



City of Seattle
Department of Planning & Development

2006 SBC Code Solution

Sec. 104.9
Easements and Covenants
Release Date: **January 23, 2009**

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 to justify a code modification in some cases to allow construction on or near 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) When is it appropriate for an easement to be required, and when would a covenant be required?
- 2) What parties must be involved in the easement or covenant?
- 3) What should be included in the easement or covenant?

Policy/Code Modification:

- 1) An easement is required when the adjoining properties are separately owned. A covenant is required where one person or entity owns all the affected properties.
- 2) The parties involved in easements or covenants that affect adjoining properties are all the owners of the respective properties.
- 3) The following items shall be addressed in the language of the easement or covenant:
 - a. Owner name(s) for all affected properties;
 - b. Addresses and legal descriptions of all 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 affected by the easement or covenant. A drawing shall also be included that illustrates the affected area(s);
 - f. The DPD A/P number for the "main" property;
 - g. The applicable Building Code edition;
 - h. The Building Code sections that apply;
 - i. A statement that the easement or covenant is binding on "successors and assigns";
 - j. 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 applicable Building Code in Item g above or its successor.

Process note:

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.

If you have 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

Jonathan Siu, Principal Engineer