



Legislation Details (With Text)

File #: CB 120715 **Version:** 2 **Name:** CB 120715
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 12/12/2023
Final Action: 12/28/2023 **Ord. No.** Ord 126970

Title: AN ORDINANCE relating to the railroad franchise granted to the Chicago, Milwaukee and St. Paul Railway Company of Washington, its successors and assigns; amending Section 2 of Ordinance 13633, as amended by Ordinances 18823 and 92572, to amend the description of certain railroad rights-of-way to reflect the termination of railroad operations north of Whatcom Yard and reconfiguration of Whatcom Yard.

Sponsors: Alex Pedersen

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Summary Ex 1 - Vicinity Map, 3. Amendment 1, 4. Central Staff Memo, 5. Presentation, 6. Signed Ordinance 126970, 7. Affidavit of Publication

Date	Ver.	Action By	Action	Result
12/28/2023	2	City Clerk	attested by City Clerk	
12/28/2023	2	Mayor	returned	
12/28/2023	2	Mayor	Signed	
12/18/2023	2	City Clerk	submitted for Mayor's signature	
12/12/2023	2	City Council	passed	Pass
12/5/2023	1	Transportation and Seattle Public Utilities	pass as amended	Pass
11/21/2023	1	City Council	referred	
11/16/2023	1	Council President's Office	sent for review	
11/15/2023	1	City Clerk	sent for review	
11/15/2023	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the railroad franchise granted to the Chicago, Milwaukee and St. Paul Railway Company of Washington, its successors and assigns; amending Section 2 of Ordinance 13633, as amended by Ordinances 18823 and 92572, to amend the description of certain railroad rights-of-way to reflect the termination of railroad operations north of Whatcom Yard and reconfiguration of Whatcom Yard.

WHEREAS, The City of Seattle (City) previously granted the Oregon and Washington Railroad Company the

right to construct, maintain and operate railroad tracks along such streets, avenue and other public places within the City under Ordinance 13633; and the Oregon and Washington Railroad Company, its successors or assigns has constructed, maintained, and operated trains and trackage in accordance with these rights for many years; and Sections 4 and 6 of Ordinance 13633 requires grantees to pay for an equitable and ratable proportion of the value of any overhead bridges and approaches and pay an equitable and ratable proportion of the cost of renewal and maintenance of said bridges and approaches; and

WHEREAS, the City granted to the Oregon-Washington Railroad & Navigation Company, Great Northern Railway Company, the Northern Pacific Railway Company, and the Chicago, Milwaukee & St. Paul Railway Company, their successors and assigns, the right, privilege, and authority to locate, lay down, construct, maintain and operate railway tracks in, along and across sundry streets, avenues, alleys and other public places within the City under Ordinance 38753; and their successors and assigns constructed, maintained, and operated trains and trackage in accordance with these rights for many years; and Section 5 of Ordinance 38753 requires the railroad companies to pay monthly or annual rent to the City of Seattle for such rights; and

WHEREAS, the City is reconstructing East Marginal Way and the East Marginal Way North Segment Project will involve: a new roadway built to heavy haul standards between Jack Perry Memorial Park and S. Spokane Street; a two-way protected bike lane on the east side of the street; a rebuilt traffic signal at South Hanford Street and a new signal at South Horton Street; an improved sidewalk on the west side of East Marginal Way South adjacent to roadway reconstruction; a replaced water main north of South Horton Street; and the readjustment of railroad tracks crossing at South Hanford Street and within Whatcom Yard; and

WHEREAS, the East Marginal Way North Segment Project will touch upon Railroad Franchise Areas in and around Whatcom Yard, South Hanford Street, South Horton Street, and South Spokane Street; and

WHEREAS, the Washington State Department of Transportation purchased, vacated, and removed the railroad tracks north of Whatcom Yard; and

WHEREAS, the original Railroad Franchise Agreements must be amended to account for the updated location of the railroad tracks, roadway, sidewalk, and bike lane, and the updated real property descriptions for the franchise areas; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that Union Pacific Railroad Company, a Foreign Profit Corporation (Union Pacific), and Burlington Northern Railroad Holdings, Inc., a Foreign Profit Corporation (BNSF), are the current owners of the railroad franchise rights at Whatcom Yard and the adjoining areas. Both companies have rights to and are authorized by this ordinance to own the tracks of standard gauge railway, to lay down, construct, maintain, and operate trains along East Marginal Way and within Whatcom Yard.

Section 2. Section 2 of Ordinance 13633, last amended by Ordinances 18823 and 92572, is amended as follows:

Section 2. The tracks of standard gauge railway, the laying down, construction, maintenance and operation whereof are authorized by this ordinance, and the rights-of-way hereby granted for the same are described as follows:

First. One track of standard gauge railway, the center line whereof shall be as nearly as may be, coincident with the center line of the right of way fifteen (15) feet in width for such track, the centerline of which right of way shall begin at a point in that part of the old south boundary line of the City of Seattle which crosses Island Number One (1), one hundred twenty-five (125) feet east of the west line of block three hundred fifty-six (356), Seattle Tide Lands, and which point is on the arc of a curve having a radius of twelve hundred seventy-three and six tenths (1273.6) feet consuming a total angle of forty-one (41) degrees one (1) minute and forty-five (45) seconds, the beginning of which curve is on a tangent drawn parallel with and eight-two (82) feet northeasterly of and measure at right angles to the

southwesterly line of Duwamish Avenue South, produced southeasterly; thence northerly curving to the right on said curve of said radius to a point where said center line becomes tangent to a line drawn parallel with and one hundred and five-tenths (100.5) feet west of the east line of East Marginal Way South (formerly Whatcom Avenue) produced south; thence north in said East Marginal Way South parallel with said east line to an intersection with the north line of South Horton Street (formerly Canal Waterway).

Track 655

One track of standard gauge railway, the center line whereof shall be as nearly as may be, coincident with the center line of the right of way nineteen and one-half (19.5) feet in width for such track, the sidelines of said right of way lying parallel with and 12.0 feet westerly and 7.5 feet easterly of the following described line:

Commencing at the intersection of a line drawn parallel with and 100.50 feet west of the east line of East Marginal Way South (formerly Whatcom Avenue) produced south and the north line of South Horton Street (formerly Canal Waterway); Thence North 1°07'00" East, 102.01 feet, parallel with said east line, to the beginning of a 764.49-foot radius non-tangent curve concave westerly from which the radial point bears North 88°52'09" West; thence northerly along said curve through a central angle of 5°08'59" an arc distance of 68.71 feet to a point of tangency; Thence North 4°01'08" West, 75.86 feet to the beginning of a 955.37-foot radius curve concave easterly; Thence northerly along said curve through a central angle of 5°09'16" an arc distance of 85.95 feet; Thence North 1°08'07" East, 135.51 feet to the POINT OF BEGINNING; Thence continuing North 1°08'07" East, 50.20 feet; Thence North 5°13'28" West, 603.32 feet to the beginning of a 764.49-foot radius curve concave easterly, and where the right of way reduces to 15 feet in width, being 7.5 feet on both sides of said center line; Thence northerly along said curve through a central angle of 6°21'35" an arc distance of 84.86 feet; Thence North 1°08'07" East, 1,764.24 feet to the beginning of a 764.94-foot radius curve concave easterly, Thence northerly

along said curve through a central angle of 6°38'28" an arc distance of 88.66 feet; Thence North 7°46'35" East, 107.54 feet.

~~((thence northerly in East Marginal Way South curving to the left with a radius of five hundred seventy-three and seven-tenths (573.7) feet through a total angle of fourteen degrees (14) seven (7) minutes and seven (7) seconds; thence on attention running north fourteenth (14) degrees seven (7) minutes and seven (7) seconds west distance of two hundred ten and forty-seven hundredths (210.47) feet; thence curving to the right with a radius of five hundred seventy-three and seven tenths (573.7) feet through a total angle of fourteen degrees (14) seven (7) minutes seven (7) seconds to a point where it intersects the south line of block three hundred sixty (360), Seattle Tide Lands, produced west, and where it also becomes tangent to a line parallel with and one hundred eighty-six and one-half (186.5) feet west of the east line of East Marginal Way South thence north in said East Marginal Way South on said last described line to an intersection with the north line of block three hundred sixty-four (364), Seattle Tide Lands produced westerly; thence curving to the right along the arc of a curve having a radius of six hundred fourteen and six tenths (614.6) feet through an angle of thirty-two (32) degrees seventeen (17) minutes; thence on a tangent a distance of about four hundred fifty (450) feet along a line parallel with and one hundred four and one-half (104.5) feet westerly of the west line of lots one (1), two (2) and three (3) block Three Hundred Sixty-five (365), Seattle Tide Lands, produced; thence curving to the left along the arc of a curve having a radius of Fourteen Hundred Ninety-Five (1495) feet through an angle of fifteen (15) degrees zero (0) minutes thirty (30) seconds to a tangent, which tangent is parallel with and ninety-five and one-half (95.5) feet easterly of the westerly line of Alaskan Way South (formerly Railroad Avenue); thence northeasterly along said tangent in Alaskan Way South to a point where it intersects the north line of lot eight (8), block three hundred sixty-nine (369), Seattle Tide Lands, produced east; thence on a reverse curve having a uniform radius of seven hundred sixty-four and five tenths (764.5) feet to a point where said reverse curve is tangent to a line in Alaskan Way South~~

~~parallel with and one hundred ten and one half (110.5) feet east of the west line of Alaskan Way South;))((thence northeasterly along said tangent in Alaskan Way South to a point as near as may be on the north line of lot seventeen (17), block three hundred twenty nine (329), Seattle Tide Lands, produced westerly; thence on a curve to the left with a radius of nine hundred seventeen and two tenths (917.2) feet through an angle of seventeen (17) degrees six (6) minutes to a point where said curve is tangent to a line in Alaskan Way South parallel with and ninety and one half (90.5) feet east of the west line of Alaskan Way South; thence north on said last described line to a point as nearly as may be at the intersection hereof, with an east and west line drawn parallel to and six and four tenths (6.4) feet north from the south line of lot ten (10) block three hundred sixty seven (367), Seattle Tide Lands, measure southerly along the east line of said lot ten (10) block three hundred sixty seven (367) and produced easterly; thence curving to the left along the arc of a curve having a radius of four hundred seventy eight and three tenths (478.3) feet through an angle of eight (8) degrees; thence northerly on a tangent a distance of forty and nine tenths (40.9) feet on a line bearing north seven (7) degrees forty (40) minutes fifty three (53) seconds west; thence curving to the right along the arc of a curve having a radius of four hundred seventy eight and three tenths (478.3) feet through of an angle of eight (8) degrees to a point where it becomes tangent to a line in Alaskan Way South parallel with and seventy five and one half (75.5) feet east of the west line of Alaskan Way South; thence north on said line parallel with and seventy five and one half (75.5) feet east of the west line of Alaskan Way South to a point where it intersects on east and west line drawn parallel to and nine (9.0) feet southerly from the north line of lot four (4), block one hundred ninety nine (199), Seattle Tide Lands, measured southerly along the east line of said Lot four (4) block one hundred ninety nine (199) and produced easterly; thence curving to the left along the arc of a curve having a radius of nine hundred fifty five and four tenths (955.4) feet through an angle of thirty one (31) degrees forty five (45) minutes and ten (10) seconds to a point where it becomes tangent to a line parallel with and seventy four and one half (74.5) feet northeasterly~~

~~from the south westerly line of Alaskan Way South; thence northerly parallel with and seventy four and one half (74.5) feet northeasterly from the southwesterly line of said Alaskan Way South to a point on a line drawn at right angles to the easterly line of Alaskan Way, said line drawn southerly from the point of intersection of the north line of Yesler Way with said easterly line of Alaskan Way; with the right to said grantee, its successors and assigns, to connect the track so laid on the right of way herein above described with the so-called "transfer track" as laid and maintained upon the right of way granted to the Great Northern and Northern Pacific Railway Companies by Ordinance No. 57179, entitled "An Ordinance granting to the Great Northern and Northern Pacific Railway Companies, their successors and assigns, and to the joint owners hereafter acquiring an interest in this franchise, in accordance with the provisions thereof, the right and authority to locate, lay down, construct, maintain and operate a railway track in, along, upon and over certain portions of Alaskan Way and connecting street in the City of Seattle."~~)

Second. Track 651

One track of standard gauge railway, the center line whereof shall be as nearly as may be, coincident with the center line of the right of way fifteen (15) feet in width for such track, the sidelines of said right of way lying parallel with and

7.5 feet on both sides of the following described line:

Commencing at the intersection of a line drawn parallel with and 100.50 feet west of the east line of East Marginal Way South (formerly Whatcom Avenue) produced south and the north line of South Horton Street (formerly Canal Waterway); Thence North 1°07'00" East, 102.01 feet, parallel with said east line, to the beginning of a 764.49-foot radius non-tangent curve concave westerly from which the radial point bears North 88°52'09" West; thence northerly along said curve through a central angle of 5°08'59" an arc distance of 68.71 feet to a point of tangency; Thence North 4°01'08" West, 75.86 feet to the beginning of a 955.37-foot radius curve concave easterly; Thence northerly along said curve through

a central angle of 5°09'16" an arc distance of 85.95 feet; Thence North 1°08'08" East, 185.71 feet; Thence North 5°13'28" West, 126.39 feet to the POINT OF BEGINNING; Thence North 1°08'08" East, 2046.56 feet.

~~((One track of standard gauge railway, the center line whereof shall be, as near as may be, coincident with the center line of the right of way thereof next herein below specified, and a right of way fifteen (15) feet in width for such track, the center line of which right of way shall begin at a point on a line parallel with and one hundred eighty-six and one half (186.5) feet west of the east line of East Marginal Way South and eight and one half (8.5) feet north of the south line block three hundred sixty (360), Seattle Tide Lands, produced west, which point is the beginning of a curve right from said parallel line: thence right on said curve having a radius of six hundred thirty-seven and twenty-seven hundredths (637.27) feet through a total angle of eight (8) degrees and nineteen (19) minutes; thence three hundred one and four tenths (301.4) feet thence left on a curve having a radius of six hundred thirty-seven and twenty-seven hundredths (637.27) feet through a total angle of eight (8) degrees and nineteen (19) minutes to a point where said curve becomes tangent to a line in East Marginal Way South drawn parallel with and one hundred twenty-nine and one half (129.5) feet west of the east line of said East Marginal Way South; thence north on said last described line to a point of curve, which point of curve is, as near as may be, six hundred thirty-three (633) feet south of the south line of South Holgate Street, produced west one hundred twenty-nine and one half (129.5) feet; thence on a curve to the left with a radius of nine hundred fifty-five and thirty-seven hundredths (955.37) feet through an angle of eight (8) degrees nine (9) minutes; thence one hundred sixty and one tenth (160.1) feet; thence on a curve to the right with a radius of nine hundred fifty-five and thirty-seven hundredths (955.37) feet through an angle of eight (8) degrees nine (9) minutes to a point where said curve becomes tangent to a line drawn parallel with and one hundred seventy-one and one half (171.5) feet west of the east line of East Marginal Way South; thence north two hundred six and nine tenths (206.9) feet to an intersection~~

~~with the north line of block three hundred sixty four (364), Seattle Tide Lands, produced west, one hundred seventy one and one half (171.5) feet to the east line of East Marginal Way South; thence curving to the right along the arc of a curve having a radius of five hundred ninety nine and six tenths (599.6) feet through an angle of thirty two (32) degrees seventeen (17) minutes; thence on a tangent a distance of about four hundred fifty (450) feet along a line parallel with and eighty nine and one half (89.5) feet westerly of the west line of lots one (1), two (2) and three (3), block three hundred sixty five (365) Seattle Tide Lands, produced; thence curving to the left along the arc of a curve having a radius of fifteen hundred ten (1510) feet through an angle of fifteen (15) degrees zero (0) minutes thirty (30) seconds to a tangent, which tangent is parallel with and one hundred ten and one half (110.5) feet easterly of the westerly line of Alaskan Way South (formerly Railroad Avenue); thence northeasterly along said tangent in Alaskan Way South to a point where it becomes identical with the center line of the right of way described in the first paragraph hereof, at or near the intersection of the same with the South line of lot four (4) of block three hundred sixty nine (369), Seattle Tide Lands, produced east.))~~

Track 652

One track of standard gauge railway, the center line whereof shall be as nearly as may be, coincident with the center line of the right of way fifteen (15) feet in width for such track, the sidelines of said right of way lying parallel with and 7.5 feet on both sides of the following described line:

Commencing at the intersection of a line drawn parallel with and 100.50 feet west of the east line of East Marginal Way South (formerly Whatcom Avenue) produced south and the north line of South Horton Street (formerly Canal Waterway); Thence North 1°07'00" East, 102.01 feet, parallel with said east line, to the beginning of a 764.49-foot radius non-tangent curve concave westerly from which the radial point bears North 88°52'09" West; thence northerly along said curve through a central angle of 5°08'59" an arc distance of 68.71 feet to a point of tangency; Thence North 4°01'08" West, 75.86 feet to the beginning of a 955.37-foot radius curve concave easterly; Thence northerly along said curve through

a central angle of 5°09'16" an arc distance of 85.95 feet; Thence North 1°08'08" East, 185.71 feet; Thence North 5°13'28" West, 248.26 feet to the POINT OF BEGINNING; Thence North 1°08'08" East, 2,047.22 feet.

Track 653

One track of standard gauge railway, the center line whereof shall be as nearly as may be, coincident with the center line of the right of way fifteen (15) feet in width for such track, the sidelines of said right of way lying parallel with and 7.5 feet on both sides of the following described line:

Commencing at the intersection of a line drawn parallel with and 100.50 feet west of the east line of East Marginal Way South (formerly Whatcom Avenue) produced south and the north line of South Horton Street (formerly Canal Waterway); Thence North 1°07'00" East, 102.01 feet, parallel with said east line, to the beginning of a 764.49-foot radius non-tangent curve concave westerly from which the radial point bears North 88°52'09" West; thence northerly along said curve through a central angle of 5°08'59" an arc distance of 68.71 feet to a point of tangency; Thence North 4°01'08" West, 75.86 feet to the beginning of a 955.37-foot radius curve concave easterly; Thence northerly along said curve through a central angle of 5°09'16" an arc distance of 85.95 feet; Thence North 1°08'08" East, 185.71 feet; Thence North 5°13'28" West, 365.62 feet to the POINT OF BEGINNING; Thence North 1°08'08" East, 2047.85 feet.

Third. One track of standard gauge railway, the center line whereof shall be, as near as may be, coincident with the center line of the right of way therefor next herein below specified, and a right of way fifteen (15) feet in width for such track, the center line of which right of way shall begin, as near as may be, at the intersection of that part of the old south boundary line of the city of Seattle, which crosses Island Number one (1) with a line parallel with and forty-seven and one-half (47.5) feet, measured at right angles, west of the west line of Colorado Avenue South (formerly Colorado Street) produced south, and shall run thence north on said last described line to and in said Colorado Avenue

South to a point as near as may be twenty-seven (27) feet south of the north line of lot fourteen (14), block three hundred thirty-one (331), Seattle Tide Lands, produced west; thence on a curve to the right with a radius of four hundred ten and three-tenths (410.3) feet through an angle of nine (9) degrees eleven (11) minutes; thence right through a number ten (10) turnout to appoint where it becomes tangent to and identical with the center line of the right of way described in the second paragraph of this section at a point, as near as may be, where said center line intersects the north line of lot five (5) block three hundred sixty-nine (369), Seattle Tide Lands produced east.

Fourth. One track of standard gauge railway, the center line whereof shall be, as near as may be, coincident with the center line of the right of way thereof next herein below specified, and a right of way fifteen (15) feet in width for such track, the center line of which right of way shall begin at a point on a line parallel with and seventy-five and one-half (75.5) feet east of the west line of Alaskan Way South and twenty-five (25) feet north of the south line of lot ten (10) of block three hundred sixty-seven (367), Seattle Tide Lands, produced east; thence north on said line parallel with and seventy-five and one-half (75.5) feet east of the west line of Alaskan Way South to a point where it becomes identical with the centerline of the right of way described in the first paragraph hereof, at or near the intersection of the same with the north line of lot eight (8) of block three hundred sixty-seven (367), Seattle Tide Lands, produced east.

Fifth. Also the right and authority to lay down, maintain and operate a terminal yard and yard tracks upon blocks three hundred thirty-nine (339), three hundred thirty-six (336) and three hundred thirty-five (335), and to establish a passenger station upon block three hundred thirty-three (333), Seattle Tide Lands; also a right of way for a single track connecting with the track described in paragraph three (3) hereof at a point not more than sixty (60) feet south of the south line of South Stacy Street produced westward, and extending thence on a curve to the right entering upon the west fifty (50) feet of lot eleven (11) in said block three hundred thirty-nine (339); also a right of way for two (2)

turnout tracks connecting with the track described in paragraph three (3) hereof at points between the north line of lot seven (7), block three hundred thirty-six (336), Seattle Tide Lands, produced west, and the south line of South Holgate Street, and extending thence northeasterly curving to the right, crossing South Holgate Street and Utah Avenue South to and upon lots one (1) and two (2) in block three hundred thirty-four (334); also the right of way for four (4) tracks diverging from said last named two tracks at points on said lots one (1) and two (2), block three hundred thirty-four (334), extending thence northerly across South Massachusetts Street to and upon said block three hundred thirty-three (333); also the right of way for a single track connecting with the tract described in paragraph three (3) hereof at a point not more than sixty (6) feet north of the north line of South Massachusetts Street, produced westward, and extending thence southeasterly on a curve to the left across South Massachusetts Street, to and upon lot one (1) in said block three hundred thirty-five (335); also the right of way across, over and upon South Walker and South Holgate Streets between Utah Avenue South and Colorado Avenue South upon which to lay down, maintain and operate terminal yard tracks between the east side of Colorado Avenue South and the west side of Utah Avenue South.

Section 3. In order to claim the benefits of this ordinance and to acquire the rights, privileges and authorities hereby granted, Union Pacific and BNSF, on behalf of itself, its successors and assigns, shall within six (6) months after the effective date of this ordinance, file in the office of the City Clerk written acceptance of the ordinance, duly certified and attested to by its Secretary, under its corporate Seal; or a resolution adopted by its Board of Directors or by the Executive Committee, or Finance Committee of said Board, thereunto duly authorize accepting the benefits of this ordinance and the rights, privileges and authorities hereby granted, subject to all the conditions, restrictions, specifications and requirements herein expressed.

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 _____, 2023, and signed by
me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)