



Legislation Text

File #: CB 118878, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the Seattle Public Utilities Department; authorizing the Director of Seattle Public Utilities to grant the City of Kenmore limited permission to construct and manage a non-motorized, public recreational trail on a portion of utility property in the Tolt Pipeline Right of Way; and authorizing the Director to execute an agreement for this property use.

WHEREAS, The City of Seattle (“City”), acting by and through its Seattle Public Utilities Department

(“SPU”), owns in fee real property in the City of Kenmore (“Kenmore”) commonly referred to as the Tolt Pipeline Right of Way (“the Property”); and

WHEREAS, SPU granted Kenmore a non-exclusive road easement (“Easement”) over a portion of the Property (“Easement Area”) via Ordinance 120749 in 2002; and

WHEREAS, Kenmore has to date not built a road in the Easement Area but desires to retain the Easement; and

WHEREAS, Kenmore further wishes to develop a non-motorized public recreational trail in the Easement Area under a 20-year recreational trail agreement with the City in lieu of building a road in the Easement Area; and

WHEREAS, SPU is willing to grant Kenmore limited permission to construct and manage a recreational trail in the Easement Area, subject to certain conditions, which includes no unreasonable interference with SPU’s use of the Property for its water supply system or other necessary utility purposes; and

WHEREAS, in consideration for SPU granting permission for Kenmore to construct and manage a public recreational trail on the Property in the Easement Area, Kenmore will maintain the recreational trail and related improvements at its sole cost and expense, and will also defend, indemnify and hold harmless

the City from any claims arising out of or in connection with Kenmore's occupancy, use or improvement of the Property; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Director of Seattle Public Utilities ("Director"), or the Director's designee, is authorized to execute, for and on behalf of The City of Seattle ("City"), a 20-year recreational trail agreement with the City of Kenmore ("Kenmore"), substantially in the form of the agreement attached hereto as Attachment 1, which grants from the City to Kenmore temporary, revocable and non-exclusive permission to occupy and use a portion of City-owned utility property in the Tolt Pipeline Right of Way ("Property") for the construction and management of a non-motorized public recreational trail.

Section 2. Nothing in this ordinance shall interfere with the City's previous grant of a road access easement to Kenmore via City Ordinance 120749 over the Property, provided that the City's permission to Kenmore to occupy and use the Property for the public recreational trail authorized herein shall terminate if Kenmore exercises its easement rights, now or in the future, to build a road on the Property.

Section 3. The Director is further authorized to extend the recreational trail agreement authorized by this ordinance for up to an additional 20 years with such amendments or deletions as the Director deems are in the best interest of Seattle Public Utilities and consistent with this ordinance.

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 - Seattle Public Utilities-City of Kenmore Tolt Pipeline Trail Permit Agreement