



Legislation Text

File #: CB 119462, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the City Light Department; declaring certain real property surplus to the needs of the City; authorizing the sale of a portion of City Light Department real property to North Passage LLC; reserving an exclusive easement for electric transmission and distribution line purposes; and accepting payment of fair market value for the portion of the property sold, and deposit of the payment into the City Light Fund.

WHEREAS, the City Light Department of The City of Seattle (SCL) owns in fee simple a 30-foot-wide strip of real property in The City of Seattle, Washington, adjacent and contiguous to 509 Northeast Northlake Way and bounded by Northeast Northlake Way on the north, Interstate Highway 5 on the east, and the Lake Washington Ship Canal on the south (“SCL Property”), legally described in Exhibit A of Attachment 1 to this ordinance, which is a portion of SCL’s larger electric transmission and distribution corridor servicing SCL’s University Substation; and

WHEREAS, the SCL Property is an excess portion of real property left over from the State of Washington’s construction of Interstate Highway 5; and

WHEREAS, the State of Washington transferred ownership of the 30-foot strip to The City of Seattle in 1961 via quit claim deed; and

WHEREAS, there has been a building encroaching on a portion of the SCL Property since at least 1957, predating SCL’s ownership of the property; and

WHEREAS, North Passage LLC currently owns the building located at 509 Northeast Northlake Way; and

WHEREAS, SCL has been renting the SCL Property to its tenant under a temporary revocable permit since at least 1990 for the existing building, which partially encroaches into the City’s property, and for

landscaping and parking; and

WHEREAS, the building, parking lot, and landscaping occupy the entirety of the surface of the SCL Property as described above and are directly under SCL's overhead 115 kV transmission and 26 kV distribution electric lines; and

WHEREAS, SCL no longer wishes to rent the SCL Property while there is a permanent building under SCL transmission and distribution lines, and ownership of the surface of the SCL Property is not necessary for continued operation and maintenance of these SCL facilities; and

WHEREAS, SCL is conducting a long-term program to resolve encroachments on its fee-owned transmission line right-of-way; and

WHEREAS, North Passage LLC wishes to purchase the SCL Property from SCL and SCL wishes to sell the SCL Property to North Passage LLC while retaining an exclusive aerial easement in perpetuity ("Easement") for SCL transmission and distribution lines for operation, maintenance, and access to its electric transmission and distribution lines for the sum of \$222,000, which represents the fair market value of the property encumbered by the Easement; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

Section 2. Pursuant to the provisions of RCW 35.94.040 and after a public hearing, certain portions of the SCL Property are no longer needed for The City of Seattle's utility purposes and are declared surplus to City needs.

Section 3. The General Manager and Chief Executive Officer of the City Light Department, or the General Manager and Chief Executive Officer of the City Light Department's designee, is authorized to enter into a purchase and sale agreement with North Passage LLC for the sale of the SCL Property in substantially the form attached hereto as Attachment 1.

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 execute the Quit Claim Deed, which is Exhibit C of Attachment 1 to this ordinance, conveying portions of the SCL Property to North Passage LLC and reserving an exclusive overhead easement for SCL's electric transmission and distribution lines, and to record the Quit Claim Deed with the King County Recorder.

Section 5. 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 \$222,000 for the sale of a portion of the SCL Property and deposit the payment into the City Light Fund.

Section 6. 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 _____ day of _____, 2019, and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Purchase and Sale Agreement for Sale of Real Property

Exhibit A - Legal Description of Property

Exhibit B - General Depiction of the Property

Exhibit C - Quit Claim Deed with Reserved Exclusive Easement and Covenant Regarding
Environmental Conditions