

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Dedication of Right of Way or Easement

Last Revised 5/14/08

Planning for streets and utilities is a necessary part of developing property. Land owners provide the land needed for these facilities. When property is developed, the City of Seattle may require owners to dedicate additional land for streets (right of way) or easements for utilities, in order to meet City street and utility standards. This is accomplished through a legal contract in which the owner conveys certain rights to use the land. The rights may be conveyed to the public (the City of Seattle administers these public rights within the City limits) or to specific people or agencies.

The Department of Planning and Development (DPD) reviews and approves plans for land development and building construction in the City of Seattle. For dedications related to development of private property and required by Land Use Code please contact DPD.

The Seattle Department of Transportation (SDOT) Street use section reviews certain aspects of these plans (plans for land development and building construction), including transportation, sewage, and drainage, and prepares legal documents for conveying property rights for these functions. SDOT prepares slope easements and property dedications.

The Seattle Public Utilities Department (SPU) prepares sanitary sewer, storm drain, combined sewer, and water main easements when they are required in conjunction with any of the SPU's prepared easements. If the dedication or easement involves the Water Department only, submit the plan, application, legal description and title information directly to the Water Department. See the Water Department's publication, "Private Contract Water Main Projects," for special provisions.)

Procedures

The Real Estate Services Section of SDOT prepares the legal documents required for dedication of right of way or easements. The property owner should request the required document as soon as possible so that other City approvals of the project will not be delayed. The procedures are as follows:

1. The applicant provides the assigned Plan Review Analyst in the Street Use Department Street Improvement Permit Section a letter of request for dedication addressed to SDOT Street Improvement Permitting Section. This letter shall be signed by legal owner and shall include sites address, legal description of the property, printed name of the owner, owner contact information, and name and contact information of the corporation or other entity that is acting on behalf of the owner.
2. The applicant shall also provide a copy of the plot plan for the project with each lot clearly shown and dimensioned. (If a private contract plan is being reviewed for the project, a copy of the plan sheet showing the dedication area should be used instead of a plot plan.)
3. The plan must show the property to be dedicated or show the easement boundaries, and give the dimensions and bearings of the boundaries of the parcel or easement. The applicant's engineer or surveyor should prepare a legal description of the parcel to be dedicated. (A centerline description may be used for easements.) See attached standard drawing DEF- 4000 for more information.
4. When an exception to full dedication is requested, the exception must be approved and granted by SDOT. The depth and height (above and below) are determined by public need. Ranges could be 2' to 16' or more below and 16' to 60' or more above the surface. See attached standard drawing DEX-3000 for more information. When there are aerial overhangs or undersurface reservations, for alleys the minimum requirement is 2 feet of cover between surface and reserved vertical area and 16 feet from surface to beginning of aerial overhang. All elevations must be expressed as NAVD 88 Datum elevations (a local benchmark must be identified).

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5. The Plan Review Analyst forwards a request for right of way services to the Real Estate Services Section of SDOT for preparation of documents together with the plot plan or private contract plan sheet and proposed legal description.
6. Real Estate Services prepares the documents and submits the proposed documents to the Law Department for approval. After the Law Department approves the documents, they are returned to the Plan Review analyst. The analyst notes any revisions and forwards the documents to the applicant or project contact person for signature.
7. The owner signs the deed or easement and has the signature notarized. When all necessary signatures are gathered, the applicant returns the documents to the Real Estate Services Section for approval and recording with King County.
8. Real Estate Services section notifies Street Improvement permitting plan analyst that dedication is completed.
9. Real Estate Services writes acceptance ordinance and gets City Council approval of the acquired Right of Way.

For more information, contact:

Street Improvement Permitting Section
Seattle Department of Transportation
Suite 2300, 700 Fifth Avenue
PO Box 34996
Seattle, Washington 98124-4996
Or call (206) 684-5044