

**SUMMARY and FISCAL NOTE\***

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*\* 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 the East Marginal Way Grade Separation Project; authorizing the Director of the Seattle Department of Transportation (“SDOT”) to acquire, accept, and record, on behalf of The City of Seattle, three quit claim deeds and an assignment and assumption of easement agreement for the East Marginal Way Overpass from the Port of Seattle, a municipal corporation of the State of Washington (the “Port”); laying off the deeds as right-of-way; placing the real property conveyed by such deeds and easement under the jurisdiction of SDOT and designating for street purposes; authorizing the Chief Executive Officer and General Manager of Seattle Public Utilities (“SPU”) to acquire, accept, and record, on behalf of The City of Seattle, a stormwater easement from the Port; placing the stormwater easement under the jurisdiction of SPU and designating for utility purposes; authorizing the Chief Executive Officer and General Manager of Seattle City Light (“SCL”) to acquire, accept, and record, on behalf of The City of Seattle, an overhead and surface easement from the Port; placing the overhead and surface easement under the jurisdiction of SCL and designating for utility purposes; and ratifying and confirming certain prior acts. (This ordinance concerns the following rights of way: a portion of Parcel B, City of Seattle Lot Boundary Adjustment Number 3022491, recorded under King County Recording Number 20181024900004, previously known as Lots 2, 3, 44, and 45, Block 385, Seattle Tide Lands; a portion of Parcel Z, City of Seattle Lot Boundary Adjustment Number 3020104, recorded under King County Recording Number 20181128900006, previously known as Lots 1 through 7 and Lots 26 through 30, Block 378, Lot 44, Block 385, and vacated 6th Avenue Southwest, all in Seattle Tide Lands; a portion of Lots 2, 3, 4, 10, 11, 12, and 13, Block 377, Seattle Tide Lands, together with a portion of Duwamish Avenue, and a portion of Government Lot 1, Section 18, Township 24 North, Range 4 East, Willamette Meridian; a portion of Lots 4 and 10, Block 377, Lots 3 and 44, Block 385, and Lot 4, Block 387, all in Seattle Tide Lands, and a portion of Government Lot 1, Section 18, Township 24 North, Range 4 East, Willamette Meridian; a portion of Parcel Y, City of Seattle Lot Boundary Adjustment Number 3020104, recorded under King County Recording Number 20181128900006, previously known as Lots 42, 43, and 44, Block 385, and vacated 6th Avenue Southwest, all in Seattle Tide Lands; and a portion of Parcels A and B, City of Seattle Lot Boundary Adjustment Number 3022491, recorded under King County Recording Number 20181024900004, previously known as Lots 2 and 3, Block 385, Lot 3, Block 387, and vacated 8th Avenue Southwest, all in Seattle Tide Lands, and a portion of Parcels Y and Z, City of Seattle Lot Boundary Adjustment Number 3020104, recorded under King County Recording Number 20181128900006, previously known as Lots 3, 4, 5, 6, 7, 29, and 30,

Block 378 and Lots 3, 4, 40, 41, 42, 43, and 44, Block 385, and vacated 6th Avenue Southwest, all in Seattle Tide Lands.)

**Summary and background of the Legislation:**

This legislation authorizes the Seattle Director of Transportation (“SDOT”) to acquire, accept, and record three quit claim deeds and an assignment and assumption easement agreement for the East Marginal Way Overpass from the Port of Seattle (the “Port”), places the property rights under the jurisdiction of SDOT and designates for street purposes, and lays the deeds off as right-of-way. This legislation also authorizes the Chief Executive Officer and General Manager of Seattle Public Utilities (“SPU”) to acquire, accept, and record a stormwater easement from the Port, and authorizes the Chief Executive Officer and General Manager of Seattle City Light (“SCL”) to acquire, accept, and record an overhead and surface easement from the Port, places the conveyances under the jurisdiction of SPU and SCL, respectively, designates them for utility purposes, and ratifies and confirms prior acts. These property rights were acquired in connection with the East Marginal Way Grade Separation Project (the “Project”).

In 2014, The Seattle City Council passed Ordinance 124477 authorizing the SDOT Director, on behalf of The City of Seattle, to enter into a Memorandum of Agreement with the Port regarding the design, permitting, construction, financing, transfer, use, and related aspects of the Project (the “MOA”). The MOA was subsequently signed, and the Project has now been completed. The MOA provides that after Project completion, and contingent upon satisfaction of specified conditions, certain property rights and infrastructure are to be transferred from the Port to the City. The Port passed Resolution Number 3760 on July 9<sup>th</sup>, 2019, declaring the property at issue surplus to the Port’s needs and no longer needed for Port purposes and authorized the Executive Director of the Port to execute all documents necessary to transfer title of the surplus property to the City. The City now agrees that the required MOU conditions have all been met and the property should be transferred and accepted.

**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

**4. OTHER IMPLICATIONS**

- a. **Does this legislation affect any departments besides the originating department?**  
Yes. Acceptance and transfer of certain SCL electric distribution facilities and SPU utility infrastructure associated with the Project is necessary to complete the terms of the MOA.
- b. **Is a public hearing required for this legislation?**  
No.

**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. There are several pieces of property that are being transferred to the City that will be owned and operated as City street right-of-way and placed under SDOT's jurisdiction, along with two utility easements that will be placed under SCL and SPU's jurisdiction once this legislation is passed.

**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? What is the Language Access plan for any communications to the public?**

There are no known impacts to vulnerable or historically disadvantaged communities.

**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)?**

This legislation does not include a new initiative or a major programmatic expansion.

**List attachments/exhibits below:**

Summary Attachment 1 - Vicinity Map

Summary Attachment 2 - Project Map