

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone-:
Seattle City Light	Lynn Best 386-4586	Anthony Colello 684-5292

Legislation Title:

AN ORDINANCE relating to the City Light Department; declaring as surplus and authorizing the General Manager and Chief Executive Officer of the City Light Department or his designee to grant an easement to Snohomish County and the Alderwood Water and Wastewater District limited to roadway and underground utility purposes, within the City of Seattle transmission line corridor in Section 16, Township 27 North, Range 5 East, W.M., in Snohomish County, Washington; accepting payment for the true and full value of the easement from Toll WA, LP; and ratifying and confirming certain prior acts.

Summary of the Legislation:

This legislation authorizes Seattle City Light to grant an easement for roadway and underground utility purposes to Snohomish County and the Alderwood Water and Wastewater District, to allow construction of the Timber Creek Ranch housing development in unincorporated Snohomish County, and accepts payment for the true and full value of the easement.

Background:

This legislation will declare as surplus and authorize the sale of a utility property right under the jurisdiction of Seattle City Light. **A public hearing is required pursuant to RCW 35.94.040.**

The City of Seattle owns a 20-foot wide strip of land and a 155-foot wide electrical transmission easement which is part of the Bothell to Creston-Nelson transmission corridor, approximately 5 miles north of Woodinville.

Toll WA, LP, has obtained preliminary approval from Snohomish County for the Timber Creek Ranch housing development, consisting of 290 single family residential lots, subject to a condition that the developer construct a new 43rd Avenue SE abutting the City's transmission corridor, and connect that Avenue to 184th and 188th Streets SE.

Toll WA, LP, requests an easement for roadway and underground utility purposes over portions of the City's 20-foot wide fee-owned strip in order to meet the County's conditions for final approval of the subdivision.

The fair market value of the easement right to be conveyed to Snohomish County is \$35,775, as determined by appraisal of other similar properties in the area. Toll WA, LP, has agreed to pay City Light that amount for the roadway easement.

X **This legislation has financial implications.**

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2013 Revenue	2014 Revenue
Light Fund 41000	City Light	Toll WA, LP	\$35,775	
TOTAL			\$35,775	

Revenue/Reimbursement Notes:

Easement to be paid for by Toll WA LP.

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?**

The City would forego immediate payment of \$35,775 for the easement.

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?

Yes. A public hearing is required under RCW 35.94.040. These hearings are usually conducted at the start of a regularly scheduled City Council Energy and Environment Committee meeting.

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 attached.

h) Other Issues:

None.

List attachments to the fiscal note below:

Attachment 1- Map of Easement Area

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June 10, 2013
Version #1

Attachment 1

Filed at the Request of:
Snohomish County
When recorded return to:
Ann Goetz
Snohomish County Public Works, TES/Land Use
M/S 607, 5th Floor Administration Building
Everett, WA 98201

EASEMENT

Grantor: City of Seattle

Grantees: County of Snohomish;
Alderwood Water and Wastewater District

Legal Description (abr): Portion of NW ¼ Sec 16, Twp 27 N, Rge 5 E, W.M.

Assessor's Tax Parcel ID No.: 27-0516-002-014-00

Seattle City Light Reference: P.M. #270516-2-Exx

The CITY OF SEATTLE, a Washington municipal corporation (the "Grantor"), acting by and through its CITY LIGHT DEPARTMENT, for and in consideration of Mutual Benefit, hereby grants, without warranty of title or otherwise, unto the Grantees, the COUNTY OF SNOHOMISH, a political subdivision of the State of Washington, the ALDERWOOD WATER AND WASTEWATER DISTRICT, a special district of the State of Washington, and the general public (the "Grantees"), a surface and sub-surface easement (the "Easement") for public road and underground utilities over, through, under, and across a portion of Grantor's property that is legally described in Exhibits "A-1" and

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“A-2” and illustrated in Exhibits “B-1” and B-2” (the “Easement Area”), all attached hereto and incorporated herein by reference.

This Easement is specifically granted for only those improvements shown on the plans for “Timber Creek Ranch”, a residential development, submitted to the Grantor by Toll WA LLP, prepared by ESM Consulting Engineers, LLC, under project number 897-016-012, dated April 19, 2013, pages 1-11 inclusive, and May 14, 2013, two sheets (the “Plans”), that Grantor has reviewed and approved. The improvements permitted by this Easement include the installation of underground franchise utilities in the Underground Franchise Utility Trench, including natural gas, electrical service, and communications, as shown on the Plans. Said Plans shall be kept on file by Grantor and by this reference are made a part of this Easement. Grantee Snohomish County, by accepting and acknowledging below, hereby covenants and agrees that it will not issue permits for the installation of any other utilities, not shown on the above referenced Plans, including, but not limited to: natural gas, water, sewer, drainage, electric service, cable television, and fiber optic communications, or any other improvements, within the Easement Area, subsequent to the granting of this Easement, without first obtaining the prior written approval of the Grantor, which approval shall not be unreasonably withheld, conditioned, or delayed. Grantees also covenant and agree that they and any subsequent occupant of the Easement Area shall provide Grantor with copies of as-built plans following any construction or installation of utilities within the Easement Area.

Grantor reserves unto itself and its assigns all above ground and aerial rights above, over and across the Easement Area. By accepting this easement, the County of Snohomish 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.

Grantees 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 and any utilities therein as created herein and for any other purpose reasonably associated with the operation and maintenance of a public road right-of-way and water and wastewater utilities.

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All costs or liabilities due to construction, inspection, reconstruction, maintenance, improvement, repair, or legal liability, for the above described easement, or arising out of Grantees' or the public's use of the Easement Area shall be borne solely by Grantees, their successors, agents and assigns.

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

This easement and all covenants, terms and conditions of this easement shall become binding on the Grantor and Grantees once accepted and approved and executed below in writing for the County of Snohomish by the County Executive or his duly authorized representative, by the General Manager or his duly authorized representative of the Alderwood Water and Wastewater District, and by the General Manager and Chief Executive Officer of Seattle City Light, or his duly authorized representative and approved by ordinance passed by the Seattle City Council.

DATED this _____ day of _____, 20 ____ .

GRANTOR:

ACCEPTED BY:

CITY OF SEATTLE
CITY LIGHT DEPARTMENT

SNOHOMISH COUNTY

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

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STATE OF WASHINGTON)
)ss
COUNTY OF _____)

On this ____ day of _____, 20 ____, before me personally appeared _____, to me known to be the _____ of _____ who executed the within and foregoing instrument, and acknowledged that said instrument was the free and voluntary act and deed of the Alderwood Water and Wastewater District for said municipal corporation for the uses and purposes therein mentioned, and on oath stated that ____ was authorized to execute said instrument on behalf of said District.

Given under my hand and official seal the day and year in this certificate above written.

(notary seal)

Signature: _____

Print name: _____

Notary Public in and for the State of Washington

Residing at: _____

My commission expires: _____

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Exhibit A – 1

**CORE DESIGN, INC.
BELLEVUE WA 98007**

Core Project No: 06106
01/08/2013

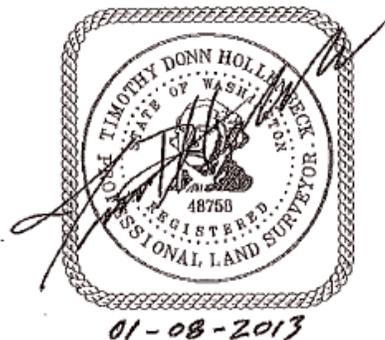
EXHIBIT A - 1

LEGAL DESCRIPTION – ROAD EASEMENT 43RD AVENUE S.E.

That portion of the northwest quarter of Section 16, Township 27 North, Range 05 East, Willamette Meridian described as follows:

BEGINNING at the southeast corner of said subdivision; Thence N00°22'11"W, along the east line of said subdivision, 224.51 feet; Thence S06°16'29"W 172.85 feet to the west line of Seattle City Light Easement recorded under Auditor's File No. 200212040833, records of Snohomish County, Washington; Thence S00°22'11"E, along said west easement line, 52.99 feet to the south line of said subdivision; Thence N89°08'31"E, along said south subdivision line, 20.00 feet to the POINT OF BEGINNING.

Contains: 2775 ± Square Feet (0.0637 ± Acres)



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Exhibit B - 1

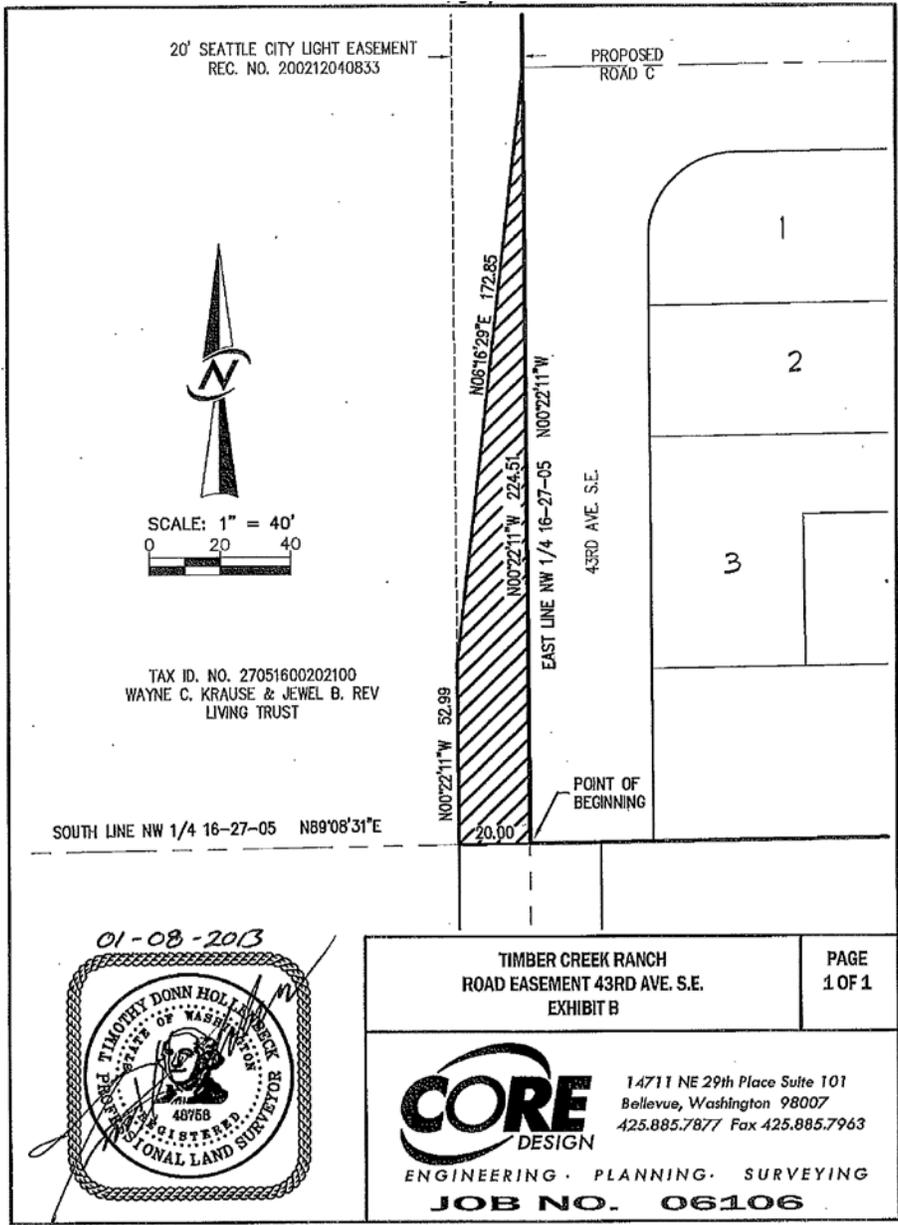


Exhibit A - 2

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EASEMENT

THE NORTHERLY 60.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

THE EASTERLY 20.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST
QUARTER OF SECTION 16, TOWNSHIP 27 NORTH, RANGE 5 EAST, W.M.,
SNOHOMISH COUNTY, WASHINGTON.

CONTAINING 1,200 SQUARE FEET MORE OR LESS.



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Exhibit B - 2

