Mary Davis
SCL Timber Crk Esmt ORD
June 10, 2013
Version #1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117829

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.

WHEREAS, The City of Seattle owns a 20-foot wide strip of land in Section 16, Township 27 North, Range 5 East, W.M., being a portion of the Bothell Substation to Creston Nelson Substation transmission line corridor in Snohomish County, Washington; and

WHEREAS, Toll WA, LP (Toll) has been granted preliminary approval by Snohomish County for a planned residential development known as "Timber Creek Ranch," abutting the City's transmission line corridor, and as a condition of such approval, Snohomish County is requiring the developer to construct a new 43rd Avenue SE abutting the City's transmission line corridor, and to connect that Avenue to 184th and 188th Streets SE; and

WHEREAS, Toll has requested an easement for roadway and underground utility purposes over, through, under, and across the 20-foot wide strip of land in the City's transmission line corridor in order to meet the County's conditions for approval of the subdivision; and

WHEREAS, the area of the requested easement is no longer required for City Light Department purposes, and the General Manager and Chief Executive Officer of the City Light Department has recommended the granting of said easement to Toll; and

WHEREAS, Toll has entered into an agreement with the City of Seattle, whereby subject to approval by the Seattle City Council, Toll will pay The City of Seattle the fair market value for the requested easement, in the amount of $35,775;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SEA CITY CLERK

Section 1. Pursuant to the provisions of R.C.W. 35.94.040 and after public hearing, certain surface and underground real property rights acquired for an electrical transmission corridor are no longer needed by The City of Seattle for providing continued public utility service or other municipal purpose through, under and across the following described property (The "Easement Area"), and are declared surplus to City needs:

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, 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.
Situated in Snohomish County, State of Washington.

AND

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 05 East, Willamette Meridian,
Situated in Snohomish County, State of Washington.

Section 2. The General Manager and Chief Executive Officer of the City Light Department, or his designee, is authorized to execute for and on behalf of The City of Seattle, an easement for a roadway and underground utilities, substantially in the form attached hereto as Attachment 1 ("Easement").

SDS CITY CLERK

Section 3. The City Light Department is authorized to accept payment for the Easement from Toll WA LP, in the amount of $35,775, and to deposit the proceeds in the City Light Fund.

Section 4. Any act taken by the City pursuant to the authority and in compliance with the conditions of this ordinance, taken after passage but prior to the effective date, is hereby ratified and confirmed.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

2013 CITY CLERK

Passed by the City Council the ____ day of _____, 2013, and signed by me in open session in authentication of its passage this____ day of _____, 2013.

_____

Sally Clark, President of the City Council

Approved by me this ____ day of _____, 2013.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1: Easement

This CITY CLERK

Mary Davis
SCL Timber Crk Esmt ORD ATT 1
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

CITY CLERK

"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.

SNO CITY CLERK

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:

CITY OF SEATTLE
CITY LIGHT DEPARTMENT

By: _____

Printed Name: _____

Title: _____

Date: _____

ACCEPTED BY:

SNOHOMISH COUNTY

By: _____

Printed Name: _____

Title: _____

Date: _____

DES CITY CLERK

ACCEPTED BY:

ALDERWOOD WATER AND WASTEWATER DISTRICT

By: _____

Printed Name: _____

Title: _____

Date: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this _____ day of _____, 20 _____, before me personally appeared _____, to me known to be the _____ of Seattle City Light, a department of the City of Seattle, the Washington municipal corporation that executed the within and foregoing instrument, and acknowledged that said instrument was the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of the City of Seattle.

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: _____

SEA CITY CLERK

Mary Davis
SCL Timber Crk Esmt ORD ATT 1
June 10, 2013
Version #1

STATE OF WASHINGTON)
)ss
COUNTY OF SNOHOMISH)

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 County of Snohomish 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 County.

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: _____

DNS CITY CLERK

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: _____

2013 CITY CLERK

Exhibit A – 1

CORE DESIGN, INC.
BELLEVUE WA 98007

Core Project No: 06106
01/08/2013

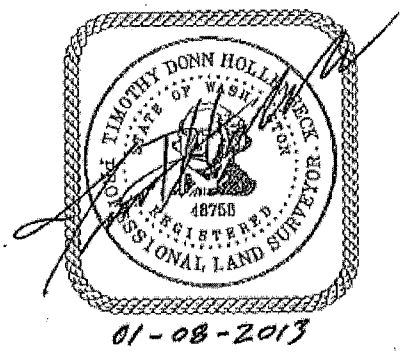
EXHIBIT A – 1

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.

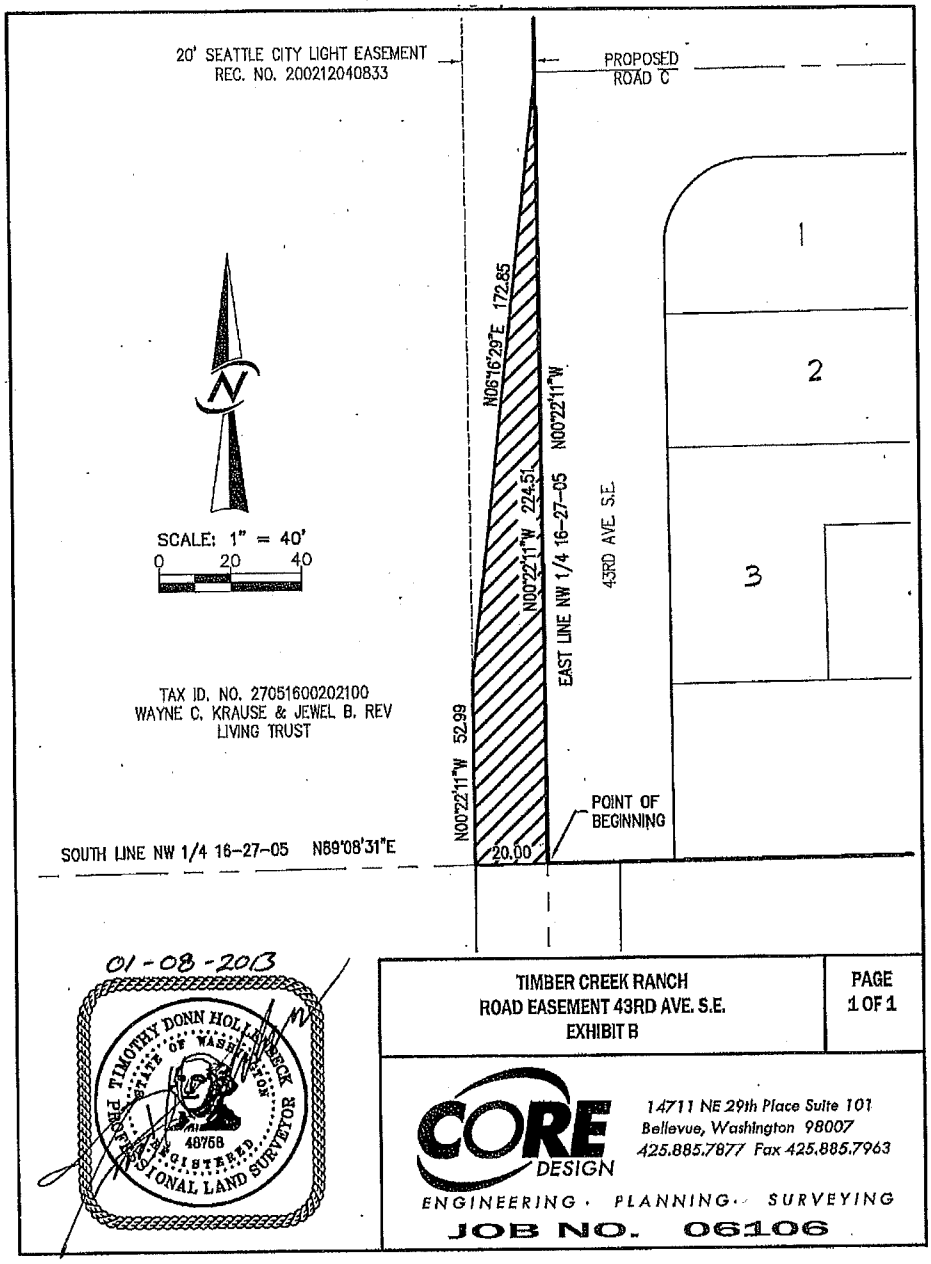
Contains: 2775 ± Square Feet (0.0637 ± Acres)



01-08-2013

SEA. CITY CLERK

Exhibit B – 1



SCC CITY CLERK

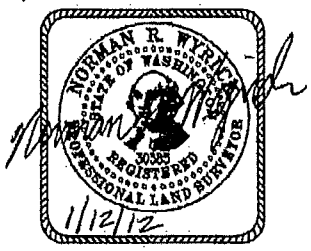
Exhibit A – 2

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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SCL Timber Crk Esmt ORD ATT 1
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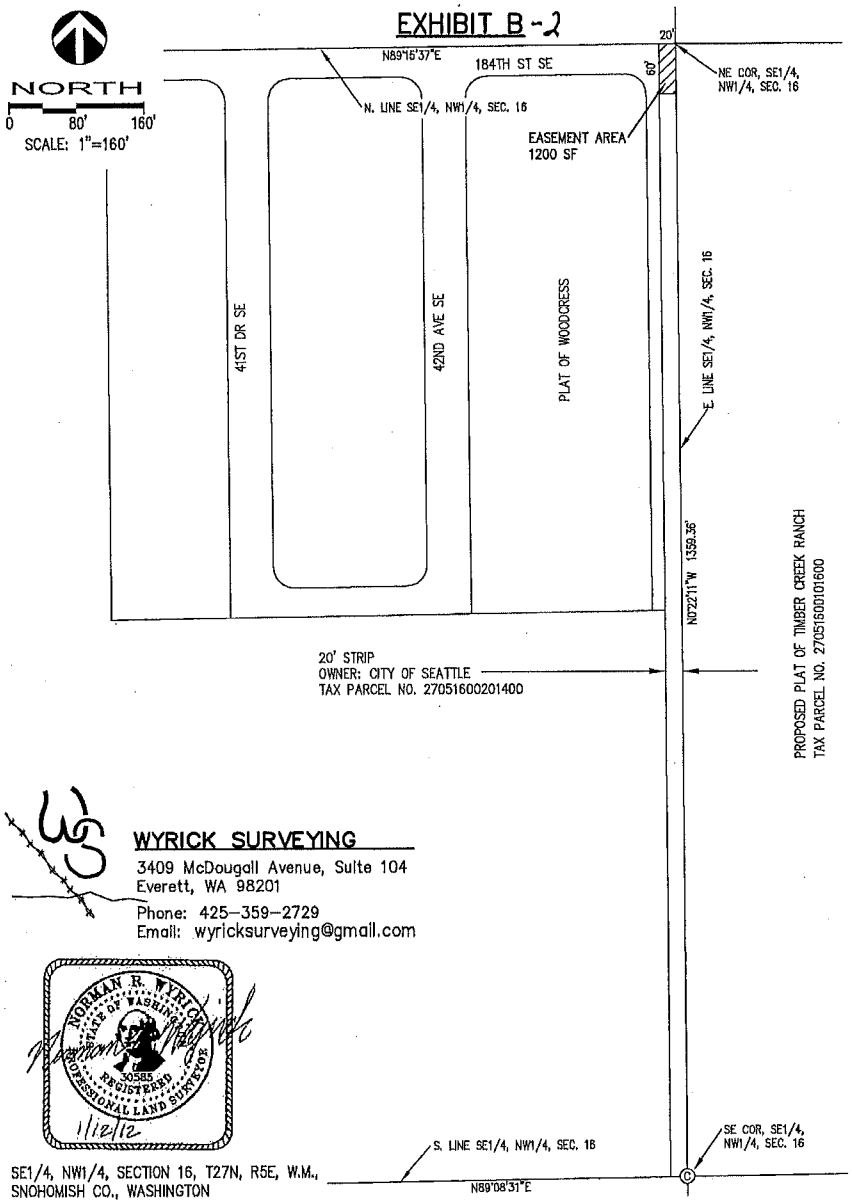
Exhibit B – 2



Attachment 1 to
SCL Timber Creek Easement ORD

SEA CITY CLERK

Mary Davis
SCL Timber Crk Esmt FISC
June 10, 2013
Version #1

Form revised: December 12, 2012

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.

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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.

2013 CITY CLERK

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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Mary Davis
SCL Timber Crk Esmt FISC ATT 1
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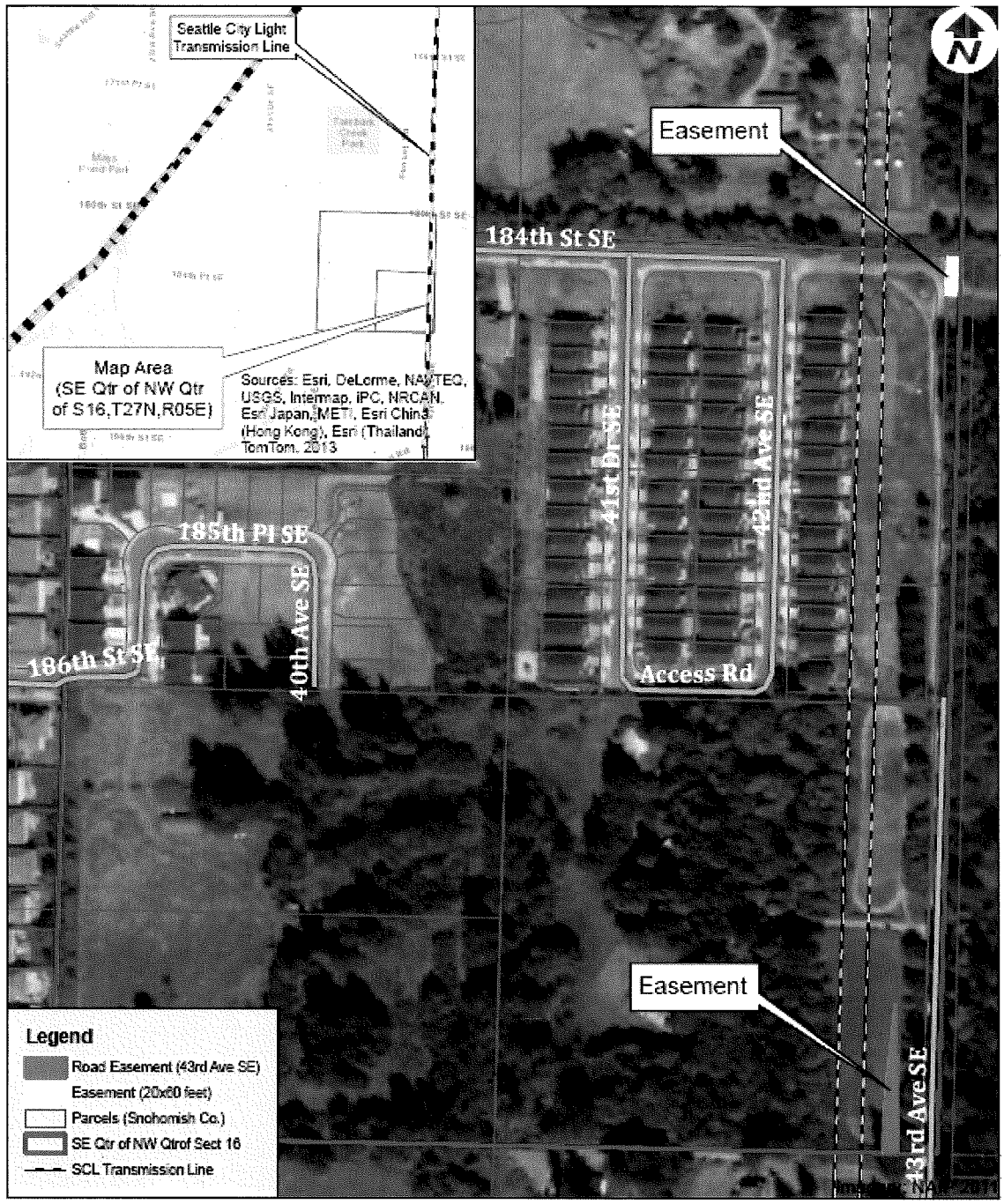
Attachment 1

Section 16, Township 27, Range 05 East WM.



SCL Timber Creek Ranch Roadway Easement Map

0 50 100 200 300 400
Feet

2013 CITY CLERK

City of Seattle
Office of the Mayor

June 25, 2013

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that will authorize Seattle City Light to grant an easement for roadway and underground utility purposes to Snohomish County and the Alderwood Water and Wastewater District. Snohomish County has granted a preliminary approval to Toll WA, LP, for the 290-unit Timber Creek Ranch subdivision, abutting City Light's transmission corridor approximately five miles north of Woodinville. This easement is needed for the developer to connect the new subdivision to the existing street and utility grid.

The extension of the existing street grid will improve City Light's access to the transmission line corridor in this area. Toll WA, LP, has agreed to pay City Light the true and full value of $35,775 for this easement.

The granting of this easement will allow Toll WA, LP, to complete their Timber Creek Ranch housing development, and will provide welcome revenue to City Light. Thank you for your consideration of this legislation. Should you have questions, please contact James Baggs at 684-3260.

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.mcginn@seattle.gov

CITY CLERK