



SEATTLE CITY COUNCIL

Legislative Summary

CB 119591

Record No.: CB 119591

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125907

In Control: City Clerk

File Created: 06/13/2019

Final Action: 09/06/2019

Title: AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to the needs of the City Light Department and authorizing the sale of a portion of the property to Snohomish County for road purposes; reserving an easement for electric transmission line purposes; and accepting the payment of fair market value for the property rights sold.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Mosqueda

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 – Quit Claim Deed, Att 1 Ex A – Legal Description, Att 1 Ex B – Map of 35th Ave Sale Area
Snohomish County, Washington

Drafter: jean.Greagor@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	06/18/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	06/18/2019	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
1	Council President's Office	06/20/2019	sent for review	Finance and Neighborhoods Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Finance and Neighborhoods Committee						
1	City Council	07/29/2019	referred	Finance and Neighborhoods Committee			
	Action Text: The Council Bill (CB) was referred. to the Finance and Neighborhoods Committee						

1 Finance and Neighborhoods Committee 08/14/2019 pass Pass

Action Text: The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 2 Chair Bagshaw, Mosqueda

Opposed: 0

1 City Council 09/03/2019 passed Pass

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

Notes: *Councilmember Sawant entered the Council Chamber at 3:40 p.m.*

In Favor: 9 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant

Opposed: 0

1 City Clerk 09/06/2019 submitted for Mayor's signature Mayor

1 Mayor 09/06/2019 Signed

1 Mayor 09/06/2019 returned City Clerk

1 City Clerk 09/06/2019 attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

CITY OF SEATTLE

ORDINANCE

125907

COUNCIL BILL

119591

AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to the needs of the City Light Department and authorizing the sale of a portion of the property to Snohomish County for road purposes; reserving an easement for electric transmission line purposes; and accepting the payment of fair market value for the property rights sold.

WHEREAS, the City Light Department ("City Light") owns certain real property in Snohomish County, Washington, at the intersection of 35th Avenue Southeast and 164th Street Southeast that is a portion of City Light's electric transmission corridor immediately south of the Bothell Substation; and

WHEREAS, Snohomish County must widen 35th Avenue Southeast to accommodate its increased growth and traffic counts; and desires to purchase small portions of City Light's fee-owned property on each side of 35th Avenue Southeast (the "City Light Property") for road widening purposes at fair market value of \$41,000; and

WHEREAS, fee-ownership of the City Light Property is not necessary for the continuing operation and maintenance of City Light's electric transmission lines, and City Light will reserve an easement for all aerial rights above, over, and across the City Light Property to ensure continuing access to City Light's electric transmission lines and facilities for purposes of construction, operation, maintenance, repair, improvement, and replacement;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Pursuant to the provisions of RCW 35.94.040 and after a public hearing, certain portions of fee-owned property on each side of 35th Avenue Southeast (the "City Light

Property”) are no longer needed for The City of Seattle’s utility purposes and are declared surplus to City needs.

Section 2. The General Manager and Chief Executive Officer of the City Light Department, or the General Manager and Chief Executive Officer’s designee, is authorized to sell and convey the City Light Property to Snohomish County for road widening purposes, by executing a Quit Claim Deed substantially in the form as attached hereto as Attachment 1, with a reservation of a permanent easement by City Light for access to its electric transmission lines and facilities, over, above, across, and through the City Light Property, and to record said Quit Claim Deed with the Snohomish County Auditor’s Office.

Section 3. The General Manager and Chief Executive Officer of City Light is hereby authorized to execute all documents necessary or desirable to accomplish the sale of the City Light Property authorized in Section 1 of this ordinance.

Section 4. The General Manager and Chief Executive Officer of the City Light Department, or the General Manager and Chief Executive Officer’s designee, is authorized to accept payment of \$41,000 for the sale of the City Light Property and deposit the payment into the Light Fund.

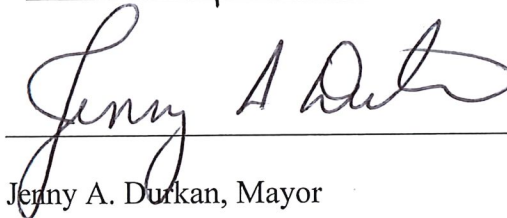
Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 3rd day of September, 2019,
and signed by me in open session in authentication of its passage this 3rd day of September, 2019.

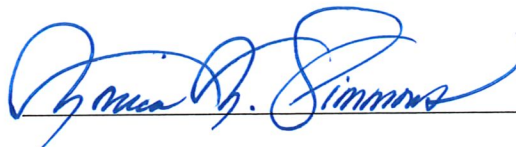


President _____ of the City Council

Approved by me this 6th day of September, 2019.


Jenny A. Durkan, Mayor

Filed by me this 6th day of September, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Quit Claim Deed

Exhibit A - Legal Description

Exhibit B - Map of 35th Ave Sale Area Snohomish County, Washington

After recording, return to:
Snohomish County Public Works
3000 Rockefeller Ave. M/S 607
Everett, WA 98201-4046

QUIT CLAIM DEED

Grantor: The City of Seattle
Grantee: Snohomish County
Short Legal: Ptn. SE-SE 5-27N-5E
Tax Parcel #: 270505-004-041-00 & 270505-004-042-00

The Grantor, The City of Seattle, a Washington municipal corporation, hereby conveys and quitclaims to Snohomish County, a political subdivision of the State of Washington, as Grantee, all of Grantor's right, title and interest in the following described real property located in King County, Washington:

SEE EXHIBITS A AND B, ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN.

Subject to the following reservation by Grantor:

Grantor reserves an aerial easement above, over, across, and through the real property herein conveyed and quitclaimed for the purposes of access to, and the construction, maintenance, operation, alteration, replacement, enhancement, and improvement of, Grantor's electric transmission lines.

Subject to all existing easements, covenants, restrictions, conditions, reservations, exceptions and agreements. The City of Seattle makes no warranties of any kind as to the title or condition of said real property.

SUBJECT ALSO TO THIS COVENANT REGARDING ENVIRONMENTAL CONDITIONS:

The real property ("Property") described herein is conveyed AS-IS, WHERE-IS, WITH-ALL-FAULTS, AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, AS TO ITS CONDITION, ENVIRONMENTAL OR OTHERWISE, OR ITS SUITABILITY OR SUFFICIENCY FOR THE GRANTEE'S INTENDED USES AND PURPOSES. Grantee acknowledges that adverse physical, economic or other conditions (including without limitation, adverse environmental soils and ground-water conditions), either latent or patent, may exist on the Property and Grantee expressly assumes Grantor's responsibility for all environmental conditions of the Property, known or unknown, including but not limited to responsibility, if any, for investigation, removal or remediation actions relating to the presence, release or threatened release of any Hazardous Substance or other environmental contamination relating to the Property. Grantee also releases and shall indemnify,

defend, and hold Grantor and its past, present and future officials, employees, and agents, harmless from and against any and all claims, demands, penalties, fees, damages, losses, expenses (including but not limited to regulatory agencies, attorneys, contractors and consultants' fees and costs), and liabilities arising out of, or in any way connected with, the condition of the Property including but not limited to any alleged or actual past, present or future presence, release or threatened release of any Hazardous Substance in, on, under or emanating from the Property, or any portion thereof or improvement thereon, from any cause whatsoever; it being intended that Grantee shall so indemnify Grantor and such personnel without regard to any fault or responsibility of Grantor or Grantee. The obligation to complete all environmental investigation, removal or remediation of the Property and the acknowledgement, release and indemnification touch and concern the Property, restrict the use of the Property, constitute an assessment against the Property and are intended to run with the land and bind Grantee and Grantee's heirs, successors and assigns, and inure to the benefit of Grantor and its successors and assigns.

For purposes of this COVENANT, the term "Hazardous Substance" shall mean any substance or material that is now or hereafter becomes regulated under any federal, state, or local statute, ordinance, rule, regulation, or other law relating to environmental protection, contamination or cleanup, including but not limited to the Washington State Model Toxics Control Act; Washington Industrial Safety and Health Act; Washington Worker and Community Right to Know Act; Washington Water Pollution Control Act; Washington Oil and Hazardous Substance Spill Prevention and Response Act; Federal Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") the Superfund Amendment and Reauthorization Act ("SARA"); Toxics Control Act ("TSCA"); Hazardous Materials Transportation Act; Clean Water Act; Clean Air Act, along with all regulations promulgated under any such authority and any and all other federal, state, regional or local statutes, regulations, rules, ordinances, orders or agency directives, permits, licenses and authorizations that apply to any hazardous substance, human health and safety, and protection of the environment. The term "Hazardous Substance" specifically includes, but is not limited to, petroleum products and compounds containing them; flammable materials; radioactive materials; polychlorinated biphenyls ("PCBs") and compounds containing them; asbestos or asbestos-containing materials in any friable form; or underground or above-ground storage tanks.

Grantee's release shall include both claims by Grantee against Grantor and cross-claims against Grantor by Grantee based upon claims made against Grantee by any and all third parties. The obligation to indemnify and defend shall include, but not be limited to, any liability of Grantor to any and all federal, state or local regulatory agencies or other persons or entities for remedial action costs and natural resources damages claims. The obligation to complete all environmental investigation, removal or remediation of the Property and the acknowledgement, release and indemnification touch and concern the Property, restrict the use of the Property, constitute an assessment against the Property and are intended to run with the land and bind Grantee and Grantee's heirs, successors and assigns, and inure to the benefit of Grantor and its successors and assigns. This release means that Grantee accepts the Property "as-is, where-is and with-all-faults," and that Grantee assumes all responsibility of Grantor to investigate, remove and remediate any environmental conditions on the Property and has no recourse against Grantor or any of its officers, employees or agents for any claim or liability with respect to the Property.

Grantor retains all rights, claims, causes of action and defenses it has or may have related to Hazardous Substances, and Grantor retains the right to defend itself and seek from Grantee recovery of any damages, liabilities, settlement awards and defense costs and expenses incurred by Grantor if Grantee does not accept unconditionally Grantor's tender to Grantee of the duty to investigate, remove and/or

remediate environmental conditions on the Property and/or defend and indemnify Grantor against any such claim, suit, demand, penalty, fee, damages, losses, cost or expense. This Covenant shall apply regardless of whether or not Grantee is culpable, negligent or in violation of any law, ordinance, rule or regulation. This Covenant is not intended, nor shall it, release, discharge or affect any rights or causes of action that Grantor or Grantee may have against any other person or entity, except as otherwise expressly stated herein, and each of the parties reserves all such rights including, but not limited to, claims for contribution or cost recovery relating to any Hazardous Substance in, on, under or emanating from the Property.

Dated this _____ day of _____, 20____.

GRANTOR:

THE CITY OF SEATTLE

By: _____

Printed Name: _____

Title: _____

Date: _____

EXHIBIT A

Legal Description

Parcel A:

All that portion of the Southeast Quarter of the Southeast Quarter of Section 5, Township 27 North, Range 5 East, W.M., Lying Southeasterly of the Northwesterly marginal boundary line of the 300 foot easement acquired by the City of Seattle for the Skagit Electrical Transmission System right of way and lying Easterly of Snohomish County road known as 35th Avenue Southeast described as follows:

Commencing at the southeast corner of Section 5, Township 27 North, Range 5 East, W.M.; Thence N85°27'46"W along the south line of said Section 5, a distance of 306.58 feet to the easterly margin of 35th Ave SE; and the **True Point of Beginning (A)**;
Thence N19°58'39"W, a distance of 167.19 feet to the north line of the above described parcel;
Thence N38°29'40"E, along said north line a distance of 43.41 feet;
Thence S19°58'39"E, a distance of 206.76 feet to the south line of the above described parcel;
Thence N85°27'46"W, along said south line, a distance of 40.67 feet to the **True Point of Beginning (A)** hereinafter also referred to as **Point A**;

Containing an area of 6,918 square feet, more or less.

Parcel B:

All that portion of the South Half of the South Half of the Southeast Quarter of the Southeast Quarter of Section 5, Township 27 North, Range 5 East, W.M., lying Southeasterly of the Northeasterly marginal boundary line of the 300 foot easement acquired by the City of Seattle for the Skagit Electrical Transmission System right of way and lying Westerly of Snohomish County road known as 35th Avenue Southeast described as follows:

Commencing at said **Point A**;

Thence N85°27'46"W along the south line of said Section 5, a distance of 65.94 feet to the westerly margin of said 35th Ave SE; and the **True Point of Beginning (B)**;

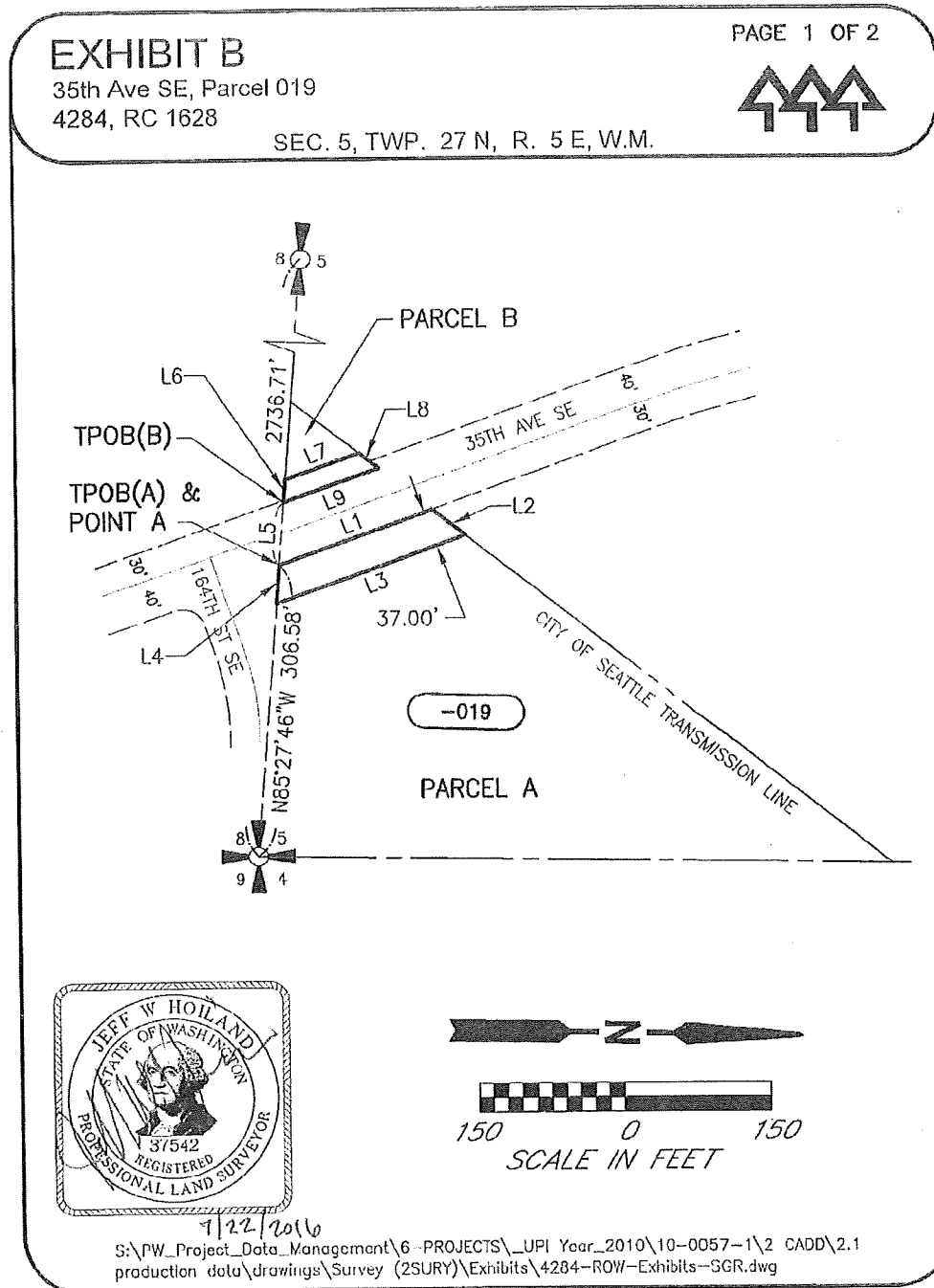
Thence N85°27'46"W, along said south line, a distance of 23.95 feet;
Thence N19°58'39"W, a distance of 79.71 feet to the north line of the above described parcel;
Thence N38°29'40"E, a distance of 25.57 feet to the north corner of the above described parcel;
Thence S19°58'39"E, along the east line of said parcel, a distance of 103.02 feet, more or less, to the **True Point of Beginning (B)**;

Containing an area of 1,991 square feet, more or less.

All situate in the County of Snohomish, State of Washington.

EXHIBIT B

Map of 35th Ave Sale Area
Snohomish County, Washington



This map is intended for informational purposes only and is not intended to modify anything in the legislation.

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle City Light	Lynn Best/386-4586	Greg Shiring/386-4085

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to the needs of the City Light Department and authorizing the sale of a portion of the property to Snohomish County for road purposes; reserving an easement for electric transmission line purposes; and accepting the payment of fair market value for the property rights sold.

Summary and background of the Legislation: This ordinance declares certain real property that is not necessary for transmission line purposes surplus to the needs of the City Light Department, authorizes the sale of a portion of City Light Department real property to Snohomish County for road widening purposes, reserves aerial rights over the real property to be sold for electric transmission line purposes, and accepts payment for the sale of the real property.

Seattle City Light owns real property at the intersection of 35th Avenue Southeast and 164th Street Southeast in Snohomish County, Washington. The real property is part of City Light's transmission corridor located immediately south of City Light's Bothell Substation.

Snohomish County is widening 35th Avenue Southeast. To do so, Snohomish County needs to purchase narrow strips of City Light real property that abut 35th Avenue Southeast. City Light engineers have reviewed Snohomish County's plan and have stated that there is no conflict between the road project and City Light's electric transmission corridor. City Light can sell the surface rights in the real property to Snohomish County while retaining all aerial rights for the continuing operation and maintenance of City Light transmission lines.

This legislation is necessary because all sales of real property or real property interests must be authorized by legislation passed by City Council.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No.

Is there financial cost or other impacts of *not* implementing the legislation?
The City will forgo \$41,000 of revenue for the sale of real property.

3.b. Revenues/Reimbursements

X This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2019 Revenue	2020 Estimated Revenue
Light Fund 41000	City Light	Sale of Real Property	\$41,000	
TOTAL			\$41,000	

Is this change one-time or ongoing?
One-time.

Revenue/Reimbursement Notes:
None.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
No.
- b. **Is a public hearing required for this legislation?**
Yes. A public hearing is required pursuant to RCW 35.94.040.
- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No.
- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- e. **Does this legislation affect a piece of property?**
Yes. A map of the property showing the City Light Department's property and the location of the area to be sold is provided as Exhibit 1 to this Summary and Fiscal Note.

- f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

N/A.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

N/A.

List attachments/exhibits below:

Summary Exhibit 1 - Map of 35th Ave Sale Area

STATE OF WASHINGTON -- KING COUNTY

--SS.

377833

No.

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.

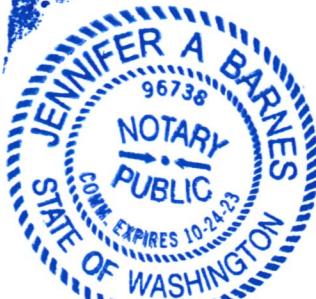
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125898-125912 TITLE

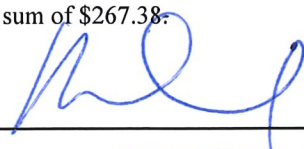
was published on

09/19/19

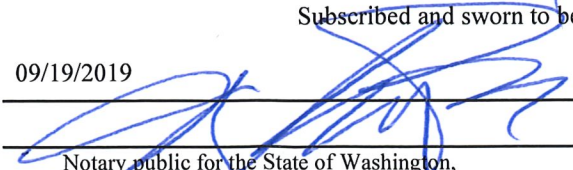
The amount of the fee charged for the foregoing publication is the sum of \$267.38.



Affidavit of Publication


Subscribed and sworn to before me on

09/19/2019


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on September 03, 2019, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125898

Council Bill 119611

AN ORDINANCE appropriating money to pay certain audited claims for the week of August 5, 2019 through August 9, 2019 and ordering the payment thereof.

Ordinance 125899

Council Bill 119612

AN ORDINANCE appropriating money to pay certain audited claims for the week of August 12, 2019 through August 16, 2019 and ordering the payment thereof.

Ordinance 125900

Council Bill 119613

AN ORDINANCE appropriating money to pay certain audited claims for the week of August 19, 2019 through August 23, 2019 and ordering the payment thereof.

Ordinance 125901

Council Bill 119584

AN ORDINANCE relating to residential rental properties; conforming the Seattle Municipal Code with changes in state law; amending Sections 7.24.020, 7.24.030, 22.202.080, 22.206.160, 22.206.180, 22.210.030, and 22.902.120 of the Seattle Municipal Code.

Ordinance 125902

Council Bill 119601

AN ORDINANCE relating to the construction of protected bicycle lanes; requiring major paving projects to include protected bicycle lanes as identified in The City of Seattle Bicycle Master Plan; and adding a new Chapter 15.80 to the Seattle Municipal Code.

Ordinance 125903

Council Bill 119516

AN ORDINANCE relating to the City Light Department; authorizing a large solar program for customers with solar photovoltaic systems sized larger than 100 kilowatts and not greater than two megawatts; and adding a new Section 21.49.083 to the Seattle Municipal Code.

Ordinance 125904

Council Bill 119571

AN ORDINANCE relating to the City Light Department; authorizing the Department to enter and participate in the Western Energy Imbalance Market, including the ability to execute additional agreements necessary or convenient to participating in the Western Energy Imbalance Market.

Ordinance 125905

Council Bill 119577

AN ORDINANCE relating to City employment; adopting a 2019 Citywide Position List.

Ordinance 125906

Council Bill 119578

AN ORDINANCE relating to City employment; adjusting the pay zones for titles in the City's Power Marketing Compensation Program; establishing changes to provisions in the Power Marketing Compensation Program; and ratifying and confirming certain prior acts.

Ordinance 125907

Council Bill 119591

AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to the needs of the City Light Department and authorizing the sale of a portion of the property to Snohomish County for road purposes; reserving an easement for electric transmission line purposes; and accepting the payment of fair market value for the property rights sold.

Ordinance 125908

Council Bill 119603

AN ORDINANCE relating to the transfer of City real property for housing development; declaring the property located at 1314, 1326, and 1336 Yakima Avenue South ("PMA 1594") surplus to the City's needs; transferring the jurisdiction of this property from the Department of Finance and Administrative Services to the Office of Housing; authorizing its transfer to Homestead Community Land Trust or its designee; and authorizing the Director of the Office of Housing to execute and deliver the contract for transfer of land, deed, and related documents.

Ordinance 125909

Council Bill 119498

AN ORDINANCE relating to the City Light Department; accepting statutory warranty deeds to the Massnick and Levins properties in Pend Oreille County, Washington, both to be managed as Project Habitat Lands as required by the Federal Energy Regulatory Commission (FERC) License Order for the Boundary Hydroelectric Project; and placing said lands under the jurisdiction of the City Light Department.

Ordinance 125910

Council Bill 119533

AN ORDINANCE relating to the City Light Department; accepting various easements for overhead and underground electrical rights in King County, Washington; placing said easements under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

Ordinance 125911

Council Bill 119534

AN ORDINANCE relating to the City Light Department; accepting various easements for overhead and underground electrical rights in King County, Washington; placing said easements under the jurisdiction of the City Light Department; and ratifying and confirming certain prior acts.

Ordinance 125912

Council Bill 119592

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to negotiate for and purchase or lease up to two parcels of land and acquire other real property rights as necessary or desirable for the purpose of providing temporary housing for City Light personnel and contractors at the Boundary Hydroelectric Project in Pend Oreille County, Washington, and for other municipal utility purposes.

Date of publication in the Seattle Daily Journal of Commerce, September 19, 2019.

9/19(377833)