

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Seattle Public Utilities	Bob Gambill /4-5969	Aaron Blumenthal/3-2656

*\* 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 Seattle Public Utilities; declaring certain real property rights to be surplus to the needs of Seattle Public Utilities; and authorizing the General Manager/CEO of Seattle Public Utilities to execute an easement agreement with Little Green Valley, LLC, a Washington limited liability company; Nancy J. Gleason; Ron L. Nickell aka Ronald L. Nickell and Sandra Flint Nickell, Husband and Wife; William H. Flint; The Heirs of Charles Eugene Flint; and Joan H. Zimmerman, allowing the use of certain City of Seattle property in the north half of the southwest quarter of Section 5, Township 22 North, Range 6 East, W.M., in King County Washington for access purposes.

**Summary and background of the Legislation:** This legislation would authorize the SPU General Manager/CEO to grant a non-exclusive easement for access across portions of Seattle's Cedar River pipeline right of way to serve adjacent properties which otherwise would not have driveway access. Granting the easement would resolve a property owner lawsuit and allow compensation to the City for the easement rights.

Seattle has an approximately 120-foot-wide right of way in unincorporated King County. Most of the right of way was acquired as easements in 1898 and 1901 for an underground water pipeline. The right of way is open and used by the public for visiting an adjacent King County park. Some neighboring owners use the right of way to access their properties. Property owners filed a lawsuit in 2017 to clarify their rights to use the right of way for access purposes. SPU and the City Attorney's Office negotiated a settlement of the suit which is contingent upon the City granting the plaintiffs an access easement without warranty in exchange for compensation and the other terms and conditions in the easement agreement.

### 2. CAPITAL IMPROVEMENT PROGRAM

**Does this legislation create, fund, or amend a CIP Project?** \_\_\_ Yes \_\_\_ X No

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

**Does this legislation amend the Adopted Budget?** \_\_\_ Yes \_\_\_ X 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?**  
None anticipated.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Not implementing the legislation could result in additional financial impacts as it would likely result in additional litigation. This legislation would resolve a longstanding access issue and clarify the the access rights associated with these properties.

**3.e. Revenues/Reimbursements**

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

**Anticipated Revenue/Reimbursement Resulting from this Legislation:**

<b>Fund Name and Number</b>	<b>Dept</b>	<b>Revenue Source</b>	<b>2019 Revenue</b>	<b>2020 Estimated Revenue</b>
43000 Water Fund	Water	Non-operating Revenue	\$3,500	
<b>TOTAL</b>			<b>\$3,500</b>	

**Is this change one-time or ongoing?**

One time.

**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 held during committee consideration of this proposed legislation meets the requirement for the surplus of property rights in accordance with 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. See attached maps.

**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?**

None.

- 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 A – Vicinity Map

Summary Exhibit B – Aerial Photo of Easement