



## Legislation Details (With Text)

<b>File #:</b>	CB 119454	<b>Version:</b>	1	<b>Name:</b>	CB 119454
<b>Type:</b>	Ordinance (Ord)	<b>Status:</b>	Passed	<b>In control:</b>	City Clerk
<b>On agenda:</b>	2/19/2019				
<b>Final Action:</b>	2/22/2019	<b>Ord. No.</b>	Ord 125777		
<b>Title:</b>	AN ORDINANCE relating to The City of Seattle's Myrtle reservoir radio-transmitter facility; authorizing the Director of Finance and Administrative Services to execute a lease with King County for its use of part of the radio-transmitter facility for the new, regional Puget Sound Emergency Radio Network; declaring the part of the facility leased for King County's use to be surplus to the City's utility needs; and ratifying and confirming certain prior acts.				
<b>Sponsors:</b>	Bruce Harrell				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Att 1 - FAS Ground Lease Agreement [for PSERN Myrtle], 2. Summary and Fiscal Note, 3. Summary Att A - Transmitter Approximate Location, 4. Presentation, 5. Signed Ordinance 125777, 6. Affidavit of Publication				

Date	Ver.	Action By	Action	Result
2/22/2019	1	City Clerk	attested by City Clerk	
2/22/2019	1	Mayor	returned	
2/22/2019	1	Mayor	Signed	
2/22/2019	1	City Clerk	submitted for Mayor's signature	
2/19/2019	1	City Council	passed	Pass
2/5/2019	1	Governance, Equity, and Technology Committee	pass	Pass
1/28/2019	1	City Council	referred	
1/18/2019	1	Council President's Office	sent for review	
1/15/2019	1	City Clerk	sent for review	
1/15/2019	1	Mayor	Mayor's leg transmitted to Council	

## CITY OF SEATTLE

## ORDINANCE \_\_\_\_\_

## COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to The City of Seattle's Myrtle reservoir radio-transmitter facility; authorizing the Director of Finance and Administrative Services to execute a lease with King County for its use of part of the radio-transmitter facility for the new, regional Puget Sound Emergency Radio Network; declaring the part of the facility leased for King County's use to be surplus to the City's utility needs; and ratifying and confirming certain prior acts.

WHEREAS, Seattle Information Technology operates a radio-transmitter facility at 6900 36th Avenue

Southwest, adjacent to Seattle Public Utilities' Myrtle Reservoir (hereinafter, the "Myrtle Transmitter"); and

WHEREAS, in 2015, voters approved a ballot measure authorizing the funding of a new, upgraded, regional public safety emergency radio network, now commonly referred to as the Puget Sound Emergency Radio Network (PSERN); and

WHEREAS, PSERN is being implemented through the Puget Sound Emergency Radio Network Implementation Period Interlocal Cooperation Agreement ("PSERN Agreement"), by and among King County ("County"), The City of Seattle ("City"), and other King County cities; and

WHEREAS, as authorized by Ordinance 124687, the City is a signatory to the PSERN Agreement; and

WHEREAS, as provided for in the PSERN Agreement, the County is acting as the lead agency for the financing, procurement, contracting, and implementation of PSERN, and after the completion of the build-out of PSERN, the parties to the PSERN Agreement intend to establish a jointly governed entity to own and manage PSERN; and

WHEREAS, under the PSERN Agreement, the City agreed to make available for PSERN use certain City-owned sites, including the Myrtle Transmitter, deemed by the County's contractor to be both necessary and suitable for the installation and operation of PSERN equipment; and

WHEREAS, the entire Myrtle Transmitter is located on real property under the jurisdiction of Seattle Public Utilities and is subject to that certain Interdepartmental Agreement ("Master Lease"), dated September 9, 1993, by and between Seattle Public Utilities as landlord and the Department of Finance and Administrative Services (FAS) as tenant; and

WHEREAS, pursuant to a recently executed amendment to the Master Lease, Seattle Public Utilities has authorized FAS to sub-lease to the County part of the Myrtle Transmitter for use by PSERN; and

WHEREAS, pursuant to Seattle Municipal Code subsection 3.39.010.C.4, FAS, acting on behalf of the Seattle Information Technology Department, negotiated with the County a lease that will govern PSERN's use

of part of the Myrtle Transmitter (“Lease”); and

WHEREAS, City Council authorization of the Lease is required, as the Lease’s 25-year term exceeds the five-year limit on the term for a lease executable by FAS absent City County authorization; NOW,

THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The Director of Finance and Administrative Services (“Director”) is authorized to execute, for and on behalf of The City of Seattle, a lease with King County (“County”) substantially in the form of the City of Seattle Department of Finance and Administrative Services Ground Lease Agreement attached to this ordinance as Attachment 1 (“Lease”), which provides for the County’s use of the City-owned real property located at the Myrtle Transmitter facility for the new, regional Puget Sound Emergency Radio Network.

Section 2. The County’s premises under the Lease are located on real property under the jurisdiction of Seattle Public Utilities. After a public hearing, and as provided for under RCW 35.94.040, such premises are no longer required for providing public utility service and are declared surplus to the City’s needs.

Section 3. The Director is further authorized to make minor additions and modifications to the Lease (including changes to Exhibits) as necessary or advisable to finalize the Lease with the County, provided that the Director shall first obtain approval from Seattle Public Utilities regarding any changes that will impact Seattle Public Utilities underlying property, and provided further that Lease rent payments are not reduced and the City’s liabilities are not increased.

Section 4. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 5. 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 for by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and signed by

me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

**Attachments:**

Attachment 1 - The City of Seattle Department of Finance and Administrative Services Ground Lease Agreement [for PSERN Myrtle]