Ordinance No. 121894

Council Bill No. 115327

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin
Councilmember

AN ORDINANCE relating to Seattle Department of Transportation; granting a non-exclusive easement over and across real property in King County, Washington, for the installation, operation, and maintenance of a railroad spur track in connection with the State Route - 519 Phase I Project.

Committee Action:

pass - RC

TG

TR

8-15-05 Passed 9-0

CF No. _____

Date Introduced: JUL 25 2005		
Date 1st Referred: JUL 25 2005	To: (committee) TRANSPORTATION	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: 8-15-05	Full Council Vote: 9-0	
Date Presented to Mayor: 8-15-05	Date Approved: 8/22/05	
Date Returned to City Clerk: 8/22/05	Date Published: 3pop	T.O. ✓ F.T. ___
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 8/9/05
(initial/date)

Law Department

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed
		✓	✓	

Bill Anderson/BA
SDOT.SR519Easement.Ord
03/30/2005
Version #1a

ORDINANCE 121894

AN ORDINANCE relating to Seattle Department of Transportation; granting a non-exclusive easement over and across real property in King County, Washington, for the installation, operation, and maintenance of a railroad spur track in connection with the State Route - 519 Phase I Project.

WHEREAS, the Port of Seattle ("Port"), the Burlington Northern Santa Fe Railway Company ("BNSF") and the City of Seattle Department of Transportation are all participants in the SR-519 Phase I project; and

WHEREAS, the SR-519 Phase I project will improve connections from I-90 to the ferry docks and the Port's container terminals, enhance access to the sports and exhibition facilities in the area, and substantially reduce the conflicts between the railroad and vehicular traffic; and

WHEREAS, the SR-519 Phase I project-related improvements include the Port's access to improvements through relocation of container terminal access and egress, and realignment of a railroad spur; and

WHEREAS, the acquisition of this easement is identified and authorized by Ordinances 120949 and 121055 and the property right has been recently identified in discussions with the Port as necessary to the relocation of the BNSF spur track; and

WHEREAS, the Seattle City Council wishes to authorize the granting of an easement from the City of Seattle to the Burlington Northern Santa Fe Railway Company for the SR-519 Phase I project in connection with its anticipated street improvements to Alaskan Way; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The easement executed by the City of Seattle, and recorded under King County Recording Number #20050331000836 conveying the following described real property situated in Seattle, King County, a copy of which is attached hereto as Attachment A, is hereby granted to BNSF for the installation, operation, and maintenance of a railroad spur track,

CITY CLERK

including street appurtenances for the construction of this project, and the operation of City of Seattle right-of-way.

Easement:
A strip of land varying in width from 21.50 feet to 19.50 feet, lying within Blocks 369, 368 and 367 of Seattle Tidelands as Surveyed and Platted by The Board of Appraisers of Tide and Shore Lands for King County Washington in 1894-1895, situated in the Southeast quarter of Section 6, Township 24, Range 4 East, Willamette Meridian, the centerline of which is describe as follows:

Commencing at the Northeast corner of Lot 7, Block 369 of said Seattle Tidelands; Thence North 17° 14' 15" East along the westerly right-of-way margin of Alaskan Way South a distance of 18.91 feet to the **Point of Beginning** of a 21.50 foot wide portion of said strip, laying 10.00 feet on the easterly side and 11.50 feet on the westerly side of the arc of a 716.78 foot radius curve, which center bears South 86° 38' 54" East;

Thence northeasterly along the arc of said curve, through a central angle 13°53'27", a distance of 173.78 feet, to the beginning of a transition from a 21.50 foot wide strip to a 19.50 foot wide strip along the following described centerline;

Thence North 17° 14' 33" East a distance of 100.00 feet to the termination of said transition and the beginning of an 19.50 foot wide strip laying 9.00 feet on the easterly side and 10.50 feet on the westerly side of the following described centerline; North 17° 14' 33" East a distance of 402.56 feet to the beginning of a 1418.50 foot radius curve, which center bears North 72° 45' 27" West; Thence northwesterly along the arc of said curve, through a central angle of 17° 15' 03" a distance of 427.09 feet; Thence North 0° 00' 30" East a distance of 879.78 feet to the terminus of said centerline.

The sidelines of said strip to be lengthened or shortened to terminate at the westerly right-of-way margin of Alaskan Way S at the beginning of said strip.

Containing 39,146 square feet or 0.90 acres, more or less.

CITY CLERK

Section 2. Any act consistent with the authority and prior to the effective date of this ordinance, including expenditures consistent with the purpose of this ordinance, is hereby ratified and confirmed.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 15th day of August, 2005, and signed by me in open session in authentication of its passage this 15th day of August, 2005.

President _____ of the City Council

Approved by me this 22nd day of August, 2005.

Gregory J. Nickels, Mayor

Filed by me this 23rd day of August, 2005.

City Clerk

(Seal)

Attachment A – Easement
Exhibit A –Property Description and SR-519 Surface Improvements Map

CITY CLERK

After recording return document to:

City of Seattle SDOT R/W
700 Fifth Avenue, Suite 3900
P.O. Box 34996
Seattle, WA 98124-4996

200503310000836
CITY OF SEATTL EAS 24.00
PAGE001 OF 006
03/31/2005 10:09
KING COUNTY, WA

Document Title: Easement

Reference Number of Related Document: N/A

Grantor(s): City of Seattle

Grantee(s): BNSF Railway Company

Legal Description: Ptn of Lot 7, Block 367, 368 & 369 of Seattle Tidelands

Additional Legal Description is on Page(s) 6 of 6 Document.

Assessor's Tax Parcel Number(s): 766620-7695

Cover Page

F.A. No.
Parcel No.

EXCISE TAX NOT REQUIRED
King Co. Records Division
By _____ Deputy

ATTACHMENT A

BNS CITY CLERK

EASEMENT

The Grantor, CITY OF SEATTLE, a Washington municipal corporation ("City"), hereby grants, conveys and quitclaims to THE BNSF RAILWAY COMPANY ("BNSF Railway Company"), a Delaware corporation, for the following purposes, a non-exclusive easement over and across the real property described in Exhibit A ("Property") in King County, Washington.

This Easement is subject to the following terms and conditions:

1. **Purpose.** BNSF Railway Company may use the Property for the installation, operation, and maintenance of a railroad spur track. The City must give prior written approval for the design and construction (including scheduling), relating to the spur track to occur on the Property, which approval shall not be unreasonably, withheld, delayed, or conditioned. The City must also give prior written approval for all other additional uses or improvements to be built on the Property, which shall not be unreasonably withheld. BNSF Railway Company will not allow the use of the tracks for storage of rail cars for longer than four hours, except in an emergency.

2. **The City's and Port of Seattle's Use of Easement.** The City, on behalf of itself and the Port of Seattle, reserves the right to use the Property for any purpose not inconsistent with installation, operation and maintenance of a railroad spur track. The City and the Port of Seattle, in addition to this general reservation, have the right to construct and allow the use of roads or other transportation corridors and utilities across the Property, in uses not inconsistent with this Easement. The City will exercise all commercially reasonable efforts to minimize disruptions to rail spur operations during such activity and use. Responsibilities of both parties are further defined in the Construction and Maintenance Agreement, Construction of the E. Marginal Way Crossing (Sig Tail TRK).

3. **Environmental Liability.** In the event BNSF Railway Company or any other assignee is named as a defendant in a suit or other claim or proceeding alleging injury, damages or loss from pre-existing Hazardous Substances on the Property, the City will defend, indemnify, and hold BNSF Railway Company and any other assignee, harmless from all liability arising out of such claims to the extent these liabilities are the result of pre-existing Hazardous Substances, provided that the City's obligation to defend shall not include any costs of separate counsel or other legal or technical assistance retained by the City. "Hazardous Substances" means any substance or material defined or designated as a hazardous waste, toxic substance, or other pollutant or contaminant, by any environmentally related local, state or federal law, regulation, ordinance or order (including without limitation any final order of any court of competent jurisdiction), now or hereafter in effect.

CITY CLERK

4. **Indemnity.** The City, its employees, and agents shall not be liable for any injury (including death) to any persons or for damage to any property, sustained or alleged to have been sustained by BNSF Railway Company or by others, including but not limited to all persons directly or indirectly employed by BNSF Railway Company, or any agents, contractors, subcontractors, licensees, assignees or invitees of BNSF Railway Company, as a result of any condition (including existing or future defects in the Property), or occurrence (including failure or interruption of utility service) whatsoever related in any way to the Property and the areas adjacent thereto, or related in any way to BNSF Railway Company's or any agents, contractors, subcontractors, licensees, assignees or invitees of BNSF Railway Company's use or occupancy of the Property and areas adjacent thereto. To the extent of BNSF Railway Company's negligence, BNSF Railway Company agrees to defend and to hold and save the City harmless from all liability or expenses (including attorneys' fees, costs, and all expenses of litigation) in connection with any such items of actual or alleged injury or damage, except when such injury or damage is caused by the negligence of the City.

5. **Abandonment.** The rights, titles, privileges and authority granted under this Easement will continue and be in force until such time as BNSF Railway Company, its successors or assigns, ceases to use the Property for the prescribed uses for a period of twelve (12) months, at which time all such rights, title, privileges and authority granted shall terminate and revert to the Port. The City will issue a notice to BNSF Railway Company indicating that the twelve month period has passed and BNSF Railway Company or the user of the rail track must provide evidence to the City within thirty (30) days that rail activity has occurred within the appropriate twelve month period. Failure to respond within the 30-day period will be deemed an admission that there has been no activity during the 12-month period.

6. **Successors and Assigns.** The rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors and assigns. BNSF Railway Company may not assign this Easement to any third party other than its joint operating partners without the City's prior written consent.

7. **No Conveyance of Fee.** The parties expressly agree that there is no intent to convey any other rights except those that are granted in this Easement. The parties do not intend for this Easement to convey fee title in any form or any other interest other than a non-exclusive easement.

8. **Relocation of the Rail Spur.** The parties acknowledge that the Port of Seattle (Port) may develop Port-owned property in the future. In order to maintain its development options, the parties recognize and agree that the Port, in its grant of an easement to the City, has reserved the right to relocate the rail spur, subject to the conditions contained in the Easement dated May 14, 2004, from the Port to the City.

Attachment - A

BNS CITY CLERK

Further, the parties hereto agree:

A. The City will, following five years prior written notice from the Port, relocate the rail spur on Port land at Terminal 46 or onto land not owned by the Port. If the new location is on Port land at Terminal 46, the location must be acceptable to the Port and BNSF Railway Company. In no event will the Port nor any other assignee, including BNSF Railway Company, bear any cost or liability for this relocation.

B. If the Port gives less than five years prior written notice of relocation, and the relocation will be on Port-owned land at Terminal 46, the Port will undertake the relocation. In no event will the City nor any other assignee, including BNSF Railway Company bear any cost for this relocation.

C. The Port City agrees that, at any time, if the rail spur is relocated on Port-owned property or non-Port-owned property, the location will be on the premises of Terminal 46, and that the relocated spur will provide equivalent service as the initial rail spur to be built by the City under ;this Easement. The parties agree to execute a new easement for the new location, and include all the rights and conditions described in this easement to the new rail spur location on Port property.

DATED this 9th **day of** March, **2005**.

GRANTOR-THE CITY OF SEATTLE

By: Grace Crunican
Its Director of Transportation

GRANTEE-BNSF Railway Company

By: James O'Neil
Its: AVP CRE Development

DNS CITY CLERK

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

This is to certify that on the 9th day of MARCH, 2005, before me, the undersigned Notary Public, personally appeared RICHARD MILLER, to me known to be the DEPUTY DIRECTOR OF SDOT, of the City of Seattle that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the City of Seattle, for the uses and purposes therein mentioned, and on oath stated that HE was authorized to execute the said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

LARRY HUGGINS NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 03-02-07

NOTARY PUBLIC in and for
The State of Washington, residing
At BELLEVUE
My Commission Expires: 030207
Print Name: LARRY HUGGINS

STATE OF TEXAS)
) ss.
COUNTY OF TARRANT)

This is to certify that on the 4th day of MARCH, 2005, before me, the undersigned Notary Public, personally appeared JAMES J. O'NEIL, to me known to be the AVP CORPORATE REAL ESTATE DEVELOPMENT of BNSF Railway Company, and acknowledged the said instrument to be the free and voluntary act and deed of BNSF Railway Company, for the uses and purposes therein mentioned, and on oath stated that He was authorized to execute the said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

TERRI BENTLEY
Notary Public
STATE OF TEXAS
My Comm. Exp. 07/30/2006

NOTARY PUBLIC in and for
The State of Texas, residing
At Ft. Worth
My Commission Expires: 7-30-06
Print Name: TERRI BENTLEY

DNS CITY CLERK

Exhibit A

PROPERTY DESCRIPTION

A strip of land varying in width from 21.50 feet to 19.50 feet, lying within Blocks 369, 368 and 367 of Seattle Tidelands as Surveyed and Platted by The Board of Appraisers of Tide and Shore Lands for King County Washington in 1894-1895, situated in the Southeast quarter of Section 6, Township 24, Range 4 East, Willamette Meridian, the centerline of which is describe as follows:

Commencing at the Northeast corner of Lot 7, Block 369 of said Seattle Tidelands; Thence North 17° 14' 15" East along the westerly right-of-way margin of Alaskan Way South a distance of 18.91 feet to the **Point of Beginning** of a 21.50 foot wide portion of said strip, laying 10.00 feet on the easterly side and 11.50 feet on the westerly side of the arc of a 716.78 foot radius curve, which center bears South 86° 38' 54" East;

Thence northeasterly along the arc of said curve, through a central angle of 13° 53' 27", a distance of 173.78 feet, to the beginning of a transition from a 21.50 foot wide to a 19.50 foot wide strip along the following described centerline;

Thence North 17° 14' 33" East a distance of 100.00 feet to the termination of said transition and the beginning of an 19.50 foot wide strip laying 9.00 feet on the easterly side and 10.50 feet on the westerly side of the following described centerline; North 17° 14' 33" East a distance of 402.56 feet to the beginning of a 1418.50 foot radius curve, which center bears North 72° 45' 27" West; Thence northwesterly along the arc of said curve, through a central angle of 17° 15' 03" a distance of 427.09 feet; Thence North 0° 00' 30" East a distance of 879.78 feet to the terminus of said centerline.

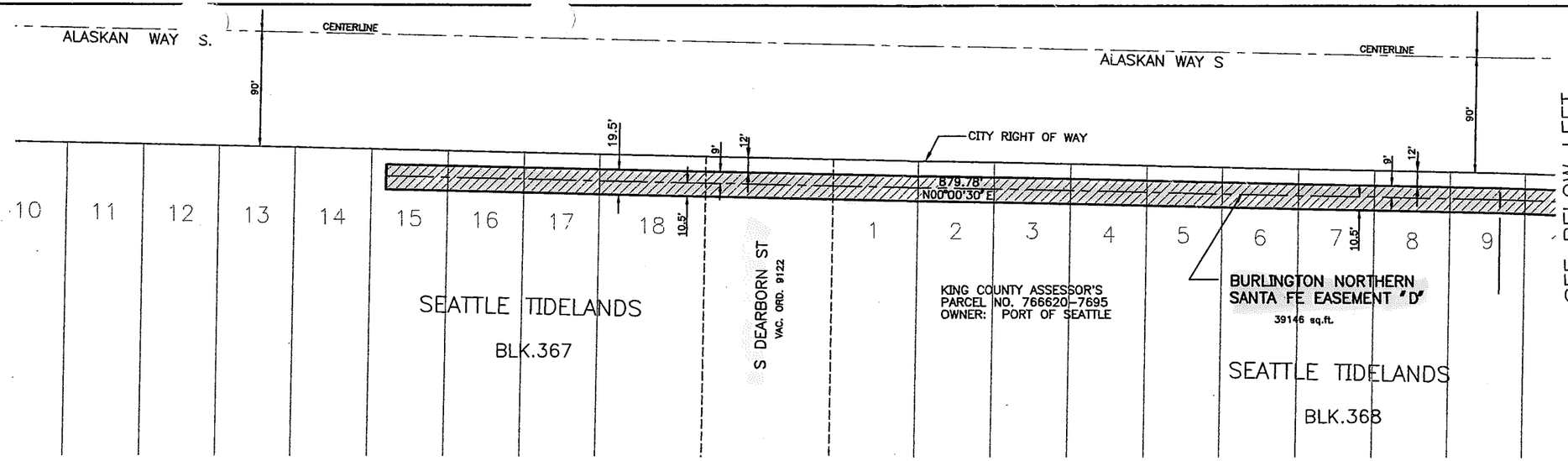
The sidelines of said strip to be lengthened or shortened to terminate at the westerly right-of-way margin of Alaskan Way S at the beginning of said strip.

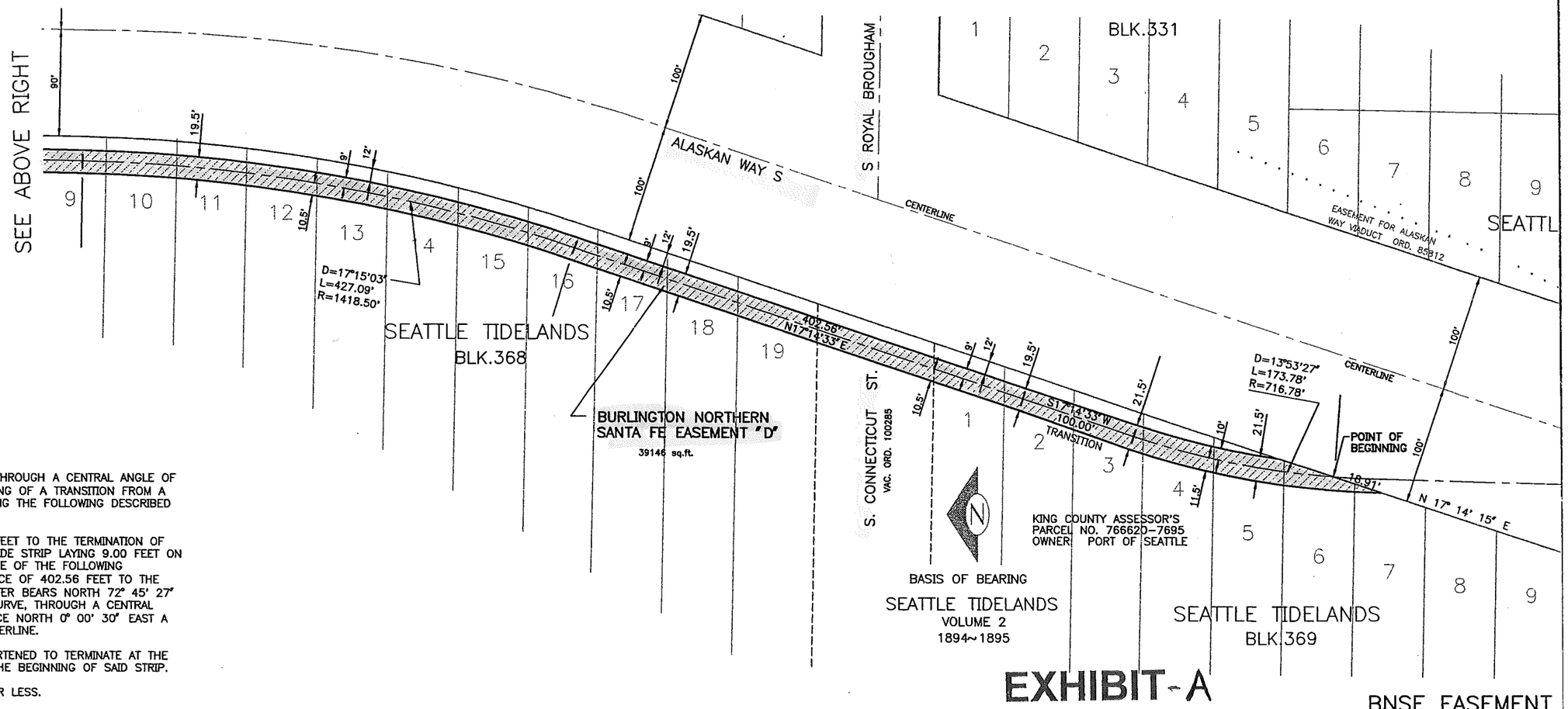
Containing 39,146 square feet or 0.90 acres, more or less.

Gary M. Gervelis
P.L.S. #33128

SDS CITY CLERK

REGION NO.	STATE	FEDERAL AID PROJECT NO.	SHEET NO.
10	WA	HP-0519(005)	





LEGAL DESCRIPTION PARCEL "D"

A STRIP OF LAND VARYING IN WIDTH FROM 21.50 FEET TO 19.50 FEET, LYING WITHIN BLOCKS 369, 368 AND 367 OF SEATTLE TIDELANDS AS SURVEYED AND PLATTED BY THE BOARD OF APPRAISERS OF TIDE AND SHORE LANDS FOR KING COUNTY WASHINGTON IN 1894–1895, SITUATE IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 24, RANGE 4 EAST, WILLAMETTE MERIDIAN, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7, BLOCK 369 OF SAID SEATTLE TIDELANDS;
THENCE NORTH 17° 14' 15" EAST ALONG THE WESTERLY RIGHT–OF–WAY MARGIN OF ALASKAN WAY SOUTH A DISTANCE OF 18.91 FEET TO THE POINT OF BEGINNING OF A 21.50 FOOT WIDE PORTION OF SAID STRIP, LAYING 10.00 FEET ON THE EASTERLY SIDE AND 11.50 FEET ON THE WESTERLY SIDE OF THE ARC OF A 716.78 FOOT RADIUS CURVE, WHICH CENTER BEARS SOUTH 86° 38' 54" EAST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13° 53' 27", A DISTANCE OF 173.78 FEET, TO THE BEGINNING OF A TRANSITION FROM A 21.50 FOOT WIDE STRIP TO A 19.50 FOOT WIDE STRIP ALONG THE FOLLOWING DESCRIBED CENTERLINE;

THENCE NORTH 17° 14' 33" EAST A DISTANCE OF 100.00 FEET TO THE TERMINATION OF SAID TRANSITION AND THE BEGINNING OF AN 19.50 FOOT WIDE STRIP LAYING 9.00 FEET ON THE EASTERLY SIDE AND 10.50 FEET ON THE WESTERLY SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; NORTH 17° 14' 33" EAST A DISTANCE OF 402.56 FEET TO THE BEGINNING OF A 1418.50 FOOT RADIUS CURVE, WHICH CENTER BEARS NORTH 72° 45' 27" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17° 15' 03" A DISTANCE OF 427.09 FEET; THENCE NORTH 0° 00' 30" EAST A DISTANCE OF 879.78 FEET TO THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES OF SAID STRIP TO BE LENGTHENED OR SHORTENED TO TERMINATE AT THE WESTERLY RIGHT–OF–WAY MARGIN OF ALASKAN WAY S AT THE BEGINNING OF SAID STRIP.

CONTAINING 39,146 SQUARE FEET OR 0.90 ACRES, MORE OR LESS.

EXHIBIT-A

BNSF EASEMENT

P:\STDRAFTER\ES2676A\TS2676A_RWL_PARCELG.DWG

VAULT SEQNL NO. 34321	REVISIONS			
MARK	DATE	MADE	CHK'D	REV'D

Seattle Public Utilities

APPROVED FOR ADVERTISING
KENNETH J. NAKATSU
DEPARTMENT OF EXECUTIVE ADMINISTRATION
SEATTLE, WASHINGTON . . . . . 20. . . .
BY: . . . . . .
DIRECTOR, CONTRACTING SERVICES

NAME OR INITIALS AND DATE	INITIALS AND DATE
DESIGNED	REVIEWED:
CHECKED	DES. . . . . SPU CONST. . . .
DRAWN PJH 3/29/04	SDOT. . . . . PROJ. MGR. . . .
CHECKED RKD 3/29/04	RECEIVED . . . . .
ALL WORK DONE IN ACCORDANCE WITH THE CITY OF SEATTLE STANDARD PLANS AND SPECIFICATIONS AND OTHER DOCUMENTS CALLED FOR IN SECTION 0-02.3 OF THE PROJECT MANUAL.	REVISED AS BUILT . . . . .

City of Seattle
Seattle Department of Transportation

ORDINANCE NO. . . . . APPROVED . . . . . .
FUND: . . . . . .
SCALE: H. 1"=50'V. INSPECTOR'S BOOK. . . . . .

SR–519
SURFACE IMPROVEMENTS

JOB NO.		
	PC	TS2676A
	R/W	TS2676B
	CO	TS2676C

VAULT PLAN NO. 774–259

SHEET OF 86

Bill Anderson/BA
March 29, 2005
SDOT.SR519Easement.fiscalnote
Version #:1a

Form revised December 9, 2004

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Department of Transportation	Angela Brady 684-3115	Jennifer Devore 615-1328

Legislation Title:
AN ORDINANCE relating to Seattle Department of Transportation; granting a non-exclusive easement over and across real property in King County, Washington, for the installation, operation, and maintenance of a railroad spur track in connection with the State Route-519 Phase I Project.

Summary and background of the Legislation:

The City of Seattle is granting an easement to the Burlington Northern Santa Fe Railway Company (BNSF) for the installation, operation, and maintenance of a railroad spur track in connection with the SR-519 Phase I project.

This property right has been recently identified in discussions with the Port of Seattle as necessary to the relocation of the Burlington Northern Santa Fe Railroad spur track. The acquisition of this easement is identified and authorized by Ordinances 120949 and 121055, where the Port granted an easement to the City and now it is necessary for the City to grant this easement to BNSF.

The City, on behalf of itself and the Port of Seattle, reserves the right to use the property for any purpose consistent with installation, operation and maintenance of a railroad spur track. The City and the Port of Seattle, in addition to this general reservation, have the right to construct and allow the use of roads or other transportation corridors and utilities across the property, in uses consistent with this easement.

Project Name:	Project I.D.	Project Location:	Start Date:	End Date

- *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.)*

__X__ **This legislation does not have any financial implications.**

SDS CITY CLERK

City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

July 5, 2005

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Drago:

I am transmitting the attached proposed Council Bill, which grants an easement to the Burlington Northern Santa Fe Railway Company (BNSF) for the installation, operation, and maintenance of a railroad spur track as part of the SR-519 Phase I project's anticipated street improvements to Alaskan Way.

The SR-519 Phase I project was initiatied in response to studies that identified the corridor as a severely congested arterial serving all manner of traffic traveling between the I-90 and I-5 interstate systems, the Colman Ferry Terminal, and the Seattle waterfront. The project will improve connections from I-90 to the ferry docks and Port of Seattle container terminals, enhance access to the sports and exhibition facilities in the area, and substantially reduce the conflicts between railroad and vehicular traffic. All modes of transportation are expected to experience improved safety, convenience, and mobility along the corridor as a result.

Thank you for your consideration of this legislation. Should you have questions, please contact Angela Brady at 684-3115.

Sincerely,

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749
Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@seattle.gov
An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

2005 CITY CLERK

121894

STATE OF WASHINGTON – KING COUNTY

--ss.

189424 No. TITLE ONLY
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 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

CT:121892-121901

was published on

08/25/05

The amount of the fee charged for the foregoing publication is the sum of $ 92.75, which amount has been paid in full.

Subscribed and sworn to before me on

08/25/05

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 August 15, 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. 121901

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

ORDINANCE NO. 121899

AN ORDINANCE authorizing Seattle Public Utilities to acquire by negotiation or condemnation land and all improvements thereon situated on Lots 1,2,3,4,5 and 6 of Block 71 and Lots 6 and 7 of Block 62, all in the Lake Union Addition to Seattle, Washington and generally bordered by 34th Street North, 36th Street North, Carr Place North and Densmore Avenue North, for solid waste system and other utility and general municipal purposes.

ORDINANCE NO. 121898

AN ORDINANCE relating to the City Light Department; authorizing execution of Amendment One to the Power Purchase Agreement with the City of Klamath Falls, Oregon, allowing City Light to schedule operation of the project on a daily basis.

ORDINANCE NO. 121896

AN ORDINANCE relating to transferable development rights; authorizing the sale by the City of transferable development rights acquired from a low-income housing site to a developer of a project at 1400 6th Avenue; authorizing related agreements and deeds; and ratifying and confirming prior acts.

ORDINANCE NO. 121895

AN ORDINANCE relating to the City Light Department; removing a restriction that limits spending of its Purchased Power Budget Control Level appropriation in the 2005 Adopted Budget.

ORDINANCE NO. 121894

AN ORDINANCE relating to Seattle Department of Transportation; granting a non-exclusive easement over and across real property in King County, Washington, for the installation, operation, and maintenance of a railroad spur track in connection with the State Route 519 Phase I Project.

ORDINANCE NO. 121892

AN ORDINANCE relating to the Purchase and Sale Agreement (P&SA) between the City of Seattle and City Investors Inc. as authorized in Ordinance Number 120411 and authorizing the amendment of section 6.5 of said P&SA extending the deadline for development application.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, August 25, 2005.

8/25(189424)