

Ordinance No. 121840

Council Bill No. 115271

AN ORDINANCE relating to the Burke Gilman Trail; accepting deeds from Adventure Trail, Inc. and the Burlington Northern and Santa Fe Railway Company.

*me*

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin  
Councilmember

## Committee Action:

6/14/05 - passed 20 yes 20 no 20 absent Conlin

6-20-05 Passed 8-0 (Excused: Compton)

CF No. \_\_\_\_\_

Date Introduced: <u>MAY 31 2005</u>	
Date 1st Referred: <u>MAY 31 2005</u>	To: (committee) <u>TRANSPORTATION</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>6-20-05</u>	Full Council Vote: <u>8-0</u>
Date Presented to Mayor: <u>6-20-05</u>	Date Approved: <u>6/29/05</u>
Date Returned to City Clerk: <u>6/30/05</u>	Date Published: <u>2005</u> <i>me</i> T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

This file is complete and ready for presentation to Full Council. Committee: RC 6/14/05  
(initial/date)

**Law Department**

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

*(initials)*

*(initials)*

ORDINANCE 121840

1  
2 AN ORDINANCE relating to the Burke Gilman Trail; accepting deeds from Adventure Trail, Inc. and  
3 the Burlington Northern and Santa Fe Railway Company.

4 WHEREAS, Ordinance 114900 authorized the acquisition of real property and real property rights  
5 through negotiation for certain trail projects, including the extension of the Burke Gilman Trail;  
6 and

7 WHEREAS, Ordinance 118370 reauthorized acquisition of real property and property rights between 6<sup>th</sup>  
8 Avenue NW and NW 67<sup>th</sup> Street for purposes of maintaining a continuous and permanent linear  
corridor along the railroad right of way; and

9 WHEREAS, the City acquired property interests between 6<sup>th</sup> Avenue NW and NW 67<sup>th</sup> Street from  
10 Adventure Trail, Inc. (ATI); and

11 WHEREAS, certain property was unintentionally omitted from ATI's deed to the City; and

12 WHEREAS, ATI has corrected its deed to the City and the City now desires to accept the corrected ATI  
deed; and

13 WHEREAS, the City acquired property interests from the Burlington Northern and Santa Fe Railway  
14 Company (BNSF) in a portion of the BNSF active railroad right of way from NW 67<sup>th</sup> Street to  
15 Golden Gardens Park for extension of the Burke Gilman trail, and the City desires to accept the  
deed; NOW, THEREFORE,

16 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

17 Section 1. The corrected Quitclaim Deed from Adventure Trail, Inc., dated August 27, 2004 and  
18 recorded under King County recording number 20040831002754, a copy of which is attached hereto as  
19 Attachment 1 and incorporated herein ("ATI Deed"), is hereby accepted for recreation and transportation  
20 purposes consistent with the interim trail use and railbanking provisions of the National Trail Systems  
21 Act (16 U.S.C. Section 1241 et seq.) and that certain Purchase and Interim Trail Use and Railbanking  
22 Agreement dated December 29, 1998 between Adventure Trail, Inc. and the City. The real property  
23 described in the ATI Deed shall be under the jurisdiction of the Seattle Department of Transportation.  
24  
25  
26  
27  
28



1 Section 2. The Quitclaim Deed from the Burlington Northern and Santa Fe Railway Company  
2 dated March 2, 2000 and recorded under King County recording number 20000320000946, a copy of  
3 which is attached hereto as Attachment 2 and incorporated herein ("BNSF Deed"), is hereby accepted for  
4 multi-purpose trail purposes. The real property described in the BNSF Deed shall be under the  
5 jurisdiction of the Seattle Department of Transportation.

6  
7 Section 3. Any act consistent with the authority and prior to the effective date of this ordinance is  
8 hereby ratified and confirmed.

9  
10 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its  
11 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
12 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

13 Passed by the City Council the 20<sup>th</sup> day of June, 2005, and signed by me in open  
14 session in authentication of its passage this 20<sup>th</sup> day of June, 2005.

15  
16  
17 Janae Rogers  
18 President \_\_\_\_\_ of the City Council

19 Approved by me this 29<sup>th</sup> day of June, 2005.

20  
21 Gregory J. Nickels  
22 Gregory J. Nickels, Mayor

23 Filed by me this 30<sup>th</sup> day of June, 2005.

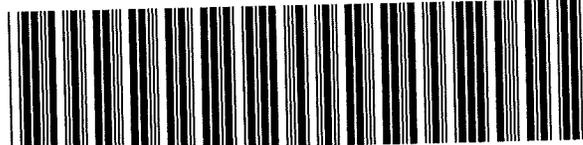
24 Janeen E. Tapp  
25 City Clerk

26 (Seal)

27 Attachment 1 - Corrected Quitclaim Deed from Adventure Trail, Inc.  
28 Attachment 2 - Quitclaim Deed from the Burlington Northern and Santa Fe Railway Company



WASHINGTON STATE COURT  
INDEXING FOR



20040831002754

CUSTOMER GCD 32.00  
PAGE001 OF 014  
08/31/2004 14:16  
KING COUNTY, WA

E2066841

08/31/2004 14:16  
KING COUNTY, WA  
TAX \$2.00  
SALE \$0.00

PAGE001 OF 001

When recorded mail to:

City of Seattle  
SDOT, Attn: Larry Huggins  
700 - 5<sup>th</sup> Avenue, Suite 3900  
Seattle, WA 98124-4996

**Document Title(s) (or transactions contained therein):**

Quitclaim Deed (Correction) and Easements

**Reference Number(s) of Documents assigned or released:**

Correction of Recording No. 98123018786 88

**Grantor(s) (Last name first, then first name and initials):**

Adventure Trail, Inc., doing business as Sea Lion Railroad

**Grantee(s) (Last name first, then first name and initials):**

City of Seattle

**Legal Description (abbreviated: i.e. lot, block, plat or section, township, range)**

PTNs NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 13, T25N, R3E, W.M.; PTNs Lots 3 thru 10, Blk 52, Denny & Hoyt's Add to Seattle; PTNs Lots 9-13 & 16-20, Blk 8, Lots 1, 2 & 5 thru 8, Blk 2, all in Ross Add to Seattle; PTNs of Lots 9 & 10, Blk 1, Ross Home Add; PTN of Lot 1, Blk 2, Fern Add to Seattle; All of Lots 11 thru 14 & PTNs Lots 9, 10, & alley, Blk 18, Denny's Add to Ballard & Seattle; All of Lots 15 & 16 & PTNs Lots 17, 18, & alley, Blk 17, Denny's Add to Ballard & Seattle; PTNs Lots 5 thru 8, Blk 17, Lots 1 thru 4 & Lots 19 thru 23, Blk 16, Denny's Add to Ballard & Seattle; PTNs Lots 5, 6 & 19 thru 22, Blk 174, Lots 6 & 19, Blk 171, & Lots 6 & 19, Blk 168, Plat of Gilman Park; PTNs of GL 2, 3, & 4, Sec 11, T25N, R3E, W.M.; PTNs GL 1, 2 & 3, Sec 10, T25N, R3E, W.M.; & PTN GL 4, Sec. 11, T25N, R3E, W.M.; & PTNs W Bowdoin St, W 40<sup>th</sup> St, 6<sup>th</sup> Ave NW, 7<sup>th</sup> Ave NW, W 43<sup>rd</sup> St, 8<sup>th</sup> Ave NW, Bright St, W 44<sup>th</sup> St, W 45<sup>th</sup> St, 9<sup>th</sup> Ave NW, W 46<sup>th</sup> St, Leary Way NW, & Shilshole Ave NW

**XXX Additional Legal** is on Schedule A (8 pages) of document.

**Assessor's Property Tax Parcel/Account Numbers:**

197220-4260, 4262; 744200-0740; 744600-0158; 251600-0076; 198220-3071, 2071;  
276830-3435, 3100, 3035, 2795, 2725; 112503-9053, 9110, 9106, 9111; 102503-9274, 9282,  
9310, 9296, 9299, 9311, 9312, 9309, 9275, 9254, 9247, 9250, 9245; 032503-9053

**ATTACHMENT-1**



**WHEN RECORDED MAIL TO:**

City of Seattle  
SDOT, Attn: Larry Huggins  
700 Fifth Avenue, Suite 3900  
Seattle, Washington 98124-4996

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**RECORDED AT THE REQUEST OF:**

City of Seattle  
SDOT, Attn: Larry Huggins  
700 Fifth Avenue, Suite 3900  
Seattle, Washington 98124-4996

**QUITCLAIM DEED  
(CORRECTION)**

**THIS DEED SUPERSEDES AND REPLACES, AND IS GIVEN TO AMEND THE ORIGINAL LEGAL DESCRIPTION TO THAT CERTAIN QUITCLAIM DEED, DATED DECEMBER 30, 1998, BETWEEN ADVENTURE TRAIL, INC., GRANTOR, AND THE CITY OF SEATTLE, GRANTEE, WHICH DEED WAS FILED FOR RECORD ON DECEMBER 30, 1998, IN THE RECORDS OF THE CLERK AND RECORDER, KING COUNTY, WASHINGTON, AS DOCUMENT 9812301876.**

ADVENTURE TRAIL, INC., DOING BUSINESS AS SEA LION RAILROAD, a non-profit tax exempt corporation organized and existing under the laws of the State of Washington, of E 116<sup>th</sup> 40<sup>th</sup> Avenue, Spokane, Washington 99203, hereinafter called "GRANTOR", for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid, conveys and quitclaims, without any covenants of warranty whatsoever and without recourse to the GRANTOR, its successors and assigns, to THE CITY OF SEATTLE, a municipal corporation under the laws of the State of Washington, hereinafter called "GRANTEE," all its right, title and interest, if any, in the rail line corridor situate in King County, State of Washington, hereinafter called "Property," together with all after acquired title of GRANTOR therein, described as follows:

Portions of Section 13, Township 25 N, Range 3 E, W.M.; portions of Denny & Hoyt's Addition to Seattle; portions of Ross Addition to Seattle; portions of Ross Home Addition; portions of Fern Addition; portions of Denny's Addition to Ballard & Seattle; portions of Plat of Gilman Park; portions of Government Lots 2, 3, and 4, Section 11, Township 25 N, Range 3 E, W.M.; portions of Government Lots 1, 2, and 3, Section



10, Township 25 N, Range 3 E, W.M.; portions of Government Lot 4, Section 11, Township 25 N, Range 3 E, W.M.; and portions of West Bowdoin Street, West 40<sup>th</sup> Street, 6<sup>th</sup> Avenue Northwest, 7<sup>th</sup> Avenue Northwest, West 43<sup>rd</sup> Street, 8<sup>th</sup> Avenue Northwest, Bright Street, West 44<sup>th</sup> Street, West 45<sup>th</sup> Street, 9<sup>th</sup> Avenue Northwest, West 46<sup>th</sup> Street, Leary Way Northwest, and Shilshole Avenue Northwest; all in the City of Seattle; King County, Washington, more particularly described in Schedule "A", consisting of eight (8) pages, attached hereto and made a part hereof.

SUBJECT, however, to all existing interests, including but not limited to all reservations, rights-of-way and easements of record or otherwise and expressly including the following easements retained by The Burlington Northern and Santa Fe Railway Company ("BNSF"):

(1) a non-exclusive easement for benefit of BNSF to use the current access road north of Seaview Avenue extended northerly to the intersection of the Ballard right of way with the North line of Northwest 65th Street extended westerly for access to BNSF's mainline, provided, however, that the access road may be shifted to the east to provide space for the interchange track, and may be used by GRANTEE for trail purposes, and provided, further, that in no event will any design changes result in disruption of BNSF's ingress and egress to BNSF's mainline; and

(2) a non-exclusive easement for access, maintenance, and repair of BNSF's Bridge No. 4, beginning at the intersection of the Ballard right of way and the south line of Seaview Avenue and extending southerly to a point being 150 feet northerly measured at right angles from the centerline of said Railway Company's Bridge No. 4 over BNSF's Main Track where said bridge crosses over and across the Salmon River Waterway; provided, however, that BNSF shall be liable to repair any damage resulting from the use of this retained easement by BNSF.

AND FURTHER SUBJECT TO non-exclusive easements for construction and maintenance of a sign and associated electrical utilities and the maintenance of surrounding vegetation and for access and utilities over portions of the Property, appurtenant to certain premises and subject to certain terms and conditions, all as described in that certain document recorded under King County recording number 9812282504.

GRANTOR assigns to GRANTEE all indemnifications received from its grantor, BNSF, set forth in the quitclaim deed recorded at King County recording number 9712191287 (as corrected by correction quitclaim deed dated July 22, 2004) and the easement recorded at King County recording number 9712191288, including, without limitation, the indemnification and obligation to defend and hold harmless the grantee under such deed and easement from all costs, losses, liabilities, obligations and claims that may arise from (i) BNSF's failure to comply with any applicable environmental laws before the recording of the quitclaim deed and easement from BNSF to GRANTOR or (ii) the release or disposal of any hazardous substance, solid waste or any other environmental contamination on, within or from the Property before the date of



recording of the quitclaim deed and easement from BNSF to GRANTOR; provided, however, that this assignment shall not prejudice GRANTOR'S rights to indemnity from BNSF.

Except as otherwise provided herein, GRANTEE assumes the risk that hazardous substances and contaminants may be present on the Property, and indemnifies, holds harmless, and hereby waives, releases and discharges GRANTOR from any and all present or future claims or demands, and any and all damages, loss, injury, claims or costs, including fines, penalties and judgments arising from or in any way related to the condition of the Property or the presence of any hazardous substances or contaminants in, or under the Property.

GRANTEE shall indemnify, defend, and hold GRANTOR harmless from all costs, losses, liabilities, obligations, and claims of any nature whatsoever that may arise from (i) GRANTEE'S failure to comply with any applicable environmental laws with respect to the Property after recording of this Quitclaim Deed or (ii) the storage, disposal or release of any hazardous substance, solid waste or any other environmental contamination on, within or from the Property after recording of this Quitclaim Deed. For purposes of this Paragraph, the term "release" does not include any further or continuing release of any hazardous substances or other environmental contamination that was otherwise present on the Property as of the date of recording of this Quitclaim Deed.

As used above, the term "applicable environmental laws" means all state, federal or local laws, statues, ordinances, rules, regulations or orders pertaining to health or the environment, including, without limitation, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended by the Superfund Amendments and Reauthorization Act ("SARA"), the Resource Conservation and Recovery Act of 1976 ("RCRA"), and the Washington State Model Toxics Control Act ("MTCA"), as each is amended from time to time. As used herein, the terms "hazardous substance" and "release" (except as provided above have the meanings specified in CERCLA and the terms "solid waste" and "disposal" (or "disposed") have the meanings specified in RCRA (except as provided above). If either CERCLA or RCRA is amended to broaden the meaning of any term defined thereby, the broader meaning shall apply to this Quitclaim Deed after the effective date of the amendment. Moreover, to the extent that Washington law establishes a meaning for "hazardous substance," "release," "solid waste," or "disposal" that is broader than that specified in either CERCLA or RCRA, the broader meaning shall apply.

TO HAVE AND TO HOLD the same unto the said GRANTEE, its successors and assigns, forever.



IN WITNESS WHEREOF, the said GRANTOR caused this instrument to be signed by its authorized representative on the 27 day of August, 2004.

**ADVENTURE TRAIL, INC.  
DOING BUSINESS AS  
SEA LION RAILROAD**

BY: Fred Wert  
Fred Wert, Property Manager

**ACCEPTED:**

**CITY OF SEATTLE**

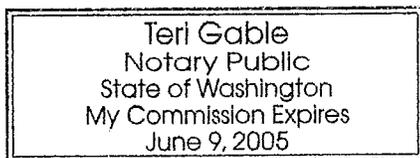
BY: Jean Lail  
Deputy Director  
Department of Transportation



STATE OF WASHINGTON )  
 ) ss  
COUNTY OF KING )  
*Okanogan*

On this 27 day of August, 2004, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Fred Wert to me known, or proved to me on the basis of satisfactory evidence, to be the Property Manager of Adventure Trail, Inc., Doing Business as Sea Lion Railroad, a non-profit tax-exempt corporation organized and existing under the laws of the State of Washington that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.



*Teri Gable*  
Notary Public in and for the  
State of Washington  
Residing at: *Winthrop*  
My appointment expires: *June 9, 2005*

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF KING )

On this 31st day of AUGUST, 2004, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JESSE KRAIL to me known to be the DEPUTY DIRECTOR of Transportation of the City of Seattle a municipal corporation organized and existing under the laws of the State of Washington that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.



*Larry Huggins*  
Notary Public in and for the  
State of Washington  
Residing at: *BELLEVUE*  
My appointment expires: *03.02.07*



## SCHEDULE "A"

To Quitclaim Deed (Correction) from Adventure Trails, Inc., doing business as Sea Lion Railroad, to the City of Seattle, dated August 27, 2004, Pages 1 through 8.

All that portion of The Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) Fremont to Ballard, Washington Branch Line right of way, varying in width on each side of said Railway Company's Main Track centerline, as now located and constructed upon, over and across Section 13, Township 25 North, Range 3 East of the Willamette Meridian, King County, Washington, more particularly described as follows, to-wit:

Those portions of Lots 3, 4, 5, 6, 7, 8, 9 and 10, said Block 52 of Denny & Hoyt's Addition to Seattle, Washington, lying Southwesterly of a line drawn parallel and concentric with and 50.0 feet Northeasterly, as measured at right angles and radially from the centerline between two Main Tracks, as now located and constructed, and lying Northeasterly of the hereinafter described "Line A"; also,

### "Line A" Description

Commencing at the Northwest corner of said Block 52; thence South 71° 31' 40" East along the Northerly line of said Block 52 a distance of 68.92 feet to the True Point of Beginning; thence South 33° 14' 00" East 75.03 feet to the Northeasterly margin of Northwest Canal Street and there terminating.

All that portion of said Railway Company's 60.0 foot wide Branch Line right of way, being 30.0 feet wide on each side of the centerline between two Main Tracks, as now located and constructed upon, over and across the NE¼SE¼, the NW¼SE¼ and the SW¼NE¼ of said Section 13, bounded on the South by the Southerly line of West 36th Street and the Westerly extension thereof, and bounded on the North by the Northerly line of West 39th Street, **EXCEPTING THEREFROM**, that portion of Block 1 of Denny & Hoyt's Addition to Seattle, Washington, and that portion of Block 9 of Ross Addition to Seattle; also,

Those portions of Lots 9, 10, 11, 12, 13, 16, 17, 18, 19 and 20, Block 8, Ross Addition to the City of Seattle, lying between two lines drawn parallel with and distant, respectively, 174.80 feet and 209.80 feet Southwesterly, as measured at right angles from the centerline of Leary Way Northwest, as established by the monuments at Northwest 36th Street and Northwest 45th Street; also,

That portion of 80.0 foot wide West Bowdoin Street (formerly West 40th Street) lying 30.0 feet on each side of a line drawn parallel with and distant 224.80 feet Southwesterly, as measured at right angles from the centerline of Leary Way Northwest, as established by the monuments at Northwest 36th Street and Northwest 45th Street; also,



That portion of 80.0 foot wide West 40th Street (formerly Ross Place) lying 30.0 feet on each side of a line drawn parallel with and distant 224.80 feet Southwesterly, as measured at right angles from the centerline of Leary Way Northwest, as established by the monuments at Northwest 36th Street and Northwest 45th Street; also,

Those portions of 66.0 foot wide 6th Avenue Northwest and 80.0 foot wide West 41st Street lying 30.0 feet on each side of a line drawn parallel with and distant 224.80 feet Southwesterly, as measured at right angles from the centerline of Leary Way Northwest, as established by the monuments at Northwest 36th Street and Northwest 45th Street; also,

Those portions of Lots 9 and 10 in Block 1 of Ross Home Addition, as recorded in Volume 11, page 25, Records of King County, Washington, and Lots 1, 2, 5, 6, 7 and 8 in Block 2 of Ross Addition, as recorded in Volume 2, page 96, Records of King County, Washington, lying between two lines drawn parallel with and distant, respectively, 3.5 feet and 46.5 feet Northeasterly, as measured at right angles from a line drawn parallel with and distant 224.80 feet Southwesterly, as measured at right angles from the centerline of Leary Way Northwest, as established by the monuments at Northwest 36th Street and Northwest 45th Street; also,

Those portions of 60.0 foot wide West 42nd Street and 60.0 foot wide 7th Avenue Northwest, lying 30.0 feet on each side of a line drawn parallel with and distant 224.80 feet Southwesterly, as measured at right angles from the centerline of Leary Way Northwest, as established by the monuments at Northwest 36th Street and Northwest 45th Street; also,

Those portions of 60.0 foot wide West 43rd Street and 66.0 foot wide 8th Avenue Northwest, lying 30.0 feet on each side of a line drawn parallel with and distant 224.80 feet Southwesterly, as measured at right angles from the centerline of Leary Way Northwest, as established by the monuments at Northwest 36th Street and Northwest 45th Street; also,

That portion of Lot 1, Block 2 Fern Addition to the City of Seattle, Washington, lying Southwesterly of a line drawn parallel with and distant 15.0 feet Northeasterly, as measured at right angles from said Main Track centerline, as now located and constructed; also,

All of Lots 11, 12, 13 and 14, Block 18, and those portions of Lots 9 and 10, Block 18 of Denny's Addition to Ballard and Seattle, lying Northeasterly of a line drawn parallel with and distant 43.5 feet Southwesterly, as measured at right angles from said Main Track centerline, together with the Southerly half of the 12.0 foot wide alley in said Block 18, lying East of the Northerly extension of the West line of said Lot 14, and the Northerly half of said 12.0 foot wide alley lying East of a line drawn parallel with and distant 43.5 feet Southwesterly, as measured at right angles from said Main Track centerline; also,

That portion of 60.0 foot wide Bright Street (formerly West 44th Street) lying 30.0 feet on each side of a line drawn parallel with and distant 224.80 feet Southwesterly, as measured at right angles from the centerline of Leary Way Northwest, as established by the monuments at Northwest 36th Street and Northwest 45th Street, also that portion of 60.0 foot wide Bright



Street (formerly West 44th Street) lying between two lines drawn parallel with and distant, respectively, 30.0 feet and 43.5 feet Southwesterly, as measured at right angles from said Main Track centerline; also,

All of Lots 15 and 16, Block 17, and those portions of Lots 17 and 18, Block 17 of Denny's Addition to Ballard and Seattle, lying Northeasterly of a line drawn parallel with and distant 43.5 feet Southwesterly, as measured at right angles from said Main Track centerline, together with the 12.0 foot wide alley in said Block 17, lying East of a line drawn parallel with and distant 43.5 feet Southwesterly, as measured at right angles from said Main Track centerline, and lying West of a line drawn parallel with and 30.0 feet Northeasterly, as measured at right angles from a line drawn parallel with and distant 224.80 feet Southwesterly, as measured at right angles from the centerline of Leary Way Northwest, as established by the monuments at Northwest 36th Street and Northwest 45th Street; also,

Those portions of Lots 5, 6, 7 and 8, Block 17 of Denny's Addition to Ballard and Seattle, lying Northeasterly of a line drawn parallel with and distant 43.5 feet Southwesterly, as measured at right angles from said Main Track centerline, and Southwesterly of a line drawn parallel with and distant 15.0 feet Northeasterly, as measured at right angles from said Main Track centerline; also,

That portion of 60.0 foot wide West 44th Street (formerly Salmon Street) lying Easterly of a line drawn parallel with and 30.0 feet Southwesterly of a line drawn parallel with and distant 224.80 feet Southwesterly, as measured at right angles from the centerline of Leary Way Northwest, as established by the monuments at Northwest 36th Street and Northwest 45th Street, also that portion of 60.0 foot wide 44th Street (formerly Salmon Street) lying between two lines drawn parallel with and distant, respectively, 30.0 feet and 43.5 feet Southwesterly, as measured at right angles from said Main Track centerline; also,

That portion of Lots 1, 2, 3, 4, 19, 20, 21, 22 and 23, Block 16 of Denny's Addition to Ballard and Seattle, together with the 12.0 foot wide alley in said Block 16, lying Northeasterly of a line drawn parallel with and distant 43.5 feet Southwesterly, as measured at right angles from said Main Track centerline, and Southwesterly of a line drawn parallel with and distant 15.0 feet Northeasterly, as measured at right angles from said Main Track centerline; also,

It being the intent to convey all of Grantor's right, title and interest not previously sold of the hereinabove described property between West 39<sup>th</sup> Street and West 45<sup>th</sup> Street; also,

That portion of West 45th Street (formerly "A" Street) East of the Northerly extension of the East line of 9th Avenue Northwest (formerly 2nd Avenue East and Eastern Avenue), lying Southwesterly of a line drawn concentric with and distant 30.0 feet Northeasterly, as measured radially from said Main Track centerline, according to the plat of Denny's Addition to Ballard and Seattle, Washington; also,



That portion of the East 33.0 feet of 9th Avenue Northwest (formerly 2nd Avenue East and Eastern Avenue), lying between two lines drawn concentric with and distant, respectively, 7.5 feet and 43.5 feet Southwesterly, as measured radially from said Main Track centerline; also,

All that portion of The Burlington Northern and Santa Fe Railway Company's (formerly jointly owned by the Northern Pacific Railway Company and Great Northern Railway Company) Fremont to Ballard, Washington Branch Line right of way, varying in width on each side of said Railway Company's Main Track centerline, as now located and constructed upon, over and across Sections 11 and 12, all in Township 25 North, Range 3 East of the Willamette Meridian, King County, Washington, more particularly described as follows, to-wit:

A 15.0 foot wide right of way in West 45th Street (formerly "A" Street), as provided by Ordinance No. 972 from the City of Ballard, together with any other rights for spur tracks in West 45th Street (formerly "A" Street), bounded on the East by the East line of 9th Avenue Northwest, and the Northerly extension thereof, and bounded on the West by a line drawn parallel with and distant 30.0 feet Northeasterly, as measured at right angles from the Southwesterly line of 100.0 foot wide Shilshole Avenue, according to the recorded plat of Gilman Park of the City of Seattle, Washington; also,

Three 15.0 foot wide right of ways, being 7.5 feet wide on each side of said Railway Company's Lead Track centerline, as now located and constructed, in West 45th Street (formerly "A" Street), West 46th Street (formerly "B" Street, Ballard Way (formerly West 47th Street or "C" Street) and Leary Way (formerly West 48th Street or "D" Street), as provided by Ordinance No. 1114 from the City of Ballard; also,

A 20.0 foot wide right of way, being 10.0 feet wide on each side of said Lead Track centerline upon, over and across Lots 5, 6, 19, 20, 21 and 22, Block 174 of Gilman Park in the City of Seattle, Washington; also,

A 50.0 foot wide right of way, being 25.0 feet wide on each side of said Lead Track centerline upon, over and across Lots 6 and 19, Block 171 of Gilman Park in the City of Seattle, Washington; also,

A 35.0 foot wide right of way, being 25.0 feet wide on the Easterly side and 10.0 feet wide on the Westerly side of said Lead Track centerline upon, over and across Lots 6 and 19, Block 168 of Gilman Park in the City of Seattle, Washington; also,

A 30.0 foot wide right of way in the Southwesterly 30.0 feet of 100.0 foot wide Shilshole Avenue, as provided by Ordinance No. 46 approved December 5, 1890 by the Council of the Town of Ballard, Washington, together with any other rights for spur tracks in Shilshole Avenue, bounded on the Southeast by the Northerly extension of the East line of Lot 11, Block 5 of Ballard Tide Lands, and bounded on the Northwest by the Southerly extension of the East line of 100.0 foot wide 24th Avenue Northwest (formerly 4th Avenue West); also,



An additional easement lying contiguous to and Southwesterly of Shilshole Avenue in Government Lot 2 of said Section 11, Township 25 North, Range 3 East, lying Northeasterly of a line drawn parallel with and distant 8.5 feet Southwesterly, as measured at right angles from said Railway Company's Relocated siding track centerline, bounded on the Northwest by the Northeasterly extension of the Northwesterly line of Lot 5, Block 8 of Ballard Tide Lands, and bounded on the Southeast by the Southeasterly line of vacated 22nd Avenue Northwest (formerly 3rd Avenue West); also,

All of said Railway Company's right, title and interest, if any, in Shilshole Avenue for tracks outside the hereinabove 30.0 foot wide right of way in Shilshole Avenue, as provided by Permits from the City of Seattle dated October 1, 1892 and August 14, 1941; also,

All that portion of The Burlington Northern and Santa Fe Railway Company's (formerly Great Northern Railway Company) Seattle to Everett, Washington Branch Line right of way, varying in width on each side of said Railway Company's Main Track centerline, as now located and constructed upon, over and across Sections 10 and 11, all in Township 25 North, Range 3 East of the Willamette Meridian, King County, Washington, more particularly described as follows, to-wit:

A triangular parcel of land situated in Government Lot 2 of said Section 11, Township 25 North, Range 3 East, described as follows:

Beginning at a point in the Southwesterly line of Shilshole Avenue 20.0 feet Southeasterly of the intersection of said Southwesterly line of Shilshole Avenue with the Southwesterly extension of the Northwesterly line of Lot 25, Block 72 of Gilman Park Addition to the City of Seattle, Washington; thence South  $45^{\circ} 03'$  West, 54.0 feet; thence South  $58^{\circ} 05'$  East, 61.61 feet; thence South  $56^{\circ} 43'$  East, 196.17 feet to the Southwesterly line of Shilshole Avenue; thence North  $44^{\circ} 57'$  West, along said Southwesterly line to the Point of Beginning.

**ALSO,**

A parcel of land situated in Government Lot 2 of said Section 11, Township 25 North, Range 3 East, described as follows:

Commencing at a point in the Southwesterly line of Shilshole Avenue 20.0 feet Southeasterly of the intersection of said Southwesterly line of Shilshole Avenue with the Southwesterly extension of the Northwesterly line of Lot 25, Block 72 of Gilman Park Addition to the City of Seattle, Washington; thence South  $45^{\circ} 03'$  West, 7.23 feet to the True Point of Beginning; thence continuing South  $45^{\circ} 03'$  West, 61.54 feet; thence North  $65^{\circ} 12'$  West, 120.90 feet to the West line of said Government Lot 2; thence North along the West line of said Government Lot 2 a distance of 70.93 feet; thence South  $65^{\circ} 12'$  East, 171.85 feet to the True Point of Beginning.



**ALSO,**

All that portion of said Railway Company's 65.0 foot wide Branch Line right of way, being 32.5 feet wide on each side of said Main Track centerline upon, over and across Government Lot 3 and the East 520.0 feet of Government Lot 4, all of said Section 11, Township 25 North, Range 3 East, bounded on the East by the West line of 24th Avenue Northwest, and bounded on the West by the West line of the East 520.0 feet of said Government Lot 4, **EXCEPTING THEREFROM**, the right of way for 28th Avenue Northwest, the Northerly 22.5 feet of said 65.0 foot wide Branch Line right of way, between the West line of 26th Avenue Northwest, and the East line of 28th Avenue Northwest, and the Southerly 17.5 feet of said 65.0 foot wide Branch Line right of way, between the West line of the East 180.0 feet of said Government Lot 4 and the West line of the East 520.0 feet of said Government Lot 4; also,

An additional 20.0 foot wide strip of land lying contiguous to and Southerly of the hereinabove described 65.0 foot wide Branch Line right of way, situated in said Government Lot 3 of Section 11, Township 25 North, Range 3 East, lying between two lines drawn parallel with and distant, respectively, 32.5 feet and 52.5 feet Southerly, as measured at right angles from said Main Track centerline, bounded on the West by the East line of 28th Avenue Northwest, and bounded on the East by the Northerly extension of the East line of Lot 6, Block 10 of Ballard Tide Lands, according to the recorded plat thereof; also,

An additional parcel of land lying contiguous to and Southerly of the hereinabove described 65.0 foot wide Branch Line right of way, situated in said Government Lot 4 of Section 11, Township 25 North, Range 3 East, described as follows: Beginning at the intersection of the Southerly line of said 65.0 foot wide Branch Line right of way with the East line of said Government Lot 4; thence South  $81^{\circ} 04' 16''$  West along said Southerly right of way line 182.032 feet to the West line of the East 180 feet of said Government Lot 4; thence South  $00^{\circ} 09' 12''$  West 30.665 feet; thence North  $78^{\circ} 07' 36''$  East 103.086 feet; thence North  $81^{\circ} 04' 16''$  East 80 feet to the East line of said Government Lot 4; thence North along said East line of said Government Lot 4 a distance of 25.296 feet to the Point of Beginning; less the right of way for 28<sup>th</sup> Avenue Northwest.

**ALSO,**

All that portion of said Railway Company's 100.0 foot wide Branch Line right of way, being 50.0 feet wide on each side of said Main Track centerline upon, over and across Government Lot 4, of said Section 11 and Government Lots 1, 2 and 3 of Section 10, all in Township 25 North, Range 3 East, bounded on the East by the West line of the East 520.0 feet of said Government Lot 4 of Section 11, and bounded on the North by the North line of said Section 10 and the East line of Block 15 of Ballard Tide Lands, **EXCEPTING THEREFROM**, the Southerly 35.0 feet of said 100.0 foot wide Branch Line right of way, lying between two lines drawn parallel with and distant, respectively, 15.0 feet and 50.0 feet Southerly, as measured at right angles from said Main Track centerline, bounded on the East by the West line of the East 520.0 feet of said Government Lot 4 of Section 11, and bounded on the West by the Easterly line of that certain easement for street purposes granted to the City of Seattle by deed from Great Northern Railway Company executed November 26, 1929, and accepted by the City of Seattle



Ordinance No. 58826, **ALSO EXCEPTING THEREFROM**, the right of way for 66.0 foot wide West 57th Street, and 80.0 foot wide Market Street, **ALSO EXCEPTING THEREFROM**, that portion of said 100.0 foot wide Branch Line right of way, lying within an area between two lines drawn parallel and concentric with and distant 150.0 feet wide on each side of a line lying directly below the centerline of said Railway Company's Bridge No. 4 over said Branch Line right of way, and over and across Salmon Bay Waterway in said Section 10, Township 25 North, Range, **ALSO EXCEPTING THEREFROM**, the Southwesterly 15.0 feet of said 100.0 foot wide Branch Line right of way, lying between two lines drawn parallel and concentric with and distant, respectively, 35.0 feet and 50.0 feet Southwesterly, as measured at right angles and radially from said Main Track centerline, bounded on the Southeast by the North line of Market Street, and bounded on the Northwest by a line drawn parallel with and distant 33.0 feet North of the North line of West 60th Street, as platted in Brygger's Second Home Addition to the City of Ballard (now City of Seattle, Washington), **ALSO EXCEPTING THEREFROM**, that portion of said 100.0 foot wide branch line bounded on the East by the Northerly extension of the Easterly line of Reserve No. 5 in the plat of Brygger's Home Addition as recorded in Volume 10 of Plats on Page 94, Records of King County, Washington, and bounded on the West by the Easterly right of way line of 34<sup>th</sup> Avenue Northwest, **ALSO EXCEPTING THEREFROM**, a 280.0 foot long portion of the Southwesterly 25.0 feet of said 100.0 foot wide branch line, said parcel also known as tax parcel number 102503-9254, being more particularly described as: Commencing at the southeast corner of lot boundary adjustment filed under recording number 8702021314 Records of King County, Washington, said point being a rebar and cap marked C&C 18077, and the true point of beginning of this description; thence N05°06' 18"W along the east line of said lot boundary adjustment a distance of 280.0 feet; thence N84°53'41"E a distance of 25.00 feet; thence S05°06'18"E a distance of 280.0 feet; thence S05°05'18"E a distance of 25.00 feet to the point of beginning, and the terminus of this description; also,

All that portion of said Railway Company's Branch Line right of way in Government Lot 4 of Section 3, Township 25 North, Range 3 East, lying East of Block 16 of Ballard Tide Lands, lying West of a line drawn parallel with and distant 50.0 feet Easterly, as measured at right angles from said Main Track centerline, bounded on the South by the South line of said Section 3, and bounded on the North by the South line of West 67th Street, according to the recorded plat of Ballard's 4 Acre Home Tracts to the City of Ballard (now City of Seattle, Washington).

TOGETHER WITH THE FOLLOWING EASEMENTS:

1. An EASEMENT for transportation purposes, including without limitation, railway, roadway and trail as well as railbanking and utility purposes, hereinafter called roadway, over, upon and across the premises, situate in King County, State of Washington, and described in that certain document recorded under King County recording number 9712191288, and subject to the terms and conditions contained therein.
2. TWO EASEMENTS for public transportation purposes (one denominated Trail Easement and one denominated Railroad Easement) in, on, over, under and across the premises situated in King County, State of Washington, and described in those certain documents recorded under King County recording numbers 9812282503, 9812282500,



9812282501, 9812282502, 9812282505, and 9812282506 and subject to the terms and conditions contained therein.



WHEN RECORDED MAIL TO:

City of Seattle  
Law Department  
600 Fourth Avenue  
10<sup>th</sup> Floor  
Seattle, Washington 98104  
Attention Judith B. Nevins



20000320000946

PACIFIC NW TIT GCD 14.00  
PAGE 001 OF 007  
03/20/2000 11.32  
KING COUNTY, WA

E1741969

03/20/2000 11 15  
KING COUNTY, WA  
TAX \$12,480 00  
SALE \$700,000 00

PAGE 001 OF 002

WASHINGTON STATE COUNTY AUDITOR/RECORDER'S  
INDEXING FORM (Cover Sheet)

2000 032 0000946

Document Title(s) (or transactions contained therein):  
Quitclaim Deed and Easements

7/14  
FILED BY PNWT

W2873-4

References Number(s) of Documents assigned or released:  
N/A

Grantor(s) (Last name first, then first name and initials):  
1 The Burlington Northern And Santa Fe Railway Company

Grantee(s) (Last name first, then first name and initials):  
1 The City of Seattle

Legal Description (abbreviated: i.e. lot, block, plat or section, township, range)

Portion of Government Lots 1, 2, 3, and 4, Section 3, Township 25 North, Range 3 East,  
W M , King County, WA

Additional legal is on page 7 of document

Assessor's Property Tax Parcel/Account Number: 032503-9004-0

Said document(s) were filed for  
record by Pacific Northwest Title as  
accommodation only. It has not been  
examined as to proper execution or  
as to its effect upon title.

ATTACHMENT-2



**RECORDED AT THE REQUEST OF:**

City of Seattle  
Law Department  
600 Fourth Avenue  
10<sup>th</sup> Floor  
Seattle, Washington 98104  
Attention: Judith B Nevins

**QUITCLAIM DEED**

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY, a Delaware corporation, whose address for purposes of this instrument is 2650 Lou Menk Drive, Ft Worth, TX 76131-2830, hereinafter called "GRANTOR", for and in consideration of Ten and No/100 Dollars (\$10 00) and other good and valuable consideration, in hand paid, conveys and quitclaims, without any covenants of warranty whatsoever and without recourse to the GRANTOR, its successors and assigns, to THE CITY OF SEATTLE, a municipal corporation under the laws of the State of Washington, whose address for purposes of this instrument is 600 Fourth Avenue, Seattle, WA 98104, hereinafter called "GRANTEE," all its right, title and interest, if any, in a strip of land parallel to GRANTOR's main rail line between MP 7 16 and MP 7 93 in Seattle, King County, State of Washington, hereinafter called "Property," together with all after acquired title of GRANTOR therein, described as follows:

Portions of Government Lots 1, 2, 3, and 4, Section 3, Township 25 North, Range 3 East, W M, King County Washington, more particularly described in Schedule "A", consisting of one (1) page, attached hereto and made a part hereof

SUBJECT, however, to the following easements retained by GRANTOR

(1) a non-exclusive easement to use the current access road east of Seaview Avenue NW in the 7300 block for access to GRANTOR's main rail line ("Access Road Easement"), provided, however, that GRANTOR acknowledges and agrees that it shall be responsible for maintenance and repair of the Access Road and for repair and restoration of the Property, GRANTEE's trail, GRANTEE's landscaping and other improvements on the Property, resulting from, or necessitated by, use of the Access Road Easement by GRANTOR, its agents, employees and contractors, and

(2) a non-exclusive easement over the Property for emergency access to GRANTOR's main rail line and emergency slide repair ("Emergency Access and Repair Easement"), provided, however, that GRANTOR acknowledges and agrees that it shall be responsible for restoration and for repair of the Property, including

2000 032 0000946



GRANTEE's trail, GRANTEE's landscaping, and other improvements on the Property, resulting from, or necessitated by, use of the Emergency Access and Repair Easement by GRANTOR, its agents, employees and contractors. Except in case of emergency, GRANTOR's use of, and access over, the Property shall be limited as follows: GRANTOR must obtain the written permission of GRANTEE prior to entering or engaging in any activity on the Property. GRANTOR shall make application to GRANTEE in writing for a revocable use permit. The application shall describe the location and purpose of GRANTOR's requested access to the Property and GRANTOR's proposed work plan, if applicable. GRANTEE shall have thirty (30) days to respond to any GRANTOR application. If GRANTOR's application is approved, GRANTOR shall be responsible for payment of any fees for applicable permits (including the revocable use permit) and for all repair and restoration of the Property, including GRANTEE's trail, GRANTEE's landscaping, and other improvements on the Property, resulting from, or necessitated by, use of, or entry on, the Property by GRANTEE, its agents, employees and contractors.

This instrument is granted according to the terms and conditions of that certain Agreement For The Transfer Of Certain Assets, Rights And Obligations of The Burlington Northern And Santa Fe Railway Company between The Burlington Northern and Santa Fe Railway Company and The City of Seattle, dated March 2, 2000, and made subject to the terms and conditions contained therein.

TO HAVE AND TO HOLD the same unto the said GRANTEE, its successors and assigns, forever.

IN WITNESS WHEREOF, the GRANTOR caused this instrument to be signed by its authorized representative on the 2nd day of March, 2000.

**THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY**

BY James J. O'Neil  
JAMES J. O'NEIL  
ITS VICE PRESIDENT PROP. & IND DEV

2000 032 00009946





STATE OF WASHINGTON )  
 ) ss  
COUNTY OF KING )

On this 7th day of February, 2000, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Kenneth Bounds to me known to be the Supr of Seattle Parks & Recreation of The City of Seattle a municipal corporation organized and existing under the laws of the State of Washington that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument

Witness my hand and official seal hereto affixed the day and year first above written

Date 2/7/00



Use this space for Notary Seal/Stamp

Barbara J. Pelfrey  
NOTARY PUBLIC in and for the State of  
Washington residing at North Bend, WA  
My commission expires 8/29/01  
PRINT NAME Barbara J. Pelfrey

2000 032 0000946



STATE OF WASHINGTON )  
 ) ss  
COUNTY OF KING )

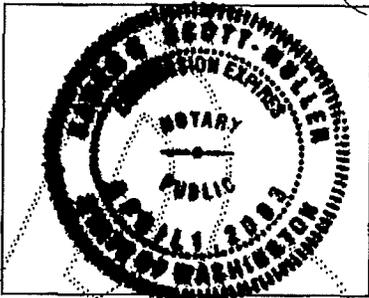
On this 2nd day of February, 2000, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Daryl Grigsby to me known to be the Director of Seattle Transportation of The City of Seattle a municipal corporation organized and existing under the laws of the State of Washington that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that \_\_\_ was authorized to execute the said instrument

Witness my hand and official seal hereto affixed the day and year first above written

Date

Feb. 2, 2000

Karen Scott Muller  
NOTARY PUBLIC in and for the State of  
Washington residing at Renton  
My commission expires 4-1-03  
PRINT NAME Karen Scott Muller



Use this space for Notary Seal/Stamp

2000 032 0000946



**SCHEDULE "A" TO QUITCLAIM DEED**

That portion of The Burlington Northern and Santa Fe Railway Company's right of way located in Government Lots 1, 2, 3, and 4, Section 3, Township 25 North, Range 3 East of the Willamette Meridian, King County, Washington, more particularly described as follows, to-wit

Commencing at the intersection of the north line of 67th Street Northwest extended west and the easterly line of Seaview Avenue Northwest,  
thence N06°49'18"E, along said Easterly Right-of-Way line, for a distance of 78 12 feet to the True Point of Beginning, said point being a point on a curve to the right having a radius of 1,243 00 feet and center point bearing S76°42'07"E,  
thence northerly and easterly, along said curve, for an arc length distance of 215 63 feet through a central angle of 9°56'21" to a point of tangency with a line bearing N23°14'14"E, said line being parallel to the easterly Right-of-Way line for said Seaview Avenue and 15 00 feet easterly as measured at right angles to said Right-of-Way line,  
thence N23°14'14" E, along said line, for a distance of 609 31 feet,  
thence continuing parallel to said Right-of-Way line and said 15 00 feet easterly at N23°15'04" E for a distance of 1,210 91 feet to a non-tangent point on a curve to the left having a radius of 2,297 00 feet and center point bearing N73°08'30" W,  
thence northerly and westerly, along said curve, concentric to said Right-of-Way line and said 15 00 feet easterly, for an arc length distance of 530 68 feet through a central angle of 13°14'14" to a point on a non-tangent line bearing N03°38'04"E,  
thence N03°38'04"E, along said line parallel to said Right-of-Way line and said 15 feet Easterly, for a distance of 1,278 61 feet,  
thence N05°24'43" E for a distance of 290 14 feet,  
thence N86°21'56"W for a distance of 24 00 feet,  
thence S03°38'04" W for a distance of 450 00 feet to the intersection of the northerly Right-of-Way line for Northwest 80th Street with the said easterly Right-of-Way line for said Seaview Avenue Northwest,  
thence southerly, along the following courses, following said easterly Right-of-Way line to the True Point of Beginning,  
S03°38'04" W for a distance of 1,118.61 feet to a non-tangent point on a curve to the right having a radius of 2,282 00 feet and center point bearing N86°22'44"W,  
thence southerly and westerly along said curve, for an arc length distance of 526 38 feet through a central angle of 13°12'59" to a point on a non-tangent line bearing S23°15'04"W,  
thence S23°15'04"W, along said line for a distance of 1,210 07 feet,  
thence S23°14'14"W for a distance of 709 63 feet,  
thence S06°49'18"W for a distance of 119 09 feet to the True Point of Beginning

Enclosing an area of 62,685 square feet, more or less

75-8 332 0009346



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Department of Transportation	Larry Huggins 684-5001	Jennifer Devore 615-1328

**Legislation Title:**

AN ORDINANCE relating to the Burke Gilman Trail; accepting deeds from Adventure Trail, Inc. and the Burlington Northern and Santa Fe Railway Company.

**Summary and background of the Legislation:**

The City Council previously authorized the acquisition of real property and real property rights for the extension of the Burke Gilman Trail. The City has acquired the former Burlington Northern and Santa Fe Railway Company right-of-way between 6<sup>th</sup> Avenue NW and NW 67<sup>th</sup> Street from Adventure Trail, Inc. and a strip of land adjacent to active railroad right-of-way between NW 67<sup>th</sup> Street and Golden Gardens Park from the Burlington Northern and Santa Fe Railway Company. This legislation accepts these deeds. There are no appropriations or financial implications directly associated with this legislation. The project is funded in the 2005-2010 Adopted Capital Improvement Program and the property transactions occurred and were funded in prior years' appropriations.

<b>Project Name:</b>	<b>Project I.D.</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date</b>
Burke Gilman Trail	TC364830	NW 60 <sup>th</sup> to Golden Gardens Park	August 2001	2010

- Please check any of the following that apply:

**This legislation creates, funds, or anticipates a new CIP Project.** (Please note whether the current CIP is being amended through this ordinance, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)

**This legislation does have financial implications.**

No new appropriations are made with this legislation as purchase of the properties has already occurred in a prior year. Ongoing maintenance of the properties will be subsumed within SDOT's O&M budget.





# City of Seattle

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Gregory J. Nickels, Mayor

**Office of the Mayor**

May 17, 2005

Honorable Jan Drago  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

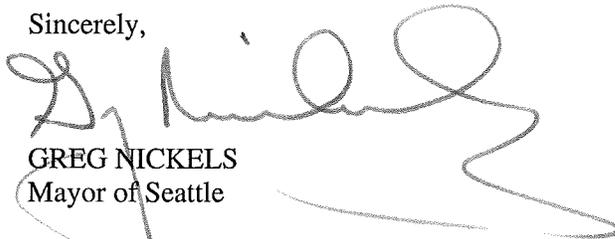
Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill that accepts deeds from Adventure Trail, Inc. and the Burlington Northern and Santa Fe Railway Company for the extension of the Burke Gilman Trail.

The City has acquired the former Burlington Northern and Santa Fe Railway Company Ballard line right-of-way from Adventure Trail, Inc. and a strip of land adjacent to active railroad right-of-way between NW 67<sup>th</sup> Street and Golden Gardens Park from the Burlington Northern and Santa Fe Railway Company. This legislation accepts these deeds.

Thank you for your consideration of this legislation. Should you have questions, please contact Larry Huggins at 684-5001.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

187488  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

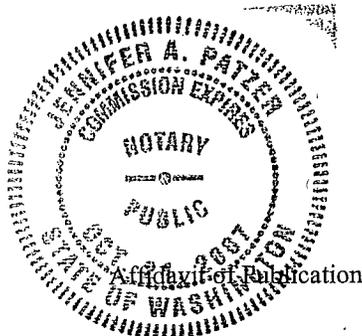
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121837-121843

was published on

07/05/05

The amount of the fee charged for the foregoing publication is the sum of \$ 106.00, which amount has been paid in full.



*Mal*

Subscribed and sworn to before me on  
07/05/05 *Jennifer Patzer*

Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication

# State of Washington, King County

## City of Seattle

### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on June 20, 2005, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

#### ORDINANCE NO. 121843

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

#### ORDINANCE NO. 121842

AN ORDINANCE relating to the Department of Parks and Recreation, concerning West Seattle Golf and Recreation Area; accepting a Quit Claim Deed from Charlotte Monson Barmore Revocable Living Trust, in accordance with King County Superior Court Agreed Judgment No. 03-2-35533-0 SEA; to quiet title to land held for park and recreation purposes.

#### ORDINANCE NO. 121841

AN ORDINANCE relating to the Seattle Parks and Recreation Department; accepting a Quit Claim Deed from Seattle Pacific University to the City of Seattle conveying any right, title, or interest in improvements at Interbay Athletic Field.

#### ORDINANCE NO. 121840

AN ORDINANCE relating to the Burke Gilman Trail; accepting deeds from Adventure Trail, Inc. and the Burlington Northern and Santa Fe Railway Company.

#### ORDINANCE NO. 121839

AN ORDINANCE relating to the Ship Canal Trail; accepting deeds and easements; transferring jurisdiction of certain real property near the Ballard Bridge from the Fleets and Facilities Department to Seattle Department of Transportation; authorizing the execution and delivery of deeds of right to the State of Washington; authorizing the acquisition of property and acceptance of deeds; and authorizing the execution and delivery of a crossing easement agreement.

#### ORDINANCE NO. 121838

AN ORDINANCE relating to community development in the Central Area; transferring jurisdiction of land at 20th Ave. South and South Jackson, known as parcel 47 of the Yesler/Atlantic Neighborhood Improvement Project, from the Office of Housing to the Department of Fleets and Facilities; making a related cash transfer from the Emergency Subfund to the Community Development Block Grant Main Fund; amending the 2005 Table of Proposed Projects to the 2005-2008 Consolidated Plan for Housing and Community Development to allocate increased funding resulting from such transfer; increasing appropriations to the Office of Economic Development in the 2005 Budget; and ratifying and confirming prior acts, all by three-quarters vote of the City Council.

#### ORDINANCE NO. 121837

AN ORDINANCE relating to the Chinatown/International District Parking and Business Improvement Area; increasing the assessment rates; and amending Ordinance 117174, as previously amended by Ordinance 120614, in accordance therewith.

Publication ordered by JUDITH PIPPIN,  
City Clerk.

Date of publication in the Seattle Daily  
Journal of Commerce, July 5, 2005.

7/5 (187488)