



Legislation Text

File #: CB 119976, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.)

WHEREAS, in 2014, the Seattle City Council passed Ordinance 124477, authorizing the Director of the Seattle

Department of Transportation (“SDOT”) to enter into the Memorandum of Agreement between The City of Seattle and the Port of Seattle Regarding the East Marginal Way Grade Separation, dated July 23, 2014 (the “MOA”), providing for the design, permitting, construction, financing, transfer, use, and related aspects of the East Marginal Way Grade Separation Project (the “Project”); and

WHEREAS, the MOA was subsequently executed, and the Project has been completed, creating a new overpass that routes vehicular traffic up and over existing railroad tracks in an area located South of Spokane Street in the vicinity of Duwamish Avenue South; and

WHEREAS, the new overpass improves road and rail access and creates greater efficiencies to the Port of Seattle (the “Port”) terminals, BNSF Railway and Union Pacific intermodal rail yards, and regional manufacturing and distribution facilities; and

WHEREAS, the overpass also directly improves public safety by eliminating rail/highway conflicts at the crossing, enhancing safety for vehicles, pedestrians, and bicycles, and reducing vehicle delay and delay-related idling pollution at the railroad crossing; and

WHEREAS, pursuant to the MOU, The City of Seattle (“City”) agreed to take ownership of the grade separation improvement and title to certain related property interests upon Project completion; and

WHEREAS, pursuant to Resolution Number 3760 of the Port Commission, adopted July 9, 2019, the Port has declared certain overpass structure and real property surplus and no longer needed for Port purposes; and

WHEREAS, pursuant to Section 9 of the MOU, the City is now ready to accept the overpass structure and real property interests as provided for in the MOU following the Port Commission’s passage of Resolution Number 3760; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Quit Claim Deed from the Port of Seattle, a municipal corporation of the State of Washington (the “Port”), dated September 6, 2019, and recorded under King County Recording Number

20200811001965, which is attached as Attachment A and incorporated into this ordinance, is accepted for street purposes, placed under the jurisdiction of the Seattle Department of Transportation (“SDOT”), and laid off, opened, widened, extended, and established as right-of-way (a portion of tax parcel number 766670-0561).

Section 2. The Quit Claim Deed from the Port, dated September 6, 2019, and recorded under King County Recording Number 20200811002158, which is attached as Attachment B and incorporated into this ordinance, is accepted for street purposes, placed under the jurisdiction of SDOT, and laid off, opened, widened, extended, and established as right-of-way (a portion of tax parcel number 766670-0325).

Section 3. The Quit Claim Deed from the Port, dated September 6, 2019, and recorded under King County Recording Number 20200811001891, which is attached as Attachment C and incorporated into this ordinance, is accepted for street purposes, placed under the jurisdiction of SDOT, and laid off, opened, widened, extended, and established as right-of-way (a portion of tax parcel number 766670-0275).

Section 4. The Assignment and Assumption of Easement Agreement for East Marginal Way Overpass - 096448L (Overpass Agreement) granted by the Port, dated June 30, 2020, and recorded under King County Recording Number 20200722002188 (the “Assignment Agreement”), attached as Attachment D and incorporated into this ordinance, is accepted to assign the Overpass Agreement, located in Seattle Clerk File 321563, an easement to enter upon and use that portion of BNSF’s right-of-way as necessary to construct, use, and maintain the Improvements, as such term is defined in the Overpass Agreement, and placed under the jurisdiction of SDOT (a portion of tax parcel number 766670-0755).

Section 5. The Stormwater Easement and Access Agreement granted by the Port, dated September 5, 2019, and recorded under King County Recording Number 20200728002113, attached as Attachment E and incorporated into this ordinance, is accepted to install, construct, reconstruct, alter, improve, remove, repair, maintain, replace, and operate a subsurface stormwater facility, designated for utility purposes, and placed under the jurisdiction of Seattle Public Utilities (a portion of tax parcel number 766670-0315).

Section 6. The EASEMENT - Overhead and Surface granted by the Port, dated August 21, 2019, and

recorded under King County Recording Number 20200722002163, attached as Attachment F and incorporated into this ordinance, is accepted to install, construct, improve, remove, alter, repair, energize, operate, and maintain overhead electric distribution facilities, designated for utility purposes, and placed under the jurisdiction of Seattle City Light (a portion of tax parcel numbers 766670-0315, 766670-0560, 766670-0561, and 766670-0325).

Section 7. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 8. 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 _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

_____ by me this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment A - Quit Claim Deed for a Portion of Parcel No. 766670-0561

Attachment B - Quit Claim Deed for a Portion of Parcel No. 766670-0325

Attachment C - Quit Claim Deed for a Portion of Parcel No. 766670-0275

Attachment D - Assignment and Assumption of Easement Agreement for East Marginal Way
Overpass - 096448L

Attachment E - Seattle Public Utilities Stormwater Easement

Attachment F - Seattle City Light Easement - Overhead and Surface