John Bresnahan
SCL BPA Sale ORD
June 27, 2013
Version #1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117959

AN ORDINANCE relating to the City Light Department; declaring surplus a certain portion of real property in Pend Oreille County owned by The City of Seattle that is no longer required for providing public utility service; and authorizing the sale and conveyance of the surplus property to the Bonneville Power Administration ("BPA") by quit claim deed.

WHEREAS, in 2009, BPA needed to expand its Boundary Substation located in Pend Oreille County, Washington in order to meet its obligations under various agreements with Seattle City Light, Pend Oreille County Public Utility District, and others; and

WHEREAS, The City of Seattle owns real property parcels immediately east of and adjacent to BPA's substation, totaling approximately 49.54 acres or 2,157,962 square feet; and

WHEREAS, BPA offered to purchase, under threat of eminent domain, 0.61 acres of land, or approximately 26,400 square feet, from The City of Seattle in order to expand its substation; and

WHEREAS, the fair market value of the surplus property was determined to be $1,000, which amount BPA had agreed to pay to The City of Seattle; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Pursuant to RCW 35.94.040 and after public hearing, the following described property (the "Property") is declared to be surplus to the City's needs and no longer required for providing continued public utility service or other municipal purpose:

That portion of the South half of Section 10, Township 40 North, Range 43 East, W.M., Pend Oreille County, Washington, described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of said Section 10; Thence North 02°03'13" West, along the North-South centerline of said Section 10, a distance of 769.41 feet to a point on the easterly line of the subject parcel and the True Point of Beginning of this legal description; Thence North 26°40'53" East 93.01 feet to the

northeast corner of said parcel; Thence north 63°17'31" West 110.00 feet to the northwest corner of said parcel. Said point is in the northeasterly corner of the "Correcting Deed" parcel described in Auditor's file no. 125005, recorded in Book 47 of Deeds, page 645, records of Pend Oreille County, Washington; Thence South 26°40'53" West along the easterly line of said Correcting Deed parcel a distance of 240.00 feet to the southwest corner of said parcel; Thence North 63°17'31" East 110.00 feet to the southeast corner of said parcel; Thence north 26°40'53" East along the easterly line of said subject parcel a distance of 146.99 feet to the Point of Beginning. As surveyed and monumented per record of survey recorded March 30, 2009, in Book 8 of Surveys, Page 59, Auditor's file no. 20090300988, records of Pend Oreille County, Washington.

Section 2. The General Manager and Chief Executive Officer of City Light or his designee is authorized to execute and deliver a quit claim deed to the Bonneville Power Administration, substantially in the form of Attachment 1 hereto, conveying the Property and reserving to the City a permanent easement right for overhead electric transmission lines, in consideration of the payment of $1,000.

Section 3. The General Manager and Chief Executive Officer of City Light or his designee is further authorized to execute all such other documents as may be deemed necessary or desirable to effectuate the real property conveyance authorized herein.

Section 4. Proceeds from the sale of the property shall be deposited into the City Light Fund.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2013, and signed by me in open session in authentication of its passage this _____ day of _____, 2013.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2013.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Attachment:

Attachment 1: Quit Claim Deed

ATTACHMENT 1 to SCL BPA Sale ORD

AFTER RECORDING, RETURN TO
Bonneville Power Administration
TERS-3
P.O. BOX 3621
PORTLAND, OR 97208-3621

Legal description: A portion of the S 1/2 of Section 10, Township 40 North, Range 43 East, W.M., Pend Oreille County, WA, as described in Exhibit A. (Affects Tax Account No. 434010500001-00 & 434010503000-00.)

BPA Tract No: BOUN-SS-4 (Fee)

QUIT CLAIM DEED

FOR AND IN CONSIDERATION of the sum of ONE THOUSAND DOLLARS AND NO/100 - - - ($1000.00) in hand paid, receipt of which is hereby acknowledged, the CITY OF SEATTLE, the Grantor, whether one or more, does hereby conveys and quit claims unto the UNITED STATES OF AMERICA, and its assigns, the following described parcel of land in the County of Pend Oreille in the State of Washington, to wit:

> BOUN-SS-4 – That part of Record of Survey #2227, recorded March 30, 2009, Book 8, Page 59, Instrument No. 300988, described on Serial #286354-1-0 in Section 10, Township 40 North, Range 43 East, Willamette Meridian, as generally described in Exhibit A, attached hereto and by this reference made a part hereof.

The rights granted herein are subject to easements of record and mineral rights of third parties.

RESERVING to the Grantor the right to cross said land with transmission line conductors, of any voltage. This reservation does not allow for any structures to be located within the substation fencing or on the substation ground mat.

TO HAVE AND TO HOLD said parcel of land unto the UNITED STATES OF AMERICA and its assigns, forever.

Grantor covenants with the UNITED STATES OF AMERICA that the Grantor is lawfully seized and possessed of the said parcels of land in fee and has good and lawful right and power to sell and convey the same.

The lands described herein are acquired for the Bonneville Power Administration.

DATED this _____day of _____, 2013

_____
Grantor: CITY OF SEATTLE
By:
Title:

Form revised: December 12, 2012

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle City Light	Dave Barber / 684-0400	Anthony Colello / 684-5292

Legislation Title:
AN ORDINANCE relating to the City Light Department; declaring surplus a certain portion of real property in Pend Oreille County owned by The City of Seattle that is no longer required for providing public utility service and authorizing the sale and conveyance of the surplus property to the Bonneville Power Administration ("BPA") by quit claim deed.

Summary of the Legislation:
This legislation declares certain real property in Pend Oreille County surplus to Seattle City Light's needs and authorizes the sale of the real property to Bonneville Power Administration.

Background:
The City of Seattle is the owner of certain parcels of real property, Tax Parcel Numbers 434010503000 and 434010500002, in Pend Oreille County, Washington. The parcels total 49.54 acres or 2,157,962 square feet. Bonneville Power Administration ("BPA") owns Tax Parcel Number 434010503001 in Pend Oreille County, Washington, commonly known as the BPA Boundary Substation.

BPA offered to purchase a piece of City of Seattle's parcel 434010503000 that is immediately east of and adjacent to BPA's substation. The piece totals approximately 26,400 square feet, or approximately 0.61 acres. The reason for the purchase is that BPA needed to expand its substation to meet its obligations under various agreements with other utilities. The offer to purchase was made under threat of eminent domain.

The land was valued by BPA appraisers using federal appraisal methods, and the fair market value of the property was determined to be $1,000. BPA agreed to pay City Light that amount on conveyance of the property. City Light issued a permit to BPA in 2009 to allow BPA to begin construction of its substation expansion, and collected the $1,000 payment for the property under that permit.

__X__ This legislation has financial implications.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2009 Revenue	2014 Revenue
City Light Fund 4100	SCL	Payment for Land Sale	$1,000	
TOTAL			**$1,000**	

Revenue/Reimbursement Notes:
The payment of the appraised and agreed value of $1,000 was paid under a permit issued to BPA so they could proceed with their project.

Other Implications:

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

No.

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

The City would forego a revenue opportunity.

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

No.

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?**

Yes.

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. A map of the affected property is attached to this fiscal note.

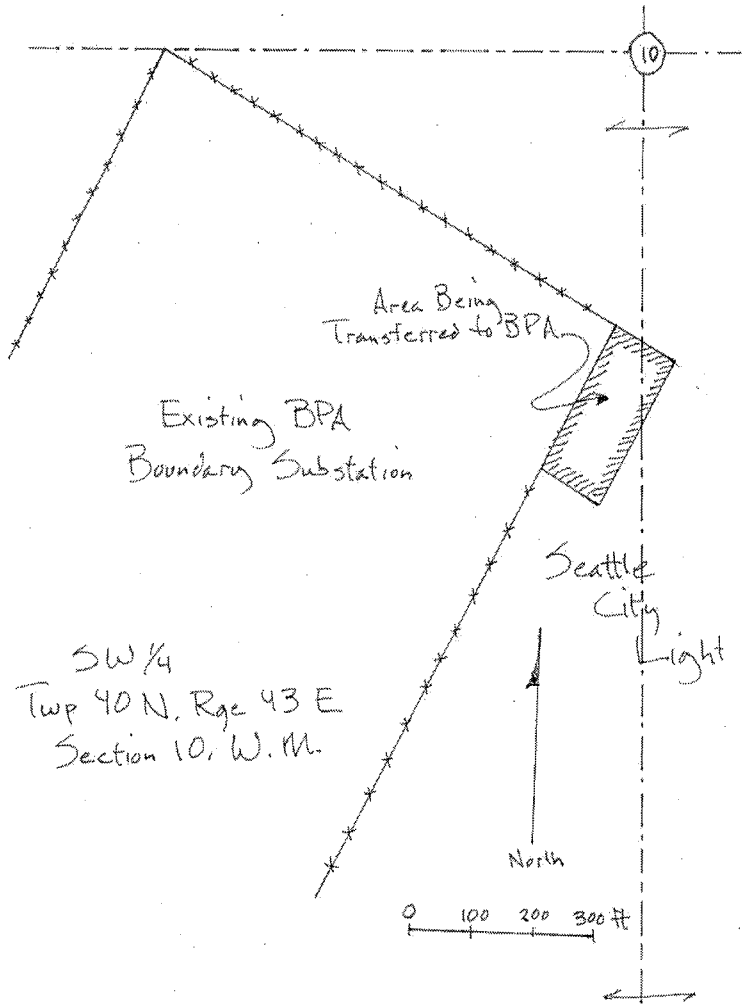
h) **Other Issues:**

None.

List attachments to the fiscal note below:

Attachment 1: Aerial map of surplus property

ATTACHMENT 1 to SCL BPA Sale FISC



Map of City Light Property Being Transferred to BPA

City of Seattle
Office of the Mayor

October 22, 2013

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that authorizes Seattle City Light to sell a portion of City of Seattle property to the Bonneville Power Administration (BPA) for the expansion of the BPA's Boundary Substation in Pend Oreille County, Washington.

The BPA needed to expand its Boundary Substation to install an additional transformer, to meet its obligations to other utilities in Pend Oreille County. The City of Seattle owns the adjacent property as part of the Boundary Dam Hydroelectric Project. This legislation will authorize the sale of the needed property to the BPA for the fair market value of $1,000.

City Light is pleased to be able to work with the BPA to help them meet their service obligations. Thank you for your consideration of this legislation. Should you have questions, please contact James Baggs at 684-3260.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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