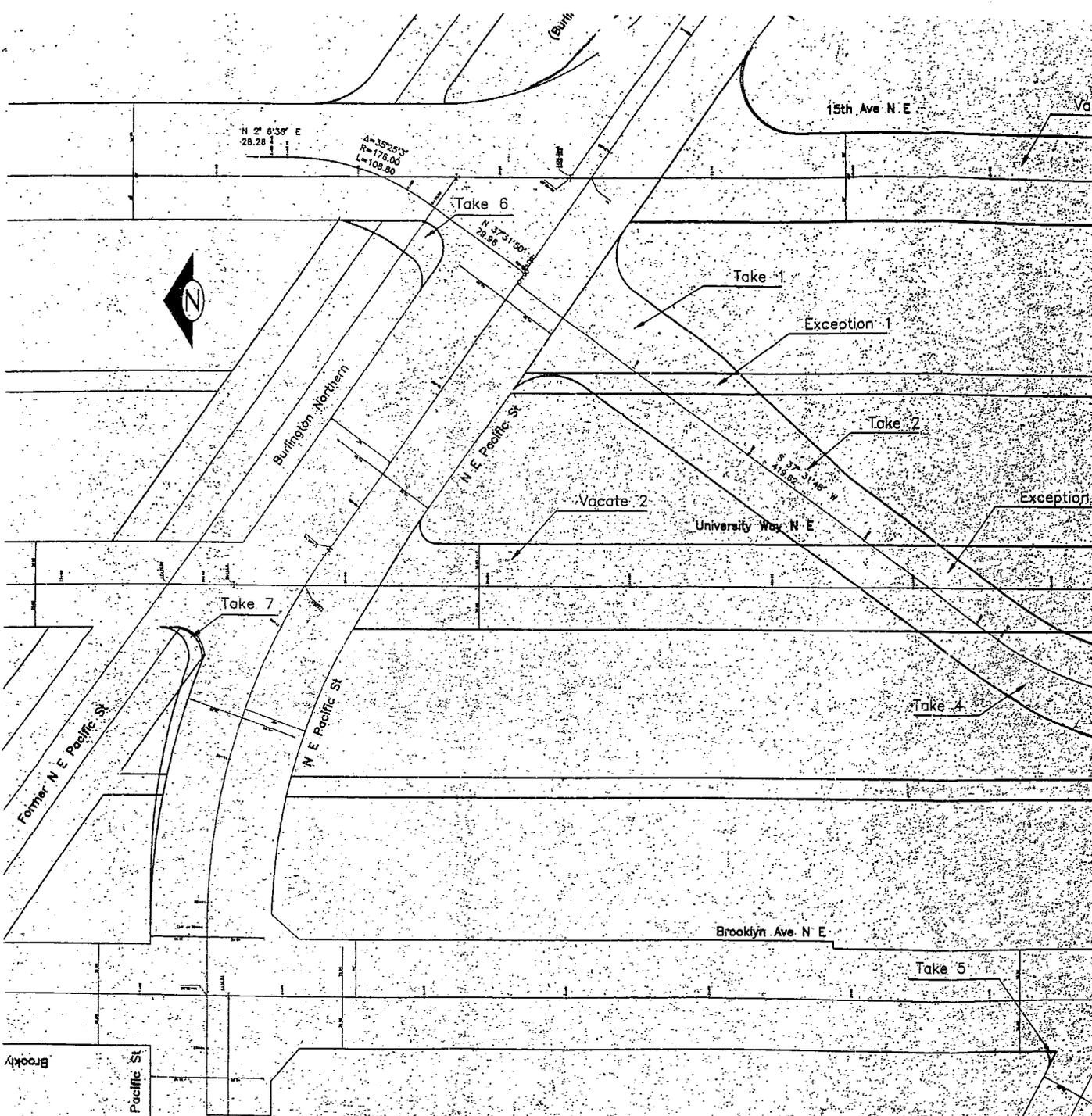
Ordinance 120249

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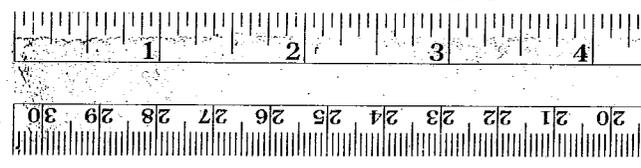
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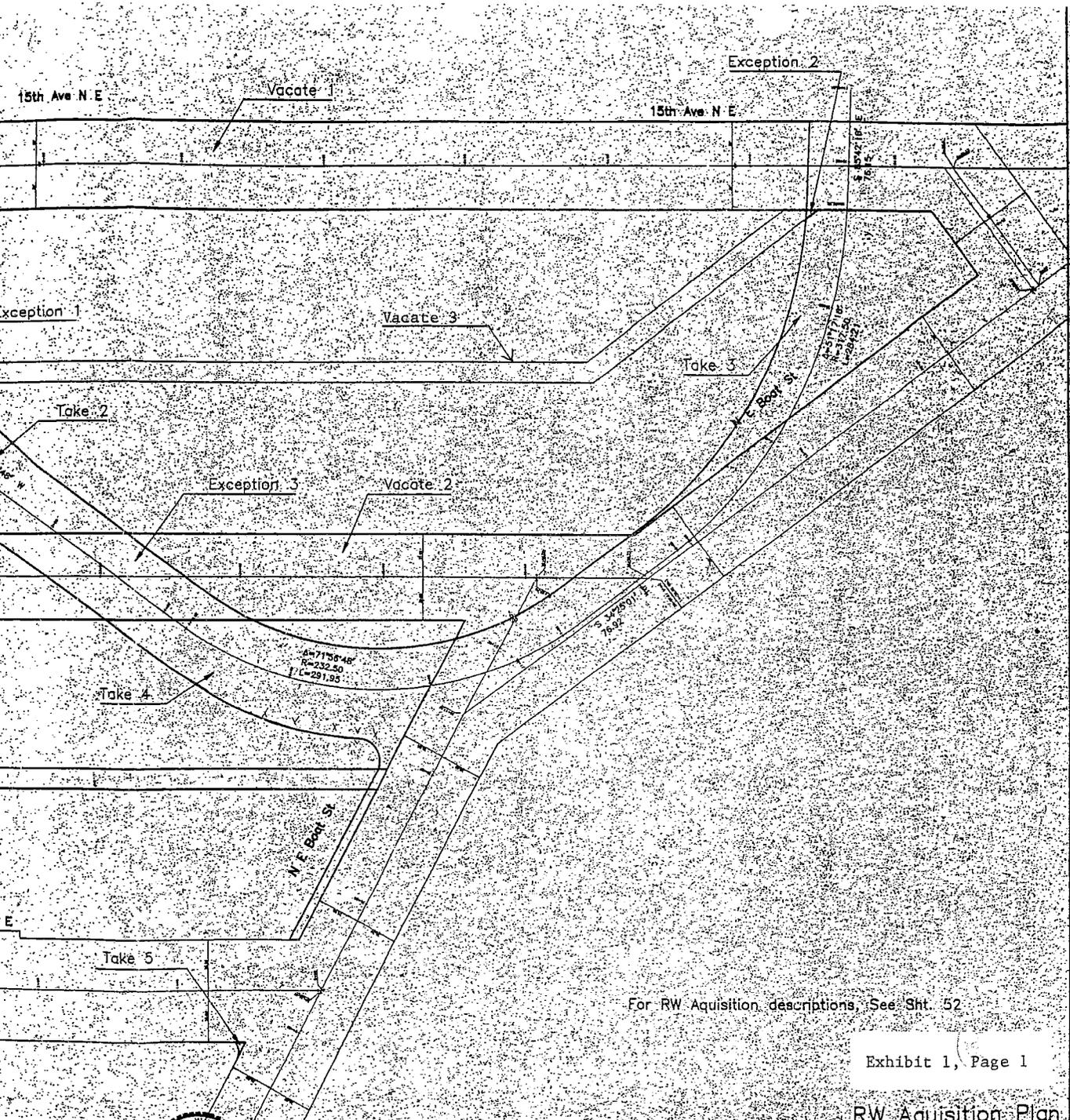
NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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APPROVED FOR ADVERTISING
 KENNETH J. NAKATSU
 DIRECTOR OF ADMINISTRATIVE SERVICES
 SEATTLE, WASHINGTON
Kenneth J. Nakatsu
 PUBLIC WORKS CONTRACTING MANAGER

NAME OR INITIALS AND DATE	INITIALS AND DATE
DESIGNED	REVIEWED
CHECKED	DESIGNED
DRAWN: L.W.F.	DESIGNED BY: CONST.
CHECKED: P.S.W.	DESIGNED BY: PROJ. MGR. P.S.W.
DESIGN REVIEW	REVIEWED AS BUILT





For RW Acquisition descriptions, See Sht. 52

Exhibit 1, Page 1

RW Acquisition Plan

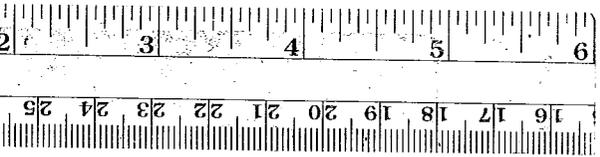
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REVIEWED:	
DESIGN:	
TRANS. SVC:	
RECEIVED	
REVISED AS BUILT	



THE CITY OF SEATTLE
 DEPARTMENT OF ENGINEERING
 ACTING DIRECTOR, SEATTLE ENGINEERING DEPARTMENT
 APPROVED

University of Washington
 South West Campus
 Street Relocations

PROJECT NO.	EWM0063
DATE	
SCALE	
SHEET NO.	274-80
TOTAL SHEETS	OF 52



**15th AVENUE NORTHEAST NEW R/W
IN BLOCK 36 BROOKLYN ADDITION TO SEATTLE**

That portion of Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County, Washington, described as follows: **(TAKE #1)**
Beginning at the intersection of the Southwesterly margin of Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle and the East line of said Block 36;
thence North 51° 58' 18" West along said Southwesterly margin, 7.09 feet to a point of curvature of a curve to the left having a radius of 30 feet and the True Point of Beginning;
thence along said curve through a central angle of 90° 29' 54", an arc distance of 47.38 feet;
thence South 37° 31' 48" West, a distance of 78.07 feet;
thence South 44° 39' 18" West a distance of 18.43 feet to the East margin of the alley in said Block 36;
thence North 2° 06' 22" East along said East margin, 151.45 feet to said Southwesterly margin of Northeast Pacific Street;
thence South 51° 58' 18" East along said Southwesterly margin, 120.09 feet to the True Point of Beginning;

together with that portion of said Block 36 described as follows: **(TAKE #2)**

Beginning at the intersection of said Southwesterly margin of Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle and said East line of Block 36;
thence North 51° 58' 18" West along said Southwesterly margin, 127.18 feet to said East margin of the alley in Block 36;
thence South 2° 06' 22" West along said East margin, 151.45 feet;
thence South 44° 39' 18" West a distance of 20.70 feet to the West margin of said alley and the True Point of Beginning;
thence continuing South 44° 39' 18" West a distance of 83.80 feet;

thence South 37° 31' 48" West a distance of 79.90 feet to the East margin of University Way Northeast;
thence North 2° 06' 13" East along the last described East margin, 100.08 feet;
thence North 37° 31' 48" East a distance of 177.68 feet to said West margin;
thence South 2° 06' 22" West along said West margin, 116.00 feet to the True Point of Beginning;

together with that portion of said Block 36 described as follows: **(TAKE #3)**

Beginning at the intersection of the Northeastly margin of Northeast Boat Street and said East margin of University Way Northeast;
thence North 2° 06' 13" East along said East margin, 2.52 feet;
thence South 34° 25' 01" East, a distance of 8.31 feet to a point of curvature of a curve to the left having a radius of 289.50 feet;
thence along the last described curve through a central angle of 48° 43' 07", an arc distance of 246.16 feet to the Southwesterly margin of the alley in Block 36, Brooklyn Addition to Seattle;
thence South 34° 25' 01" East along the last described Southwesterly margin, 10.67 feet to the West margin of 15th Ave Northeast;
thence South 2° 06' 31" West along the last described West margin, 78.52 feet to the Northwesterly margin of a street established by a permit from the Board of Regents of the University of Washington dated January 27, 1967, as shown in City of Seattle Comptroller's File No. 255876;
thence South 55° 37' 08" West along said Northwesterly margin, 53.27 feet to said Northwesterly margin of Northeast Boat Street;
thence North 34° 25' 01" West along the last described Northwesterly margin, 297.57 feet to the Point of Beginning.

together with a portion of Block 35, **and of said vacated Alley in Block 35**, described as follows: **(TAKE #4)**

Beginning at the Southeast corner of said Block 35;
thence North 59° 51' 53" West along the South line of said Block 35, a distance of 14.54 feet to the True Point of Beginning;
thence continuing North 59° 51' 53" West along said South line, 234.93 feet to the West line of said Block 35;
thence North 2° 06' 50" East along said West line, 6.57 feet;
thence South 59° 51' 53" East a distance of 131.06 feet to a point of curvature of a curve to the left having a radius of 15.00 feet;
thence along said curve through a central angle of 115° 53' 38", an arc distance of 30.34 feet to a point of reverse curvature of a curve to the right having a radius of 224.12 feet;
thence along the last described curve through a central angle of 33° 17' 18", an arc distance of 130.21 feet;
thence North 37° 31' 48" East a distance of 70.99 feet to the East line of said Block 35;
thence South 2° 06' 13" West along said East line, 105.20 feet to a point on a curve to the left having an initial radial bearing of South 62° 17' 19" East and a radius of 203.50 feet;
thence along the last described curve through a central angle of 22° 33' 31", an arc distance of 80.12 feet to a point of compound curvature of a curve to the left having a radius of 207.86 feet;
thence along the last described curve through a central angle of 18° 07' 45" an arc distance of 65.77 feet to the True Point of Beginning.

**MURKIN OF 15th AVE & NE PACIFIC ST
(VACATION #1)**

That portion of 15th Avenue Northeast described as follows:
Beginning at the intersection of the Southwesterly margin of Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle and the East line of Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County Washington;

thence South 2° 06' 31" West along said East line, 696.58 feet to a point on a curve to the left having an initial radial bearing of North 5° 39' 18" East and a radius of 289.50 feet;
thence easterly along said curve through a central angle of 1° 18' 32", an arc distance of 6.81 feet to a point of tangency;
thence South 89° 42' 14" East, a distance of 53.43 feet to the East margin of 15th Avenue Northeast as established by Ordinance 17947 of The City of Seattle;

thence North 2° 06' 31" East along said East margin, 581.02 feet to a point of curvature of a curve to the right having a radius of 38.00 feet;
thence along the last described curve through a central angle of 125° 55' 11", an arc distance of 83.51 feet to a point of tangency with the Southwesterly margin of Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle;
thence North 51° 58' 18" West along the production northwesterly of said Southwesterly margin, a distance of 148.54 feet to the Beginning.

**PORTION OF UNIVERSITY WAY NE TO BE VACATED
(VACATION #2)**

That portion of University Way Northeast described as follows:

Beginning at the Southeast corner of Block 35, Brooklyn Addition to Seattle, as recorded in Volume 7, Page 32 of Plats Records of King County Washington;
thence North 59° 51' 53" West along the South line of said Block 35, a distance of 14.54 feet to a point on a curve to the left having a radius of 207.86 feet and an initial radial bearing of North 77° 01' 23" East;

thence southerly and southwesterly along said curve through a central angle of 21° 28' 24" an arc distance of 77.78 feet to a point of tangency;
thence South 34° 25' 01" East, a distance of 65.84 feet, to the East margin of University Way Northeast;
thence North 2° 06' 13" East along said East margin, 709.08 feet to a point of curvature of a curve to the right having a radius of 12.00 feet;

thence along the last described curve through a central angle of 125° 55' 29", an arc distance of 26.37 feet to a point of tangency on the Southerly margin of Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle and the beginning of a curve to the left having a radius of 414.25 feet and an initial radial bearing of South 38° 01' 42" West;

thence northwesterly along the last described curve through a central angle of 4° 59' 48", an arc distance of 36.13 feet;
thence North 58° 58' 08" West a distance of 57.00 feet to the West margin of University Way Northeast;
thence South 2° 06' 13" West along said West margin, 652.30 feet to the Beginning;

Except the following described portion of said street: **(EXCEPTION #3)**

Beginning at the intersection of the Southerly margin of Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle and the East line of Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County Washington;
thence North 51° 58' 18" West along said Southerly margin, 127.18 feet to the East margin of the alley in said Block 36;
thence South 2° 06' 22" West along said East margin, 151.45 feet;

thence South 44° 39' 18" West, a distance of 20.70 feet to the West margin of said alley;
thence continuing South 44° 39' 18" West, a distance of 83.80 feet;

thence South 37° 31' 48" West, a distance of 79.90 feet to the East margin of University Way Northeast and the True Point of Beginning;
thence continuing South 37° 31' 48", a distance of 73.00 feet to a point of curvature of a curve to the left having a radius of 203.50 feet;

thence along the last described curve through a central angle of 9° 48' 07", an arc distance of 34.87 feet to the West margin of University Way Northeast;
thence North 2° 06' 13" East along said West margin, 105.20 feet;

thence North 37° 31' 48" East, a distance of 103.51 feet to the East margin of University Way Northeast;
thence South 2° 06' 13" West along said East margin, 100.08 feet to the True Point of Beginning.

**PORTION OF ALLEY IN BLOCK 36 BROOKLYN
VACATED: (Vacation #3)**

All that portion of the alley in Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats of King County, Washington, lying between Northeast Pacific Street as established by The City of Seattle and the East line of said Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County Washington;

Except the following described portion:
Beginning at the intersection of said Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle and the East line of said Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County Washington;

thence North 51° 58' 18" West along said Southwesterly margin, 127.18 feet to the East margin of the alley in said Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County Washington;
thence South 2° 06' 22" West along said East margin, 151.45 feet;

thence South 44° 39' 18" West, a distance of 20.70 feet to the West margin of said alley;
thence North 2° 06' 22" East along said curve through a central angle of 90° 29' 54", an arc distance of 47.38 feet to the East margin of the alley in said Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County Washington;

thence South 51° 58' 18" East along said curve through a central angle of 180° 00' 00", an arc distance of 127.18 feet to the True Point of Beginning and except the following described portion:
Beginning at the intersection of the said alley with the West margin of 15th Avenue Northeast, as recorded in Volume 7 of Plats, page 32, Records of King County Washington;

thence North 34° 25' 01" West along said Southwesterly margin, 10.67 feet to a point of tangency on the Northwesterly margin of Northeast Pacific Street;
thence South 51° 58' 18" East along said curve through a central angle of 115° 53' 38", an arc distance of 30.34 feet to the True Point of Beginning and except the following described portion:
Beginning at the intersection of the said alley with the West margin of 15th Avenue Northeast, as recorded in Volume 7 of Plats, page 32, Records of King County Washington;

thence North 34° 25' 01" West along said Southwesterly margin, 10.67 feet to the West margin of the alley in said Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County Washington;

thence South 34° 25' 01" East, a distance of 8.31 feet to a point of curvature of a curve to the left having a radius of 289.50 feet;
thence along the last described curve through a central angle of 48° 43' 07", an arc distance of 246.16 feet to the Southwesterly margin of the alley in Block 36, Brooklyn Addition to Seattle;

thence South 34° 25' 01" East along the last described Southwesterly margin, 10.67 feet to the West margin of 15th Avenue Northeast;
thence South 2° 06' 31" West along the last described West margin, 78.52 feet to the Northwesterly margin of a street established by a permit from the Board of Regents of the University of Washington dated January 27, 1967, as shown in City of Seattle Comptroller's File No. 255876;

thence South 55° 37' 08" West along said Northwesterly margin, 53.27 feet to said Northwesterly margin of Northeast Boat Street;
thence North 34° 25' 01" West along the last described Northwesterly margin, 297.57 feet to the Point of Beginning.

**TAKE NORTH SIDE OF NE PACIFIC STREET
ADDITION TO SEATTLE
(TAKE #7)**

That portion of Block 35, and of said Alley in Block 35, as recorded in Volume 7 of Plats, page 32, Records of King County Washington, described as follows:

Beginning at the intersection of the Northwesterly margin of Northeast Boat Street and the North margin of Northeast Pacific Street as established by Ordinance 106154 of The City of Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County Washington;

thence South 57° 51' 50" East along said curve through a central angle of 110° 00' 00", an arc distance of 490.00 feet and the True Point of Beginning;
thence continuing along said Northwesterly margin, 10.67 feet to the West margin of University Way Northeast and the True Point of Beginning with the Southwesterly margin of Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle;

thence North 51° 58' 18" West along said curve through a central angle of 180° 00' 00", an arc distance of 127.18 feet to the East margin of the alley in said Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County Washington;

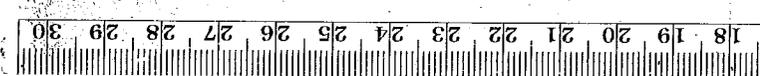
thence South 2° 06' 22" West along said East margin, 151.45 feet to the West margin of said alley;
thence continuing South 2° 06' 22" West, a distance of 83.80 feet;

thence South 37° 31' 48" West, a distance of 79.90 feet to the East margin of University Way Northeast and the True Point of Beginning;
thence continuing South 37° 31' 48", a distance of 73.00 feet to a point of curvature of a curve to the left having a radius of 203.50 feet;

thence along the last described curve through a central angle of 9° 48' 07", an arc distance of 34.87 feet to the West margin of University Way Northeast;
thence North 2° 06' 13" East along said West margin, 105.20 feet;

thence North 37° 31' 48" East, a distance of 103.51 feet to the East margin of University Way Northeast;
thence South 2° 06' 13" West along said East margin, 100.08 feet to the True Point of Beginning.

APPROVED FOR ADVERTISING KENNETH J. NAKATSU DIRECTOR OF ADMINISTRATIVE SERVICES SEATTLE, WASHINGTON 1/25/1966 PUBLIC WORKS CONTRACTING MANAGER	NAME OR INITIALS AND DATE DESIGNED CHECKED DRAWN L.W.R. CHECKED P.S.H. DESIGN REVIEW	INITIALS AND DATE RECEIVED DES. CONST. TRANS. INC. RECEIVED REVISED AS BUILT	THE CITY OF SEATTLE DEPARTMENT OF PUBLIC WORKS ACTING DIRECTOR, SEATTLE CYRIL E. [Signature] ORDINANCE NO. FUND: SCALE: HYPERS
	[Signature]	[Signature]	
	[Signature]	[Signature]	
	[Signature]	[Signature]	



described as follows:
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PORTION OF ALLEY IN BLOCK 36 BROOKLYN ADDITION TO SEATTLE TO BE VACATED (Vacation #3)

All that portion of the alley in Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plata, page 32, Records of King County, Washington, lying between the southerly margin of Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle and the East line of said Block 36, Except the following described portion: (EXCEPTION #1)
 Beginning at the intersection of said Southwesterly margin of Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle and the East line of said Block 36;
 thence North 51° 58' 18" West along said Southwesterly margin, 127.15 feet to the East margin of said alley in Block 36, and the True Point of Beginning;
 thence South 2° 08' 22" West along said East margin, 151.45 feet;
 thence South 49° 39' 18" West, a distance of 20.70 feet to the West margin of said alley;
 thence North 2° 08' 22" East along said West margin, 118.00 feet;
 thence North 37° 31' 48" East, 9.00 feet to a point of curvature of a curve to the left having a radius of 40.00 feet;
 thence along said curve through a central angle of 76° 39' 47", an arc distance of 63.52 feet, to said Southwesterly margin of Northeast Pacific Street;
 thence South 51° 58' 18" East along said Southwesterly margin, 13.95 feet to the True Point of Beginning;
 and except the following described portion: (EXCEPTION #2)
 Beginning at the intersection of the Southwesterly margin of said alley with the West margin of 15th Ave Northeast;
 thence North 34° 25' 01" West along the East described Southwesterly margin, 10.67 feet to a point on a curve to the left having an initial radial bearing of North 8° 51' 53" East and a radius of 289.50 feet;
 thence easterly along said curve through a central angle of 1° 15' 36", an arc distance of 6.37 feet to the production northerly of said West margin of 15th Ave Northeast;
 thence South 27° 08' 31" West along the East described produced West margin, 8.12 feet to the Beginning;

TAKE NORTHWEST CORNER BROOKLYN AVE NE AND NE BOAT STREET (TAKE #5)

That portion of Block 34, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plata, page 32, Records of King County, Washington, described as follows:
 Beginning at the Southeast corner of said Block 34;
 thence North 59° 53' 11" West along the Northerly margin of Northeast Boat Street, 12.68 feet to a point of curvature of a curve to the left having an initial radial bearing of North 30° 08' 49" East and a radius of 10.00 feet;
 thence Easterly along said curve through a central angle of 68° 32' 29", an arc distance of 11.96 feet to the West margin of Brooklyn Ave Northeast;
 thence South 2° 08' 50" West along said West margin, 7.18 feet to the Beginning.

TAKE NORTH SIDE OF NE PACIFIC STREET IN BLOCK 35 BROOKLYN ADDITION TO SEATTLE (TAKE #7)

That portion of Block 35, and of said vacated alley in Block 35, as recorded in Volume 7 of Plata, page 32, Records of King County, Washington, described as follows:
 Beginning at the intersection of the East margin of Brooklyn Ave Northeast and the North margin of Northeast Pacific Street as established by Ordinance 106154 of The City of Seattle;
 thence South 87° 51' 50" East along said North margin, 12.21 feet to a point of curvature of a curve to the right having a radius of 490.00 feet and the True Point of Beginning;
 thence continuing along said North margin on said curve through a central angle of 22° 39' 47", an arc distance of 193.82 feet to an intersection with the Southerly line of vacated Northeast Pacific Street as vacated by Ordinance 110306 of The City of Seattle;
 thence North 51° 58' 18" West along said Southerly line, 3.47 feet to a point on a curve to the left having an initial radial bearing of North 7° 19' 11" East and a radius of 20.00 feet as described in said Ordinance 110306;
 thence westerly and northerly along the East described curve through a central angle of 82° 15' 38", an arc distance of 28.71 feet to the Southerly line of the former Burlington Northern Railroad right of way;
 thence South 51° 58' 18" East along said Southerly line, 0.74 feet to the West margin of University Way Northeast;
 thence North 27° 08' 56" East along said West margin, 14.00 feet to a point of curvature of a curve to the right having an initial radial bearing of North 87° 53' 04" West and a radius of 20.00 feet;
 thence southerly, southeasterly and northerly along the East described curve through a central angle of 109° 25' 38", an arc distance of 38.20 feet to a point of reverse curvature of a curve to the left having an initial radial bearing of South 21° 32' 33" West and a radius of 451.00 feet;
 thence westerly along said curve through a central angle of 17° 24' 22", an arc distance of 132.75 feet;
 thence North 87° 51' 50" West, a distance of 31.39 feet to the True Point of Beginning.

TAKE AT NW CORNER OF VINE AND NE PACIFIC STREET (TAKE #8)

Beginning at the intersection of the Northeastern line of the former Burlington Northern Railroad right of way and the West margin of 15th Ave Northeast per Brooklyn Addition to Seattle, as recorded in Volume 7 of Plata, page 32, Records of King County, Washington;
 thence South 27° 08' 52" West along said West margin, 24.51 feet to a point of tangency with a curve to the right having a radius of 19.00 feet, said curve being described in a deed recorded under Auditor's File Number 150105000, Records of King County, Washington;
 thence southerly, southwesterly and westerly along said curve through a central angle of 129° 54' 54", an arc distance of 44.75 feet to a point of tangency with the Southwesterly line of the former Burlington Northern Railroad right of way;
 thence North 51° 58' 18" West along said Southwesterly line, 21.72 feet to a point on a curve to the left having an initial radial bearing of North 24° 40' 54" East and a radius of 18.50 feet;
 thence southerly, westerly and northerly along the East described curve through a central angle of 77° 08' 148", an arc distance of 24.91 feet to a point of tangency;
 thence North 37° 31' 50" East, a distance of 8.47 feet, to a point of curvature of a curve to the left having a radius of 138.50 feet;
 thence along the East described curve through a central angle of 10° 07' 53", an arc distance of 48.25 feet to an intersection with the West margin of 15th Ave Northeast per Brooklyn Addition to Seattle;
 thence South 27° 08' 52" West along said West margin, 28.35 feet to the Beginning.

For RW Acquisition Plan, See Sht. 51.

Exhibit I, Page 2

RW Acquisition Descriptions

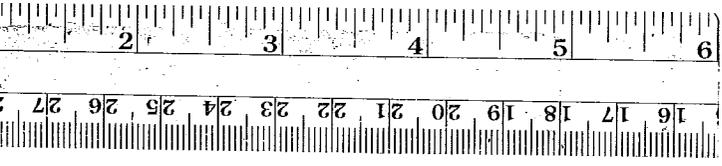
University of Washington
 South West Campus
 Street Relocations

PC	EWM0083
R/W	
CO	
Vault Plan No.	15774-80
Sheet	52 of 52

OR INITIALS AND DATE	INITIALS AND DATE
DESIGNED BY	REVIEWED BY
TRANS. BY	PROJ. MGR.
RECEIVED	RECEIVED AS BUILT



THE CITY OF SEATTLE
 DEPARTMENT OF ENGINEERING
 ACTING DIRECTOR, SEATTLE ENGINEERING DEPARTMENT
 Cyril E. B. Juanitos Jr.
 APPROVED
 SCALE: H=none V
 INSPECTOR'S BOOK



ATTACHMENT A

Return Address:

Board of Regents of University of
Washington
1326 - 5th Avenue, Room 418
Seattle, Washington 98101



Document Title (s) (Or transaction contained therein): Property Use and Development Agreement
Grantor(s) (Last name first, then first name and initials): The Board of Regents of the University of Washington, an agency of the State of Washington
Additional Names on Page <u>N/A</u> of Document. Grantee(s) (Last name first, then first name and initials): The City of Seattle, a municipal corporation of the State of Washington
Additional Names on Page <u>N/A</u> of Document. Legal Description (Abbreviated: I.e. lot, block, plat; or section, township, range): Portion of Block 36, 35 and 34, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, Page 32, Records of King County, Washington, and of the vacated alley in said Block 35 as vacated by City of Seattle Ordinance Number 110306, and of the former right of way of the Seattle, Lake Shore and Eastern Railroad and of vacated Northeast Pacific Street as vacated by Ordinance Number 110306 of The City of Seattle.
Legal Description on Page <u>N/A</u> of Document. Reference Number (s) (Of documents assigned or released): N/A
Additional Reference Numbers on Page <u>N/A</u> of Document. Assessor's Property Tax Parcel/Account Number: #114200-4150-07 #114200-4280-00 #114200-3949-05 #114200-3570-01

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IT IS DUE TO THE QUALITY OF THE DOCUMENT.

PROPERTY USE AND DEVELOPMENT AGREEMENT
By the Board of Regents
of the University of Washington
in favor of
The City of Seattle

THIS INSTRUMENT, executed this date in favor of The City of Seattle, a municipal corporation (hereinafter "City"), by The Board of Regents of the University of Washington (hereinafter "University"):

WITNESSETH:

WHEREAS, the University is an agency of the state created under Chapter 28B.20 of the Revised Code of Washington with powers and duties set forth therein;

WHEREAS, analysis of alternatives and impacts for the Southwest Campus Plan were contained in a final environmental impact statement, prepared by the University as lead agency, dated February 26, 1993;

WHEREAS, the site selected for the implementation of the Southwest Campus Master Plan, dated April 5, 1993, necessitated the vacation, realignment and design of the following public streets: 15th Avenue Northeast, south of Northeast Pacific Street and north of Northeast Boat Street, following the realignment of 15th Avenue Northeast from a point approximately 200 feet north of the intersection of 15th Avenue Northeast and Northeast Pacific Street to the point approximately 100 feet west of the intersection of University Way NE and NE Boat Street; together with: University Way Northeast, south of Northeast Pacific Street and north of Northeast Boat Street; together with: the alley in Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County, Washington, being the alley between 15th Avenue Northeast and University Way Northeast, south of Northeast Pacific Street and north of Northeast Boat Street, as described and depicted in Exhibit 1.

WHEREAS, the University requested vacation, realignment and design of public streets (hereinafter "street vacation"), as described above, as part of the Southwest Campus Master Plan, pursuant to Chapter 35.79 of the Revised Code of Washington and Chapter 15.62 of the Seattle Municipal Code; and

WHEREAS, the street vacations associated with the Southwest Campus Master Plan were considered simultaneously with the proposed Master Plan with the following principal steps:

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The matter was heard before the Deputy Hearing Examiner on October 4, 5, 6, and 7, 1993.

The Hearing Examiner issued Findings of Fact, Conclusions and Recommendations on the application on November 3, 1993.

On November 23 and December 14, 1993 and January 14 and January 28, 1994, the Planning and Regional Affairs Committee of the Seattle City Council received information and heard oral arguments from the parties of record on the Requests for Further Consideration of the Hearing Examiner's Recommendation for Approval; and the Committee recommended a preliminary decision on the Master Plan to the full Council, which was approved by the Council on February 7, 1994.

In April 1994, the Planning and Regional Affairs Committee reviewed the proposed Master Plan and the Transportation Committee reviewed the proposed street vacations.

WHEREAS, on May 23, 1994, the Seattle City Council granted preliminary approval of the street vacations, pursuant to Ordinance No. 117149, subject to six conditions. These conditions are set forth in Council File 299649 Appendix 4 - Summary of Street Vacation Conditions (C.F. 297914, As Amended) (hereinafter "Appendix 4");

WHEREAS, the University's Southwest Campus Public Amenities Plan, dated July 1995, guides the identification of landscape and open space in the Southwest Campus and projects described herein are dependent on state funding;

WHEREAS, Conditions 1 (utilities), 2 (street improvements), 5 (traffic signal) and 6 (dedication, rededication and realignment of public right-of-way), of Appendix 4 have been completed;

WHEREAS, Conditions 3 and 4 of Appendix 4 have been completed except that environmental clean-up is still underway and funding has not been secured for the construction of the car-top boat ramp to be built when environmental clean-up is completed and Portage Bay Vista open space continues to be developed;

WHEREAS, this Property Use and Development Agreement is intended to ensure compliance with any conditions of street vacation approval that will not be fully satisfied prior to the passage of the final ordinance vacating the street; and

NOW, THEREFORE, the University hereby covenants, bargains and agrees, on behalf of itself and its successors and assigns that if the ordinance approving the street vacations is

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passed by the Seattle City Council and approved by the Mayor, then the University shall implement its Southwest Campus Master Plan in accordance with this Property Use and Development Agreement:

Section 1. Compliance with the conditions listed in Appendix 4 shall be assured through this Property Use and Development Agreement. The conditions in Appendix 4 yet to be complied with are summarized and refined in the Property Use and Development Agreement. Appendix 4 shall be used in interpreting this Property Use and Development Agreement.

Section 2. Compliance with the terms of the Property Use and Development Agreement is the responsibility of the University, its successors and assigns.

Section 3. Addressed below in the order stated in Appendix 4 is each condition of street vacation approval, except for Conditions 1 (utilities), 2 (street improvements), 5 (traffic signal) and 6 (dedication rededication and realignment of public right-of-way), which have already been satisfied. The parties acknowledge that some of the conditions required immediate compliance for utilization of the new buildings in the Southwest Campus. Other conditions require on-going effort. Compliance to date with Condition 3 and 4 is noted below, and for those portions of conditions that require future implementation and compliance, a commitment is made along with the anticipated time-frame of compliance.

A. Condition 3 - Public Amenities: Policy 8 under OPEN SPACE AND LANDSCAPE of Council File 299649, Appendix 2 - Conditions of Approval, page 5, required the identification of permanent landscape and open spaces. On May 9, 1994 the University submitted the University's identification of permanent landscape and open spaces to Mr. Norm Schwab of the City Council Central Staff. In addition, the University prepared a Public Amenities Plan for the Southwest Campus, dated July 1995. This Plan is a guide, rather than a condition, requirement or specification, for the University employees and contractors responsible for specific projects including streets, buildings, landscape, utilities, public amenities, and any other element of the environment, on May 16, 1996, the Seattle Design Commission approved the University's proposals for the Southwest Campus.

Condition 3 states that the University must provide the amenities and mitigation detailed in the Southwest Campus Master Plan as amended. The completed amenities include: view corridors along the new 15th Avenue NE and Brooklyn Avenue NE, new open space including internal court yards defined by new buildings, landscaping, water front and internal pedestrian paths, bicycle route/lane, sidewalks, signage for public areas access and trailered boat ramp, Sakuma Viewpoint expansion, parking lot construction, preservation of

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existing marina and houseboat dock, water front benches and viewing areas, commercial water front restaurant and boat rental, and replacement of student housing.

Additional landscaping in the approximately 110-foot to 125-foot wide and 570-foot to 600-foot long Portage Bay Vista will be completed once construction of the Life Sciences I, II, and III Buildings, which are to be included in the new University of Washington Campus Master Plan, is complete.

B. Condition 4 - Sakuma Viewpoint and Boat Ramp: The University has completed expansion of the Sakuma Viewpoint Park. These improvements were reviewed and approved by the Seattle Design Commission. The Marina walk and Sakuma Viewpoint have been created and a public restaurant and small boat kayak rental business have begun operation. The University constructed a public parking lot at the intersection of NE Boat Street and NE Pacific Street.

Construction of the Car Top Boat Launch will be completed within 18 months of the completion of the Sound Transit construction in the Southwest Campus, subject to the issuance of necessary permits from the City and environmental agencies. The Car Top Boat Launch will include a pedestrian ramp and stairs from NE Boat Street to the shoreline for hand-carried boats, hillside landscaping, a load/unload zone on NE Boat Street for the unloading of boats, an overlook with a bench, and fixed and floating docks from which to launch boats.

Section 4. An executed copy of the Property Use and Development Agreement shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property. The legal description of the property to Seattle and to be vacated within the Southwest Campus is included in Exhibit 1 hereto, which is incorporated herein by this reference.

Section 5. The Property Use and Development Agreement may be amended or modified by mutual agreement between the City and the University, according to the following procedure: Minor changes to this Agreement may be approved by Seattle Transportation Department (hereinafter SEATRAN), if the proposed change is consistent with the purpose and intent of the conditions. Any major changes to this Agreement, as determined by SEATRAN, shall require approval by the City Council of the City of Seattle by resolution or ordinance. SEATRAN shall provide the University with notice and the opportunity to comment on whether a change is considered minor or major, prior to SEATRAN making that determination. Nothing in this Property Use and Development Agreement shall be construed as a surrender of the City's governmental powers.

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Section 6. The Property Use and Development Agreement is made for the benefit of the City and the public. The City may institute and prosecute a proceeding at law or in equity to enforce this Property Use and Development Agreement.

Section 7. It is further expressly agreed that in the event any covenant or condition or restriction in this instrument or any portion thereof is found to be invalid or void, such invalidity or void shall in no way affect any other covenant, condition or restriction.

DATED this 19th day of August, 2000.

UNIVERSITY OF WASHINGTON
BOARD OF REGENTS

BY: [Signature]
Weldon E. Ihrig
University of Washington
Executive Vice President

APPROVED AS TO FORM
[Signature] 8-18-00
ASSISTANT ATTORNEY GENERAL
STATE OF WASHINGTON

COUNTY OF KING.
STATE OF WASHINGTON.

On this 19th day of AUGUST, 1999, before me, a Notary Public in and for the State of Washington, personally appeared Weldon E. Ihrig, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this document and acknowledged it to be his free and voluntary act and deed for the uses and purposes mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

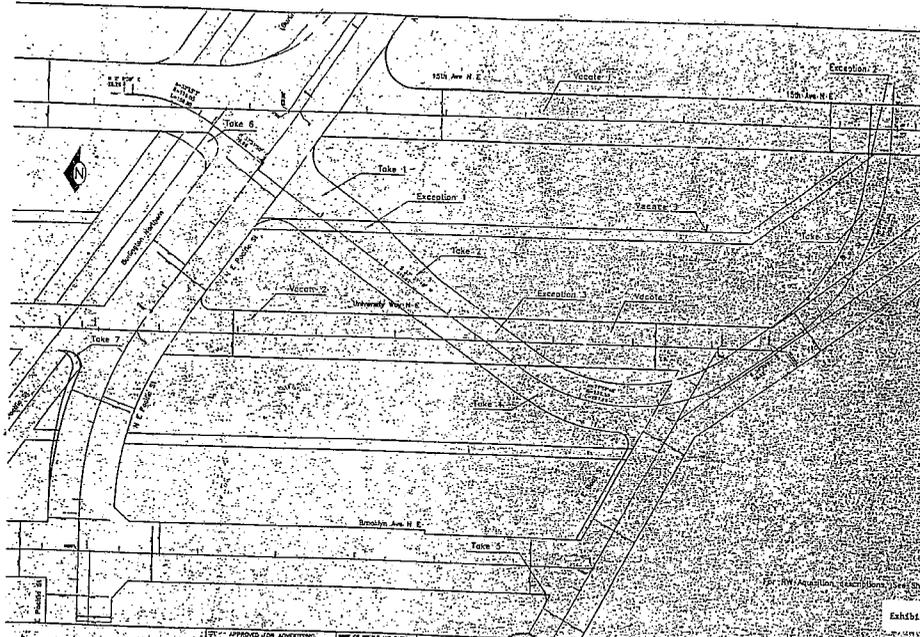


[Signature]
NOTARY PUBLIC in and for the State of
Washington, residing at Seattle
My appointment expires 03/22/03

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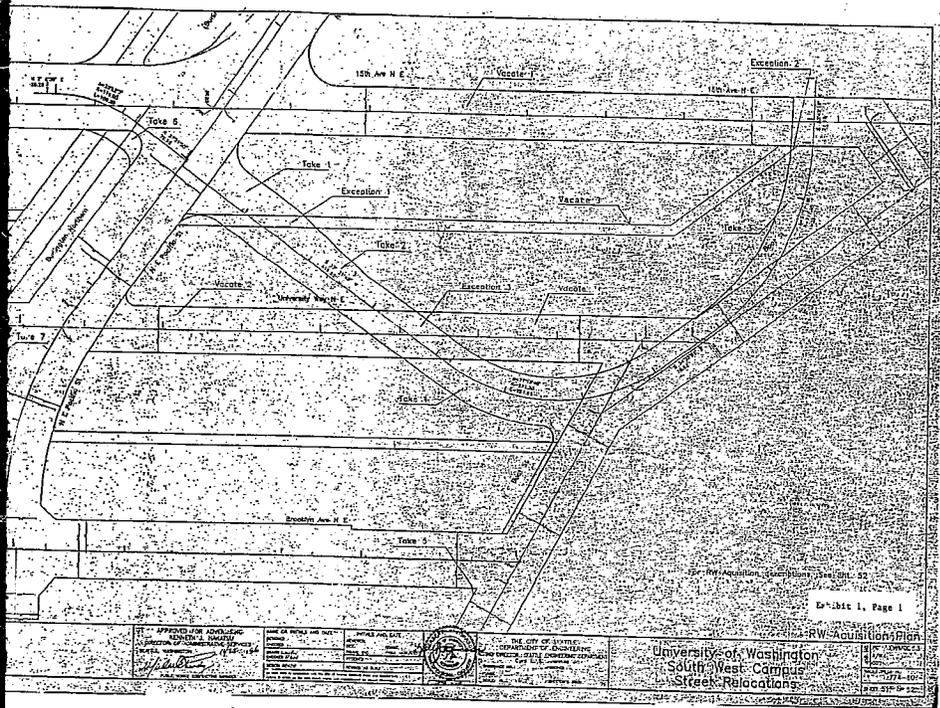


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 Approved: *[Signature]*

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University of Washington
 South West Campus
 Street Relocation

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 Approved: *[Signature]*

APPROVED FOR ADVERTISING DIVISION OF ADVERTISING SERVICES BUREAU NUMBER: 101-116 <i>[Signature]</i> DATE: 2000-08-25	NAME OF ADVERTISER: ADDRESS: CITY: PROVINCE: POSTAL CODE: PHONE: FAX: E-MAIL: WEBSITE:	OFFICE AND DATE: NAME: ADDRESS: CITY: PROVINCE: POSTAL CODE: PHONE: FAX: E-MAIL: WEBSITE:	THE CITY OF SEATTLE DEPARTMENT OF ENGINEERING 400 WEST NORTH BROADWAY SEATTLE, WA 98101 TEL: 206.462.3100 FAX: 206.462.3101 WWW: WWW.CITYOFSEATTLE.GOV	University of Washington South West Campus Street: Relocations RW-00
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ATTACHMENT B



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UNIVERSITY OF D 12.00
PAGE 001 OF 005
08/25/2000 10:07
KING COUNTY, WA

Board of Regents of University of
Washington
1326 - 5th Avenue, Room 418
Seattle, Washington 98101

E1772353

08/25/2000 10:07
KING COUNTY, WA
LPR \$2.00
SALE \$6.00
PAGE 001 OF 004

Document Title (s) (Or transaction contained therein): Deed for Street Purposes
Grantor(s) (Last name first, then first name and initials): The Board of Regents of the University of Washington, an agency of the State of Washington
Additional Names on Page <u>N/A</u> of Document. Grantee(s) (Last name first, then first name and initials): The City of Seattle, a municipal corporation of the State of Washington
Additional Names on Page <u>N/A</u> of Document. Legal Description (Abbreviated: i.e. lot, block, plat; or section, township, range): Portion of Block 36, 35 and 34, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, Page 32, Records of King County, Washington, and of the vacated alley in said Block 35 as vacated by City of Seattle Ordinance Number 110306, and of the former right of way of the Seattle, Lake Shore and Eastern Railroad and of vacated Northeast Pacific Street as vacated by Ordinance Number 110306 of The City of Seattle.
Legal Description on Page <u>1,2 and 3</u> of Document. Reference Number (s) (Of documents assigned or released): N/A
Additional Reference Numbers on Page <u>N/A</u> of Document. Assessor's Property Tax Parcel/Account Number: #114200-4150-07 #114200-4200-00 #114200-3949-05 #114200-3570-01

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City of Seattle

Paul Schell, Mayor

Seattle Transportation
Daryl R. Grigsby, Director

October 20, 2000

Honorable Margaret Pageler
President, Seattle City Council
1100 Municipal Building
600 4th Avenue
Seattle, Washington 98104

VIA: Law Department

SUBJECT: Vacation of portions of University Way Northeast, 15th Avenue Northeast and the Alley in Block 36 Brooklyn Addition, C.F. 297914

Dear Honorable Margaret Pageler:

I am pleased to forward the Council Bill to vacate portions of public rights of way in the Southwest Campus of the University of Washington as particularly described in Clerk File 297914. The petition was filed in 1994 by the University of Washington as a part of the Southwest Campus Master Plan, a supplement to the General Physical Development Plan. The primary purpose of the Southwest Campus Plan is to meet the academic needs of Life Sciences and the College of Ocean and Fishery Sciences. The Southwest Campus consists of approximately 30 acres bordered generally by Northeast Pacific Street, 15th Avenue Northeast and Portage Bay. The vacations are necessary to improve circulation, pedestrian safety, open space, and view opportunities as well as academic adjacencies. This legislation vacates University Way Northeast, 15th Avenue Northeast, and the intervening alley between Northeast Pacific Street and Northeast Boat Street. It accepts a Property Use and Development Agreement (PUDA) related to the vacation conditions required by the City Council. It also accepts deeds for street purposes and dedicates a realigned 15th Avenue Northeast.

Background

The City of Seattle and the University of Washington have had a long history of coordination for campus development. In 1983, Ordinance 111113 established a process for City review of proposed development by the University. In 1985, the City approved a master plan, the General Physical Development Plan, and in later years approved subsequent revisions.

Also during this time, the City and the University agreed to further planning, including special planning for the southwest campus area. In 1991, the University began the special master planning process for the Southwest Campus. This included public workshops and hearings, the issuance of the EIS, reviews by the Department of Design, Construction and Land Use and the City Hearing Examiner, the Planning and Regional Affairs Committee and the Transportation Committee.

Seattle Municipal Building, 600 Fourth Avenue, Room 410, Seattle, WA 98104-1879
Tel: (206) 684-7623, TTY/TDD: (206) 684-4009, Fax: (206) 684-5180

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Honorable Margaret Pageler
October 20, 2000
Page 2

The proposed master plan was also reviewed by the City-University Community Advisory Committee. The plan involved significant change in the character of the area, including the vacation of public streets to provide for a modified street grid and the redevelopment of the Portage Bay shoreline. The proposed street vacations were considered to be an indispensable element of the master plan and therefore were considered simultaneously with the Southwest Campus Master Plan by the City Council.

Major elements of the plan include land use; design, open space and landscape; site development; transportation; waterfront development and access; development standards and a ten-year development program. Key issues were identified through the public scoping process. These issues focused on providing public access to the Portage Bay shoreline, including adequate vehicular access and parking, and preservation of water dependent businesses, including the vehicular access and parking necessary to keep them viable. The University also considered the needs for efficient and functional academic facilities including the grouping of like academic units to facilitate safe pedestrian and bicycle movement, academic interaction and a collegial atmosphere. The character of the Southwest Campus reflects the nature of Portage Bay's urban, mixed-use maritime environment. The relocation of 15th Avenue Northeast and the construction of a new landscaped vista will provide two new view corridors. Because the University of Washington is a state agency, the Washington State Legislature funds construction projects and controls the actual timing of development.

The City Council approved the Southwest Campus Master Plan and gave conceptual approval of the proposed vacations in May of 1994. The Council imposed several conditions for the vacation. The University has worked over the intervening years to satisfy the conditions, and has done so for the majority but not all of the conditions. Conditions One, Two and Five relating to utility facilities, street improvement design and development and a traffic signal, respectively, have been completed. Conditions Three, Four and Five, relating to public amenities, a car-top boat ramp and viewpoint expansion and the rededication of the right-of-way have not been fully completed. All unmet conditions have been provided for in the Property Use and Development Agreement attached to the vacation ordinance. All of the conditions and their status are listed below:

1. **Prior to the passage of the final vacation ordinance, the University must grant easements and/or make agreements for the relocation of existing utilities and for access to proposed utilities to the satisfaction of the various utilities. The University must accept ownership of facilities not required for general public purposes.**

The University has granted all easements and agreements for all public and private utilities to the satisfaction of the various utilities. All City-abandoned utilities were turned over to the University. Utilities in the abandoned 15th Avenue Northeast were relocated to the realigned 15th Avenue Northeast. The water line was cut and capped and a new line was installed in the realigned 15th Avenue Northeast. Puget Sound Energy gas lines were abandoned, capped and rerouted. Sewer lines were abandoned in place and all side sewers were cut and capped by the City's contractors. Power and telephone lines were relocated to the realigned 15th Avenue North and undergrounded along Northeast Boat Street and the realigned 15th Avenue Northeast. Once existing lines were abandoned in place by the City, they were turned over to the University. This is documented on the City's recorded drawings.

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2. All Street improvements, including sidewalks, curbs, bicycle trails, landscaping, signalization, and signage must be designed and developed to SEATRAN standards, approved by SEATRAN, and constructed at petitioner's sole expense. Prior to the passage of any final vacation ordinance, all street improvements will be developed in accordance with the Southwest Campus Master Plan except those related to Northeast Boat Street (west of Brooklyn Avenue Northeast) which will be done in conjunction with the development of Fisheries facilities (Quadrangle, Laboratories and Ponds).

All street improvements were designed and approved by the City and constructed at the University's expense. The University retained SED, now SEATRAN, to prepare the design and signed an Interlocal Agreement, which authorized SEATRAN to hire and supervise the contractor who constructed the improvements. The University paid for all design, construction and supervisory work. The Seattle Design Commission met on the following dates to review and approve the University's proposals for the Southwest Campus: September 30, 1993; October 13, 1993; April 18, 1995; October 19, 1995; and May 16, 1996. Preliminary approval was granted on May 16, 1996.

3. The University of Washington Southwest Campus Master Plan, as amended and approved by the City Council in Clerk File 299649, specifies the public amenities to be provided by the University. The University must provide the amenities and mitigation detailed in the Southwest Campus Master Plan, as amended. Signage, landscaping and design of the improvements must clearly indicate that this is a public area intended for use by the general public. SED and DCLU may review and approve minor changes to the proposed plan. The City may require that public amenity components of the plan be reviewed by the Seattle Design Commission. Major changes from the Southwest Campus plan will require review and approval by the City Council.

Policy 8 of Appendix 7, City Council Conditions of approval for the University of Washington Southwest Campus Master Plan required the identification of permanent landscape and open spaces. The University submitted this information to the Council Central Staff in 1994. In addition, the University prepared a Public Amenities Plan for the Southwest Campus in 1995. This Plan is a guide for University staff, faculty, administrators, project manager, design professionals and engineers who are responsible for specific projects including streets, buildings, landscape, utilities, public amenities, and any other elements of the environment. The Seattle Design Commission has reviewed and approved the University proposals for the Southwest Campus. The Master Plan describes the amenities and the proposed timing of those amenities. Not all of the amenities are to be provided prior to the final street vacations. The new street grid is in place, together with the public parking lot. The University committed to providing an alternative to the trailered boat ramp, and through an agreement with the Parks Department, the Parks trailer launch at Sunnyside Avenue North was improved. The University has installed signage in the Southwest Campus directing boaters with trailers to the Sunnyside location. Other amenities are to be provided during the various phases of project development as set forth in the plan. The Council acknowledged, in the approval of the plan, that certain elements are dependent upon state funding and environmental remediation and therefore clarified in its decision which actions should occur prior to final street vacation approval and identified those which were dependent upon other action.

Honorable Margaret Pageler

October 20, 2000

Page 4

The Portage Bay Vista landscaping will be installed upon completion of Life Sciences I, II, and III Buildings, which are included in the proposed new University of Washington Campus Master Plan. The Fisheries Courtyard was completed with the new Fisheries Building. The car-top boat launch is discussed in Paragraph No. 4 below. The University has recorded a Property Use and Development Agreement for construction of the car-top boat ramp and Portage Bay Vista landscaping.

4. The University shall provide the car-top boat ramp and the Sakuma Viewpoint expansion during the same development phase as the street vacations. In the event that the Legislature does not fund this activity during that time period or should the environmental clean up of the new boat ramp not be completed, the University shall proceed with the final plan for the park improvements. The plan should be reviewed by the Design Commission order to offer an opportunity for public input. Preparing the final plan for the park improvements during the time that the vacation activity occurs will ensure that the improvements can be provided as soon as funding is secured and the environmental clean-up is completed.

The University has completed the improvements to Sakuma Viewpoint Park and the Brooklyn street-end. The Marina walk has been created and a public restaurant and small boat kayak rental business have begun operation in the area. The University constructed a public parking lot at the intersection of Northeast Boat Street and Northeast Pacific Street. However, the bio-remediation environmental clean up at the north end of the project area is still underway. The car-top boat ramp to be located at the north end will be completed within eighteen months of the completion of the Sound Transit construction in the Southwest Campus, subject to the issuance of necessary permits from the City and environmental agencies. The boat launch will include a pedestrian ramp and stairs from Northeast Boat Street to the shoreline for hand-carried boats, hillside landscaping, a load/unload zone on Northeast Boat Street, a overlook with a bench, and fixed and floating docks for launching. These amenities have been provided for in the Property Use and Development Agreement.

5. The University should also be prepared to provide the new traffic signal at Pacific and Northeast Boat Street during the same development phase as the street vacations.

The traffic signal has been installed and is operational.

6. Concurrently with the passage of a final ordinance for the vacation of 15th Avenue Northeast (south of Northeast Pacific and north of Northeast Boat Street), the realigned 15th Avenue Northeast (from a point approximately 200 feet north of the intersection of 15th Avenue Northeast and Northeast Pacific Street to a point approximately 100 feet west of the intersection of University Way Northeast and Northeast Boat Street) must be dedicated to the City as public right-of-way. The rededicated and realigned 15th Avenue Northeast, the cul de sac island, and the Columbia Road extension must be designed to the approval of Seattle Transportation, and developed to Seattle Transportation standards and at petitioner's sole expense.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

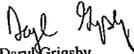
Honorable Margaret Pageler
October 20, 2000
Page 5

As part of the final street vacation approval, the University will dedicate the realigned 15th Avenue Northeast to the City as public right-of-way. The realigned 15th Avenue Northeast, the cul de sac island, and the Columbia Road extension have been designed and constructed to SEATLAN standards and approval at the University's sole expense.

Recommendation

The University of Washington has provided satisfactory resolution of the conditions of the street vacation. They have signed and recorded a Property Use and Development Agreement requiring the completion of outstanding conditions. Under SMC 15.62.090, the University of Washington is exempt from payment of the vacation fee. They have paid the filing and post-hearing fees. They are also deeding land for the realignment of 15th Avenue Northeast. I recommend approval of this Council Bill. For more information regarding this legislation, please call Moira Gray, Street Vacation Specialist, at 684-8272.

Sincerely,


Daryl Grigsby
Director

Enclosure

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WHEN RECORDED RETURN TO:
University of Washington, Real Estate Office,
1326 5th Avenue, Room 418
Seattle, WA 98101

DEED
FOR STREET PURPOSES

The Grantor, THE BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON, an agency of the State of Washington, for and in consideration of ONE AND NO/100THS DOLLAR (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, conveys and warrants to THE CITY OF SEATTLE, a municipal corporation of the State of Washington, FOR STREET PURPOSES, the following described real property in Seattle, King County, State of Washington:

See Exhibit "A" for legal Description of the property attached hereto and made a part hereof by this reference.

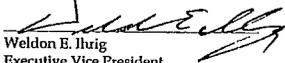
Assessor's Tax Parcel No. : 114200-4150-07, 114200-4280-00, 114200-3949-05 and 114200-3570-01

Together with an easement for the establishment of continuation of the street elevations and slopes on said Grantor's adjoining remainder property, to a distance of one foot at right angle to the new street margins as shown above, as exemplified as lying between the RW line and the Slope Line on that plan on file with the City of Seattle, Seattle Public Utilities, Vault Plan No. 774-80, "University of Washington South West Campus Street Relocations", Sheets 36 and 37 of 52;

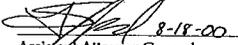
Together with the right to establish such cuts and grades for the establishment of slopes as are necessary on said Grantor's adjoining remainder property, in the construction of public streets in said project of "University of Washington South West Campus Street Relocations", as exemplified on said Vault Plan No. 774-80, Sheets 36 and 37 of 52.

Dated this 18th day of August, 2000.

THE BOARD OF REGENTS OF THE UNIVERSITY
OF WASHINGTON


Weldon E. Ihrig
Executive Vice President

APPROVED AS TO FORM:

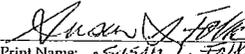

Assistant Attorney General
State of Washington

STATE OF WASHINGTON)
)SS
COUNTY OF KING)

On this 18th day of August, 2000, before me personally appeared Weldon E. Ihrig, to me known as the Executive Vice President of the University of Washington, and acknowledged that said instrument to be the free and voluntary act and deed of said University of Washington as approved by the BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON for uses and purposes therein mentioned and oath stated she was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.




Print Name: Susan L. Folk
Notary Public in and for the State of Washington
Residing at: King County
My Commission expires on: 3/22/03

2000825000510

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EXHIBIT A

LEGAL DESCRIPTION

Portions of Block 36, 35 and 34, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County, Washington, and of the vacated alley in said Block 35 as vacated by City of Seattle Ordinance Number 110306, and of the former right of way of the Seattle, Lake Shore and Eastern Railroad and of vacated Northeast Pacific Street as vacated by Ordinance Number 110306 of The City of Seattle, described as follows:

a portion of said Block 36 described as follows:

Beginning at the intersection of the Southwesterly margin of Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle and the East line of said Block 36;

thence North 51° 58' 18" West along said Southwesterly margin, 7.09 feet to a point of curvature of a curve to the left having a radius of 30 feet and the True Point of Beginning;

thence along said curve through a central angle of 90° 29' 54", an arc distance of 47.38 feet;

thence South 37° 31' 48" West, a distance of 76.07 feet;

thence South 44° 39' 18" West a distance of 16.43 feet to the East margin of the alley in said Block 36;

thence North 2° 08' 22" East along said East margin, 151.45 feet to said Southwesterly margin of Northeast Pacific Street;

thence South 51° 58' 18" East along said Southwesterly margin, 120.09 feet to the True Point of Beginning;

together with a portion of said Block 36 described as follows:

Beginning at the intersection of said Southwesterly margin of Northeast Pacific Street as established by Ordinance 105955 of The City of Seattle and said East line of Block 36;

thence North 51° 58' 18" West along said Southwesterly margin, 127.18 feet to said East margin of the alley in Block 36;

thence South 2° 06' 22" West along said East margin, 151.45 feet;

thence South 44° 39' 18" West a distance of 20.70 feet to the West margin of said alley and the True Point of Beginning;

thence continuing South 44° 39' 18" West a distance of 83.80 feet;

thence South 37° 31' 48" West a distance of 79.90 feet to the East margin of University Way Northeast;

thence North 2° 06' 13" East along the last described East margin, 100.00 feet;

thence North 37° 31' 48" East a distance of 177.68 feet to said West margin;

thence South 2° 06' 22" West along said West margin, 118.00 feet to the True Point of Beginning;

together with a portion of said Block 36 described as follows:

Beginning at the intersection of the Northeasterly margin of Northeast Boat Street and said East margin of University Way Northeast;

thence North 2° 06' 13" East along said East margin, 2.52 feet;

thence South 34° 25' 01" East, a distance of 8.31 feet to a point of curvature of a curve to the left having a radius of 289.50 feet;

thence along the last described curve through a central angle of 48° 43' 07", an arc distance of 246.16 feet to the Southwesterly margin of the alley in Block 36, Brooklyn Addition to Seattle;

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EXHIBIT A

LEGAL DESCRIPTION

(Continue from Page 1)

thence South 34° 25' 01" East along the last described Southwesterly margin, 10.67 feet to the West margin of 15th Avenue Northeast;

thence South 2° 06' 31" West along the last described West margin, 78.52 feet to the Northwesterly margin of a street established by a permit from the Board of Regents of the University of Washington dated January 27, 1967, as shown in City of Seattle Comptroller's File No. 255876;

thence South 55° 37' 08" West along said Northwesterly margin, 53.27 feet to said Northeasterly margin of Northeast Boat Street;

thence North 34° 25' 01" West along the last described Northeasterly margin, 297.57 feet to the Point of Beginning;

together with a portion of said Block 35 and of said vacated alley in Block 35, described as follows:

Beginning at the southeast corner of Block 35 Brooklyn Addition to Seattle as recorded in Vol. 7 of plats page 32, records of King County Washington;

thence along the south line of said Block 35 north 59° 51' 55" west, 14.54 feet to the true point of beginning;

thence continuing along said south line 234.93 feet to the west line of said Block 35;

thence along said west line north 2° 06' 50" east, 15.86 feet;

thence south 59° 51' 55" east, 131.63 feet to a point of curvature;

thence along a curve to the left having a radius of 15.00 feet

through a central angle of 113° 43' 41" an arc distance of 29.77 feet to a point of reverse curvature;

thence along a curve to the right having a radius of 224.12 feet

through a central angle of 31° 07' 25" an arc distance of 121.74 feet;

thence north 37° 31' 48" east, 70.99 feet to the east line of said Block 35;

thence along said east line south 2° 06' 13" west, 105.20 feet to a

point on a curve to the left;

thence along said curve having an initial radial bearing of south 62°

17' 19" east and a radius of 203.50 feet through a central angle of 22°

33' 31" an arc distance of 80.12 feet to a point of compound curvature;

thence along a curve to the left having a radius of 207.88 feet

through a central angle of 18° 07' 46" an arc distance of 65.77 feet to

the true point of beginning

together with a portion of said Block 34, described as follows:

Beginning at the Southeast corner of said Block 34;

thence North 59° 53' 11" West along the Northerly margin of Northeast Boat

Street, 12.68 feet to a point of curvature of a curve to the left having an initial

radial bearing of North 30° 06' 49" East and a radius of 10.00 feet;

thence Easterly along said curve through a central angle of 68° 32' 29", an

arc distance of 11.96 feet to the West margin of Brooklyn Avenue Northeast;

thence South 2° 06' 50" West along said West margin, 7.18 feet to the

Beginning;

together with a portion of said former right of way of the Seattle, Lake Shore

and Eastern Railroad and of said vacated Northeast Pacific Street, described as

follows:

Beginning at the intersection of the Northeasterly line of said former right of

way and the West margin of 15th Avenue Northeast, as established by Ordinance

Number 110306 of The City of Seattle;

thence South 2° 08' 52" West along said West margin, 24.51 feet to a point of

tangency with a curve to the right having a radius of 19.00 feet, said curve being

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EXHIBIT A

LEGAL DESCRIPTION

(Continue from Page 2)

described in a deed recorded under Auditors File Number 9501050900, Records of King County Washington;

thence southerly, southwesterly, and westerly along said curve through a central angle of 125° 54' 50", an arc distance of 41.75 feet to a point of tangency with the Southwesterly line c: said former right of way;

thence North 51° 58' 18" West along said Southwesterly line, 21.72 feet to a point on a curve to the left having an initial radial bearing of North 24° 40' 38" East and a radius of 18.50 feet;

thence southerly, easterly and northeasterly along the last described curve through a central angle of 77° 08' 48" an arc distance of 24.91 feet to a point of tangency;

thence North 37° 31' 50" East, a distance of 9.47 feet to a point of curvature of a curve to the left having a radius of 138.50 feet;

thence along the last described curve through a central angle of 19° 07' 53" an arc distance of 46.25 feet to an intersection with the last described West margin;

thence South 2° 06' 52" West along the last described West margin, 28.35 feet to the Beginning;

together with a portion of said Block 35 and of said vacated alley in Block 35 and of said vacated Northeast Pacific Street and of said former right of way of the Seattle, Lake Shore and Eastern Railroad, described as follows:

Beginning at the intersection of the East margin of Brooklyn Avenue Northeast and the North margin of Northeast Pacific Street as established by Ordinance 106154 of The City of Seattle;

thence South 87° 51' 50" East along said North margin, 12.21 feet to a point of curvature of a curve to the right having a radius of 490.00 feet and the True Point of Beginning;

thence continuing along said North margin on said curve through a central angle of 22° 39' 47", an arc distance of 193.82 feet to an intersection with the Southerly line of vacated Northeast Pacific Street as vacated by Ordinance 110306 of The City of Seattle;

thence North 51° 58' 18" West along said Southerly line, 3.47 feet to a point on a curve to the left having an initial radial bearing of North 7° 19' 11" East and a radius of 20.00 feet as described in said Ordinance 110306;

thence easterly and northeasterly along the last described curve through a central angle of 82° 15' 36", an arc distance of 28.71 feet to the Southerly line of the former Burlington Northern Railroad right of way;

thence South 51° 58' 18" East along said Southerly line, 0.74 feet to the West margin of University Way Northeast;

thence North 2° 06' 56" East along said West margin, 14.04 feet to a point of curvature of a curve to the right having an initial radial bearing of North 87° 53' 04" West and a radius of 20.00 feet;

thence southerly, southwesterly and northwesterly along the last described curve through a central angle of 109° 25' 36", an arc distance of 38.20 feet to a point of reverse curvature of a curve to the left having an initial radial bearing of South 21° 32' 33" West and a radius of 451.00 feet;

thence westerly along said curve through a central angle of 19° 24' 22", an arc distance of 152.75 feet;

thence North 87° 51' 50" West, a distance of 31.39 feet to the True Point of Beginning;

Situate in the City of Seattle, County of King, State of Washington.

- END OF LEGAL DESCRIPTION -

20080825000510

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Return Address:

Seattle City Clerk's Office
600 4th Avenue, Room 10411 CLERK
Seattle, WA 98104



20010221000424

SEATTLE CITY CLERK 15.00
PAGE 001 OF 008
02/21/2001 09:33
KING COUNTY, WA

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transaction contained therein): (all areas applicable to your document <u>must</u> be filled in.) 1. ORDINANCE #120249
Re - _____ of document. AN ORDINANCE vacating the alley in Block 36, Brooklyn Addition, and portions of 15th Avenue Northeast and University Way Northeast, as called for in the University of Washington Southwest Campus Master Plan, accepting a Property Use and Development Agreement, accepting deeds to real property for street purposes in connection therein, and laying off realigned 15th Avenue Northeast.
Grantor(s) (Last name first, then first name and initials) 1. City of Seattle <input type="checkbox"/> Additional names on page----- of document.
Grantee(s) (Last name first, then first name and initials) 1. N/A 2.
Legal description (abbreviated: i.e. lot, block, plat or section, township, range) <input type="checkbox"/> Additional reference #'s on page ----- of document N/A
Assessor's Property Tax Parcel/Account Number/ N/A <input type="checkbox"/> Assessor Tax # not yet assigned.

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ORDINANCE 120249

1
2 AN ORDINANCE vacating the alley in Block 36, Brooklyn Addition, and portions of 15th
3 Avenue Northeast and University Way Northeast, as called for in the University of
4 Washington Southwest Campus Master Plan, accepting a Property Use and
5 Development Agreement, accepting deeds to real property for street purposes in
6 connection therein, and laying off realigned 15th Avenue Northeast.

7 WHEREAS, there has been filed with the City Council the petition of University of
8 Washington (Clerk File 29791-1) for the vacation of public rights of way, as therein
9 fully described; and

10 WHEREAS, a public hearing on said petition was held on November 30, 1993; and

11 WHEREAS, following extensive review and numerous public hearings, the Southwest Campus
12 Master Plan was approved by the Seattle City Council (Ordinance 1171-9) and the
13 University of Washington Board of Regents in 1994; and

14 WHEREAS, the Southwest Campus Master Plan calls for the vacation of the said rights-of-way
15 and for the realignment and rededication of 15th Avenue Northeast; and

16 WHEREAS, certain public amenities were conditions for the vacation approval, including
17 improvements to the Sakuma Viewpoint, pedestrian and bike trails, landscaping,
18 viewing areas and open space; and

19 WHEREAS, the petitioner was required to provide improvements to parking and traffic to
20 enhance public and business access including a new parking lot, traffic signal and
21 signage; and

22 WHEREAS, a Property Use and Development Agreement has been duly filed with King
23 County that commits the petitioner to fulfill all ongoing obligations required by the
24 Seattle City Council; and

25 WHEREAS, an equivalent amount of right-of-way will be rededicated to the City; Now,
26 Therefore;

27 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

28 Section 1. That

29 The alley in Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of
30 Plats, page 32, Records of King County, Washington, being the alley between
15th Avenue Northeast and University Way Northeast, south of Northeast
Pacific Street and north of Northeast Boat Street;

Together with:

15th Avenue Northeast, south of Northeast Pacific Street and north of Northeast
Boat Street;

Together with:

University Way Northeast, south of Northeast Pacific Street and north of
Northeast Boat Street;

be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all
necessary slopes for cuts or fills upon the above-described property in the reasonable
original grading of any rights-of-way abutting upon said property after said vacation.

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Section 2. That the Property Use and Development Agreement, King County Recording Number 20000525000511, attached hereto as Attachment A, is hereby accepted.

Section 3. That the City Clerk is hereby authorized and directed to file a copy of said Property Use and Development Agreement and this Ordinance at the King County Records and Elections Division and the City Clerk's Office, and to deliver copies of the same to the Director of the Department of Design, Construction and Land Use, and to the King County's Assessor's Office.

Section 4. That the deed executed by the University of Washington on the 18th day of August, 2000, King County Recording Number 20000525000510, conveying to the City of Seattle for street purposes the property in Seattle, King County, Washington, described and attached hereto as Attachment B, is hereby accepted, and the real property conveyed by such deed is placed under the jurisdiction of the Seattle Transportation Department.

Section 5. That 15th Avenue Northeast be and the same is hereby laid off, opened, widened, extended and established over, through, across and upon the real property described in Section 4 hereof.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

PASSED by the City Council of the City of Seattle this 20th day of January, 2001, and signed by me in open session in authentication of its passage this 20th day of January, 2001.

[Signature]
President of the City Council

Approved by me this 5th day of FEBRUARY, 2000.
[Signature]
Mayor

Filed by me this 5th day of February, 2000.
[Signature]
City Clerk

(Seal) *[Signature]*
CITY CLERK

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED THE SEAL TO THE CITY OF SEATTLE, THIS 13th day of February, 2001.
AS THE CLERK APPEARS ON FILE AND OF RECORD IN THIS DEPARTMENT.
I, [Signature], THE CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORDINANCE AS FILED.
STATE OF WASHINGTON
CITY OF SEATTLE
CITY CLERK
SS

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PROPERTY USE AND DEVELOPMENT AGREEMENT
By the Board of Regents
of the University of Washington
in favor of
The City of Seattle

THIS INSTRUMENT, executed this date in favor of The City of Seattle, a municipal corporation (hereinafter "City"), by The Board of Regents of the University of Washington (hereinafter "University"):

WITNESSETH:

WHEREAS, the University is an agency of the state created under Chapter 28B.20 of the Revised Code of Washington with powers and duties set forth therein;

WHEREAS, analysis of alternatives and impacts for the Southwest Campus Plan were contained in a final environmental impact statement, prepared by the University as lead agency, dated February 26, 1993;

WHEREAS, the site selected for the implementation of the Southwest Campus Master Plan, dated April 5, 1993, necessitated the vacation, realignment and design of the following public streets: 15th Avenue Northeast, south of Northeast Pacific Street and north of Northeast Boat Street, following the realignment of 15th Avenue Northeast from a point approximately 200 feet north of the intersection of 15th Avenue Northeast and Northeast Pacific Street to the point approximately 100 feet west of the intersection of University Way NE and NE Boat Street; together with: University Way Northeast, south of Northeast Pacific Street and north of Northeast Boat Street; together with: the alley in Block 36, Brooklyn Addition to Seattle, as recorded in Volume 7 of Plats, page 32, Records of King County, Washington, being the alley between 15th Avenue Northeast and University Way Northeast, south of Northeast Pacific Street and north of Northeast Boat Street, as described and depicted in Exhibit 1.

WHEREAS, the University requested vacation, realignment and design of public streets (hereinafter "street vacation"), as described above, as part of the Southwest Campus Master Plan, pursuant to Chapter 35.79 of the Revised Code of Washington and Chapter 15.62 of the Seattle Municipal Code; and

WHEREAS, the street vacations associated with the Southwest Campus Master Plan were considered simultaneously with the proposed Master Plan with the following principal steps:

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The matter was heard before the Deputy Hearing Examiner on October 4, 5, 6, and 7, 1993.

The Hearing Examiner issued Findings of Fact, Conclusions and Recommendations on the application on November 3, 1993.

On November 23 and December 14, 1993 and January 14 and January 28, 1994, the Planning and Regional Affairs Committee of the Seattle City Council received information and heard oral arguments from the parties of record on the Requests for Further Consideration of the Hearing Examiner's Recommendation for Approval; and the Committee recommended a preliminary decision on the Master Plan to the full Council, which was approved by the Council on February 7, 1994.

In April 1994, the Planning and Regional Affairs Committee reviewed the proposed Master Plan and the Transportation Committee reviewed the proposed street vacations.

WHEREAS, on May 23, 1994, the Seattle City Council granted preliminary approval of the street vacations, pursuant to Ordinance No. 117149, subject to six conditions. These conditions are set forth in Council File 299649 Appendix 4 - Summary of Street Vacation Conditions (C.F. 297914, As Amended) (hereinafter "Appendix 4");

WHEREAS, the University's Southwest Campus Public Amenities Plan, dated July 1995, guides the identification of landscape and open space in the Southwest Campus and projects described herein are dependent on state funding;

WHEREAS, Conditions 1 (utilities), 2 (street improvements), 5 (traffic signal) and 6 (dedication, rededication and realignment of public right-of-way), of Appendix 4 have been completed;

WHEREAS, Conditions 3 and 4 of Appendix 4 have been completed except that environmental clean-up is still underway and funding has not been secured for the construction of the car-top boat ramp to be built when environmental clean-up is completed and Portage Bay Vista open space continues to be developed;

WHEREAS, this Property Use and Development Agreement is intended to ensure compliance with any conditions of street vacation approval that will not be fully satisfied prior to the passage of the final ordinance vacating the street; and

NOW, THEREFORE, the University hereby covenants, bargains and agrees, on behalf of itself and its successors and assigns that if the ordinance approving the street vacations is

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passed by the Seattle City Council and approved by the Mayor, then the University shall implement its Southwest Campus Master Plan in accordance with this Property Use and Development Agreement:

Section 1. Compliance with the conditions listed in Appendix 4 shall be assured through this Property Use and Development Agreement. The conditions in Appendix 4 yet to be complied with are summarized and refined in the Property Use and Development Agreement. Appendix 4 shall be used in interpreting this Property Use and Development Agreement.

Section 2. Compliance with the terms of the Property Use and Development Agreement is the responsibility of the University, its successors and assigns.

Section 3. Addressed below in the order stated in Appendix 4 is each condition of street vacation approval, except for Conditions 1 (utilities), 2 (street improvements), 5 (traffic signal) and 6 (dedication rededication and realignment of public right-of-way), which have already been satisfied. The parties acknowledge that some of the conditions required immediate compliance for utilization of the new buildings in the Southwest Campus. Other conditions require on-going effort. Compliance to date with Condition 3 and 4 is noted below, and for those portions of conditions that require future implementation and compliance, a commitment is made along with the anticipated time-frame of compliance.

A. Condition 3 - Public Amenities: Policy 8 under OPEN SPACE AND LANDSCAPE of Council File 299649, Appendix 2 - Conditions of Approval, page 5, required the identification of permanent landscape and open spaces. On May 9, 1994 the University submitted the University's identification of permanent landscape and open spaces to Mr. Norm Schwab of the City Council Central Staff. In addition, the University prepared a Public Amenities Plan for the Southwest Campus, dated July 1995. This Plan is a guide, rather than a condition, requirement or specification, for the University employees and contractors responsible for specific projects including streets, buildings, landscape, utilities, public amenities, and any other element of the environment, on May 16, 1996, the Seattle Design Commission approved the University's proposals for the Southwest Campus.

Condition 3 states that the University must provide the amenities and mitigation detailed in the Southwest Campus Master Plan as amended. The completed amenities include: view corridors along the new 15th Avenue NE and Brooklyn Avenue NE, new open space including internal court yards defined by new buildings, landscaping, water front and internal pedestrian paths, bicycle route/lane, sidewalks, signage for public areas access and trailered boat ramp, Sakuma Viewpoint expansion, parking lot construction, preservation of

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existing marina and houseboat dock, water front benches and viewing areas, commercial water front restaurant and boat rental, and replacement of student housing.

Additional landscaping in the approximately 110-foot to 125-foot wide and 570-foot to 600-foot long Portage Bay Vista will be completed once construction of the Life Sciences I, II, and III Buildings, which are to be included in the new University of Washington Campus Master Plan, is complete.

B. Condition 4 - Sakuma Viewpoint and Boat Ramp: The University has completed expansion of the Sakuma Viewpoint Park. These improvements were reviewed and approved by the Seattle Design Commission. The Marina walk and Sakuma Viewpoint have been created and a public restaurant and small boat kayak rental business have begun operation. The University constructed a public parking lot at the intersection of NE Boat Street and NE Pacific Street.

Construction of the Car Top Boat Launch will be completed within 18 months of the completion of the Sound Transit construction in the Southwest Campus, subject to the issuance of necessary permits from the City and environmental agencies. The Car Top Boat Launch will include a pedestrian ramp and stairs from NE Boat Street to the shoreline for hand-carried boats, hillside landscaping, a load/unload zone on NE Boat Street for the unloading of boats, an overlook with a bench, and fixed and floating docks from which to launch boats.

Section 4. An executed copy of the Property Use and Development Agreement shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property. The legal description of the property to Seattle and to be vacated within the Southwest Campus is included in Exhibit 1 hereto, which is incorporated herein by this reference.

Section 5. The Property Use and Development Agreement may be amended or modified by mutual agreement between the City and the University, according to the following procedure: Minor changes to this Agreement may be approved by Seattle Transportation Department (hereinafter SEATRAN), if the proposed change is consistent with the purpose and intent of the conditions. Any major changes to this Agreement, as determined by SEATRAN, shall require approval by the City Council of the City of Seattle by resolution or ordinance. SEATRAN shall provide the University with notice and the opportunity to comment on whether a change is considered minor or major, prior to SEATRAN making that determination. Nothing in this Property Use and Development Agreement shall be construed as a surrender of the City's governmental powers.

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Section 6. The Property Use and Development Agreement is made for the benefit of the City and the public. The City may institute and prosecute a proceeding at law or in equity to enforce this Property Use and Development Agreement.

Section 7. It is further expressly agreed that in the event any covenant or condition or restriction in this instrument or any portion thereof is found to be invalid or void, such invalidity or void shall in no way affect any other covenant, condition or restriction.

DATED this 19th day of August, 2000.

UNIVERSITY OF WASHINGTON
BOARD OF REGENTS

BY: [Signature]
Weldon E. Ihrig
University of Washington
Executive Vice President

APPROVED AS TO FORM
[Signature] 8-15-00
ASSISTANT ATTORNEY GENERAL
STATE OF WASHINGTON

COUNTY OF KING.
STATE OF WASHINGTON.

On this 19th day of August, 1999, before me, a Notary Public in and for the State of Washington, personally appeared Weldon E. Ihrig, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this document and acknowledged it to be his free and voluntary act and deed for the uses and purposes mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



[Signature]
NOTARY PUBLIC in and for the State of
Washington, residing at Seattle
My appointment expires 03/22/03

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STATE OF WASHINGTON - KING COUNTY

--SS.

127760
City of Seattle, Clerk's Office

No. ORDINANCE

Affidavit of Publication

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

CT:120249 ORD IN FUL

was published on

02/15/01

The amount of the fee charged for the foregoing publication is the sum of \$0.00, which amount has been paid in full.

Valer A. Walden

Subscribed and sworn to before me on

02/15/01

Melissa M. Pasqua

Notary public for the State of Washington,
residing in Seattle



Affidavit of Publication

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State of Washington, King County

City of Seattle

ORDINANCE 320240

AN ORDINANCE vacating the alley in Block 36, Brooklyn Addition, and portions of 15th Avenue Northeast and University Way Northeast, as called for in the University of Washington Southwest Campus Master Plan, accepting a Property Use and Development Agreement, accepting deeds to real property for street purposes in connection therewith, and laying off realigned 15th Avenue Northeast.

WHEREAS, there has been filed with the City Council the petition of University of Washington (Block File 28714) for the vacation of public rights of way, as therein fully described; and

WHEREAS, a public hearing on said petition was held on November 30, 1993; and

WHEREAS, following extensive review and numerous public hearings, the Southwest Campus Master Plan was approved by the Seattle City Council (Ordinance 117149) and the University of Washington Board of Regents in 1994; and

WHEREAS, the Southwest Campus Master Plan calls for the vacation of the said rights-of-way and for the realignment and re dedication of 15th Avenue Northeast; and

WHEREAS, certain public amenities were conditions for the vacation approval, including improvements to the Sakuma Viewpoint, pedestrian and bike trails, landscaping, viewing areas and open spaces; and

WHEREAS, the petitioner was required to provide improvements to parking and traffic to enhance public and business access including a new parking lot, traffic signal and signage; and

WHEREAS, a Property Use and Development Agreement has been duly filed with King County that commits the petitioner to fulfill all ongoing obligations required by the Seattle City Council; and

WHEREAS, an equivalent amount of right-of-way will be rededicated to the City; Now, Therefore:

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

THE ALLEY IN BLOCK 36, BROOKLYN ADDITION TO SEATTLE, AS RECORDED IN VOLUME 7 OF PLATS, PAGE 23, RECORDS OF KING COUNTY, WASHINGTON, BEING THE ALLEY BETWEEN 15TH AVENUE NORTHEAST AND UNIVERSITY WAY NORTHEAST, SOUTH OF NORTHEAST PACIFIC STREET AND NORTH OF NORTHEAST BOAT STREET;

TOGETHER WITH:

16TH AVENUE NORTHEAST, SOUTH OF NORTHEAST PACIFIC STREET AND NORTH OF NORTHEAST BOAT STREET;

TOGETHER WITH:

UNIVERSITY WAY NORTHEAST, SOUTH OF NORTHEAST PACIFIC STREET AND NORTH OF NORTHEAST BOAT STREET;

be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. That the Property Use and Development Agreement, King County Recording Number 20000825000511, attached hereto as Attachment A, is hereby accepted.

Section 3. That the City Clerk is hereby authorized and directed to file a copy of said Property Use and Development Agreement and this Ordinance at the King County Records and Elections Division and the City Clerk's Office, and to deliver copies of the same to the Director of the Department of Design, Construction and Land Use, and to the King County's Assessor's Office.

Section 4. That the deed executed by the University of Washington on the 18th day of August, 2000, King County Recording Number 20000825000510, conveying to the City of Seattle for street purposes the property in Seattle, King County, Washington, described and attached hereto as Attachment B, is hereby accepted, and the real property conveyed by such deed is placed under the jurisdiction of the Seattle Transportation Department.

Section 5. That 15th Avenue Northeast be and the same is hereby laid off, opened, widened, extended and established over, through, across and upon the real property described in Section 4 hereof.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

PASSED BY THE CITY COUNCIL of the City of Seattle this 29th day of January, 2001, and signed by me in open session in authentication of its passage this 29th day of January, 2001:

NICK LICATA
President Pro Tem of the City Council.
Approved by me this 6th day of February, 2001.
PAUL SCHELL,
Mayor.
Filed by me this 6th day of February, 2001.
(Seal) JUDITH E. PIPPIN,
City Clerk.
Publication ordered by JUDITH PIPPIN,
City Clerk.

See City Clerk for Attachments.
Date of official publication in Daily Journal of Commerce, Seattle, February 16, 2001. 2/16(167766C1)

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