



2015 SBC Code Solution

SBC Section(s) 104.5

Easements and Covenants

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The following code alternate provides guidance to staff and SDCI customers for to promote consistent application of the code to projects and is subject to change without notice. Application of this code alternate to specific projects may vary.

Code Issue: Owners often use easements on or covenants with adjacent properties to secure SDCI approval for construction on a property that wouldn't ordinarily be allowed, such as openings near a property line or egress through an adjoining property for their project. The use of easements and covenants for these purposes is considered an alternate method, material, or design allowed under Section 104.5 of the Seattle Building Code.

It can be confusing for owners who are trying to determine if an easement or a covenant is the right legal instrument to use in a certain situation. Owners often ask SDCI:

- Who are the parties involved in an easement or a covenant?
- When does SDCI require an easement or a covenant?
- What is included in an easement/covenant?

The "Alternate" section below provides answers to these questions.

Code Alternate:

An easement is required when the adjoining properties are separately owned. A covenant is required where one person or entity owns both properties.

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 SDCI project number (record number) for the "main" property
- h. The applicable building code edition and other 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 if it is needed to satisfy the requirements of the building code in Item h above or a later adopted edition of the code.

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, send us a question through the SDCI website
<http://www.seattle.gov/dpd/toolsresources/sendusaquestion/default.htm> 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/aboutus/whowere/applicantservicescenter/default.htm>

