



Legislation Text

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File #: CB 118359, Version: 1

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**CITY OF SEATTLE**  
**ORDINANCE** \_\_\_\_\_  
**COUNCIL BILL** \_\_\_\_\_

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights as being surplus to the City's municipal utility needs; granting an easement to Burlington Northern Railway Company, for limited purposes, over and across the City's Cedar River Pipeline #4 right of way (a.k.a. Bow Lake Pipeline), King County Assessor Parcel number 0005800017.

WHEREAS, The City of Seattle (City) owns and operates a water transmission pipeline which passes through the cities of Renton and Tukwila, Washington in an east-west direction along an alignment approximately with S.W. 23rd St. in Renton, and S. 160th St. in Tukwila; and

WHEREAS, BNSF Railway Company (BNSF) owns and operates a certain right of way that runs north-south along the border between the cities of Renton and Tukwila (the Existing BNSF ROW); and

WHEREAS, by permit agreement with BNSF, the City's water transmission pipeline crosses under the Existing BNSF ROW; and

WHEREAS, BNSF needs to add a new Main Line Track 3 (the New Track) to the Existing BNSF ROW which will require an additional 50 feet of right of way to the east of the Existing BNSF ROW over and across City's Cedar River Pipeline #4 right-of-way (the Easement Area); and

WHEREAS, the New Track is needed because Sound Transit's Commuter Rail Station is located just north of the easement location, and the addition of the New Track will enhance commuter rail services between Seattle and the Tukwila Station; and

WHEREAS, BNSF's construction of the New Track will require additional fill to be placed over the City's water transmission pipeline within the Easement Area, which has the potential to increase the possibility

of damage to the water transmission pipeline; and

WHEREAS, in exchange for the City's grant of easement rights in and to the Easement Area and in order to minimize the potential for damage to the water transmission pipeline, BNSF has agreed to build a pipeline protection system, at no cost to the City, on the terms described in the Easement and Agreement attached to this ordinance as Attachment 1; 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 a public hearing, certain easement rights over real property used for subsurface water utility facilities located in King County, Washington, legally described in this ordinance, are declared to be no longer required for providing public utility service and to be surplus to the City's municipal utility needs.

Section 2. In exchange for the BNSF Railway Company (BNSF) building a pipeline protection system, at no cost to The City of Seattle (City), the Director of Seattle Public Utilities or the Director's designee is authorized to execute, for and on behalf of the City, an easement agreement with BNSF, substantially in the form of the Easement and Agreement attached as Attachment 1, granting a non-exclusive easement, subject to the terms and conditions contained in said Easement and Agreement, over and across the City's Cedar River Pipeline #4 right of way (a.k.a. Bow Lake Pipeline), King County Assessor Parcel number 0005800017, legally described as follows:

That portion of the Northwest Quarter of Section 25, Township 23 North, Range 4 East, W.M., in the County of King, State of Washington, and of the Henry A. Meador Donation Land Claim No. 46, in said Section, being a portion of King County Tax Account No. 000580-0017-09, Also being known as the Bow Lake Pipeline Right of Way as recorded under Auditors File No. 4131067, described as follows:

Beginning at the intersection of the north line of Bow Lake Pipe Line Right of Way and the easterly margin of the Burlington Northern Railroad Right of Way; said intersection also being the southwest corner of Lot 7, Boeing Longacres Property, Second Amended Binding Site Plan No. LUA-02-022-BSP, recorded May 4, 2005 in Volume 228 of Plats, Page 022 through 028, as recorded under King County Recording No. 20050504000673; Thence South 87°14'40" East, along the north line thereof a distance of 50.00 feet; Thence South 02°06'43" West, a distance of 30.00 feet to the intersection with the south line of said Right of Way; Thence North 87°14'40" West, along said south line a distance of 50.00 feet to the intersection with said Railroad Right of Way; Thence North 02°06'43" East, along the easterly margin of said Burlington Northern Right of Way, a distance of 30.00 feet to the true point of beginning.

Containing 1,500 square feet, or ± 0.034 acres more or less.

Section 3. 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 \_\_\_\_\_, 2015, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1: Easement and Agreement