



City of Seattle
Department of Planning & Development

2009 SBC Code Solution

Section 104.5
Easements and Covenants
Release Date: **February 25, 2011**
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The following interpretation, policy or code alternate is intended to provide guidance to staff for consistency of review and is subject to change without notice. Application of this interpretation, policy or code alternate to specific projects may vary.

Code Issue:

Easements on or covenants with adjacent properties can be used in some cases to allow construction on a property that wouldn't ordinarily be allowed by the building code, such as openings near a property line or egress through the adjoining property.

- 1) Who are the parties involved in the easement/covenant?
- 2) When is it appropriate to require an easement, and when should we require a covenant?

What should be included in the easement/covenant?

Policy/Alternate:

- 1) An easement is required when the adjoining properties are separately owned. A covenant is required where one person or entity owns both properties.
- 2) The following items should be addressed in the language of the easement or covenant:
 - a. Owner(s) name for all affected properties
 - b. Addresses and legal descriptions of both properties involved
 - c. A statement of the code issues being addressed by the easement or covenant
 - d. A statement of the conditions/limitations/etc. being imposed by the easement or covenant
 - e. A description of the area(s) affected by the easement or covenant
 - f. A sketch that illustrates the affected area(s) of the easement or covenant
 - g. The DPD A/P number for the "main" property
 - h. The applicable Building Code edition
 - i. The Building Code sections that apply
 - j. A statement that the easement or covenant is binding on "successors and assigns"



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- k. A statement that the easement or covenant cannot be removed by either party as long as it is needed to satisfy the requirements of the Building Code in Item h above or its successor.

Process notes:

The applicant will be asked to submit draft easement or covenant language to DPD for review. After the language has been approved, the applicant can then get both parties to sign the easement or covenant, record it with King County, and submit it to DPD.

For questions about whether this code solution applies to your project:

- *If you have submitted a permit application, contact the Building Code plan reviewer assigned to your application*
- *If you have not submitted an application, contact DPD Building Code Technical Support at 206-684-4630 or in person at the Applicant Services Center. Visit the Applicant Services Center website for more information about hours and location http://www.seattle.gov/dpd/Permits/Process_Overview/Location_Hours/default.asp*



Construction Review & Inspection Quality
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