



Legislation Text

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File #: CB 120230, Version: 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to the City Light Department, the Seattle Department of Parks and Recreation, and the Seattle Department of Transportation; declaring certain real property rights to be surplus to the needs of City Light; authorizing the General Manager and Chief Executive Officer of Seattle City Light to execute an easement agreement with King County, allowing the temporary use of a portion of City Light property to resolve the encroachment of an existing structure located on the west side of Boeing Field within the Northeast Quarter of Section 29 Township 24 N Range 4 E and the Southeast Quarter of Section 29 Township 24 N Range 4 E, and increasing the temporary use area authorized by Ordinance 126328 by approximately 207 square feet; and transferring jurisdiction of certain properties located in the Georgetown neighborhood in Section 29 Township 24 N, Range 4 E, from the City Light Department to the Seattle Department of Parks and Recreation and to the Seattle Department of Transportation.

WHEREAS, City Light owns certain property between S. Myrtle St. and East Marginal Way S. in the

Georgetown neighborhood (“Property”), on which City Light previously operated a flume for drainage of spent cooling water from its Georgetown Steam Plant to Slip 4 on the Duwamish Waterway until the flume was decommissioned in 2009 by City Light; and

WHEREAS, City Light has no utility use for the Property other than for the continued placement and operation of two existing utility poles, guy wires to stabilize the utility poles, and associated electrical power lines; and

WHEREAS, as documented in Clerk File 314451, City Light petitioned for a vacation of a portion of Diagonal Avenue S. to allow more efficient operation of its South Service Center and offered to provide portions of the Property as well as development funding to the Seattle Department of Parks and Recreation (“SPR”) and to the Seattle Department of Transportation (“SDOT”) for the creation of an off-leash area and bicycle and pedestrian trail segment to satisfy certain public benefit requirements of the street

vacation proposal; and

WHEREAS, this off-leash area and trail segment will be enduring amenities for the Georgetown neighborhood that have long been sought and supported by the community; and

WHEREAS, on August 9, 2021, the City Council granted preliminary approval for the street vacation including the public benefit proposal; and

WHEREAS, a recent survey performed by City Light has indicated that a fence, part of a storage yard, a floodlight, and part of a storage building on adjacent King County (“KC”) property encroach onto a small portion of this City Light property and likely have existed in their current location for many years; and

WHEREAS, City Light and SPR have determined that it is in the interest of the City to resolve these encroachments prior to the jurisdiction for the property being transferred to SPR; and

WHEREAS, KC has agreed to remove the fence and floodlight from City Light property at KC’s expense in consideration for City Light providing KC a temporary easement for a 365 square foot encroachment by the corner of the storage building; and

WHEREAS, City Light has determined it has no further utility use for the 365 square feet of the surface of this property and desires to grant KC a temporary easement for the building encroachment and access to the building; and

WHEREAS, the subsequent transfer of jurisdiction of the underlying property from City Light to SPR would then be subject to the terms of this temporary easement; and

WHEREAS, Ordinance 126328 originally authorized the granting of a temporary easement to KC for use of approximately 158 square feet of City Light’s property; and

WHEREAS, some minor adjustments in the terms of the location and increase in the size of the temporary easement area to approximately 365 square feet have been requested by KC; and

WHEREAS, the City Council approved Ordinance 126306, which executed a partial transfer of jurisdiction

from City Light to Seattle Public Utilities (“SPU”) to allow SPU to operate and maintain an existing storm drain on a portion of the Property to be transferred to SPR and to SDOT; and

WHEREAS, the City Council has held a public hearing in accordance with the requirements of RCW 35.94.040; NOW, THEREFORE,

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

Section 1. After a public hearing and pursuant to the provisions of RCW 35.94.040, the properties described and depicted in Attachments 1, 2, and 3 to this ordinance are declared to be no longer required for electric utility service and are surplus to the needs of City Light except for its ongoing placement and operation of two existing utility poles, guy wires to stabilize the utility poles, and associated electrical power lines within a portion of Tax Parcel Number 700670-0570 as described in Attachment 4 to this ordinance.

Section 2. The General Manager and Chief Executive Officer of Seattle City Light, or designee, is authorized to execute and grant to King County, for and behalf of The City of Seattle, a temporary easement agreement, substantially in the form of Attachment 1 to this ordinance.

Section 3. The property described and depicted in Attachment 2 to this ordinance (“Parcel 1”) is transferred from the jurisdiction of City Light to the jurisdiction of Seattle Parks and Recreation (“SPR”), subject to: 1) the terms of the easement to be granted King County as authorized by Section 2 of this ordinance, 2) the terms of Ordinance 126306 granting partial jurisdiction of Parcel 1 to Seattle Public Utilities for operation and maintenance of a public storm drain pipe, and 3) City Light’s reserved partial jurisdiction for the operation, maintenance, and repair of its electric power infrastructure components described in Attachment 4 to this ordinance. Parcel 1 is transferred for the purpose of the development of an off-leash area consistent with the terms of the “Memorandum of Agreement Developing the Georgetown Steam Plant Flume into a Community Asset” executed by City Light, SPR, and the Seattle Department of Transportation (“SDOT”), which is attached to this ordinance as Attachment 5.

Section 4. The property described and depicted in Attachment 3 to this ordinance (“Parcel 2”) is

transferred from the jurisdiction of City Light to the jurisdiction of SDOT, subject to the terms of Ordinance 126306, and further subject to City Light’s reserved partial jurisdiction for the operation, maintenance, and repair of its electric power infrastructure components described in Attachment 4 to this ordinance. Parcel 2 is transferred for the purpose of the development of a pedestrian and bicycle trail segment consistent with the terms of the “Memorandum of Agreement Developing the Georgetown Steam Plant Flume into a Community Asset” executed by City Light, SPR, and SDOT, which is attached to this ordinance as Attachment 5.

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 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

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Temporary Easement Agreement

Attachment 2 - Property to be Transferred to Seattle Parks and Recreation (Parcel 1)

Attachment 3 - Property to be Transferred to Seattle Department of Transportation (Parcel 2)

Attachment 4 - City Light Retained Jurisdiction for its Electrical Infrastructure on the Flume Property (Parcel 1 & 2)

Attachment 5 - Memorandum of Agreement Developing the Georgetown Steam Plant Flume into a Community Asset