

CITY OF SEATTLE
ORDINANCE 126296
COUNCIL BILL 120008

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer to release a portion of an existing transmission corridor easement to the City of Kirkland; and accepting the payment of fair market value for the partial release of easement.

WHEREAS, the City Light Department of The City of Seattle (“City Light”) operates a public power system for The City of Seattle and surrounding communities, including a transmission corridor through the City of Kirkland (“Kirkland”); and

WHEREAS, City Light owns easement rights for an electric transmission corridor through a portion of Kirkland, which is a portion of City Light’s larger electric transmission and distribution corridors; and

WHEREAS, City Light acquired an easement from William and Mary Ormsby on June 24, 1927, for the construction, operation, and maintenance of an electric transmission system consisting of three towers and the necessary wires, anchors, guys, and other appurtenances over, across, and through certain properties in what is now present-day Kirkland; and

WHEREAS, Kirkland owns the property located at 12307 NE Totem Lake Way, Kirkland, WA 98034, King County parcel number 866327-0060; and

WHEREAS, Kirkland operates and maintains the Cross Kirkland Corridor (“CKC”) interim 5.75-mile crushed gravel trail that runs from the South Kirkland Park & Ride through the Totem Lake Business District; and

WHEREAS, Kirkland plans to construct the Totem Lake Connector (“TLC”) bicycle and pedestrian bridge, which will connect the two ends of the 5.75-mile CKC currently

1 severed by one of Kirkland’s most complicated intersections: Totem Lake Boulevard and
2 Northeast 124th Street; and

3 WHEREAS, the TLC is one of a half-dozen public infrastructure projects that prepares
4 Kirkland’s only urban center for regional connectivity for community members and
5 makes possible an alternative transportation corridor that will extend from Renton to
6 Woodinville; and

7 WHEREAS, City Light’s easement interests in the surface of the property are not necessary for
8 continued operation and maintenance of the City Light facilities; and

9 WHEREAS, Kirkland wishes to purchase the necessary rights from City Light and City Light
10 wishes to release the necessary rights to Kirkland while retaining the aerial easement
11 interest, in perpetuity, for City Light transmission and distribution lines for operation,
12 maintenance, and access to its electric transmission and distribution lines for the sum of
13 \$19,500, which represents the fair market value of the property to be released;

14 NOW, THEREFORE,

15 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

16 Section 1. This real property transaction is exempt from the provisions of Seattle City
17 Council Resolution 31424 regarding disposition of City Light surplus properties.

18 Section 2. Pursuant to the provisions of RCW 35.94.040 and after a public hearing,
19 certain portions of the City Light easement are no longer needed for The City of Seattle’s utility
20 purposes and are declared surplus to City needs.

21 Section 3. The General Manager and Chief Executive Officer of the City Light
22 Department, or the General Manager and Chief Executive Officer’s designee, is authorized to

1 enter into the necessary agreements with the City of Kirkland (“Kirkland”) for the partial release
2 of the easement in substantially the form as attached hereto as Attachment 1 to this ordinance.

3 Section 4. The General Manager and Chief Executive Officer of the City Light
4 Department, or the General Manager and Chief Executive Officer’s designee, is authorized to
5 execute the Partial Release of Easement, which is in Attachment 1 to this ordinance, releasing
6 certain portions of the City Light easement to Kirkland and reserving the overhead easement
7 rights for City Light’s electric transmission and distribution lines, and to record the Partial
8 Release of Easement with the King County Recorder.

9 Section 5. The General Manager and Chief Executive Officer of the City Light
10 Department, or the General Manager and Chief Executive Officer’s designee, is authorized to
11 accept payment of \$19,500 for the partial release of easement and deposit the payment into the
12 City Light Fund.

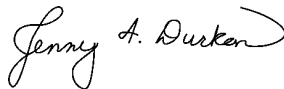
1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 22nd day of March, 2021,
5 and signed by me in open session in authentication of its passage this 22nd day of
6 March, 2021.

7 

8 President _____ of the City Council

9 Approved returned unsigned vetoed
10 this 25th day of March, 2021.

11 

12 Jenny A. Durkan, Mayor

13
14 Filed by me this 25th day of March, 2021.

15 

16 Monica Martinez Simmons, City Clerk

17 (Seal)

18 Attachments:
19 Attachment 1 – Partial Release of Easement

Return to:

The City of Seattle
City Light Department
Real Estate Services SMT 3338
P.O. Box 34023
Seattle, WA 98124-4023

PARTIAL RELEASE OF EASEMENT

Reference Nos. (Released):	PM# 260528-3-103
Grantor:	The City of Seattle, acting by and through its City Light Department
Grantees:	The City of Kirkland, a Washington municipal corporation
Short Legal:	SW Quarter, Section 28, T-26N, R-5E.
Assessor's Tax Parcel No:	866327-0060

THIS PARTIAL RELEASE OF EASEMENTS AND AGREEMENT (this “Partial Release”) is made and entered into by The City of Seattle, acting by and through its City Light Department (“Grantor”), for the benefit of the City of Kirkland (“Kirkland”), and all current and future owners of, and interest holders in, that certain parcel identified by King County Tax Parcel Numbers 866327-0060 located at 12307 NE Totem Lake Way, Kirkland, Washington (the “Property”) and legally described in **Exhibit A** attached hereto and incorporated herein by this reference, with respect to the following facts:

WHEREAS, Grantor is the current beneficiary of that certain Easement dated as of June 24, 1927, (the “Easement”) located on the Property; and

WHEREAS, Grantor has agreed to release certain rights arising pursuant to the Easement located across the Property, as more particularly described below.

NOW, THEREFORE, GRANTOR DOES HEREBY RELEASE the following rights acquired by way of the Easement within that portion of the Property legally described in **Exhibits B** attached hereto and depicted and labeled the “Release Area” on the diagram attached hereto as **Exhibit C**, which Exhibits are incorporated herein by this reference:

All surface rights to construct a tower(s).

The foregoing release shall not otherwise impair the rights of the Grantor acquired under the above described Easements, which rights, including but not limited to, all rights necessary to maintain safe and reliable electric transmission and all aerial rights, remain in full force and effect.

Grantor warrants to Grantees that (i) the Easement constitutes all of the easements and other rights in favor of Grantor within the Release Area legally described in **Exhibits B** and depicted in **Exhibit C**; (ii) Grantor is the current beneficiary of the Easement; and (iii) all necessary actions have been duly taken to permit Grantor to enter into this Partial Release. If any other electric transmission easements affecting the Release Area are found to exist, Grantor covenants and agrees to execute such additional releases and other instruments necessary in order to release and extinguish any other easement(s), right(s)-of-way, and/or other rights, consistent with this Partial Release and all exhibits attached hereto, in favor of Grantor within the Release Area.

