

Ordinance No. 123498

Council Bill No. 117056

AN ORDINANCE relating to the City Light Department, authorizing the Superintendent or his designee to grant an easement for road purposes to the County of Snohomish over a portion of the City's fee-owned Bothell to Newhalem Transmission Corridor located in unincorporated Snohomish County, Washington; and accepting payment for the true and fair value of the easement from Washington Federal Savings.

CF No. _____

Date Introduced: <u>Nov. 29, 2010</u> <u>Dec 10, 2010</u>		
Date 1st Referred: <u>Nov. 29, 2010</u> <u>Dec 10, 2010</u>	To:	Energy, Technology, and Civil Rights
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>12.13.10</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>12.15.10</u>	Date Approved: <u>12.20.10</u>	
Date Returned to City Clerk: <u>1.20.10</u>	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: *Bruce C. Harrell*
Councilmember

Committee Action:

12/9/2010 PASS BH, RC

12.13.10 Passed 9-0

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

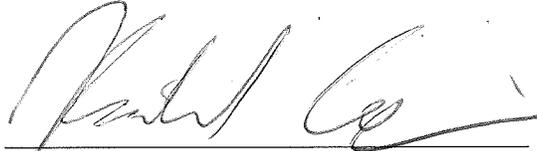
1 Section 1. The Superintendent of the City Light Department, or his designee, is hereby
2 authorized, on behalf of The City of Seattle, to grant an easement for road purposes to the County
3 of Snohomish substantially in the form of the "Easement for Road Purposes" as shown in
4 Attachment 1 hereto.

5 Section 2. Seattle City Light is authorized to accept payment for the road easement from
6 Washington Federal Savings in the amount of \$120,000 and to deposit the proceeds in the City
7 Light Fund.
8

9 Section 3. This ordinance shall take effect and be in force 30 days from and after its
10 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
11 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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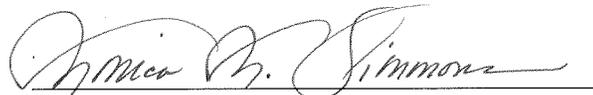
1 Passed by the City Council the 13th day of December, 2010, and
2 signed by me in open session in authentication of its passage this
3 13th day of December, 2010.

4
5 
6 President _____ of the City Council

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8 Approved by me this 2nd day of December, 2010

9
10 
11 Michael McGinn, Mayor

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16 Filed by me this 20th day of December, 2010.

17
18 
19 City Clerk

20 (Seal)

21
22 Attachment 1: Easement for Road Purposes



John Bresnahan/JJB
SCL – Outlook Vista Esmt ATT 1
October 12, 2010
Version #1

Attachment 1

Filed at the Request of:
Snohomish County

When recorded return to:
Maria Schmidt
Snohomish County Public Works, TES/Land Use
M/S 607, 5th Floor Administration Building
Everett, WA 98201

EASEMENT

Reference No.:	P.M. 280527-4-406
Grantor:	City of Seattle
Grantee:	County of Snohomish
Legal Description:	Ptn. SE 27-28N-5E
Assessor's Tax Parcel ID No.:	28-0527-004-003-00

The Grantor, the CITY OF SEATTLE, a Washington municipal corporation, acting by and through its CITY LIGHT DEPARTMENT, for and in consideration of Mutual Benefit, hereby conveys and grants, without warranty of title or otherwise, unto the Grantee, COUNTY OF SNOHOMISH, a political subdivision of the State of Washington, and the general public, a surface and sub-surface easement for public road under, over, through, and across a portion of Grantor's property that is legally described in Exhibit "A" and illustrated in Exhibit "B" (the "Easement Area"), all attached hereto and incorporated herein by reference.

Grantor reserves unto itself and its assigns all aerial rights above, over and across the Easement Area. By accepting this easement, Grantee exempts Grantor and its assigns from any franchise or permitting requirements above, over and across the public road created within the Easement Area.

Also, Grantor reserves the perpetual right at all times to cut and trim brush, trees or other plants standing or growing upon the Easement Area which, in the sole opinion of the Grantor, may interfere with the maintenance or operation of Grantor's facilities or equipment, including but not limited to Grantor's electric transmission lines, or constitute a menace or danger to said facilities or equipment, including but not limited to the electric transmission lines.



John Bresnahan/JJB
SCL – Outlook Vista Esmt ATT 1
October 12, 2010
Version #1

Grantee shall have the right at all times to enter the easement area described above for the purposes of constructing, reconstructing, inspecting, maintaining, improving and repairing the public road right-of-way created herein, and for any other purpose reasonably associated with the operation and maintenance of a public road right-of-way.

All costs or liabilities due to construction, inspection, reconstruction, maintenance, improvement, repair, or legal liability, for the above described easement, or arising out of Grantee's or the public's use of the Easement Area shall be borne solely by Grantee, its successors, agents and assigns; including, but not limited to, the road aprons constructed to facilitate Grantor's access to its property.

The covenants, terms and conditions herein shall run with the land and shall be binding on both parties, their heirs, successors, and assigns.

This easement and all covenants, terms and conditions of this easement shall become binding on the Grantor and Grantee once accepted and approved and executed below in writing for the County of Snohomish by the County Executive or his duly authorized representative and by the Superintendent of Seattle City Light, or his duly authorized representative and approved by ordinance passed by the Seattle City Council.

DATED this _____ day of _____, 2010.

GRANTOR:

ACCEPTED BY:

CITY OF SETTLE
CITY LIGHT DEPARTMENT

SNOHOMISH COUNTY

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____



John Bresnahan/JJB
SCL – Outlook Vista Esmt EXH A to ATT 1 to ORD
October 12, 2010
Version #1

EXHIBIT "A"
124th STREET ROAD EASEMENT
LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 28 NORTH, RANGE 5 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

A STRIP OF LAND, 52.00 FEET IN WIDTH BEING 30.00 FEET NORTH OF AND 22.00 FEET SOUTH OF THE FOLLOWING DESCRIBED CENTER LINE:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHWEST QUARTER WITH THE EASTERLY LINE OF SEATTLE CITY LIGHT TRANSMISSION LINE EASEMENT RECORDED UNDER AUDITOR'S FILE NUMBER 447233, AS REFERENCED ON THE PLAT OF CREEKSIDE ESTATES DIVISION 1, ACCORDING TO THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200107115003;

THENCE S32°30'11"W, ALONG SAID EASTERLY LINE, 55.40 FEET TO THE POINT OF BEGINNING, BEING A POINT ON A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 171.00 FEET, THE RADIAL CENTER OF WHICH BEARS S22°54'21"W,
THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 37°40'39", A DISTANCE OF 112.45 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 179.00 FEET, THE RADIAL CENTER OF WHICH BEARS N14°46'18"W;
THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°08'48", A DISTANCE OF 72.31 FEET;
THENCE N81°37'29"W, 64.90 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 179.00 FEET;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°01'26", A DISTANCE OF 87.55 FEET TO THE TERMINUS OF SAID CENTER LINE.

SIDELINES TO BE LENGTHENED OR SHORTENED AS NECESSARY TO TERMINATE AT THE EASTERLY LINE OF SAID SEATTLE CITY LIGHT EASEMENT AND A LINE 300.00 FEET WESTERLY OF AND PARALLEL WITH SAID EASTERLY LINE

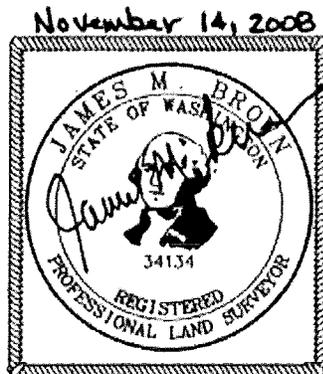
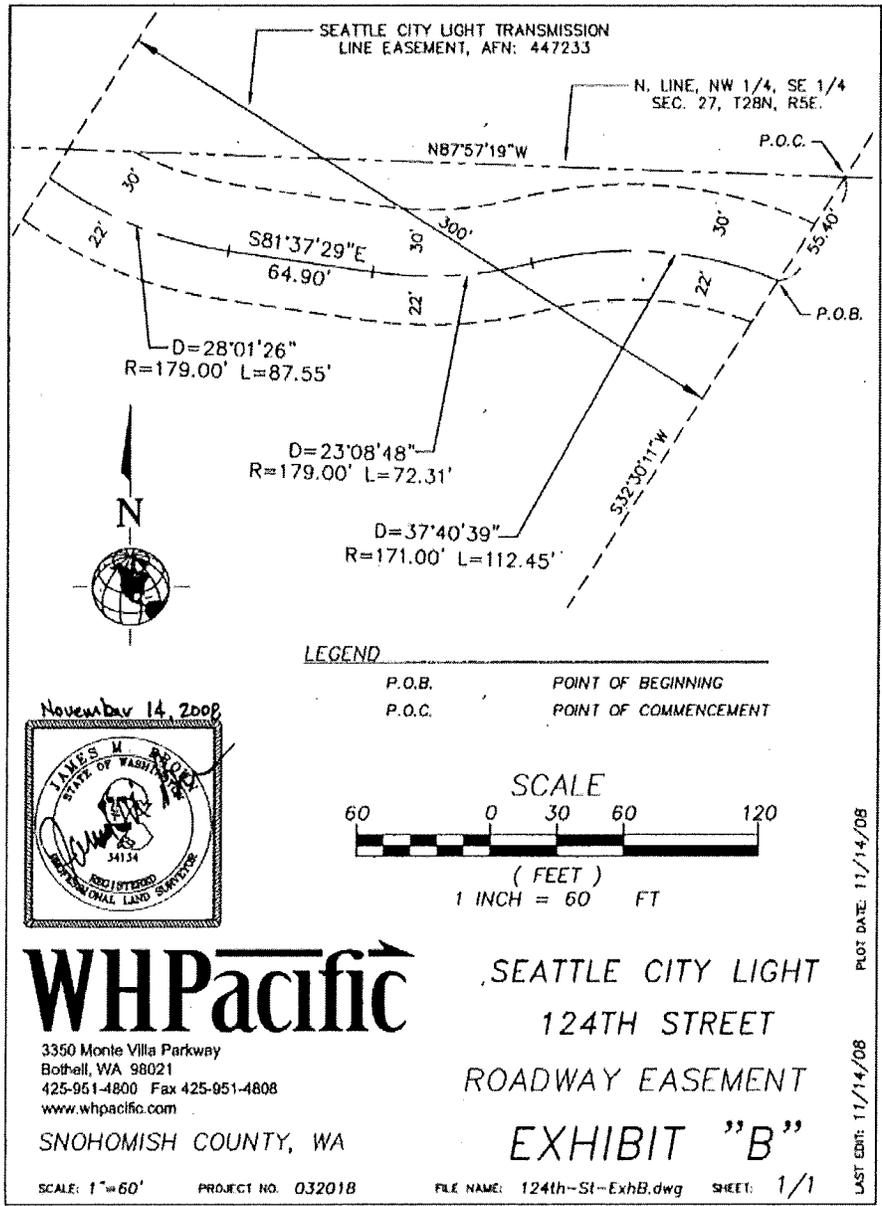


Exhibit A to Attachment 1



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 October 12, 2010
 Version #1

Exhibit B



Boundaries of the Road Easement Area are the dashed lines, 22 feet south and 30 feet north of the roadway center line, within the east and west boundaries of the Seattle City Light transmission corridor property.

Exhibit B to Attachment 1



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle City Light	Dave Barber 684-0400	Calvin Chow 684-4652

Legislation Title:

AN ORDINANCE relating to the City Light Department, authorizing the Superintendent or his designee to grant an easement for road purposes to the County of Snohomish over a portion of the City's fee-owned Bothell to Newhalem Transmission Corridor located in unincorporated Snohomish County, Washington; and accepting payment for the true and fair value of the easement from Washington Federal Savings.

Summary of the Legislation:

This legislation authorizes Seattle City Light to grant a road easement to Snohomish County and accepts payment for the true and fair value of the easement into the City Light Fund.

Background:

The City of Seattle is the owner of a 300 foot wide parcel of real property which is part of the Bothell to Newhalem Transmission Corridor near the town of Snohomish, Washington. Washington Federal Savings (WFS) is the owner of certain real property adjacent to the City parcel that it wishes to develop into a 38 lot single family residential subdivision plat called Outlook Vista Division 1.

As a condition of the approval of the plat, the Snohomish County Hearing Examiner, in File No. 09 101171-000-00-SD, dated March 3, 2009, required that WFS acquire an easement from the City of Seattle to extend 124th Street Southeast across City Light's transmission corridor. An extension of this street was the only feasible access to the plat. WFS was required to build the street to Snohomish County standards, with additional road aprons to allow Seattle City Light's trucks to enter and exit the transmission corridor.

The land beneath the road easement was appraised by an independent MAI appraiser on February 22, 2010, who concluded the fair market value of the rights to be conveyed to Snohomish County to be \$120,000. WFS has agreed to pay City Light that amount on conveyance of the easement to Snohomish County.

X **This legislation has financial implications.**



Anticipated Revenue/Reimbursement: Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2010 Revenue	2011 Revenue
City Light Fund 4100	Seattle City Light	Sale of Easement	\$120,000	
TOTAL			\$120,000	

Revenue/Reimbursement Notes: Easement to be paid for by Washington Federal Savings.

What is the financial cost of not implementing the legislation?

The City would forgo payment of \$120,000 for the easement and would be responsible for future maintenance of the street.

Does this legislation affect any departments besides the originating department?

No.

What are the possible alternatives to the legislation that could achieve the same or similar objectives?

None.

Is the legislation subject to public hearing requirements?

No.

Other Issues:

None.

List attachments to the fiscal note below:

Attachment 1 – Vicinity Map



Attachment 1

Vicinity Map



124th Street Southeast
Crossing Seattle City Light Bothell to Newhalem Transmission Corridor
Seattle Hill Road to Northwest – Snohomish, Washington 2 Miles to North



City of Seattle
Office of the Mayor

November 9, 2010

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that authorizes the Superintendent of Seattle City Light to grant a road easement to Snohomish County over a portion of the City's fee-owned Bothell to Newhalem Transmission Corridor located in unincorporated Snohomish County.

Washington Federal Savings is the owner of certain real property adjacent to the City's transmission corridor that it wishes to develop into a 38 lot single family residential subdivision called Outlook Vista Division 1. As a condition of the approval of this plat, Snohomish County has required the developer to acquire an easement to extend 124th Street Southeast across City Light's transmission corridor to provide access to the plat.

The developer, Washington Federal Savings, has agreed to pay Seattle City Light \$120,000, the appraised value of the land beneath the road easement, on conveyance of the easement to Snohomish County.

Thank you for your consideration of this legislation. Should you have questions, please contact Dave Barber at 684-0400.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcgin@seattle.gov



STATE OF WASHINGTON – KING COUNTY

--SS.

264919
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 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:123496,498-123509

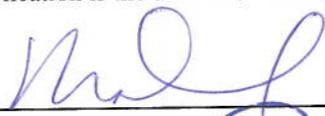
was published on

12/24/10

The amount of the fee charged for the foregoing publication is the sum of \$ 211.58, which amount has been paid in full.

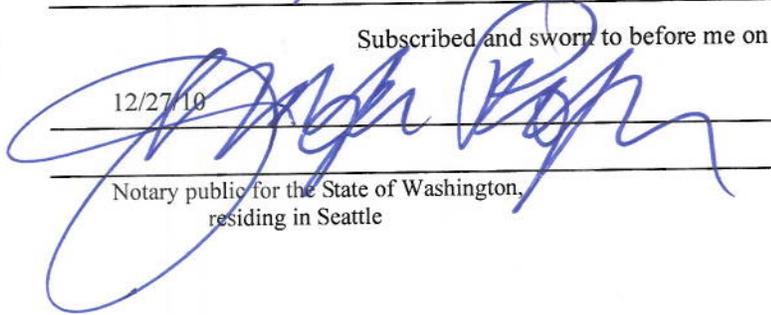


Affidavit of Publication



Subscribed and sworn to before me on

12/27/10



Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on December 13, 2010, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123496

AN ORDINANCE relating to Seattle Public Utilities' Lake Forest Park Reservoir; declaring fee ownership of a portion of real property adjacent to the reservoir to be surplus to the City of Seattle's utility needs; and authorizing Seattle Public Utilities to sell the surplus property to the Lake Forest Park Water District and to execute documents and agreements necessary to complete the sale.

ORDINANCE NO. 123498

AN ORDINANCE relating to the City Light Department, authorizing the Superintendent or his designee to grant an easement for road purposes to the County of Snohomish over a portion of the City's fee-owned Bothell to Newhalem Transmission Corridor located in unincorporated Snohomish County, Washington; and accepting payment for the true and fair value of the easement from Washington Federal Savings.

ORDINANCE NO. 123499

AN ORDINANCE relating to the City Light Department; authorizing the execution of enabling agreements with separate counterparties that establish general terms and conditions for the purchase and sale of renewable energy certificates in the form of a common master agreement.

ORDINANCE NO. 123500

AN ORDINANCE relating to the City Light Department; authorizing execution of a transaction-specific confirmation of a 7-year agreement with Holy Cross Energy for the purchase of environmental attributes in the form of renewable energy certificates that are necessary or convenient for meeting the requirements of the Washington State Energy Independence Act.

ORDINANCE NO. 123501

AN ORDINANCE relating to the City Light Department; authorizing execution of a transaction-specific confirmation of a 15-year agreement with Idaho Winds LLC for the purchase of environmental attributes

in the form of renewable energy certificates that are necessary or convenient for meeting the requirements of the Washington State Energy Independence Act.

ORDINANCE NO. 123502

AN ORDINANCE relating to Seattle Public Utilities and Seattle Department of Parks and Recreation; authorizing the Director of Seattle Public Utilities and the Superintendent of Parks and Recreation to enter into easement agreements granting and conveying easement rights under and across portions of Cal Anderson Park to the Central Puget Sound Regional Transit Authority and to accept payment therefor; finding that the grants of temporary and permanent subsurface easements meet the requirements of Ordinance 118477, adopting Initiative 42, to the extent applicable; exempting the grant of a temporary surface easement from the requirements of Ordinance 118477, to the extent applicable; and authorizing the Director of Seattle Public Utilities to accept a storm drain access easement from the Central Puget Sound Regional Transit Authority.

ORDINANCE NO. 123503

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to grant and convey easement rights under portions of Volunteer Park and Interlaken Park to the Central Puget Sound Regional Transit Authority for the purposes of installing, repairing, maintaining, and operating tunnels for light rail service, and to accept payment therefor; and finding that the grants of permanent subsurface easements meet the requirements of Ordinance 118477, adopting Initiative 42.

ORDINANCE NO. 123504

AN ORDINANCE, relating to City employment, to be known as the 2011 Pay Zone Ordinance; adjusting the pay zone structures for the City's discretionary pay programs for the year 2011.

ORDINANCE NO. 123505

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of Finance and Administrative Services to execute an amendment to an existing parking lot management agreement between the City of Seattle and the Pike Place Market Preservation and Development Authority and ratifying and confirming certain prior acts.

ORDINANCE NO. 123506

AN ORDINANCE relating to City employment, to continue to provide a wage supplement and insurance benefits for employees who are mobilized by the United States Armed Forces for active military service; and ratifying and confirming prior acts.

ORDINANCE NO. 123507

AN ORDINANCE authorizing, in 2010, acceptance of funding from non-City sources; authorizing the heads of the Department of Information Technology, Department of Neighborhoods, Department of Parks and Recreation, Department of Finance and Administrative Services, the Human Services Department, the Office of Economic Development, the Office of Intergovernmental Relations, the Office of Sustainability and Environment, the Office of the Mayor, Seattle Center, Seattle Department of Transportation, the Seattle Fire Department, the Office for Civil Rights, the Seattle Police Department, the Seattle Public Library, and Seattle Public Utilities to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123508

AN ORDINANCE amending Ordinance 123177, which adopted the 2010 Budget, including the 2010-2011 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; revising project allocations for certain projects in the 2010-2015 CIP; adding new projects; making transfers between various City funds; and making cash transfers between funds; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

ORDINANCE NO. 123509

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

Publication ordered by the City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, December 24, 2010.
12/24(264919)

fidavit