

Amendment A Version 1 to CB# 120677 – BTRR Franchise Transfer ORD

Sponsor: Councilmember Strauss

Clarifying that the City Council approves of the amendment and assignment
of an Operating Agreement

Effect: This Amendment contains technical and substantive changes to CB 120677 that clarify and document the actions taken between the City, Ballard Terminal Railroad Company, and its related entity Meeker Southern Railway. The amendment specifies that the rights of Ballard Terminal Railroad Company as contained in its Franchise Agreement are assigned, rather than transferred, to Meeker Southern Railway. The terms and conditions of the assignment are contained in an Operating Agreement, which has been signed by the parties. This Amendment attaches the Operating Agreement as Attachment 1 to the bill.

1. Amend the first WHEREAS paragraph of CB 120677 as follows:

WHEREAS, in 1997, the Burlington Northern and Santa Fe Railway Company (“BNSF”) expressed its intention to abandon that part of its former Washington Branch line between BNSF Milepost 0.09 and BNSF Milepost 02.70 in the Ballard area of Seattle and the City took possession of this rail right of way to preserve the corridor for future rail and trail purposes; and

2. Amend the seventh WHEREAS paragraph of CB 120677 as follows:

WHEREAS, Meeker Southern Railroad and the City have ~~has~~ agreed to modifications to the current Operating Agreement and Assignment of the Operating Agreement to Meeker Southern Railroad contingent on the passage of this ordinance ~~that it may not use the rail line until it enters into an Operating Agreement consistent with this ordinance and Ordinance 118734;~~ and

3. Amend the eighth WHEREAS paragraph of CB 120677 as follows:

WHEREAS, Meeker Southern Railroad will obtain insurance for the portion of the rail line it seeks to use and occupy ~~operate~~ before commencing operations; and

4. Amend Section 1 of CB 120677 as follows:

Section 1. The City consents to and approves ~~the transfer~~ an assignment of the Franchise Agreement memorialized by Ordinance 118734, with all the rights, privileges, conditions and terms consistent with the Ordinance 118734, from Ballard Terminal Railroad Company to Meeker Southern Railway.

5. Amend Section 2 of CB 120677 as follows:

Section 2. The Seattle Department of Transportation Director is authorized to approve an Operating Agreement consistent with the above recitals and the provisions of Ordinance 118734 to Meeker Southern Railway, substantially in the form of the agreement attached to this ordinance as Attachment 1, and any contingency in an amendment or assignment of the Operating Agreement to Meeker Southern Railroad is satisfied by the enactment of this ordinance.

6. Amend CB 120677 to include Attachment 1, the signed Operating Agreement between Seattle Department of Transportation, Ballard Terminal Railroad Company, and Meeker Southern Railway.