

Ordinance No. 123810

Council Bill No. 117350

AN ORDINANCE relating to the Bridge Rehabilitation and Replacement project; amending Ordinance 123417 to authorize the Director of the Department of Transportation to accept, on behalf of the City of Seattle, a Hydrant Easement from SPO, LLC, a Washington limited liability company in a portion of Block 30 of Ladd's First Addition to South Seattle for the purposes of construction, reconstruction, alteration, operation, maintenance, and repair of the water service facilities in connection with the Airport Way South Viaduct Over Argo Railroad Yard project.

Council Bill No. 117350

CF No. _____

Date Introduced:	Nov. 28, 2011	
Date 1st Referred:	Nov. 28, 2011	
Date Re - Referred:	To: (committee) Transportation	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: 8-0	
Date Presented to Mayor:	Date Approved: 1.26.12	
Date Returned to City Clerk:	Date Published:	T.O. _____ F.T. _____
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Alan Rasmussen
Councilmember

Committee Action:

Jan. 10, 2012 PASS as AMENDED ^(EWS) 3 (Rasmussen, Budden, Harrell) - 0

Jan. 17, 2012 PASSED Full Council 8-0 (excused: ~~000~~ Licata)

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed
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ORDINANCE 123810

1
2 AN ORDINANCE relating to the Bridge Rehabilitation and Replacement project; amending
3 Ordinance 123417 to authorize the Director of the Department of Transportation to
4 accept, on behalf of the City of Seattle, a Hydrant Easement from SPO, LLC, a
5 Washington limited liability company in a portion of Block 30 of Ladd's First Addition
6 to South Seattle for the purposes of construction, reconstruction, alteration, operation,
7 maintenance, and repair of the water service facilities in connection with the Airport Way
8 South Viaduct Over Argo Railroad Yard project.

9 WHEREAS, the City is constructing an elevated crossing of Airport Way South over the Argo
10 Railroad Yard (Project); and

11 WHEREAS, one phase of the Project requires the City to build an earthen wall to support and
12 stabilize the north approach of the Airport Way South Viaduct (Viaduct); and

13 WHEREAS, the City intended to obtain a Maintenance Easement from SPO, LLC, a Washington
14 limited liability company (SPO) to facilitate maintenance of this wall and passed
15 Ordinance 123417 authorizing such acquisition; and

16 WHEREAS, subsequent to passing Ordinance 123417 in October of 2010, SPO and the City
17 were unable to come to terms on the purchase price for the Maintenance Easement; and

18 WHEREAS, the Seattle Fire Department pursuant to the Seattle Fire Code, Chapter 22.600 of the
19 Seattle Municipal Code, requires fire hydrants on both sides of a four lane roadway such
20 as the Viaduct; and

21 WHEREAS, to facilitate the Project and meet the requirements of the Seattle Fire Code, the City
22 Council amends Ordinance 123417 to accept the Hydrant Easement from SPO; NOW,
23 THEREFORE,

24 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

25 **Section 1.** Section 2 of Ordinance 123417 is deleted in its entirety and replaced to read
26 as follows:

27 ~~((Section 2. The easement property rights when recorded shall be placed under the
28 jurisdiction of the Seattle Department of Transportation))~~



1 Section 2. The Hydrant Easement granted by SPO, recorded under recording number
2 20110617001130 and dated June 17, 2011, which is attached as Exhibit 1 and incorporated into
3 this ordinance, is accepted. The easement is granted for the purposes of construction,
4 reconstruction, alteration, operation, maintenance and repair of the water service facilities. The
5 easement includes the following-described real property:

6 That certain parcel of land situated in the City of Seattle, County of King, State of
7 Washington, being that portion of the Northwest Quarter of the Northeast Quarter
8 of Section 20, Township 24 North, Range 4 East, W.M., included within a strip of
9 land 6.50 feet wide, the easterly line of which is described as follows:

10 Commencing at the southeast corner of said Block 30 of Ladd's First Addition to
11 South Seattle, according to the Plat thereof recorded in Volume 10 of Plats,
12 Pages 75 and 75 ½, records of said county, said corner also being on the westerly
13 right-of-way line of Airport Way S.;

14 Thence along said westerly right-of-way line, South 07° 45' 33" East 236.27 feet
15 to the True Point of Beginning;

16 Thence continuing South 07° 45' 33" East 13.50 feet to the terminus of said strip.
17 Containing: 88 square feet, more or less.

18 **Section 2.** Section 3 of Ordinance 123417 is deleted in its entirety and replaced ~~((in its~~
19 ~~entirety))~~ to read as follows:

20 ~~((Section 3. This ordinance shall take effect and be in force 30 days from and after its~~
21 ~~approval by the Mayor, but if not approved and returned by the Mayor within ten days after~~
22 ~~presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.))~~

23 Section 3. The real property conveyed in Sections 1 and 2 above are placed under the
24 jurisdiction of the Seattle Department of Transportation.

25 **Section 3.** Section 4 of Ordinance 123417 is added to read as follows:

26 Section 4. This ordinance shall take effect and be in force 30 days after its approval by
27 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
28 shall take effect as provided by Seattle Municipal Code Section 1.04.020.





20110617001130

PACIFIC NW TIT EAS 66.00
PAGE-001 OF 005
08/17/2011 15:55
KING COUNTY, WA

Recording Requested By And
When Recorded Mail To:

SDOT
700 5TH AVE #3900
P.O. Box 34996
Seattle, Wa. 98124-4996
Attn: Larry Huggins

HYDRANT EASEMENT

Reference #s of Documents Released or Assigned:	None	
Grantor(s):	SPO, LLC	5/68
Grantee(s):	City of Seattle	
Legal Description (abbreviated):	Ptn of NW ¼ of NE ¼ of S20-T24N-R4E	
Assessor's Tax Parcel ID#:	Ptn of 202404-9013	

The Grantor, **SPO, LLC**, a Washington limited liability company, for and in consideration of \$10.00 (TEN AND NO/100 DOLLARS), the receipt of which is acknowledged, conveys to the Grantee, **THE CITY OF SEATTLE**, a municipal corporation of the State of Washington, an easement for a hydrant and appurtenances, including connecting water service pipes (the water service facilities), over, across and along the following described real property in King County, Washington for the construction, reconstruction, alteration, operation, maintenance and repair of the water service facilities.

FILED BY PNWT

As described on Exhibit A (the easement area) attached to and made a part of this easement.

PNWT 664838-12

Grantee or its agents shall have the right without prior institution of any suit or proceeding at law, at such times as may be necessary, to enter upon the easement area for the described purposes, without incurring any legal obligation or liability therefor, provided that the work shall be accomplished in such a manner that the private improvements existing in the working area, including but not limited to, driveway, curb cut and gate as negotiated, shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed, they shall be replaced in as good condition as they were immediately before the property was entered upon by the City.

Grantor shall have the right to use the property for any other legal purpose not inconsistent with the rights granted by this easement.



Grantor agrees that no building, fence, wall, rockery, trees, shrubbery or obstruction of any kind shall be erected or planted, or any fill material placed within the boundaries of the easement area without the written permission of the City of Seattle's Director of Seattle Public Utilities, and that no excavation shall be made within the easement and that the surface level of the ground within the easement area shall be maintained at the same elevation as the base of the hydrant. Grantee shall install within the easement, at its sole expense, protective bollards to function as fence posts around the hydrant.

Grantor agrees that no other utility facilities, such as conduits, cables, pipelines, vaults poles, posts, whether public or private, will be installed within the easement area. All crossings must maintain a minimum vertical clearance of 18 inches from the branches. Sewer crossings must maintain a minimum vertical clearance of 24 inches from the branches. Crossing of the utilities under hydrant branches must maintain a minimum vertical clearance of 6 inches from the bottom of the hydrant branch.

Grantor waives any present or future claim against the City relating to hazardous substances, pollutants, or contaminants, and shall indemnify and defend the City from any such claim, including enforcement action by a regulatory agency, unless the hazardous substances, pollutants or contaminants result from the City's operations. To construct/install the hydrant, the City shall remove and appropriately dispose of the soil in the hydrant easement area to a final finished grade as determined by the City, which is anticipated to be approximately 20.5 feet measured from NAVD 88. The City and Grantor agree that the City shall only be liable for costs of removing and disposing of soil from the hydrant easement area.

This easement and each of the terms, provisions, conditions and covenants, shall be binding upon and inure to the benefit of the parties and their respective heirs, successors and assigns.



EXHIBIT A

LEGAL DESCRIPTION

**PERMANENT EASEMENT
SPO, INC. PROPERTY
Tax Parcel No. 202404-9013**

That certain parcel of land situated in the City of Seattle, County of King, State of Washington, being that portion of the Northwest Quarter of the Northeast Quarter of Section 20, Township 24 North, Range 4 East, W.M., included within a strip of land 6.50 feet wide, the easterly line of which is described as follows:

Commencing at the southeast corner of said Block 30 of Ladd's First Addition to South Seattle, according to the Plat thereof recorded in Volume 10 of Plats, Pages 75 and 75 1/2, records of said county, said corner also being on the westerly right-of-way line of Airport Way S.;
thence along said westerly right-of-way line, South 07°45'33" East 236.27 feet to the **True Point of Beginning**;
thence continuing South 07°45'33" East 13.50 feet to the terminus of said strip.

Containing: 88 square feet, more or less.



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Department of Transportation	Larry Huggins/4-5001	Rebecca Guerra/4-5339

Legislation Title:

AN ORDINANCE relating to the Bridge Rehabilitation and Replacement project; amending Ordinance 123417 to authorize the Director of the Department of Transportation to accept, on behalf of the City of Seattle, a Hydrant Easement from SPO, LLC, a Washington limited liability company in a portion of Block 30 of Ladd's First Addition to South Seattle for the purposes of construction, reconstruction, alteration, operation, maintenance, and repair of the water service facilities in connection with the Airport Way South Viaduct Over Argo Railroad Yard project.

Summary and background of the Legislation:

This proposed legislation authorizes the Director of the Seattle Department of Transportation to accept a hydrant easement from SPO LLC, a Washington limited liability company for the purposes of construction, reconstruction, alteration, operation, maintenance and repair of the hydrant and water service facilities and places the easement under the jurisdiction of the Seattle Department of Transportation. SPO's property adjoins the Airport Way South Viaduct (Viaduct) and a hydrant easement is necessary for the City to install and maintain a new fire hydrant and water service pipes as required by the Seattle Fire Department.

The Viaduct was constructed in 1928 and is located north of the intersection of Airport Way South and South Lucille Street and carries Airport Way South over Union Pacific's Argo Railroad Yard and the Burlington Northern Santa Fe Railway Mainline tracks. It was originally constructed to provide grade separation between the Union Pacific, Northern Pacific, and Seattle to Tacoma Interurban railroad tracks and the north-south automobile and streetcar traffic. The Viaduct is now classified as an arterial and is a heavily traveled route for freight traffic in the area. The Viaduct is now showing evidence of significant stress and needs rehabilitation.

This portion of the Airport Way South Viaduct Over Argo Railroad Yard project (Project) provides for the replacement of the north approach of the Viaduct with a mechanically stabilized earth wall and installation of a new fire hydrant and water service pipes. Rehabilitation of the Viaduct is part of the Bridge Rehabilitation and Replacement project which is funded primarily from the "Bridging the Gap" funding package. Rehabilitation of the Viaduct has been a longstanding goal for the City and once completed, will stabilize the bridge for this heavily used freight route.



Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:
Bridge Rehabilitation and Replacement	TC366850	Citywide	Ongoing	Ongoing

Please check any of the following that apply:

This legislation creates, funds, or anticipates a new CIP Project.

This legislation does not have any financial implications.

This legislation has financial implications.

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

The City paid SPO \$2,200 for the Hydrant easement. Operation and maintenance costs will be absorbed in the existing bridge maintenance budget.

b) What is the financial cost of not implementing the legislation?

The existing Viaduct is located north of the intersection of Airport Way South and South Lucile Street. The bridge carries Airport Way south over the Argo Railroad Yard. Airport Way South is classified as an arterial and is one of many heavily traveled routes for freight traffic in the area.

The Project provides for the demolition and replacement of the existing timber approaches with a mechanically stabilized earth wall. This legislation amends Ordinance 123417 to authorize the Director to accept a hydrant easement from SPO in connection with the replacement of the north approach of the Viaduct. The Seattle Fire Code requires that a fire hydrant be installed near each of the approaches. In order to accomplish this, it is necessary for the City to acquire a hydrant easement from SPO.

If this legislation is not implemented, SDOT will not be able to meet the Seattle Fire Code requirement which requires a fire hydrant near each approach of the Viaduct. This easement location is the only location option that will satisfy the code requirement by providing hydrant service to the northwest side of the approach and, ultimately a portion of the main span structure as well.

c) Does this legislation affect any departments besides the originating department?

Coordination with the Seattle Fire Department is necessary to install and maintain the fire hydrant and water service pipes. Our Project Manager, Ken Lee, is coordinating with Gary English at (206) 386-1450 and Russ Boyd at (206) 386-1455 of the Seattle Fire Department.



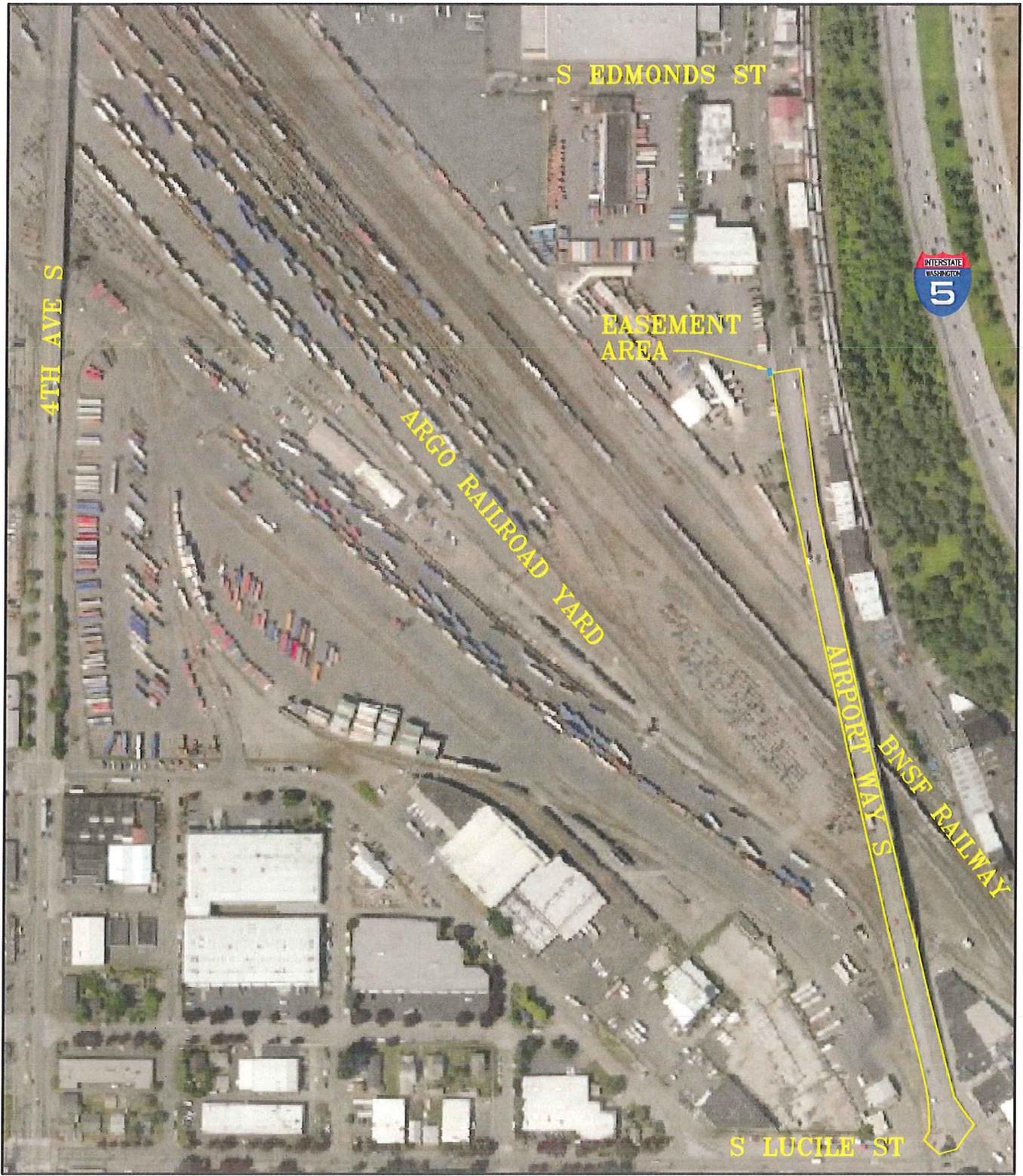
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None.
- e) **Is a public hearing required for this legislation?** No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- g) **Does this legislation affect a piece of property?** Yes.
- h) **Other Issues:** None.

List attachments to the fiscal note below:

Exhibit A: Maps.



EXHIBIT A
Tax Parcel Number 202404-9013

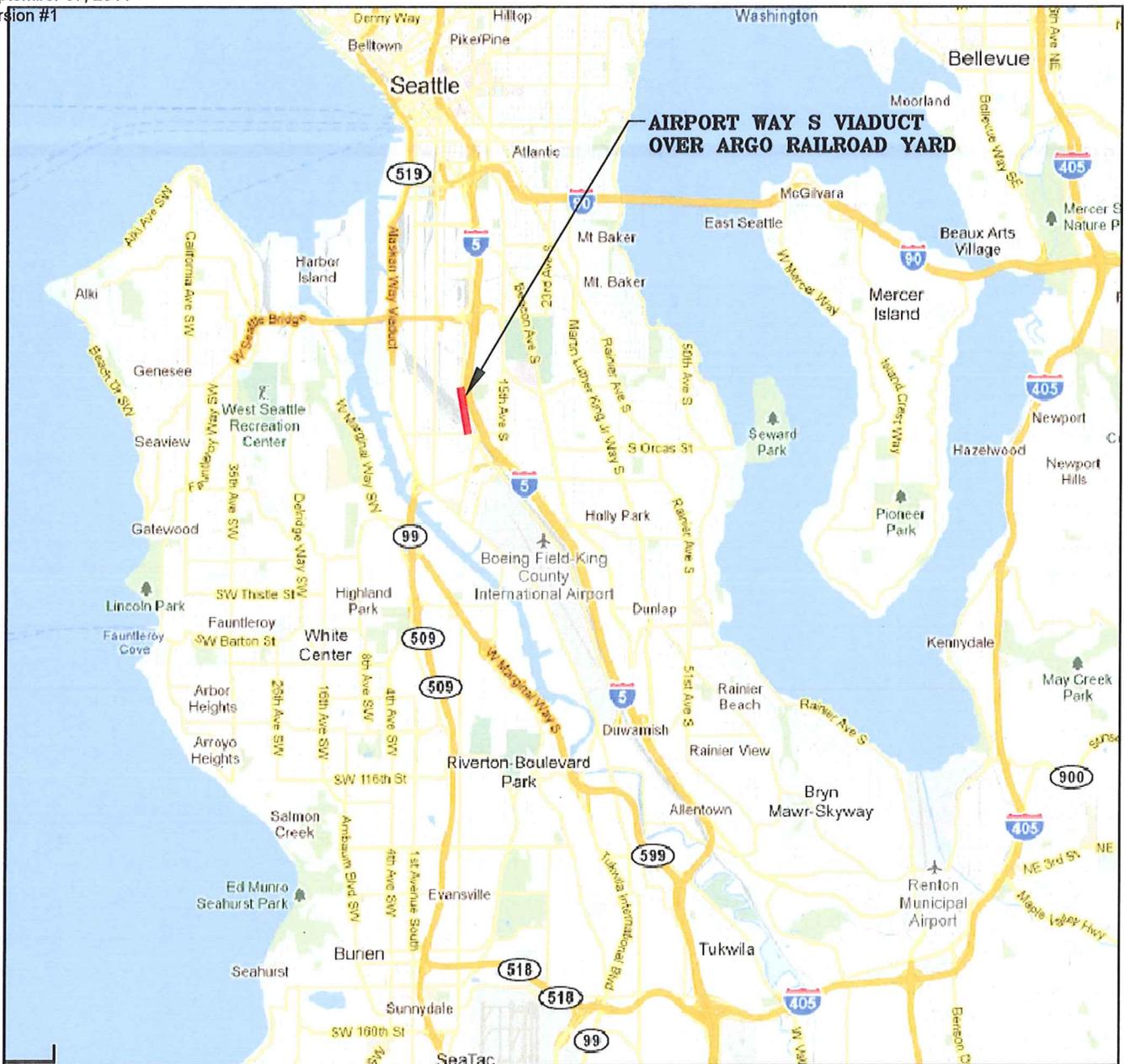


LEGEND:

 Hydrant Easement Area



SCALE: 1"=300'





City of Seattle
Office of the Mayor

November 15, 2011

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill which amends Ordinance 123417 to authorize acceptance of a Hydrant Easement granted to the City of Seattle by SPO, LLC, a Washington limited liability company for the rehabilitation of the Airport Way South Viaduct and places the easement under the jurisdiction of the Seattle Department of Transportation. SPO's property adjoins the Viaduct and a hydrant easement is necessary for the City to meet the hydrant requirements of the Seattle Fire Code.

This portion of the project provides for the replacement of the north approach of the Viaduct with a mechanically stabilized earth wall and installation of a new fire hydrant. Rehabilitation of the Viaduct is part of the Bridge Rehabilitation and Replacement project which is funded primarily from the "Bridging the Gap" funding package. Rehabilitation of the Viaduct has been a longstanding goal for the City and once completed, will stabilize the bridge for this heavily used freight route.

Thank you for your consideration of this legislation. Should you have any questions, please contact Larry Huggins at 684-5001.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGinn".

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



1 reconstruction, alteration, operation, maintenance and repair of the water service facilities. The
2 easement includes the following-described real property:

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25
26
27
28

1 Passed by the City Council the ____ day of _____, 2011, and
2 signed by me in open session in authentication of its passage this
3 ____ day of _____, 2011.

4 _____
5 _____
6 President _____ of the City Council

7
8 Approved by me this ____ day of _____, 2011.

9 _____
10 _____
11 Michael McGinn, Mayor

12
13 Filed by me this ____ day of _____, 2011.

14 _____
15 _____
16 Monica Martinez Simmons, City Clerk

17 (Seal)

18
19 Exhibit 1: Recorded Hydrant Easement

THIS VERSION IS NOT ADOPTED



STATE OF WASHINGTON – KING COUNTY

--SS.

280587

No. 123809,810,811,812,813 14

CITY OF SEATTLE, CLERKS OFFICE

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: TITLE ONLY ORDINANCE

was published on

02/03/12

The amount of the fee charged for the foregoing publication is the sum of \$ 153.45, which amount has been paid in full.

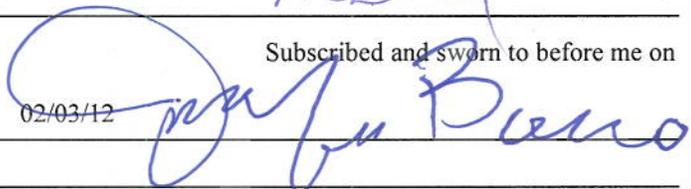


Affidavit of Publication



Subscribed and sworn to before me on

02/03/12



Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on January 17, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123809

AN ORDINANCE relating to land use, zoning and lots, amending Seattle Municipal Code Sections 23.22.100, 23.24.040, 23.24.046, 23.28.030, 23.41.012, 23.44.010, and 23.44.012, to require standards for configuration of platted lots, to add specific standards for development on lots qualifying for exceptions to minimum lot area standards in Single Family zones, and to clarify existing standards for structures eligible for unit lot subdivisions.

ORDINANCE NO. 123810

AN ORDINANCE relating to the Bridge Rehabilitation and Replacement project; amending Ordinance 123417 to authorize the Director of the Department of Transportation to accept, on behalf of the City of Seattle, a Hydrant Easement from SPO, LLC, a Washington limited liability company in a portion of Block 30 of Ladd's First Addition to South Seattle for the purposes of construction, reconstruction, alteration, operation, maintenance, and repair of the water service facilities in connection with the Airport Way South Viaduct Over Argo Railroad Yard project.

ORDINANCE NO. 123811

AN ORDINANCE relating to the NE 45th Street Viaduct project; authorizing the Director of the Seattle Department of Transportation to accept, on behalf of the City of Seattle, a Maintenance Easement and Agreement from the University of Washington for the purposes of accessing, maintaining, cleaning, repairing, reconstructing, and replacing a retaining wall supporting the west approach of the NE 45th Street Viaduct; placing the easement under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming prior acts.

ORDINANCE NO. 123812

AN ORDINANCE accepting deeds and easements for street, alley, or sidewalk purposes; laying off, opening, widening, extending, and establishing portions of the following rights-of-way: Lenora Street abutting Block 47 and the alley in Block 47, Addition to the City of Seattle as laid out by A.A. Denny (commonly known as A.A. Denny's 6th Addition to the City of Seattle); the alley in Block 8, North Park; the alley in Block 13, Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell, Deceased; the alley in Block 26, Second Addition to the Town of Seattle as laid off by the Heirs of Sarah A. Bell, Deceased, (commonly known as Heirs of Sarah A. Bell's Second Addition to the City of Seattle); the alley in Block 1, H.S. Turner and Co's University Add'n to the City of Seattle; 46th Avenue South abutting Lot 20, Speedway Addition to the City of Seattle; the street turn-around in Lots 19 and 20, Speedway Addition to the City of Seattle; the alley in Block 11, D.T. Denny's Waterfront Addition to the City of Seattle; the alley in Lot 12, Supplemental Plat of Block 27 to Bell & Denny's First Addition to the City of Seattle; the alley in Block 1, May Addition to the City of Seattle; the alley in Block "A", Greene's Replat of Block 10, Squire Park Add. to the City of Seattle; the sidewalk adjoining Block A, Brooklyn Supplemental Addition to the City of Seattle; the alley in Block 6, Columbia; Stone Avenue North abutting a portion of the SW 1/4 of the SE 1/4, Sec. 19, T26N, R4E, W.M.; the sidewalk adjoining a portion of Stone Avenue North in SW 1/4 of the SE 1/4, Sec. 19, T26N, R4E, W.M.; the alley in Block 19, Denny-Fuhrman Addition to the City of Seattle; the alley in Block 20, First Addition to that part of the Town of Seattle, laid off by Wm. N. Bell and A.A. Denny (commonly known as Bell & Denny's 1st Addition to the City of Seattle); the alley in Block 8, the Byron Addition to the City of Seattle; the sidewalk adjoining Block 104, Terry's Second Addition to the Town of Seattle; the sidewalk adjoining Blocks 51 and 52, New Rainier Vista; and placing the real property conveyed by said deeds and easements under the jurisdiction of the Seattle Department of Transportation.

ORDINANCE NO. 123813

AN ORDINANCE vacating the portion of South Atlantic Street from the east margin of 6th Avenue South easterly to vacated South Atlantic Street, as established in Vacation Ordinance 113655, on the petition of King County Metro Transit; as reflected in Clerk File 304924.

ORDINANCE NO. 123814

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, February 3, 2012.

2/3(230587)