

ORDINANCE No. 118122 118122

COUNCIL BILL No. 111223

Light Department

INDEXED

The City of Seattle--Legislat

AN ORDINANCE relating to the City Light Department, authorizing an easement agreement with the State of Washington Department of Transportation (the "State") for use of the City of Seattle Skagit County Transmission Line Right of Way in Skagit County, Washington, for a right of way for State Highway SR 530 (P.M. #341019-3-302).

REPORT OF COMMITTEE

norable President:

ur Committee on _____

to which was referred the within Council Bill No. _____ report that we have considered the same and respectfully recomme

COMPTROLLER FILE No. _____

Introduced: APR 29 1996	By: PAGER
Referred: APR 29 1996	To: UTILITIES & ENVIRONMENTAL MANAGEMENT COMMITTEE
Referred:	To:
Referred:	To:
Reported: MAY 6 1996	Second Reading: MAY 6 1996
Third Reading: MAY 6 1996	Signed: MAY 6 1996
Presented to Mayor: MAY 7 1996	Approved: MAY 13 1996
Returned to City Clerk: 1996	Published: <i>Jith</i>
Vetoesd by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <i>OK</i>

Full Council Vote

Committee Chair



ORDINANCE 118122

1 AN ORDINANCE relating to the City Light Department, authorizing
2 an easement agreement with the State of Washington
3 Department of Transportation (the "State") for use of the
4 City of Seattle Skagit Transmission Line Right of Way in
5 Skagit County, Washington, for a right of way for State
6 Highway SR 530 (P.M. #341019-3-302).

7 WHEREAS, by deed dated January 29, 1952, recorded under Skagit
8 County Auditor's File No. 471584, the City of Seattle
9 acquired fee simple title to a strip of land 450 feet wide
10 in Government Lot 5, Section 19, Township 34 North, Range 10
11 East, W.M., in Skagit County, Washington for a transmission
12 line right of way; and,

13 WHEREAS, by deed dated October 10, 1955, recorded under Skagit
14 County Auditor's File No. 525562, Skagit County purported to
15 acquire fee simple title to a strip of land for a County
16 road 80 feet wide through said Government Lot 5 and over and
17 across the City's 450 foot wide right of way; and,

18 WHEREAS, said 80 foot wide strip of land was subsequently
19 acquired by the State for the State Highway SR 530 right of
20 way, and has been used for a number of years and is
21 currently being used for a right of way for State Highway
22 SR 530; and,

23 WHEREAS, because the deed to Skagit County was invalid with
24 respect to the portion of Government Lot 5 owned by the
25 City, the State acquired no interest in the City's land, and
26 the State has, therefore, requested that the City grant the
27 State an easement for said 80 foot strip of land over and
28 across the City's right of way; and,

29 WHEREAS, the City Light Department has determined that the grant
30 of an easement to the State for an 80 foot wide right of way
31 for State Highway SR 530, subject to certain terms and
32 conditions, will not interfere with, or be a hazard to the
City's construction, operation and maintenance of the Skagit
Transmission System; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That, for and in consideration of ONE THOUSAND
FIVE HUNDRED DOLLARS (\$1,500.00) to be deposited in the Light
Fund, the Superintendent of City Light is authorized to execute,
for and on behalf of the City of Seattle, an easement agreement,
substantially in the form attached hereto as EXHIBIT A, granting
an easement to the State of Washington Department of
Transportation for a right of way for State Highway SR 530 and
for all State highway purposes over, upon, under and across the
following described property in Skagit County, Washington:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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That portion of Government Lot 5, Section 19,
Township 34 North, Range 10 East, W.M., described
as follows:

1 Beginning at the northeast corner of said Government
2 Lot 5;
3 thence North 88°09'35" West, along the north line of
4 said Government Lot 5, 110 feet to the
5 northwesterly margin of the City of Seattle
6 transmission line right of way;
7 thence South 42°27'20" West, along said northwesterly
8 margin, 832.04 feet to the TRUE POINT OF
9 BEGINNING;
10 thence continuing South 42°27'20" West, along said
11 margin, 87.49 feet;
12 thence South 23°39'58" East, 492.12 feet to the
13 southeasterly margin of said right of way;
14 thence North 42°27'20" East, along said southeasterly
15 right of way margin, 87.49 feet;
16 thence North 23°39'58" West, 492.12 feet to the true
17 point of beginning.

18 Section 2. Any act consistent with the authority and prior
19 to the effective date of this ordinance is hereby ratified and
20 confirmed.

21 Section 3. This ordinance shall take effect and be in
22 force thirty days from and after its passage and approval, if
23 approved by the Mayor; otherwise it shall take effect at the
24 time it shall become a law under the provisions of the City
25 Charter.

26 Passed by the City Council the 6 day of May,
27 1996, and signed by me in open session in authentication of its passage
28 this 6 day of May, 1996.

Matthew Elvin

President ~~Elvin~~ of the City Council
Pro Tem

29 Approved by me this 13 day of May, 1996

Norman B. Rice
Norman B. Rice, Mayor

30 Filed this 14 day of May, 1996.

Judith E. Pappin
City Clerk

(Seal)

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EXHIBIT A
RIGHT OF WAY EASEMENT AGREEMENT
P.M. #341019-3-302

THIS AGREEMENT made this _____ day of _____, 1996, between the CITY OF SEATTLE, CITY LIGHT DEPARTMENT, hereinafter called the City, and the STATE OF WASHINGTON DEPARTMENT OF TRANSPORTATION, hereinafter called the State.

The City, in consideration of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00), and in consideration of the terms and conditions hereinafter contained, hereby grants to the State, its successors and assigns, an easement for the right of way for State Highway SR 530 and for all State highway purposes over, upon, under and across the following described property in Skagit County, Washington:

That portion of Government Lot 5, Section 19, Township 34 North, Range 10 East, W.M., described as follows:

Beginning at the northeast corner of said Government Lot 5;
thence North 88°09'35" West, along the north line of said Government Lot 5, 110 feet to the northwesterly margin of the City of Seattle transmission line right of way;
thence South 42°27'20" West, along said northwesterly margin, 832.04 feet to the TRUE POINT OF BEGINNING;
thence continuing South 42°27'20" West, along said margin, 87.49 feet;
thence South 23°39'58" East, 492.12 feet to the southeasterly margin of said right of way;
thence North 42°27'20" East, along said southeasterly right of way margin, 87.49 feet;
thence North 23°39'58" West, 492.12 feet to the true point of beginning.

ALL RIGHTS, PRIVILEGES AND AUTHORITY HEREBY GRANTED ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. No building or structure shall be erected or placed upon the above described property.
2. The State shall not at any time interfere with the City's access to and over said right of way.
3. The State agrees that the City of Seattle shall not be liable for any damages to the State's property by reason of any construction, alteration, maintenance or improvements performed in the transmission line right of way by the City, its agents or representatives, except for such damage as the City may be responsible for as provided by law.
4. The State agrees to assume all risk of loss, damage or injury which may result from the State's use of the transmission line right of way. It is understood that any damage to the City's property, caused by or resulting from the State's use of the right of way may be repaired by the City and the actual cost of such repair shall be charged against and be paid by the State.
5. The State agrees to protect and save harmless the City from all claims, actions or damages of every kind and description which may accrue from or be suffered by reason of the State's use of the right of way or the performance of any work in connection with such use, except such damage as the State is not responsible for as provided under RCW 4.24.115. In case of any suit or action being brought against the City, or damages arising out of or by reason of any of the above causes, the State shall, upon notice to it of commencement of such action, defend the same at no cost or expense to the City, and will fully satisfy any judgment after the said suit shall have been finally determined, if adversely to the City, except to the extent of the concurrent negligence or willful misconduct of the City of Seattle, as provided under RCW 4.24.115.
6. The State covenants and agrees that neither it, nor its contractors or agents, will store, dump, bury or transfer any hazardous substances, flammable materials, inoperable vehicles, chemicals, oils, fuels, or containers for said substances, chemicals, oils, fuels, etc., on the premises; and further agrees to observe all Federal, State and local environmental laws and regulations.
7. The state's use of the transmission line right of way shall not endanger health, create a nuisance, or otherwise be incompatible with overall recreational use of project lands of the Skagit River Hydroelectric Project No. 553; and the State shall take all reasonable precautions to ensure that the construction, operation and maintenance of the State's facilities will occur in a manner that will protect the scenic, recreational and environmental values of the land.

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8. The State shall comply with all the terms and conditions of the City's License for the Skagit River Hydroelectric Project No. 553, any amendments thereto, and any and all orders and directives of the Federal Energy Regulatory Commission (FERC) relating to the State's rights and facilities under this agreement, whether addressed to the City or directly to the State. If such order or directive is addressed to the City, the City agrees to give the State reasonable notice upon which to comply.

9. The rights, privileges and authority hereby granted shall continue and be in force until such time as the State, its successors and assigns, shall permanently abandon said easement, at which time all such rights, privileges and authority hereby granted shall terminate.

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

THE CITY OF SEATTLE

GARY ZARKER, Superintendent
Seattle City Light

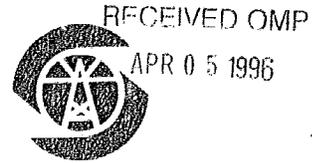
STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

JOACHIM PESTINGER, Director
REAL ESTATE SERVICES

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Seattle City Light

Gary Zarker, Superintendent
Norman B. Rice, Mayor



April 4, 1996

The Honorable Jan Drago, President
Seattle City Council
600 Fourth Avenue
11th Floor Municipal Building
Seattle, Washington 98104-1873

VIA: Tom Tierney, Director
Office of Management and Planning

Dear Councilmember Drago:

Request for Legislation Granting an Easement to The State of Washington Department of Transportation for the State Highway SR 530 Right of Way (P.M. #341019-3-302)

The existing State Highway SR 530 crosses a portion of the Skagit Transmission Line Right of Way owned in fee simple by the City of Seattle in Government Lot 5, Section 19, Township 34 North, Range 10 East, W.M., in Skagit County, just northeast of the Sauk River.

City Light received a request for an easement from the State of Washington Department of Transportation for a right of way for the existing highway at this location. The easement to the State is necessary because the State has operated the highway in this location for a number of years. However, due to an invalid conveyance to the State's predecessor in title, Skagit County, the State acquired no rights in the portion of the highway which crosses the City's fee-owned right of way.

City Light has reviewed the proposed easement and has determined that an easement granted to the State for a right of way for the existing State Highway SR 530 will not present a hazard to or interfere with the construction, operation, maintenance and repair of the Skagit transmission system.

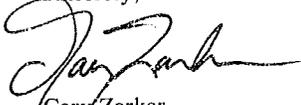
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Honorable Jan Drago, President
April 4, 1996
Page 2

It is, therefore, our recommendation that legislation be passed authorizing the grant of an easement to the State of Washington Department of Transportation for the State Highway SR 530 Right of Way, substantially in the form of the Right of Way Easement Agreement enclosed herewith as EXHIBIT A.

Please contact Dennis Anderson, City Light Real Estate Services, at 684-3328 if you have any questions.

Sincerely,



Gary Zarker
Superintendent

DA:da

Enclosures: Ordinance
Right of Way Easement Agreement

cc: Norman B. Rice, Mayor
City Councilmembers
Tom Tierney, Director, Office of Management and Planning
Will Patton, Seattle Law Department

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City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

April 9, 1996

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: City Light Department

SUBJECT: AN ORDINANCE relating to the City Light Department, authorizing an easement agreement with the State of Washington Department of Transportation (the "State") for use of the City of Seattle Skagit Transmission Line Right of Way in Skagit County, Washington, for a right of way for State Highway SR 530 (P.M. #341019-3-302).

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Yazmin Mehdi at 684-8088.

Sincerely,

Norman B. Rice
Mayor

by

Yazmin Mehdi

for TOM TIERNEY
Director

h:\admin\legis\law\trs\mehdi1

Enclosure

COPY RECEIVED

684-8088

SEATTLE CITY ATTORNEY

96-088



ok
noted
4/10/96

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Margaret Pugh

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

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STATE OF WASHINGTON - KING COUNTY

68214
City of Seattle, City Clerk

-ss.

No. ORDINANCE

Affidavit of Publication

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on May 6, 1996, and published here by title only, will be mailed, at no cost, upon request, or two months after this publication. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 118118

AN ORDINANCE authorizing a collective bargaining agreement between The City of Seattle and Seattle Police Dispatchers' Guild, effective through December 31, 1997; and providing payment therefor.

ORDINANCE NO. 118119

AN ORDINANCE relating to the City Light Department; authorizing the execution of the First Amendment to the Centralia Fuel Supply Agreement Dated as of January 1, 1992.

ORDINANCE NO. 118122

AN ORDINANCE relating to the City Light Department; authorizing an easement agreement with the State of Washington Department of Transportation (the "State") for use of the City of Seattle Skagit Transmission Line Right of Way in Skagit County, Washington, for a right of way for State Highway SR 630 (P. M. #341019-3-302).

ORDINANCE NO. 118123

AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in a portion of H. Van Asselt Donation Claim No. 50, being parts of Sections 27, 28, 33 and 34, Township 24 North, Range 4 East, W. M., in King County, Washington, lying south of Riverside Addition, according to the plat thereof recorded in Volume 5 of Plats, page 92, in King County, Washington, for open space, park and recreation purposes (East Duwamish Greenbelt) under the Seattle Open Space and Trails Bond Program.

ORDINANCE NO. 118124

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

Publication ordered by JUDITH PIP-
PIN, City Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, May 21, 1996.
5/21(68214)

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 12th 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

CT01:118118.19.02-24

was published on

05/21/96

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

Subscribed and sworn to before me on

[Signature]
05/21/96
[Signature]
Notary Public for the State of Washington,
residing in Seattle

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