



Legislation Text

File #: CB 118743, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to utility needs; authorizing the General Manager and Chief Executive Officer to grant a permanent flowage easement to allow for a relocated portion of Cumberland Creek to occasionally flood conservation land owned by The City of Seattle in Skagit County, Washington; and ratifying and confirming certain prior acts.

WHEREAS, The City of Seattle owns by recorded deed certain parcels of conservation land in Sections 14 and 23, Township 35 North, Range 6 East, W.M., Skagit County Tax Parcel numbers P41167, P41168, and P41865, and these parcels were acquired for the purpose of protecting fish and wildlife habitat; and

WHEREAS, the Skagit County Department of Public Works is constructing the Cumberland Creek Habitat Mitigation Project on land adjoining the City's conservation parcels; and

WHEREAS, as a condition of approval of the Cumberland Creek Habitat Mitigation Project, the U.S. Army Corps of Engineers (USACE) is requiring that The City of Seattle grant a permanent flowage easement to Skagit County to allow for occasional flooding from Cumberland Creek on the City's property; and

WHEREAS, the Cumberland Creek Habitat Mitigation Project will increase available spawning, rearing, foraging, and refuge habitat for salmonids and other resident fish in the Skagit River system and will benefit the City's fish and wildlife habitat conservation purposes; 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 public hearing, certain real property rights acquired for fish and wildlife habitat conservation purposes are no longer needed exclusively for The City of Seattle's utility purposes, over, through, and upon the property described in Exhibit "B" to Attachment 1

hereto (the “Easement Area”), and are declared surplus to City needs.

Section 2. The General Manager and Chief Executive Officer of the City Light Department, or designee, is authorized to execute for and on behalf of The City of Seattle a Permanent Flowage Easement to Skagit County, over, through, and upon the Easement Area, substantially in the form attached hereto as Attachment 1.

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 4. 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 _____, 2016,

and signed by me in open session in authentication of its passage this ____ day of

_____, 2016.

President _____ of the City Council

Approved by me this ____ day of _____, 2016.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2016.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Permanent Flowage Easement

- Exhibit A - Project Flowage Area Legal Description
- Exhibit A-1 - Project Flowage Area Depiction
- Exhibit B - Permanent Flowage Easement Area
- Exhibit C - Scope of Work/Project Description
- Exhibit D - Project Completion Confirmation Letter