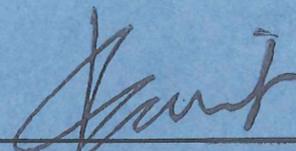


Ordinance No. 124669

Council Bill No. 118275

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

  
Councilmember

AN ORDINANCE relating to the City Light Department, authorizing the General Manager and Chief Executive Officer to purchase an easement from the Corporation of the Catholic Archbishop of Seattle for the relocation of the City Light Department's overhead electric lines within Northeast 195<sup>th</sup> Street in the City of Shoreline; and authorizing payment of fair market value to the Corporation of the Catholic Archbishop of Seattle for the easement.

## Committee Action:

12/10/14 Pass Yes: Savant O'Brien Clark

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

Date Introduced: <u>12/1/14</u>	
Date 1st Referred:	To: (committee) <u>Energy</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>12/15/14</u>	Full Council Vote: <u>8-0 (excused: Clark)</u>
Date Presented to Mayor: <u>12/16/14</u>	Date Approved: <u>12/19/14</u>
Date Returned to City Clerk: <u>12/19/14</u>	Date Published: T.O. <input checked="" type="checkbox"/> F.T. _____
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

Full Council Action

12/15/14 Passed 8-0 (excused: Clark)

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_ (initial/date)

## LAW DEPARTMENT

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

**CITY OF SEATTLE**  
**ORDINANCE** 124669  
**COUNCIL BILL** 118275

AN ORDINANCE relating to the City Light Department, authorizing the General Manager and Chief Executive Officer to purchase an easement from the Corporation of the Catholic Archbishop of Seattle for the relocation of the City Light Department's overhead electric lines within Northeast 195<sup>th</sup> Street in the City of Shoreline; and authorizing payment of fair market value to the Corporation of the Catholic Archbishop of Seattle for the easement.

WHEREAS, the City of Shoreline is undertaking a trail improvement project within Northeast 195<sup>th</sup> Street between 1<sup>st</sup> Avenue Northeast and 5<sup>th</sup> Avenue Northeast; and

WHEREAS, the City Light Department ("City Light") operates overhead transmission poles and wires, along with overhead distribution wires and cross arms, within Northeast 195<sup>th</sup> Street between 1<sup>st</sup> Avenue Northeast and 5<sup>th</sup> Avenue Northeast in the City of Shoreline, which must be relocated to the northerly margin of Northeast 195<sup>th</sup> Street to accommodate the City of Shoreline's project; and

WHEREAS, the franchise agreement between The City of Seattle and the City of Shoreline requires The City of Seattle to relocate its electrical equipment at City expense to accommodate the City of Shoreline's project; and

WHEREAS, the relocation of City Light's overhead transmission poles will result in City Light's distribution wires and cross arms occupying airspace above the Corporation of the Catholic Archbishop of Seattle's property, commonly known as Holyrood Cemetery, by a distance of less than five feet; and

WHEREAS, The City of Seattle must obtain an easement when it uses private property for electric utility purposes; and

WHEREAS, the Corporation of the Catholic Archbishop of Seattle has agreed to grant The City of Seattle an easement to occupy air space above its cemetery property and City Light has agreed to pay \$7,620 for that easement; NOW, THEREFORE,

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



1           Section 1. The General Manager and Chief Executive Officer of the City Light  
2 Department or his designee is authorized to purchase an easement for electric utility purposes on  
3 behalf of The City of Seattle over the following described real property:  
4

5           The south 35 feet of the southeast quarter of the northwest quarter of section 5, township  
6 26 north, range 4 east, W.M., except those portions lying within Northeast 195<sup>th</sup> Street,  
1<sup>st</sup> Avenue Northeast, and 5<sup>th</sup> Avenue Northeast.

7 The Easement will be substantially the form as shown in Attachment 1 hereto.

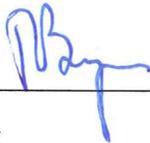
8           Section 2. The City Light Department is authorized to pay the Corporation of the  
9 Catholic Archbishop of Seattle \$7,620 for the easement.  
10

11           Section 3. The easement conveyed in Section 1 is placed under the jurisdiction of the  
12 City Light Department.

13           Section 4. This ordinance shall take effect and be in force 30 days after its approval by  
14 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
15 shall take effect as provided by Seattle Municipal Code Section 1.04.020.  
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1 Passed by the City Council the 15<sup>th</sup> day of December, 2014, and signed by  
2 me in open session in authentication of its passage this  
3 15<sup>th</sup> day of December, 2014.

4  
5   
6 \_\_\_\_\_  
7 President \_\_\_\_\_ of the City Council

8 Approved by me this 19<sup>th</sup> day of December, 2014.

9  
10   
11 \_\_\_\_\_  
12 Edward B. Murray, Mayor

13 Filed by me this 19<sup>th</sup> day of December, 2014.

14   
15 \_\_\_\_\_  
16 Monica Martinez Simmons, City Clerk

17 (Seal)

18  
19  
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21  
22  
23 Attachment 1: Easement  
24  
25  
26  
27  
28



John Bresnahan  
SCL Seattle Archdiocese Easement ORD ATT 1  
October 13, 2014  
Version #1

Attachment 1

*When recorded, return to:*

SEATTLE CITY LIGHT  
Real Estate Services  
700 Fifth Avenue, SMT 3338  
P.O. Box 34023  
Seattle, WA 98124-4023

EASEMENT- (Overhead Electric)

Reference #: 260405-2-030

C/F #:

Grantor: Corporation of the Catholic Archbishop of Seattle

Short Legal: Ptn. SE-NW-5-26N-4E

Tax Parcel #: 052604-9004

THIS EASEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, between THE CORPORATION OF THE CATHOLIC ARCHBISHOP OF SEATTLE, a Washington non-profit corporation sole, hereinafter called the Grantor; and the CITY OF SEATTLE, a Washington municipal corporation, acting by and through its CITY LIGHT DEPARTMENT, hereinafter called the Grantee; WITNESSETH:

That the Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt and sufficiency of which is hereby acknowledged, hereby grants to the Grantee, its successors and assigns, the right, privilege and authority (an "Easement") to install, construct, improve, remove, alter, repair, energize, operate and maintain overhead electric distribution facilities, which may consist of, but are not limited to: braces, crossarms, overhead wires and other appurtenances necessary to make said overhead facilities ("Facilities") an integrated electric system. Said Easement shall be located above, over, across, and through the following described real property ("Property") situated in the County of King, State of Washington:

**THE SOUTH 35 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M.; EXCEPT THOSE PORTIONS LYING WITHIN NORTHEAST 195<sup>TH</sup> STREET, 1<sup>ST</sup> AVENUE NORTHEAST, AND 5<sup>TH</sup> AVENUE NORTHEAST.**



John Bresnahan  
SCL Seattle Archdiocese Easement ORD ATT 1  
October 13, 2014  
Version #1

Together with the right at all times to the Grantee, its successors and assigns, of ingress to and egress from the Easement Area across and through the Property of the Grantor for the purposes set forth herein.

Also the right at all times to the Grantee, its successors and assigns, to cut and trim brush, trees or other plants standing or growing upon the Easement Area, which, in the opinion of Grantee, interfere with the maintenance or operation of, or constitute a menace or danger to, the Facilities.

The Grantor, its heirs, executors, administrators, successors and assigns, hereby covenants and agrees that no structure, building, or fire hazard will be erected or permitted to remain within the Easement Area, and that no blasting or discharge of any explosives will be permitted within fifty (50) feet of the Facilities.

The City of Seattle shall be responsible, as provided by law, for any damage to the Grantors through its negligence in the construction, maintenance and operation of its Facilities.

The rights, title, privileges and authority hereby granted shall continue and be in force until such time as the Grantee or its assigns shall permanently remove all of its Facilities from the Property or shall permanently abandon said Facilities, at which time all such rights, title, privileges and authority shall terminate.

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.

**GRANTOR:**

THE CORPORATION OF THE CATHOLIC ARCHBISHOP OF SEATTLE,  
a Washington non-profit corporation sole

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_ (title)





**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle City Light	Michael Jones / 684-3243	Greg Shiring / 386-4085

**Legislation Title:**

AN ORDINANCE relating to the City Light Department, authorizing the General Manager and Chief Executive Officer to purchase an easement from the Corporation of the Catholic Archbishop of Seattle for the relocation of the City Light Department's overhead electric lines within Northeast 195<sup>th</sup> Street in the City of Shoreline; and authorizing payment of fair market value to the Corporation of the Catholic Archbishop of Seattle for the easement.

**Summary of the Legislation:**

This legislation authorizes the City Light Department to purchase an easement from the Corporation of the Catholic Archbishop of Seattle and authorizes the payment of fair market value for the easement.

**Background:**

The City of Shoreline is undertaking a trail improvement project within the Northeast 195<sup>th</sup> Street road right-of-way between 1<sup>st</sup> Avenue Northeast and 5<sup>th</sup> Avenue Northeast in Shoreline. City Light operates a 115 kV overhead transmission line on poles along this street, as well as distribution feeder lines on crossarms below the transmission lines.

In order to meet clearance requirements for the trail, City Light must relocate its transmission poles approximately five feet north, to the northerly margin of Northeast 195<sup>th</sup> Street. This will result in City Light's distribution crossarms and wires overhanging a portion of the property belonging to the Corporation of the Catholic Archbishop of Seattle, commonly known as Holyrood Cemetery.

The franchise agreement between The City of Seattle and the City of Shoreline requires The City of Seattle to relocate its electrical equipment at City expense to accommodate the City of Shoreline's project.

The City of Seattle must obtain an easement when it uses private property for electric utility purposes. The Archdiocese has agreed to grant The City of Seattle the necessary easement and to accept \$7,620 for this easement.

X  This legislation does not have any financial implications.



Financial Implication Notes: This easement will be paid for from appropriated funds.

**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?**  
None.
- 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?**  
No.
- 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 is provided as Attachment 1.
- h) **Other Issues:**  
None.

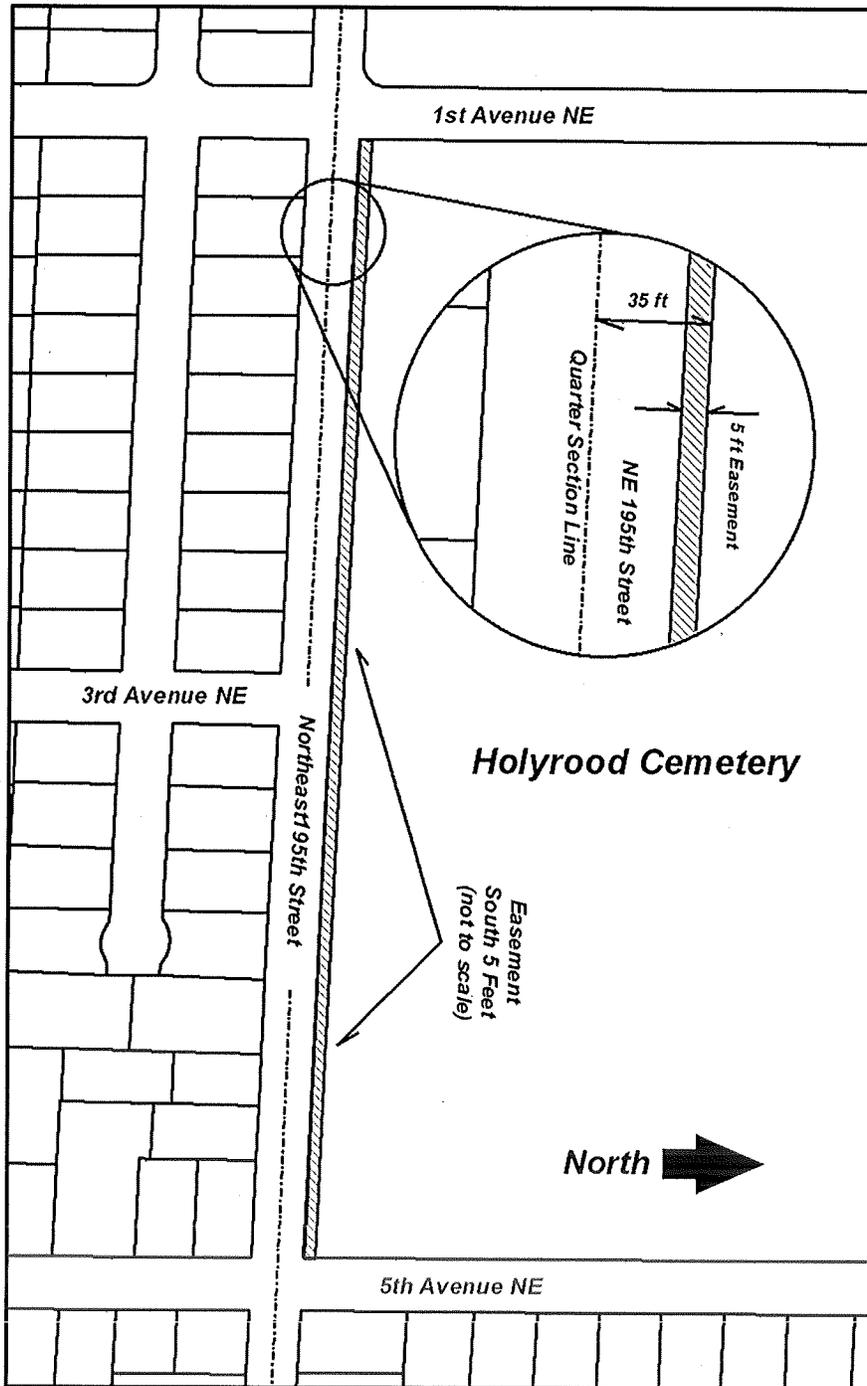
**List attachments to the fiscal note below:**

Attachment 1: Map of the Easement Area



Attachment 1

Map of Easement  
Corporation of the Catholic Archbishop of Seattle





**City of Seattle**  
Edward B. Murray  
Mayor

November 10, 2014

Honorable Tim Burgess  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that will authorize Seattle City Light to purchase an easement from the Corporation of the Catholic Archbishop of Seattle (the "Archdiocese") and to pay the fair market value for the easement.

The City of Shoreline is undertaking a trail improvement project on Northeast 195<sup>th</sup> Street between 1<sup>st</sup> Avenue Northeast and 5<sup>th</sup> Avenue Northeast. City Light operates a 115 kV transmission line and distribution feeder lines along this street. City Light will need to relocate its transmission poles approximately five feet to the north to accommodate the City of Shoreline's trail project. City Light will need to acquire an easement for overhead lines across the Archdiocese's property, the Holyrood Cemetery, to complete this move.

The Archdiocese has agreed to grant the City of Seattle an easement to allow the transmission and distribution lines to be moved. The negotiated fair market value of the easement is \$7,620. This move will allow the City of Shoreline to complete its trail improvement project. Thank you for your consideration of this legislation. Should you have questions, please contact Michael Jones at 684-3243.

Sincerely,



Edward B. Murray  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON -- KING COUNTY

--SS.

319379

No. 124667,668,669,670,671

CITY OF SEATTLE, CLERKS OFFICE

**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.

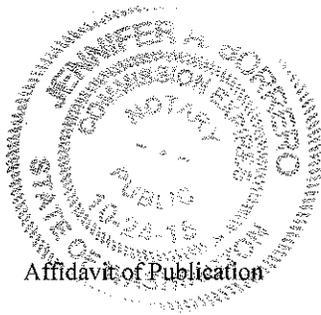
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCES

was published on

01/15/15

The amount of the fee charged for the foregoing publication is the sum of \$116.25 which amount has been paid in full.



Affidavit of Publication

*[Handwritten Signature]*  
Subscribed and sworn to before me on  
01/15/2015 *[Handwritten Signature]*

Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle Title Only Ordinances

The full text of the following legislation passed by the City Council on December 15, 2014, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

### ORDINANCE NO. 124667

AN ORDINANCE granting Lambda Association of Gamma Phi Beta permission to maintain and operate a skybridge over and across the alley between 17th Avenue Northeast and 16th Avenue Northeast, north of Northeast 45th Street, for a ten-year term, renewable for two successive ten-year terms, specifying the conditions under which this permit is granted; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 124668

AN ORDINANCE relating to drainage, flood and habitat improvements being implemented through the Thornton Creek at 35th Ave NE project by Seattle Public Utilities along Thornton Creek on private and public lands; declaring easement rights related to Thornton Creek at 10706 35th Avenue Northeast surplus to the City's utility needs; authorizing relinquishment of the surplus of Transportation to acquire, accept, and record, on behalf of the City of Seattle a permanent bridge maintenance easement from Seattle School District #1; placing such easement under the Seattle Department of Transportation's jurisdiction; transferring in partial jurisdiction of a portion of property in the Southwest Quarter of Section 27, Township 26 North, Range 4 East, W.M., from Seattle Public Utilities to the Seattle Department of Transportation for bridge footings and maintenance; approving a five year Memorandum of Agreement between the Seattle School District and Seattle Public Utilities for activities on school lands; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 124669

AN ORDINANCE relating to the City Light Department, authorizing the General Manager and Chief Executive Officer to purchase an easement from the Corporation of the Catholic Archbishop of Seattle for the relocation of the City Light Department's overhead electric lines within Northeast 195th Street in the City of Shoreline; and authorizing payment of fair market value to the Corporation of the Catholic Archbishop of Seattle for the easement.

### ORDINANCE NO. 124670

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to execute an easement agreement for the purchase of a utility easement from E & L Investments, LLC; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 124671

AN ORDINANCE relating to the Urban Forestry Commission, adding a new member and amending Sections 3.72.020 and 3.72.030 of the Seattle Municipal Code.

Date of publication in the Seattle Daily

Journal of Commerce, January 15, 2015,  
1/15(319379)

lavit