



## King County

### Metropolitan King County Council Committee of the Whole

#### STAFF REPORT

<b>Agenda Item:</b>	4	<b>Name:</b>	Mary Bourguignon Rebecha Cusack
<b>Proposed No.:</b>	2012-B0148	<b>Date:</b>	November 28, 2012
<b>Invited:</b>	Pete Ramels, Senior Deputy Prosecuting Attorney Sung Yang, Chief of Staff, County Executive's Office Bob Burns, Deputy Director, Dep't. of Natural Resources & Parks		

#### SUBJECT/SUMMARY

For the past several weeks the Committee has been focusing on four of five<sup>1</sup> pieces of legislation related to the proposed \$15.8 million acquisition of portions of the Eastside Rail Corridor [15.6 miles in fee in the southern section and 3.6 miles for a trail easement in the northern section] that have been transmitted for Council consideration, as well as a newly introduced motion [2012-0452] that would establish a regional planning process for the Corridor. They are:

- 2012-0352 Supplemental appropriation totaling approximately \$1.7 million to fund immediate trail capital and maintenance needs, as well as a portion of the property acquisition cost
- 2012-0353 Purchase and Sale Agreement authorizing the acquisition of portions of the Eastside Rail Corridor from the Port of Seattle
- 2012-0354 Reciprocal Coordination and Cooperation Covenant Agreement (RCCCA) with Puget Sound Energy (PSE)
- 2012-0382 Intergovernmental Land Transfer Agreement with City of Redmond
- 2012-0452 Motion to establish the Eastside Rail Corridor as a corridor of regional significance and establish the Eastside Rail Corridor Regional Advisory Council to coordinate a regional planning process

Based on the analysis and briefings to date, at the direction of the Chair, and in collaboration with Executive staff, Council staff has prepared a number of potential amendments to the legislative package for Council consideration. These potential amendments would make technical corrections; reinforce the policy goal of ensuring dual usage of the Corridor; reaffirm the need for a regional planning process; and

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<sup>1</sup> A fifth piece of legislation – an agreement with the City of Kirkland – is still to be finalized and is not expected to be transmitted during 2012.

indicate when and how the Council will be involved in financing the purchase and in planning for the Corridor. Today's meeting will focus on these potential amendments.

## **ANALYSIS**

**Striking Amendment S1 to Proposed 2012 Supplemental Ordinance (PO 2012-0352).** Proposed Ordinance 2012-0352 would appropriate a total of **\$1,720,104** in 2012 to support the County's acquisition of the Corridor. The supplemental appropriation includes:

- \$1,449,104 toward the purchase price, comprised of \$1.25 million from a PSRC grant and a \$195,629 local match from the General Fund;
- \$65,000 for one-time real estate costs to manage the transfer of approximately 700 special use permits to King County; and
- \$206,000 for one-time, high priority capital improvement projects, such as culvert cleaning and replacement.

*Amendment S1 as proposed for this ordinance would cover:*

- **Dual Use.** New findings would recount the history of the Eastside Rail Corridor acquisition and the shared goal of dual usage;
- **Corridor as an essential public facility.** A new finding would note that the Corridor is an essential public facility under the Growth Management Act;
- **Rail track removal.** A new finding would note that the executive would not be permitted to remove rail track without Council approval;
- **Lake-to-Sound connections.** A proviso would require the Executive to provide a plan for connections with the Lake-to-Sound trail in South King County;
- **Payment with PSRC grant.** A proviso would require the Executive to make a payment of \$1.449 million to the Port within 30 days of closing using funds from the PSRC CMAQ grant;
- **Rail-trail interconnectivity.** A proviso would require the Executive to provide a plan as part of the regional planning process that identifies the process by which rail-trail interconnectivity will be achieved; and
- **Signage indicating dual use of Corridor.** A proviso would require the Executive to provide an immediate plan for at least 15 signs at major crossing points and to identify a process to develop a longer-term signage and wayfinding plan.

**Striking Amendment S1 to Proposed Purchase and Sale Agreement (PO 2012-0353).** Proposed Ordinance 2012-0353 would authorize the Executive to enter into a Purchase and Sale Agreement with the Port to purchase: (1) a new, 3.6-mile trail easement north from Woodinville to Brightwater; and (2) the Port's remaining fee interest in approximately 15.6 miles of the Corridor south of Woodinville.

The County would pay the Port up to \$15.8 million for the purchase. The County would be credited for the \$1.903 million it paid the Port in 2009 to acquire its multipurpose easement in the Corridor, bringing the outstanding balance to \$13.897 million. The County would be given 36 months to pay the Port in full and would pay interest on the outstanding balance at 2.8% compounded annually.

Payment could be made through cash or surplus properties. The Purchase and Sale Agreement lists eight Harbor Bond properties that the County could choose from if it wishes to convey property to the Port as a way of funding the purchase. These properties currently have a combined appraised value of \$29.3 million and generate nearly \$1.3 million in annual income for the General Fund.

*Amendment S1 as proposed for this ordinance would cover:*

- **Dual Use.** New findings would provide context for the Eastside Rail Corridor acquisition and the shared goal of dual usage;
- **Corridor as an essential public facility.** A new finding would note that the Corridor is an essential public facility under GMA;
- **Excursion rail service.** A new finding would request the regional planning process to consider the restoration of excursion passenger rail service;
- **Frustration of use.** A new finding would note that the shared goal of dual usage and the regional planning process will strive to prevent any frustration of use among the property owners;
- **Harbor Bond properties.** A new section would require that the executive may not transfer any property toward payment to the Port unless the Council has approved, and also require the Executive to propose a financing plan within 18 months of closing;
- **Port Payment within 30 days of closing.** A new finding would note that the Executive is required to make a payment of \$1.449 million to the Port within 30 days of closing using funds from the PSRC CMAQ grant;
- **Prior authorization for rail track removal.** A new section would require the Executive to receive Council approval before removing any rail track;

- **Rail-trail interconnectivity.** A new finding would note the importance of rail-trail interconnectivity;
- **Redmond coordination.** A new finding would note that Redmond has purchased fee simple ownership along the Corridor and that it is in the County's interest to coordinate with Redmond; and
- **Trail planning area location.** A new section would require the Executive to submit a plan by January 30, 2013 to designate the trail planning area as called for in the RCCCA with PSE.

**Striking Amendment S1 to Proposed RCCCA with Puget Sound Energy (PO 2012-0354).** Proposed Ordinance 2012-0354 would authorize the Executive to enter into a Reciprocal Coordination and Cooperation Covenant Agreement (RCCCA) between PSE and the County that would outline a joint planning process to preserve the County's trail planning, development, and use with respect to PSE utility facilities, while providing additional protection for existing or new County utilities.

*Amendment S1 as proposed for this ordinance would cover:*

- **Dual Use.** New findings would provide context for the Eastside Rail Corridor acquisition and the shared goal of dual usage;
- **Corridor as an essential public facility.** A new finding would note that the Corridor is an essential public facility under GMA;
- **Frustration of use.** A new finding would note that the shared goal of dual usage and the regional planning process will strive to prevent any frustration of use among the property owners; and
- **Technical corrections.** The amendment references a new Attachment A, which will include technical corrections to the RCCCA agreement.

**Striking Amendment S1 to Proposed Intergovernmental Land Transfer Agreement with City of Redmond (PO 2012-0382).** Proposed Ordinance 2012-0382 would authorize the Executive to enter into an Intergovernmental Land Transfer Agreement with the City of Redmond, through which the County would relinquish its multipurpose easement (MPE) and railbanking status in return for additional utility easements and a covenant from the City agreeing to assume the County's trail and railbanking responsibilities.

*Amendment S1 as proposed for this ordinance would cover:*

- **Dual Use.** New findings would provide context for the Eastside Rail Corridor acquisition and the shared goal of dual usage;

- **Corridor as an essential public facility.** A new finding would note that the Corridor is an essential public facility under GMA;
- **Frustration of use.** A new finding would note that the shared goal of dual usage and the regional planning process will strive to prevent any frustration of use among the property owners;
- **Redmond coordination with Sound Transit.** A new finding would note that by granting Sound Transit easements and by entering into the proposed agreement with the County, the city of Redmond is committing to the principles of dual use and to coordination with Sound; and
- **Technical corrections.** The amendment would make a technical correction in the agreement.

**Motion creating a Regional Advisory Council (PM 2012-0452).** This motion would create an Eastside Rail Corridor Regional Advisory Council and declare the Eastside Rail Corridor to be a Corridor of Regional Significance. While there is no amendment to this Motion at the time of this writing, staff has been asked to review it and prepare any necessary strengthening amendments for consideration.

## **NEXT STEPS**

As requested, staff is proceeding along a timeline that will lead to Committee recommendation and Council adoption no later than December 10, 2012. In light of the need for members to have time to develop, and staff to craft amendments, the following time-line is envisioned:

**Friday, November 30, 3:00 p.m.:** Requests for amendments due to staff

**Monday, December 3, 1:30 p.m.:** Public hearing on Proposed Ordinances at Council in the afternoon.

**Wednesday, December 5, 1:30 p.m. Special Meeting:** Amendments presented and acted upon if ready; expedite to December 10 Council meeting

**Monday, December 10, 9:30 a.m.:** final action if not done on 12/5; expedite to afternoon Council meeting.

## **ATTACHMENTS**

1. Amendment S1 to 2012-0352 (red line version)
2. Amendment S1 to 2012-0352 (clean version)
3. Proposed Ordinance 2012-0352 (without attachments; attachments to this proposed ordinance can be found behind Tab 1 beginning on page 23)
4. Amendment S1 to 2012-0353 (red line version)
5. Amendment S1 to 2012-0353 (clean version)
6. Proposed Ordinance 2012-0353 (without attachments; attachments to this proposed ordinance can be found behind Tab 1 beginning on page 33)

7. Amendment S1 to 2012-0354 (red line version)
8. Amendment S1 to 2012-0354 (clean version)
9. Proposed Ordinance 2012-0354 (without attachments; attachments to this proposed ordinance can be found behind Tab 1 beginning on page 123)
10. Amendment S1 to 2012-0382 (red line version)
11. Amendment S1 to 2012-0382 (clean version)
12. Proposed Ordinance 2012-0382 (without attachments; attachments to this proposed ordinance can be found behind Tab 4 beginning on page 19)
13. Proposed Motion 2012-0452

November 28, 2012

mb

Sponsor: Jane Hague

Proposed No.: 2012-0352

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2012-0352 VERSION 1**

2 On page 1, beginning on line 10, strike everything through page 3, line 44, and insert:

3 "FINDINGS:

4 1. The Eastside Rail Corridor (“the corridor”), formerly referred to as the  
5 Burlington Northern-Santa Fe (“BNSF”) rail line corridor, is a forty-two  
6 mile railroad corridor that extends south from the city of Snohomish in  
7 Snohomish county to the cities of Renton and Redmond in King County,  
8 passing through unincorporated King County and the cities of  
9 Woodinville, Kirkland, Bellevue, Renton and Redmond.

10 2. The corridor is a regional asset that through ongoing public ownership  
11 can be managed to support the shared objectives of a vibrant, growing  
12 community, including building a world-class regional transportation and  
13 trail system that will meet a variety of rail and trail mobility needs and  
14 supporting the efficient provision of utility services.

15 3. In 2008, King County executed an interlocal agreement with the Port of  
16 Seattle to acquire a multipurpose easement over the corridor, and in 2009  
17 King County entered into a Memorandum of Understanding with partners:

18 the Port of Seattle, Sound Transit, the city of Redmond, the Cascade  
19 Water Alliance and Puget Sound Energy; both of which implemented a  
20 policy of dual usage within the corridor.

21 4. As King County moves forward with the fee purchase of 15.6 miles  
22 within the southern portion of the corridor and an additional 3.6 miles of  
23 trail easement in the northern portion, and coordinates its usage with other  
24 property owners, including Sound Transit, which has a high capacity  
25 transportation easement along the southern portion of the corridor, the  
26 county reaffirms its commitment to the long-term implementation of dual  
27 usage with a high priority for both transportation and trail uses. To ensure  
28 that awareness of this dual usage is maintained over time, it is critical to  
29 place signage at close intervals.

30 5. The high capacity transportation, regional trail and county wastewater  
31 facilities that are to be located in the corridor will be of significant public  
32 benefit and constitute essential public facilities. As essential public  
33 facilities, these transportation, trail and wastewater uses are subject to the  
34 requirements of the Growth Management Act.

35 6. Because of the importance of dual usage, the executive will not remove  
36 any rail track without first receiving approval from the council.

37 SECTION 1. Ordinance 17232, Section 28, as amended, is hereby amended by  
38 adding thereto and inserting therein the following:

39 REAL ESTATE SERVICES – From the general fund, there is hereby  
40 appropriated to:



41 Real estate services \$65,000

42 SECTION 2. Ordinance 17232, Section 45, as amended, is hereby amended by

43 adding thereto and inserting therein the following:

44 PHYSICAL ENVIRONMENT GF TRANSFERS – From the general fund, there

45 is hereby appropriated to:

46 Physical environment GF transfers \$195,629

47 SECTION 3. Ordinance 17232, Section 115, as amended, is hereby amended by

48 adding thereto and inserting therein the following:

49 CAPITAL IMPROVEMENT PROGRAM - From the several capital

50 improvement project funds there are hereby appropriated and authorized to be disbursed

51 the following amounts for the specific projects identified in Attachment A to this

52 ordinance.

53	<b>Fund</b>	<b>Fund Name</b>	<b>2012</b>
54	3160	PARKS AND RECREATION – OPEN SPACE CONSTRUCTION	\$206,000
55	3681	REAL ESTATE EXCISE TAX #1 (REET 1)	\$206,000
56		<b>TOTAL</b>	<b>\$412,000</b>

57 P1 PROVIDED THAT:

58 Of this appropriation, \$50,000 shall not be expended or encumbered until the  
59 executive transmits a dual use plan and a motion by January 30, 2013, in the form of  
60 paper originals and electronic copies with the clerk of the council, who shall retain the  
61 originals and provide electronic copies to all councilmembers and to the council’s  
62 Director of Strategic Policy Initiatives.

63 The plan shall include the following:

- 64 | 1. A plan to erect signs at approximately fifteen major crossing points within King  
65 | County's ownership areas of the corridor during 2013, along with a proposed design for  
66 | the signs that will alert the public to the county's ownership and to the dual usage  
67 | planned for the corridor;
- 68 | 2. A proposal for the planning process by which a comprehensive signage and  
69 | wayfinding plan will be developed during the regional planning process for the corridor;
- 70 | 3. A proposal for the process by which rail and trail interconnectivity will be achieved;  
71 | and
- 72 | 4. A proposal for how the process will address trail connections between the corridor and  
73 | the Lake to Sound Trail.

74 |         SECTION 4. Attachment A to this ordinance hereby amends Attachment B to  
75 | Ordinance 17232, as amended, by adding thereto and inserting therein the projects listed  
76 | in Attachment A to this ordinance.

77 |         SECTION 5. Ordinance 17232, Section 117, as amended, is hereby amended by  
78 | adding thereto and inserting therein the following:

79 |         SURFACE WATER CAPITAL IMPROVEMENT PROGRAM -  
80 | IMPROVEMENT - From the surface water capital improvement fund there is hereby  
81 | appropriated and authorized to be disbursed the following amounts for the specific  
82 | projects identified in Attachment B to this ordinance.

83   <b>Fund</b>	<b>Fund Name</b>	<b>2012</b>
84   3522	OS KC NON BND FND SUBFUND	\$1,449,104
85	<b>TOTAL</b>	<b>\$1,449,104</b>

86 | P2 PROVIDED THAT:

87 Of this appropriation, \$1,449,104 shall be expended solely toward the county's  
88 purchase of ownership interests in the corridor, as described in Attachment A to  
89 Ordinance \_\_\_\_\_ (Proposed Ordinance 2012-0353). These funds shall be transmitted  
90 to the Port of Seattle within thirty days of closing.

91 SECTION 6. Attachment B to this ordinance hereby amends Attachment D to  
92 Ordinance 17232, as amended, by adding thereto and inserting therein the projects listed  
93 in Attachment B to this ordinance."

94  
95 **EFFECT:** The striking amendment will address the following issues:

- 96 • **Dual Use.** New findings will provide context for the Eastside Rail Corridor  
97 acquisition and the shared goal of dual usage;
- 98 • **Corridor as an essential public facility.** A new finding will note that the  
99 Corridor is an essential public facility under GMA;
- 100 • **Rail track removal.** A new finding will note that the executive cannot remove  
101 rail track without Council approval;
- 102 • **Lake-to-Sound connections.** A proviso will require the Executive to provide a  
103 plan for connections with the Lake-to-Sound trail in South King County;
- 104 • **Payment with PSRC grant.** A proviso will require the Executive to make a  
105 payment of \$1.449 million to the Port within 30 days of closing using funds from  
106 the PSRC CMAQ grant;
- 107 • **Rail-trail interconnectivity.** A proviso will require the Executive to provide a  
108 plan as part of the regional planning process that identifies the process by which  
109 rail-trail interconnectivity will be achieved; and

- 110       • **Signage indicating dual use of Corridor.** A proviso will require the Executive to  
111       provide an immediate plan for at least 15 signs at major crossing points and to  
112       identify a process to develop a longer-term signage and wayfinding plan.

November 28, 2012

mb

Sponsor: Jane Hague

Proposed No.: 2012-0352

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2012-0352 VERSION 1**

2 On page 1, beginning on line 10, strike everything through page 3, line 44, and insert:

3 "FINDINGS:

4 1. The Eastside Rail Corridor (“the corridor”), formerly referred to as the  
5 Burlington Northern-Santa Fe (“BNSF”) rail line corridor, is a forty-two  
6 mile railroad corridor that extends south from the city of Snohomish in  
7 Snohomish county to the cities of Renton and Redmond in King County,  
8 passing through unincorporated King County and the cities of  
9 Woodinville, Kirkland, Bellevue, Renton and Redmond.

10 2. The corridor is a regional asset that through ongoing public ownership  
11 can be managed to support the shared objectives of a vibrant, growing  
12 community, including building a world-class regional transportation and  
13 trail system that will meet a variety of rail and trail mobility needs and  
14 supporting the efficient provision of utility services.

15 3. In 2008, King County executed an interlocal agreement with the Port of  
16 Seattle to acquire a multipurpose easement over the corridor, and in 2009  
17 King County entered into a Memorandum of Understanding with partners:

18 the Port of Seattle, Sound Transit, the city of Redmond, the Cascade  
19 Water Alliance and Puget Sound Energy; both of which implemented a  
20 policy of dual usage within the corridor.

21 4. As King County moves forward with the fee purchase of 15.6 miles  
22 within the southern portion of the corridor and an additional 3.6 miles of  
23 trail easement in the northern portion, and coordinates its usage with other  
24 property owners, including Sound Transit, which has a high capacity  
25 transportation easement along the southern portion of the corridor, the  
26 county reaffirms its commitment to the long-term implementation of dual  
27 usage with a high priority for both transportation and trail uses. To ensure  
28 that awareness of this dual usage is maintained over time, it is critical to  
29 place signage at close intervals.

30 5. The high capacity transportation, regional trail and county wastewater  
31 facilities that are to be located in the corridor will be of significant public  
32 benefit and constitute essential public facilities. As essential public  
33 facilities, these transportation, trail and wastewater uses are subject to the  
34 requirements of the Growth Management Act.

35 6. Because of the importance of dual usage, the executive will not remove  
36 any rail track without first receiving approval from the council.

37 SECTION 1. Ordinance 17232, Section 28, as amended, is hereby amended by  
38 adding thereto and inserting therein the following:

39 REAL ESTATE SERVICES – From the general fund, there is hereby  
40 appropriated to:

41 Real estate services \$65,000

42 SECTION 2. Ordinance 17232, Section 45, as amended, is hereby amended by

43 adding thereto and inserting therein the following:

44 PHYSICAL ENVIRONMENT GF TRANSFERS – From the general fund, there

45 is hereby appropriated to:

46 Physical environment GF transfers \$195,629

47 SECTION 3. Ordinance 17232, Section 115, as amended, is hereby amended by

48 adding thereto and inserting therein the following:

49 CAPITAL IMPROVEMENT PROGRAM - From the several capital

50 improvement project funds there are hereby appropriated and authorized to be disbursed

51 the following amounts for the specific projects identified in Attachment A to this

52 ordinance.

53	<b>Fund</b>	<b>Fund Name</b>	<b>2012</b>
54	3160	PARKS AND RECREATION – OPEN SPACE CONSTRUCTION	\$206,000
55	3681	REAL ESTATE EXCISE TAX #1 (REET 1)	\$206,000
56		<b>TOTAL</b>	<b>\$412,000</b>

57 P1 PROVIDED THAT:

58 Of this appropriation, \$50,000 shall not be expended or encumbered until the

59 executive transmits a dual use plan and a motion by January 30, 2013, in the form of

60 paper originals and electronic copies with the clerk of the council, who shall retain the

61 originals and provide electronic copies to all councilmembers and to the council’s

62 Director of Strategic Policy Initiatives.

63 The plan shall include the following:

- 64 1. A plan to erect signs at approximately fifteen major crossing points within King  
 65 County's ownership areas of the corridor during 2013, along with a proposed design for  
 66 the signs that will alert the public to the county's ownership and to the dual usage  
 67 planned for the corridor;
- 68 2. A proposal for the planning process by which a comprehensive signage and  
 69 wayfinding plan will be developed during the regional planning process for the corridor;
- 70 3. A proposal for the process by which rail and trail interconnectivity will be achieved;  
 71 and
- 72 4. A proposal for how the process will address trail connections between the corridor and  
 73 the Lake to Sound Trail.

74 SECTION 4. Attachment A to this ordinance hereby amends Attachment B to  
 75 Ordinance 17232, as amended, by adding thereto and inserting therein the projects listed  
 76 in Attachment A to this ordinance.

77 SECTION 5. Ordinance 17232, Section 117, as amended, is hereby amended by  
 78 adding thereto and inserting therein the following:

79 SURFACE WATER CAPITAL IMPROVEMENT PROGRAM -  
 80 IMPROVEMENT - From the surface water capital improvement fund there is hereby  
 81 appropriated and authorized to be disbursed the following amounts for the specific  
 82 projects identified in Attachment B to this ordinance.

83 <b>Fund</b>	<b>Fund Name</b>	<b>2012</b>
84 3522	OS KC NON BND FND SUBFUND	\$1,449,104
85	<b>TOTAL</b>	<b>\$1,449,104</b>

86 P2 PROVIDED THAT:



87           Of this appropriation, \$1,449,104 shall be expended solely toward the county's  
88 purchase of ownership interests in the corridor, as described in Attachment A to  
89 Ordinance \_\_\_\_\_ (Proposed Ordinance 2012-0353). These funds shall be transmitted  
90 to the Port of Seattle within thirty days of closing.

91           SECTION 6. Attachment B to this ordinance hereby amends Attachment D to  
92 Ordinance 17232, as amended, by adding thereto and inserting therein the projects listed  
93 in Attachment B to this ordinance."

94

95 **EFFECT:** The striking amendment will address the following issues:

- 96           • **Dual Use.** New findings will provide context for the Eastside Rail Corridor  
97 acquisition and the shared goal of dual usage;
- 98           • **Corridor as an essential public facility.** A new finding will note that the  
99 Corridor is an essential public facility under GMA;
- 100          • **Rail track removal.** A new finding will note that the executive cannot remove  
101 rail track without Council approval;
- 102          • **Lake-to-Sound connections.** A proviso will require the Executive to provide a  
103 plan for connections with the Lake-to-Sound trail in South King County;
- 104          • **Payment with PSRC grant.** A proviso will require the Executive to make a  
105 payment of \$1.449 million to the Port within 30 days of closing using funds from  
106 the PSRC CMAQ grant;
- 107          • **Rail-trail interconnectivity.** A proviso will require the Executive to provide a  
108 plan as part of the regional planning process that identifies the process by which  
109 rail-trail interconnectivity will be achieved; and

- 110       • **Signage indicating dual use of Corridor.** A proviso will require the Executive to  
111       provide an immediate plan for at least 15 signs at major crossing points and to  
112       identify a process to develop a longer-term signage and wayfinding plan.



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**November 28, 2012**

**Ordinance**

**Proposed No.** 2012-0352.1

**Sponsors** Hague and Phillips

1 AN ORDINANCE making supplemental appropriations of  
2 \$65,000 to real estate services, \$195,269 to physical  
3 environment general fund transfers, \$206,000 to the parks  
4 and recreation - open space construction fund, \$206,000 to  
5 the real estate excise tax 1 fund, and \$1,449,104 to the open  
6 space non-bond capital fund; and amending the 2012  
7 Budget Ordinance, Ordinance 17232, Sections 28, 115 and  
8 122, as amended, and Attachments B and D, as amended.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Ordinance 17232, Section 28, as amended, is hereby amended by  
11 adding thereto and inserting therein the following:

12 REAL ESTATE SERVICES - From the general fund, there is hereby appropriated  
13 to:

14 Real estate services \$65,000

15 SECTION 2. Ordinance 17232, Section 45, as amended, is hereby amended by  
16 adding thereto and inserting therein the following:

17 PHYSICAL ENVIRONMENT GF TRANSFERS - From the general fund, there  
18 is hereby appropriated to:

19 Physical environment GF transfers \$195,629

20            SECTION 3. Ordinance 17232, Section 115, as amended, is hereby amended by  
21 adding thereto and inserting therein the following:

22            CAPITAL IMPROVEMENT PROGRAM - From the several capital  
23 improvement project funds there are hereby appropriated and authorized to be disbursed  
24 the following amounts for the specific projects identified in Attachment A to this  
25 ordinance.

26	<b>Fund</b>	<b>Fund Name</b>	<b>2012</b>
27	3160	PARKS AND RECREATION - OPEN SPACE CONSTRUCTION	\$206,000
28	3681	REAL ESTATE EXCISE TAX #1 (REET 1)	\$206,000
29		<b>TOTAL</b>	<b>\$412,000</b>

30            SECTION 4. Attachment A to this ordinance hereby amends Attachment B to  
31 Ordinance 17232, as amended, by adding thereto and inserting therein the projects listed  
32 in Attachment A to this ordinance.

33            SECTION 5. Ordinance 17232, Section 117, as amended, is hereby amended by  
34 adding thereto and inserting therein the following:

35            SURFACE WATER CAPITAL IMPROVEMENT PROGRAM -  
36 IMPROVEMENT - From the surface water capital improvement fund there is hereby  
37 appropriated and authorized to be disbursed the following amounts for the specific  
38 projects identified in Attachment B to this ordinance.

39	<b>Fund</b>	<b>Fund Name</b>	<b>2012</b>
40	3522	OS KC NON BND FND SUBFUND	\$1,449,104
41		<b>TOTAL</b>	<b>\$1,449,104</b>

42            SECTION 6. Attachment B to this ordinance hereby amends Attachment D to  
43 Ordinance 17232, as amended, by adding thereto and inserting therein the projects listed  
44 in Attachment B to this ordinance.  
45

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. General Government Capital Improvement Program, dated May 2, 2012, B. Surface Water Management Capital Improvement Program, dated May 2, 2012

November 28, 2012

mb

Sponsor: Jane Hague

Proposed No.: 2012-0353

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2012-0353, VERSION**

2 **1**

3 On page 1, beginning on line 4, strike everything through page 7, line 133, and insert:

4 | **"FINDINGS STATEMENT OF FACTS:**

5 | 1. The Eastside Rail Corridor ("the corridor"), formerly referred to as the  
6 | Burlington Northern-Santa Fe ("BNSF") rail line corridor, is a ~~forty-~~  
7 | ~~seven~~forty-two mile railroad corridor that extends south from the city of  
8 | Snohomish in Snohomish county to the cities of Renton and Redmond in  
9 | King County, passing through unincorporated King County and the cities  
10 | of Woodinville, Kirkland, Bellevue, Renton and Redmond.

11 | 2. The corridor is a regional asset that through ongoing public ownership  
12 | can be managed to support shared objectives of a vibrant, growing  
13 | community including building a world-class regional transportation  
14 | system meeting a variety of rail and trail mobility needs and supporting  
15 | the efficient provision of utility services.

16 3. The corridor is comprised of a contiguous set of parcels that together  
17 offer unique and significant opportunities that would be impossible to  
18 recreate if the parcels were disaggregated and sold off to private interests.

19 4. In 2003, BNSF announced its intent to divest itself of the Woodinville  
20 Subdivision and Redmond Spur, which encompass the corridor.

21 5. In 2005, the King County council passed Ordinance 15233, which  
22 authorized the BNSF Rail Line corridor acquisition project for the  
23 preservation of transportation right-of-way in eastside King County cities  
24 and made supplemental appropriations in support of the acquisition of the  
25 BNSF Rail Line corridor.

26 6. In May 2007, the Puget Sound Regional Council completed a technical  
27 study of the corridor identifying desirable potential uses and examining  
28 their general impacts, the comparative costs of such potential uses and the  
29 legal or institutional issues associated with preserving or acquiring the  
30 corridor. Based on this, study the BNSF Corridor Advisory Committee  
31 recommended, for the corridor portion south of Woodinville, that, among  
32 other uses, an interim regional multipurpose trail be developed.

33 7. In December 2007, the King County council passed Ordinance 15995,  
34 which approved a memorandum of understanding ("MOU") between  
35 BNSF, the Port of Seattle and King County that enabled the acquisition of  
36 the corridor by the Port of Seattle and called for negotiations between the  
37 Port of Seattle and King County concerning the long-term ownership and  
38 use of the corridor.

39 8. In May 2008, the King County council passed Ordinance 16084, which  
40 authorized the executive to execute agreements with the Port of Seattle  
41 that addressed the county's acquisition of property interests in the corridor,  
42 including a multipurpose public easement over the corridor, and the  
43 timeline and location of trail development within the corridor.

44 9. In May 2008, the Port of Seattle, BNSF and King County executed a  
45 purchase and sale agreement and donation agreement that allowed the Port  
46 of Seattle to purchase the corridor, called for an agreement between King  
47 County and BNSF for "railbanking" of the corridor south of milepost 23.8  
48 and over the entire spur, and called for the Port of Seattle to grant a  
49 multipurpose easement to King County over the railbanked portion of the  
50 corridor. At the same time, King County executed an interlocal agreement  
51 with the Port of Seattle to acquire the multipurpose easement for one  
52 million, nine hundred three thousand dollars.

53 10. In November 2009, King County entered into an MOU with partners:  
54 the Port of Seattle, Sound Transit, the city of Redmond, the Cascade  
55 Water Alliance and Puget Sound Energy to work together to secure  
56 property interests in the corridor in support of transportation, recreation,  
57 and utility uses.

58 11. In December 2009, BNSF conveyed the corridor to the Port of Seattle  
59 and the Port of Seattle conveyed the multipurpose easement to King  
60 County. ~~King County executed an interlocal agreement with the Port of~~  
61 ~~Seattle to acquire for one million nine hundred three thousand dollars a~~



62 | ~~multipurpose easement over the corridor south of milepost 23.8 on the~~  
63 | ~~main line and over the entire spur.~~

64 | 12. Pursuant to the federal National Trails Act and its implementing  
65 | regulations, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, in December 2009  
66 | King County entered into an interim trail use agreement with BNSF  
67 | Railway Company to railbank the eastside rail corridor from Woodinville  
68 | to Renton as well as the Redmond Spur from Woodinville to Redmond,  
69 | subject to reactivation for the resumption of interstate freight service. The  
70 | interim trail use agreement designated King County as the interim trail  
71 | user for railbanking purposes.

72 | 13. In December 2009, the King County council passed Ordinance 16738,  
73 | which requested that the King County executive negotiate contracts to  
74 | acquire property rights, in addition to those encompassed in the  
75 | multipurpose easement, in the corridor as envisioned in the 2009 MOU, a  
76 | primary purpose of which was to ensure that the corridor be developed and  
77 | operated for the dual purposes of recreational trail and public  
78 | transportation use while also preserving the corridor for the reactivation of  
79 | interstate freight service.

80 | 14. Pursuant to the 2009 MOU, the MOU partners have executed and, as  
81 | needed, continue to negotiate agreements among them that complete  
82 | acquisitions of property interests to implement the dual use purpose of the  
83 | MOU.

84 15. In June 2010, the city of Redmond acquired from the Port of Seattle  
85 fee ownership of the corridor from milepost 3.4 to milepost 7.3 of the  
86 spur.

87 16. In December 2010, Puget Sound Energy acquired from the Port of  
88 Seattle a utility easement over all portions of the corridor mainline and  
89 spur south of the city of Snohomish in Snohomish county.

90 17. In April 2012, Sound Transit acquired from the Port of Seattle fee  
91 ownership of the corridor from milepost 12.4 to 13.5 of the main line, and  
92 a high capacity transportation easement over all other portions of the  
93 corridor main line south of milepost 23.8 and from milepost 0.0 to 3.4 on  
94 the spur. In April 2012, Sound Transit also acquired from the city of  
95 Redmond an easement from milepost 3.4 to 7.3 of the spur. These  
96 interests allow Sound Transit to develop and operate a commuter rail  
97 system throughout the portions of the corridor located within King  
98 County.

99 18. In April 2012, the city of Kirkland acquired from the Port of Seattle  
100 fee ownership of the corridor from milepost 14.8 to 20.3 of the main line.

101 19. King County has developed, maintains, and is seeking to further  
102 develop a world-class regional trail system that provides an important  
103 mode of transportation and recreation opportunity for a diverse and  
104 growing population. Maintaining the corridor in contiguous public  
105 ownership offers a once-in-a-lifetime opportunity to expand this regional  
106 trail system, encouraging vibrant, prosperous and sustainable communities

107 and safeguarding and enhancing King County's natural resources and  
108 environment.

109 20. King County has developed, maintains, and anticipates the need to  
110 expand its world-class wastewater treatment system, which currently  
111 includes conveyance facilities that run within and cross the corridor.

112 21. King County is aware of and will explore a variety of options to fund  
113 the acquisition and development of portions of the corridor to advance its  
114 trail, transportation and utility system objectives.

115 22. The city of Redmond has developed and is implementing a plan to  
116 build a trail on the city-owned segment of the Redmond Spur, from  
117 mileposts 3.4 to 7.3. It is in the interest of King County and the city of  
118 Redmond to enter into an intergovernmental land transfer agreement to  
119 further the mutual goal of a regionally integrated corridor.

120 ~~2322~~. King County has worked with Puget Sound Energy to complete an  
121 agreement that clarifies the parties' respective interests in the corridor and  
122 ensures that these interests are constructively managed. King County has  
123 initiated such discussions with the city of ~~Redmond and the city of~~  
124 Kirkland and anticipates completing a similar agreements in the near  
125 future.

126 24. The property interests in the corridor that will be held by King  
127 County, Puget Sound Energy, Sound Transit and the cities of Redmond  
128 and Kirkland are intended by these entities to implement the November  
129 2009 MOU vision to share the corridor for public transportation, trail and

130 utility uses in a manner that allows each entity to achieve its purposes and  
131 attempts to avoid any frustration of those purposes.

132 2523. It is in King County's interest to execute a purchase and sale  
133 agreement with the Port of Seattle in support of outcomes including:  
134 providing a well-integrated world-class trail system that supports the  
135 regional transportation network; consolidating the property rights that  
136 undergird the regional wastewater system that protects water quality and  
137 aids economic development; maintaining the corridor's potential to  
138 support commuter rail connectivity through the major growth centers in  
139 King County's east side; and preserving the corridor for reactivation for  
140 the resumption of interstate freight service.

141 26. The county has established policy requiring a regional planning  
142 process to include the principal owners, with input from stakeholders to  
143 ensure coordinated, dual usage of the corridor. The county remains  
144 committed to that policy goal and to the implementation of the Eastside  
145 Rail Corridor Regional Advisory Council. Among the many uses that the  
146 advisory council should consider will be the careful consideration of the  
147 restoration of excursion passenger rail service.

148 27. The county's acquisition of ownership interests on the corridor will be  
149 funded in part by \$1,449,104, which was appropriated through Ordinance  
150 \_\_\_\_\_ (Proposed Ordinance 2012-0352). These funds shall be  
151 transmitted to the Port of Seattle within thirty days of closing

152 28. It is critical to achieve trail and rail interconnectivity within the  
153 corridor.

154 29. The high capacity transportation, regional trail and county wastewater  
155 facilities that are to be located in the corridor will be of significant public  
156 benefit and constitute essential public facilities. As essential public  
157 facilities, these transportation, trail and wastewater uses are subject to the  
158 requirements of the Growth Management Act.

159 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

160 SECTION 1. A. The King County council hereby approves King County's  
161 acquisition of portions of the Eastside Rail Corridor from the Port of Seattle for a  
162 purchase price of up to fifteen million eight hundred thousand dollars consistent with a  
163 purchase and sale agreement substantially in the form of Attachment A to this ordinance.

164 B. The King County executive is hereby authorized to execute a purchase and  
165 sale agreement substantially in the form of Attachment A to this ordinance with a  
166 purchase price of up to fifteen million eight hundred thousand dollars, and to implement  
167 the terms of this agreement and to execute any documents necessary to carry out the  
168 transaction authorized by the purchase and sale agreement.

169 SECTION 2. Before the King County executive may propose any transfer  
170 property in lieu of and satisfaction of all or a portion of the purchase price to the Port of  
171 Seattle under Section 2.1.2 of the purchase and sale agreement, the executive must obtain  
172 the approval by ordinance of the King County council. Further, the executive shall no  
173 later than eighteen (18) months after the closing called for by the purchase and sale  
174 agreement prepare and submit to the council for approval a financing plan to pay the

175 purchase price. The executive shall submit the financing plan and ordinance in the form  
176 of paper originals and electronic copies with the clerk of the council, who shall retain the  
177 originals and provide electronic copies to all councilmembers, and to the council's  
178 Director of Strategic Policy Initiatives.

179 SECTION 3. Before the King County executive may proceed with any rail track  
180 removal, the executive must obtain the approval by motion of the King County council.  
181 The executive shall submit the rail removal plan and motion in the form of paper  
182 originals and electronic copies with the clerk of the council, who shall retain the originals  
183 and provide electronic copies to all councilmembers, and to the council's Director of  
184 Strategic Policy Initiatives.

185 SECTION 4. It is in the interest of King County to designate the trail planning  
186 area as defined in the reciprocal coordination and cooperation covenant agreement  
187 quickly in order to protect strategic portions of the corridor. As part of the county's  
188 acquisition of the corridor from the Port of Seattle and the property interests in the  
189 reciprocal coordination and cooperation covenant agreement from Puget Sound Energy,  
190 the King County executive shall submit to the King County council by January 30, 2013,  
191 a proposal for approval by motion for perfecting the trail planning area called for by the  
192 reciprocal coordination and cooperation covenant agreement. The executive shall submit  
193 the trail planning area designation and motion in the form of paper originals and  
194 electronic copies with the clerk of the council, who shall retain the originals and provide  
195 electronic copies to all councilmembers, and the council's Director of Strategic Policy  
196 Initiatives."

197

198 **EFFECT:** The striking amendment will address the following issues:

- 199 • **Dual Use.** New findings will provide context for the Eastside Rail Corridor  
200 acquisition and the shared goal of dual usage;
- 201 • **Corridor as an essential public facility.** A new finding will note that the  
202 Corridor is an essential public facility under GMA;
- 203 • **Excursion rail service.** A new finding will request the regional planning process  
204 to consider the restoration of excursion passenger rail service;
- 205 • **Frustration of use.** A new finding will note that the shared goal of dual usage  
206 and the regional planning process will strive to prevent any frustration of use  
207 among the property owners;
- 208 • **Harbor Bond properties.** A new section will require that the executive may not  
209 transfer any property toward payment to the Port unless the Council has approved,  
210 and will also require the Executive to propose a financing plan within 18 months  
211 of closing;
- 212 • **Payment with PSRC grant.** A new finding will note that the Executive is  
213 required to make a payment of \$1.449 million to the Port within 30 days of  
214 closing using funds from the PSRC CMAQ grant;
- 215 • **Rail track removal.** A new section will require the Executive to receive Council  
216 approval before removing any rail track;
- 217 • **Rail-trail interconnectivity.** A new finding will note the importance of rail-trail  
218 interconnectivity;

- 219       • **Redmond coordination.** A new finding will note that Redmond has purchased  
220           fee simple ownership along the Corridor and that it is in the County’s interest to  
221           coordinate with Redmond; and
- 222       • **Trail planning area location.** A new section will require the Executive to submit  
223           a plan by January 30, 2013 to designate the trail planning area as called for in the  
224           RCCCA with PSE.



November 28, 2012

mb

Sponsor: Jane Hague

Proposed No.: 2012-0353

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2012-0353, VERSION**

2 **1**

3 On page 1, beginning on line 4, strike everything through page 7, line 133, and insert:

4 "FINDINGS:

5 1. The Eastside Rail Corridor ("the corridor"), formerly referred to as the  
6 Burlington Northern-Santa Fe ("BNSF") rail line corridor, is a forty-two  
7 mile railroad corridor that extends south from the city of Snohomish in  
8 Snohomish county to the cities of Renton and Redmond in King County,  
9 passing through unincorporated King County and the cities of  
10 Woodinville, Kirkland, Bellevue, Renton and Redmond.

11 2. The corridor is a regional asset that through ongoing public ownership  
12 can be managed to support shared objectives of a vibrant, growing  
13 community including building a world-class regional transportation  
14 system meeting a variety of rail and trail mobility needs and supporting  
15 the efficient provision of utility services.

16 3. The corridor is comprised of a contiguous set of parcels that together  
17 offer unique and significant opportunities that would be impossible to  
18 recreate if the parcels were disaggregated and sold off to private interests.

19 4. In 2003, BNSF announced its intent to divest itself of the Woodinville  
20 Subdivision and Redmond Spur, which encompass the corridor.

21 5. In 2005, the King County council passed Ordinance 15233, which  
22 authorized the BNSF Rail Line corridor acquisition project for the  
23 preservation of transportation right-of-way in eastside King County cities  
24 and made supplemental appropriations in support of the acquisition of the  
25 BNSF Rail Line corridor.

26 6. In May 2007, the Puget Sound Regional Council completed a technical  
27 study of the corridor identifying desirable potential uses and examining  
28 their general impacts, the comparative costs of such potential uses and the  
29 legal or institutional issues associated with preserving or acquiring the  
30 corridor. Based on this, study the BNSF Corridor Advisory Committee  
31 recommended, for the corridor portion south of Woodinville, that, among  
32 other uses, an interim regional multipurpose trail be developed.

33 7. In December 2007, the King County council passed Ordinance 15995,  
34 which approved a memorandum of understanding ("MOU") between  
35 BNSF, the Port of Seattle and King County that enabled the acquisition of  
36 the corridor by the Port of Seattle and called for negotiations between the  
37 Port of Seattle and King County concerning the long-term ownership and  
38 use of the corridor.

39 8. In May 2008, the King County council passed Ordinance 16084, which  
40 authorized the executive to execute agreements with the Port of Seattle  
41 that addressed the county's acquisition of property interests in the corridor,  
42 including a multipurpose public easement over the corridor, and the  
43 timeline and location of trail development within the corridor.

44 9. In May 2008, the Port of Seattle, BNSF and King County executed a  
45 purchase and sale agreement and donation agreement that allowed the Port  
46 of Seattle to purchase the corridor, called for an agreement between King  
47 County and BNSF for "railbanking" of the corridor south of milepost 23.8  
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49 multipurpose easement to King County over the railbanked portion of the  
50 corridor. At the same time, King County executed an interlocal agreement  
51 with the Port of Seattle to acquire the multipurpose easement for one  
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54 the Port of Seattle, Sound Transit, the city of Redmond, the Cascade  
55 Water Alliance and Puget Sound Energy to work together to secure  
56 property interests in the corridor in support of transportation, recreation,  
57 and utility uses.

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59 and the Port of Seattle conveyed the multipurpose easement to King  
60 County.

61 12. Pursuant to the federal National Trails Act and its implementing  
62 regulations, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, in December 2009  
63 King County entered into an interim trail use agreement with BNSF  
64 Railway Company to railbank the eastside rail corridor from Woodinville  
65 to Renton as well as the Redmond Spur from Woodinville to Redmond,  
66 subject to reactivation for the resumption of interstate freight service. The  
67 interim trail use agreement designated King County as the interim trail  
68 user for railbanking purposes.

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70 which requested that the King County executive negotiate contracts to  
71 acquire property rights, in addition to those encompassed in the  
72 multipurpose easement, in the corridor as envisioned in the 2009 MOU, a  
73 primary purpose of which was to ensure that the corridor be developed and  
74 operated for the dual purposes of recreational trail and public  
75 transportation use while also preserving the corridor for the reactivation of  
76 interstate freight service.

77 14. Pursuant to the 2009 MOU, the MOU partners have executed and, as  
78 needed, continue to negotiate agreements among them that complete  
79 acquisitions of property interests to implement the dual use purpose of the  
80 MOU.

81 15. In June 2010, the city of Redmond acquired from the Port of Seattle  
82 fee ownership of the corridor from milepost 3.4 to milepost 7.3 of the  
83 spur.

84 16. In December 2010, Puget Sound Energy acquired from the Port of  
85 Seattle a utility easement over all portions of the corridor mainline and  
86 spur south of the city of Snohomish in Snohomish county.

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90 corridor main line south of milepost 23.8 and from milepost 0.0 to 3.4 on  
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92 Redmond an easement from milepost 3.4 to 7.3 of the spur. These  
93 interests allow Sound Transit to develop and operate a commuter rail  
94 system throughout the portions of the corridor located within King  
95 County.

96 18. In April 2012, the city of Kirkland acquired from the Port of Seattle  
97 fee ownership of the corridor from milepost 14.8 to 20.3 of the main line.

98 19. King County has developed, maintains, and is seeking to further  
99 develop a world-class regional trail system that provides an important  
100 mode of transportation and recreation opportunity for a diverse and  
101 growing population. Maintaining the corridor in contiguous public  
102 ownership offers a once-in-a-lifetime opportunity to expand this regional  
103 trail system, encouraging vibrant, prosperous and sustainable communities  
104 and safeguarding and enhancing King County's natural resources and  
105 environment.

106 20. King County has developed, maintains, and anticipates the need to  
107 expand its world-class wastewater treatment system, which currently  
108 includes conveyance facilities that run within and cross the corridor.

109 21. King County is aware of and will explore a variety of options to fund  
110 the acquisition and development of portions of the corridor to advance its  
111 trail, transportation and utility system objectives.

112 22. The city of Redmond has developed and is implementing a plan to  
113 build a trail on the city-owned segment of the Redmond Spur, from  
114 mileposts 3.4 to 7.3. It is in the interest of King County and the city of  
115 Redmond to enter into an intergovernmental land transfer agreement to  
116 further the mutual goal of a regionally integrated corridor.

117 23. King County has worked with Puget Sound Energy to complete an  
118 agreement that clarifies the parties' respective interests in the corridor and  
119 ensures that these interests are constructively managed. King County has  
120 initiated such discussions with the city of Kirkland and anticipates  
121 completing a similar agreement in the near future.

122 24. The property interests in the corridor that will be held by King  
123 County, Puget Sound Energy, Sound Transit and the cities of Redmond  
124 and Kirkland are intended by these entities to implement the November  
125 2009 MOU vision to share the corridor for public transportation, trail and  
126 utility uses in a manner that allows each entity to achieve its purposes and  
127 attempts to avoid any frustration of those purposes.

128 25. It is in King County's interest to execute a purchase and sale  
129 agreement with the Port of Seattle in support of outcomes including:  
130 providing a well-integrated world-class trail system that supports the  
131 regional transportation network; consolidating the property rights that  
132 undergird the regional wastewater system that protects water quality and  
133 aids economic development; maintaining the corridor's potential to  
134 support commuter rail connectivity through the major growth centers in  
135 King County's east side; and preserving the corridor for reactivation for  
136 the resumption of interstate freight service.

137 26. The county has established policy requiring a regional planning  
138 process to include the principal owners, with input from stakeholders to  
139 ensure coordinated, dual usage of the corridor. The county remains  
140 committed to that policy goal and to the implementation of the Eastside  
141 Rail Corridor Regional Advisory Council. Among the many uses that the  
142 advisory council should consider will be the careful consideration of the  
143 restoration of excursion passenger rail service.

144 27. The county's acquisition of ownership interests on the corridor will be  
145 funded in part by \$1,449,104, which was appropriated through Ordinance  
146 \_\_\_\_\_ (Proposed Ordinance 2012-0352). These funds shall be  
147 transmitted to the Port of Seattle within thirty days of closing

148 28. It is critical to achieve trail and rail interconnectivity within the  
149 corridor.

150 29. The high capacity transportation, regional trail and county wastewater  
151 facilities that are to be located in the corridor will be of significant public  
152 benefit and constitute essential public facilities. As essential public  
153 facilities, these transportation, trail and wastewater uses are subject to the  
154 requirements of the Growth Management Act.

155 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

156 SECTION 1. A. The King County council hereby approves King County's  
157 acquisition of portions of the Eastside Rail Corridor from the Port of Seattle for a  
158 purchase price of up to fifteen million eight hundred thousand dollars consistent with a  
159 purchase and sale agreement substantially in the form of Attachment A to this ordinance.

160 B. The King County executive is hereby authorized to execute a purchase and  
161 sale agreement substantially in the form of Attachment A to this ordinance with a  
162 purchase price of up to fifteen million eight hundred thousand dollars, and to implement  
163 the terms of this agreement and to execute any documents necessary to carry out the  
164 transaction authorized by the purchase and sale agreement.

165 SECTION 2. Before the King County executive may propose any transfer  
166 property in lieu of and satisfaction of all or a portion of the purchase price to the Port of  
167 Seattle under Section 2.1.2 of the purchase and sale agreement, the executive must obtain  
168 the approval by ordinance of the King County council. Further, the executive shall no  
169 later than eighteen (18) months after the closing called for by the purchase and sale  
170 agreement prepare and submit to the council for approval a financing plan to pay the  
171 purchase price. The executive shall submit the financing plan and ordinance in the form  
172 of paper originals and electronic copies with the clerk of the council, who shall retain the



173 originals and provide electronic copies to all councilmembers, and to the council's  
174 Director of Strategic Policy Initiatives.

175         SECTION 3. Before the King County executive may proceed with any rail track  
176 removal, the executive must obtain the approval by motion of the King County council.  
177 The executive shall submit the rail removal plan and motion in the form of paper  
178 originals and electronic copies with the clerk of the council, who shall retain the originals  
179 and provide electronic copies to all councilmembers, and to the council's Director of  
180 Strategic Policy Initiatives.

181         SECTION 4. It is in the interest of King County to designate the trail planning  
182 area as defined in the reciprocal coordination and cooperation covenant agreement  
183 quickly in order to protect strategic portions of the corridor. As part of the county's  
184 acquisition of the corridor from the Port of Seattle and the property interests in the  
185 reciprocal coordination and cooperation covenant agreement from Puget Sound Energy,  
186 the King County executive shall submit to the King County council by January 30, 2013,  
187 a proposal for approval by motion for perfecting the trail planning area called for by the  
188 reciprocal coordination and cooperation covenant agreement. The executive shall submit  
189 the trail planning area designation and motion in the form of paper originals and  
190 electronic copies with the clerk of the council, who shall retain the originals and provide  
191 electronic copies to all councilmembers, and the council's Director of Strategic Policy  
192 Initiatives."

193

194 **EFFECT:** The striking amendment will address the following issues:

- 195       • **Dual Use.** New findings will provide context for the Eastside Rail Corridor  
196           acquisition and the shared goal of dual usage;
- 197       • **Corridor as an essential public facility.** A new finding will note that the  
198           Corridor is an essential public facility under GMA;
- 199       • **Excursion rail service.** A new finding will request the regional planning process  
200           to consider the restoration of excursion passenger rail service;
- 201       • **Frustration of use.** A new finding will note that the shared goal of dual usage  
202           and the regional planning process will strive to prevent any frustration of use  
203           among the property owners;
- 204       • **Harbor Bond properties.** A new section will require that the executive may not  
205           transfer any property toward payment to the Port unless the Council has approved,  
206           and will also require the Executive to propose a financing plan within 18 months  
207           of closing;
- 208       • **Payment with PSRC grant.** A new finding will note that the Executive is  
209           required to make a payment of \$1.449 million to the Port within 30 days of  
210           closing using funds from the PSRC CMAQ grant;
- 211       • **Rail track removal.** A new section will require the Executive to receive Council  
212           approval before removing any rail track;
- 213       • **Rail-trail interconnectivity.** A new finding will note the importance of rail-trail  
214           interconnectivity;
- 215       • **Redmond coordination.** A new finding will note that Redmond has purchased  
216           fee simple ownership along the Corridor and that it is in the County’s interest to  
217           coordinate with Redmond; and

- 218       • **Trail planning area location.** A new section will require the Executive to submit  
219           a plan by January 30, 2013 to designate the trail planning area as called for in the  
220           RCCCA with PSE.



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

November 28, 2012

### Ordinance

**Proposed No.** 2012-0353.1

**Sponsors** Hague and Phillips

1 AN ORDINANCE approving and authorizing the King  
2 County executive to acquire portions of the Eastside Rail  
3 Corridor from the Port of Seattle.

4 **STATEMENT OF FACTS:**

- 5 1. The Eastside Rail Corridor ("the corridor"), formerly referred to as the  
6 Burlington Northern-Santa Fe ("BNSF") rail line corridor, is a forty-seven  
7 mile railroad corridor that extends south from the city of Snohomish in  
8 Snohomish county to the cities of Renton and Redmond in King County,  
9 passing through unincorporated King County and the cities of  
10 Woodinville, Kirkland, Bellevue, Renton and Redmond.
- 11 2. The corridor is a regional asset that through ongoing public ownership  
12 can be managed to support shared objectives of a vibrant, growing  
13 community including building a world-class regional transportation  
14 system meeting a variety of rail and trail mobility needs and supporting  
15 the efficient provision of utility services.
- 16 3. The corridor is comprised of a contiguous set of parcels that together  
17 offer unique and significant opportunities that would be impossible to  
18 recreate if the parcels were disaggregated and sold off to private interests.

19           4. In 2003, BNSF announced its intent to divest itself of the Woodinville  
20           Subdivision and Redmond Spur, which encompass the corridor.

21           5. In 2005, the King County council passed Ordinance 15233, which  
22           authorized the BNSF Rail Line corridor acquisition project for the  
23           preservation of transportation right-of-way in eastside King County cities  
24           and made supplemental appropriations in support of the acquisition of the  
25           BNSF Rail Line corridor.

26           6. In May 2007, the Puget Sound Regional Council completed a technical  
27           study of the corridor identifying desirable potential uses and examining  
28           their general impacts, the comparative costs of such potential uses and the  
29           legal or institutional issues associated with preserving or acquiring the  
30           corridor. Based on this, study the BNSF Corridor Advisory Committee  
31           recommended, for the corridor portion south of Woodinville, that, among  
32           other uses, an interim regional multipurpose trail be developed.

33           7. In December 2007, the King County council passed Ordinance 15995,  
34           which approved a memorandum of understanding ("MOU") between  
35           BNSF, the Port of Seattle and King County that enabled the acquisition of  
36           the corridor by the Port of Seattle and called for negotiations between the  
37           Port of Seattle and King County concerning the long-term ownership and  
38           use of the corridor.

39           8. In May 2008, the King County council passed Ordinance 16084, which  
40           authorized the executive to execute agreements with the Port of Seattle  
41           that addressed the county's acquisition of property interests in the corridor,

42 including a multipurpose public easement over the corridor, and the  
43 timeline and location of trail development within the corridor.

44 9. In May 2008, the Port of Seattle, BNSF and King County executed a  
45 purchase and sale agreement and donation agreement that allowed the Port  
46 of Seattle to purchase the corridor, called for an agreement between King  
47 County and BNSF for "railbanking" of the corridor south of milepost 23.8,  
48 and called for the Port of Seattle to grant a multipurpose easement to King  
49 County over the railbanked portion of the corridor.

50 10. In November 2009, King County entered into an MOU with partners  
51 the Port of Seattle, Sound Transit, the city of Redmond, the Cascade  
52 Water Alliance and Puget Sound Energy to work together to secure  
53 property interests in the corridor in support of transportation, recreation,  
54 and utility uses.

55 11. In December 2009, King County executed an interlocal agreement  
56 with the Port of Seattle to acquire for one million nine hundred three  
57 thousand dollars a multipurpose easement over the corridor south of  
58 milepost 23.8 on the main line and over the entire spur.

59 12. Pursuant to the federal National Trails Act and its implementing  
60 regulations, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, in December 2009  
61 King County entered into an interim trail use agreement with BNSF  
62 Railway Company to railbank the eastside rail corridor from Woodinville  
63 to Renton as well as the Redmond Spur from Woodinville to Redmond,  
64 subject to reactivation for the resumption of interstate freight service. The

65 interim trail use agreement designated King County as the interim trail  
66 user for railbanking purposes.

67 13. In December 2009, the King County council passed Ordinance 16738,  
68 which requested that the King County executive negotiate contracts to  
69 acquire property rights, in addition to those encompassed in the  
70 multipurpose easement, in the corridor as envisioned in the 2009 MOU, a  
71 primary purpose of which was to ensure that the corridor be developed and  
72 operated for the dual purposes of recreational trail and public  
73 transportation use while also preserving the corridor for the reactivation of  
74 interstate freight service.

75 14. Pursuant to the 2009 MOU, the MOU partners have executed and, as  
76 needed, continue to negotiate agreements among them that complete  
77 acquisitions of property interests to implement the dual use purpose of the  
78 MOU.

79 15. In June 2010, the city of Redmond acquired from the Port of Seattle  
80 fee ownership of the corridor from milepost 3.4 to milepost 7.3 of the  
81 spur.

82 16. In December 2010, Puget Sound Energy acquired from the Port of  
83 Seattle a utility easement over all portions of the corridor mainline and  
84 spur south of the city of Snohomish in Snohomish county.

85 17. In April 2012, Sound Transit acquired from the Port of Seattle fee  
86 ownership of the corridor from milepost 12.4 to 13.5 of the main line, and  
87 a high capacity transportation easement over all other portions of the

88 corridor main line south of milepost 23.8 and from milepost 0.0 to 3.4 on  
89 the spur. In April 2012, Sound Transit also acquired from the city of  
90 Redmond an easement from milepost 3.4 to 7.3 of the spur. These  
91 interests allow Sound Transit to develop and operate a commuter rail  
92 system throughout the portions of the corridor located within King  
93 County.

94 18. In April 2012, the city of Kirkland acquired from the Port of Seattle  
95 fee ownership of the corridor from milepost 14.8 to 20.3 of the main line.

96 19. King County has developed, maintains, and is seeking to further  
97 develop a world-class regional trail system that provides an important  
98 mode of transportation and recreation opportunity for a diverse and  
99 growing population. Maintaining the corridor in contiguous public  
100 ownership offers a once-in-a-lifetime opportunity to expand this regional  
101 trail system, encouraging vibrant, prosperous and sustainable communities  
102 and safeguarding and enhancing King County's natural resources and  
103 environment.

104 20. King County has developed, maintains, and anticipates the need to  
105 expand its world-class wastewater treatment system, which currently  
106 includes conveyance facilities that run within and cross the corridor.

107 21. King County is aware of and will explore a variety of options to fund  
108 the acquisition and development of portions of the corridor to advance its  
109 trail, transportation and utility system objectives.



110 22. King County has worked with Puget Sound Energy to complete an  
111 agreement that clarifies the parties' respective interests in the corridor and  
112 ensures that these interests are constructively managed. King County has  
113 initiated such discussions with the city of Redmond and the city of  
114 Kirkland and anticipates completing similar agreements in the near future.

115 23. It is in King County's interest to execute a purchase and sale  
116 agreement with the Port of Seattle in support of outcomes including:  
117 providing a well-integrated world-class trail system that supports the  
118 regional transportation network; consolidating the property rights that  
119 undergird the regional wastewater system that protects water quality and  
120 aids economic development; maintaining the corridor's potential to  
121 support commuter rail connectivity through the major growth centers in  
122 King County's east side; and preserving the corridor for reactivation for  
123 the resumption of interstate freight service.

124 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

125 SECTION 1. A. The King County council hereby approves King County's  
126 acquisition of portions of the Eastside Rail Corridor from the Port of Seattle for a  
127 purchase price of up to fifteen million eight hundred thousand dollars consistent with a  
128 purchase and sale agreement substantially in the form of Attachment A to this ordinance.

129 B. The King County executive is hereby authorized to execute a purchase and  
130 sale agreement substantially in the form of Attachment A to this ordinance with a  
131 purchase price of up to fifteen million eight hundred thousand dollars, and to implement

132 the terms of this agreement and to execute any documents necessary to carry out the  
133 transaction authorized by the purchase and sale agreement.

134

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

---

Larry Gossett, Chair

ATTEST:

---

Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

Dow Constantine, County Executive

**Attachments:** A. Real Estate Purchase and Sale Agreement

November 28, 2012

**S1**

mb

Sponsor: Jane Hague

Proposed No.: 2012-0354

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2012-0354, VERSION**

2 **1**

3 On page 1, beginning on line 5, strike everything through page 4, line 59, and insert:

4 | **"FINDINGS-STATEMENT OF FACTS:**

5 | 1. The Eastside Rail Corridor ("the corridor"), formerly referred to as the  
6 | Burlington Northern-Santa Fe Rail ("BNSF") rail line corridor, is a ~~forty-~~  
7 | ~~seven~~forty-two-mile railroad corridor that extends south from the city of  
8 | Snohomish in Snohomish county to the cities of Renton and Redmond in  
9 | King County, passing through unincorporated King County and the cities  
10 | of Woodinville, Kirkland, Bellevue, Renton and Redmond.

11 | 2. The corridor is a regional asset that through ongoing public ownership  
12 | can be managed to support shared objectives of a vibrant, growing  
13 | community including building a world-class regional transportation  
14 | system meeting a variety of rail and trail mobility needs and supporting  
15 | the efficient provision of utility services.

16 | 3. In November 2009, King County entered into a memorandum of  
17 | understanding with partners the Port of Seattle, Sound Transit, the city of

18 Redmond, the Cascade Water Alliance and Puget Sound Energy to work  
19 together to secure property interests in the corridor to support  
20 transportation, recreation, and utility uses.

21 4. In May 2009, the Port of Seattle, BNSF and King County executed a  
22 purchase and sale agreement and donation agreement that allowed the Port  
23 of Seattle to purchase the corridor, called for an agreement between King  
24 County and BNSF for “railbanking” of the corridor south of milepost 23.8  
25 and over the entire spur, and called for the Port of Seattle to grant a  
26 multipurpose easement to King County over the railbanked portion of the  
27 corridor. At the same time, King County executed an interlocal agreement  
28 with the Port of Seattle to acquire the multipurpose easement for one  
29 million, nine hundred three thousand dollars. In December 2009, BNSF  
30 conveyed the corridor to the Port of Seattle and the Port of Seattle  
31 conveyed the multipurpose easement to King County. In December 2009,  
32 King County executed an interlocal agreement with the Port of Seattle to  
33 acquire a multipurpose easement over the corridor south of milepost 23.8  
34 on the main line, which runs in King County from Woodinville to Renton,  
35 and over the entire spur, which runs from Woodinville to Redmond.

36 5. Pursuant to the federal National Trails Act and its implementing  
37 regulations, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, in December 2009  
38 King County entered into an interim trail use agreement with BNSF  
39 Railway Company to "railbank" the eastside rail corridor from  
40 Woodinville to Renton as well as the Redmond Spur from Woodinville to

41 Redmond, subject to reactivation for the resumption of interstate freight  
42 service. The interim trail use agreement designated King County as the  
43 interim trail user for railbanking purposes.

44 6. In December 2010, Puget Sound Energy acquired from the Port of  
45 Seattle an easement over all portions of the corridor mainline and spur  
46 south of the city of Snohomish in Snohomish county.

47 7. King County has developed, maintains and is seeking to further  
48 develop a world-class regional trail system that provides an important  
49 mode of transportation and recreation opportunity for a diverse and  
50 growing population.

51 8. King County has developed, maintains and anticipates the need to  
52 expand its world-class wastewater treatment system, which currently  
53 includes conveyance facilities that run within and cross the corridor.

54 9. King County and the Port of Seattle have completed and sent to the  
55 King County council for its approval a purchase and sale agreement that  
56 enables King County's acquisition of new fee and easement interests over  
57 nineteen and one-half miles of the corridor, which overlap geographically  
58 with the interests PSE acquired in December 2010.

59 10. It is in King County's and PSE's interest to execute a reciprocal  
60 coordination and cooperation covenant agreement to clarify and guide the  
61 coordination of the parties' planning and development activities within the  
62 | corridor.

63 11. The property interests in the corridor that will be held by King  
64 County, Puget Sound Energy, Sound Transit and the cities of Redmond  
65 and Kirkland are intended by these entities to implement the November  
66 2009 MOU vision to share the corridor for public transportation, trail and  
67 utility uses in a manner that allows each entity to achieve its purposes and  
68 attempts to avoid any frustration of those purposes.

69 12. The county has established policy requiring a regional planning  
70 process to include the principal owners, with input from stakeholders to  
71 ensure coordinated, dual usage of the corridor. The county remains  
72 committed to that policy goal and to the implementation of the Eastside  
73 Rail Corridor Regional Advisory Council.

74 13. The high capacity transportation, regional trail and county wastewater  
75 facilities that are to be located in the corridor will be of significant public  
76 benefit and constitute essential public facilities. As essential public  
77 facilities, these transportation, trail and wastewater uses are subject to the  
78 requirements of the Growth Management Act.

79

80 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

81 SECTION 1. The King County executive is hereby authorized to execute a  
82 reciprocal coordination and cooperation covenant agreement with Puget Sound Energy  
83 substantially in the form of Attachment A to this ordinance, to implement the terms of the  
84 agreement and to execute any documents necessary to carry out the transaction  
85 authorized by the agreement."

86 | ~~On~~ Attachment A with Attachment A dated \_\_\_\_\_.

87 | **EFFECT:** The striking amendment will address the following issues:

- 88 | • **Dual Use.** New findings will provide context for the Eastside Rail Corridor
- 89 | acquisition and the shared goal of dual usage;
- 90 | • **Corridor as an essential public facility.** A new finding will note that the
- 91 | Corridor is an essential public facility under GMA;
- 92 | • **Frustration of use.** A new finding will note that the shared goal of dual usage
- 93 | and the regional planning process will strive to prevent any frustration of use
- 94 | among the property owners; and
- 95 | • **Technical corrections.** The amendment references a new Attachment A, which
- 96 | will include technical corrections to the RCCCA agreement.

November 28, 2012

mb

Sponsor: Jane Hague

Proposed No.: 2012-0354

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2012-0354, VERSION**

2 **1**

3 On page 1, beginning on line 5, strike everything through page 4, line 59, and insert:

4 "FINDINGS:

5 1. The Eastside Rail Corridor ("the corridor"), formerly referred to as the  
6 Burlington Northern-Santa Fe Rail ("BNSF") rail line corridor, is a forty-  
7 two-mile railroad corridor that extends south from the city of Snohomish  
8 in Snohomish county to the cities of Renton and Redmond in King  
9 County, passing through unincorporated King County and the cities of  
10 Woodinville, Kirkland, Bellevue, Renton and Redmond.

11 2. The corridor is a regional asset that through ongoing public ownership  
12 can be managed to support shared objectives of a vibrant, growing  
13 community including building a world-class regional transportation  
14 system meeting a variety of rail and trail mobility needs and supporting  
15 the efficient provision of utility services.

16 3. In November 2009, King County entered into a memorandum of  
17 understanding with partners the Port of Seattle, Sound Transit, the city of



18 Redmond, the Cascade Water Alliance and Puget Sound Energy to work  
19 together to secure property interests in the corridor to support  
20 transportation, recreation, and utility uses.

21 4. In May 2009, the Port of Seattle, BNSF and King County executed a  
22 purchase and sale agreement and donation agreement that allowed the Port  
23 of Seattle to purchase the corridor, called for an agreement between King  
24 County and BNSF for “railbanking” of the corridor south of milepost 23.8  
25 and over the entire spur, and called for the Port of Seattle to grant a  
26 multipurpose easement to King County over the railbanked portion of the  
27 corridor. At the same time, King County executed an interlocal agreement  
28 with the Port of Seattle to acquire the multipurpose easement for one  
29 million, nine hundred three thousand dollars. In December 2009, BNSF  
30 conveyed the corridor to the Port of Seattle and the Port of Seattle  
31 conveyed the multipurpose easement to King County.

32 5. Pursuant to the federal National Trails Act and its implementing  
33 regulations, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, in December 2009  
34 King County entered into an interim trail use agreement with BNSF  
35 Railway Company to "railbank" the eastside rail corridor from  
36 Woodinville to Renton as well as the Redmond Spur from Woodinville to  
37 Redmond, subject to reactivation for the resumption of interstate freight  
38 service. The interim trail use agreement designated King County as the  
39 interim trail user for railbanking purposes.

- 40 6. In December 2010, Puget Sound Energy acquired from the Port of  
41 Seattle an easement over all portions of the corridor mainline and spur  
42 south of the city of Snohomish in Snohomish county.
- 43 7. King County has developed, maintains and is seeking to further  
44 develop a world-class regional trail system that provides an important  
45 mode of transportation and recreation opportunity for a diverse and  
46 growing population.
- 47 8. King County has developed, maintains and anticipates the need to  
48 expand its world-class wastewater treatment system, which currently  
49 includes conveyance facilities that run within and cross the corridor.
- 50 9. King County and the Port of Seattle have completed and sent to the  
51 King County council for its approval a purchase and sale agreement that  
52 enables King County's acquisition of new fee and easement interests over  
53 nineteen and one-half miles of the corridor, which overlap geographically  
54 with the interests PSE acquired in December 2010.
- 55 10. It is in King County's and PSE's interest to execute a reciprocal  
56 coordination and cooperation covenant agreement to clarify and guide the  
57 coordination of the parties' planning and development activities within the  
58 corridor.
- 59 11. The property interests in the corridor that will be held by King  
60 County, Puget Sound Energy, Sound Transit and the cities of Redmond  
61 and Kirkland are intended by these entities to implement the November  
62 2009 MOU vision to share the corridor for public transportation, trail and

63 utility uses in a manner that allows each entity to achieve its purposes and  
64 attempts to avoid any frustration of those purposes.

65 12. The county has established policy requiring a regional planning  
66 process to include the principal owners, with input from stakeholders to  
67 ensure coordinated, dual usage of the corridor. The county remains  
68 committed to that policy goal and to the implementation of the Eastside  
69 Rail Corridor Regional Advisory Council.

70 13. The high capacity transportation, regional trail and county wastewater  
71 facilities that are to be located in the corridor will be of significant public  
72 benefit and constitute essential public facilities. As essential public  
73 facilities, these transportation, trail and wastewater uses are subject to the  
74 requirements of the Growth Management Act.

75 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

76 SECTION 1. The King County executive is hereby authorized to execute a  
77 reciprocal coordination and cooperation covenant agreement with Puget Sound Energy  
78 substantially in the form of Attachment A to this ordinance, to implement the terms of the  
79 agreement and to execute any documents necessary to carry out the transaction  
80 authorized by the agreement."

81 Replace Attachment A with Attachment A dated \_\_\_\_\_.

82 **EFFECT:** The striking amendment will address the following issues:

- 83 • **Dual Use.** New findings will provide context for the Eastside Rail Corridor  
84 acquisition and the shared goal of dual usage;

- 85       • **Corridor as an essential public facility.** A new finding will note that the  
86           Corridor is an essential public facility under GMA;
- 87       • **Frustration of use.** A new finding will note that the shared goal of dual usage  
88           and the regional planning process will strive to prevent any frustration of use  
89           among the property owners; and
- 90       • **Technical corrections.** The amendment references a new Attachment A, which  
91           will include technical corrections to the RCCCA agreement.



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

November 28, 2012

### Ordinance

**Proposed No.** 2012-0354.1

**Sponsors** Hague and Phillips

1 AN ORDINANCE approving and authorizing the King  
2 County executive to enter into a reciprocal coordination  
3 and cooperation covenant agreement with Puget Sound  
4 Energy.

5 **STATEMENT OF FACTS:**

- 6 1. The Eastside Rail Corridor ("the corridor"), formerly referred to as the  
7 Burlington Northern-Santa Fe Rail ("BNSF") rail line corridor, is a forty-  
8 seven-mile railroad corridor that extends south from the city of Snohomish  
9 in Snohomish county to the cities of Renton and Redmond in King  
10 County, passing through unincorporated King County and the cities of  
11 Woodinville, Kirkland, Bellevue, Renton and Redmond.
- 12 2. The corridor is a regional asset that through ongoing public ownership  
13 can be managed to support shared objectives of a vibrant, growing  
14 community including building a world-class regional transportation  
15 system meeting a variety of rail and trail mobility needs and supporting  
16 the efficient provision of utility services.
- 17 3. In November 2009, King County entered into a memorandum of  
18 understanding with partners the Port of Seattle, Sound Transit, the city of  
19 Redmond, the Cascade Water Alliance and Puget Sound Energy to work

20 together to secure property interests in the corridor to support  
21 transportation, recreation, and utility uses.

22 4. In December 2009, King County executed an interlocal agreement with  
23 the Port of Seattle to acquire a multipurpose easement over the corridor  
24 south of milepost 23.8 on the main line, which runs in King County from  
25 Woodinville to Renton, and over the entire spur, which runs from  
26 Woodinville to Redmond.

27 5. Pursuant to the federal National Trails Act and its implementing  
28 regulations, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, in December 2009  
29 King County entered into an interim trail use agreement with BNSF  
30 Railway Company to "railbank" the eastside rail corridor from  
31 Woodinville to Renton as well as the Redmond Spur from Woodinville to  
32 Redmond, subject to reactivation for the resumption of interstate freight  
33 service. The interim trail use agreement designated King County as the  
34 interim trail user for railbanking purposes.

35 6. In December 2010, Puget Sound Energy acquired from the Port of  
36 Seattle an easement over all portions of the corridor mainline and spur  
37 south of the city of Snohomish in Snohomish county.

38 7. King County has developed, maintains and is seeking to further  
39 develop a world-class regional trail system that provides an important  
40 mode of transportation and recreation opportunity for a diverse and  
41 growing population.

42           8. King County has developed, maintains and anticipates the need to  
43           expand its world-class wastewater treatment system, which currently  
44           includes conveyance facilities that run within and cross the corridor.

45           9. King County and the Port of Seattle have completed and sent to the  
46           King County council for its approval a purchase and sale agreement that  
47           enables King County's acquisition of new fee and easement interests over  
48           nineteen and one-half miles of the corridor, which overlap geographically  
49           with the interests PSE acquired in December 2010.

50           10. It is in King County's and PSE's interest to execute a reciprocal  
51           coordination and cooperation covenant agreement to clarify and guide the  
52           coordination of the parties' planning and development activities within the  
53           corridor.

54           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

55           SECTION 1. The King County executive is hereby authorized to execute a  
56           reciprocal coordination and cooperation covenant agreement with Puget Sound Energy  
57           substantially in the form of Attachment A to this ordinance, to implement the terms of the

58 agreement and to execute any documents necessary to carry out the transaction  
59 authorized by the agreement.  
60

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

---

Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

Dow Constantine, County Executive

**Attachments:** A. Reciprocal Coordination and Cooperation Covenant Agreement



November 28, 2012

mb

Sponsor: Jane Hague

Proposed No.: 2012-0382

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2012-0382, VERSION**

2 **1**

3 On page 1, beginning on line 4, strike everything through page 5, line 72, and insert:

4 **"FINDINGS STATEMENT OF FACTS:**

5 1. The Eastside Rail Corridor ("the corridor"), formerly referred to as the  
6 Burlington Northern-Santa Fe Rail ("BNSF") Rail Corridor, is a ~~forty-~~  
7 ~~seven~~forty-two mile railroad line corridor that extends south from the city  
8 of Snohomish in Snohomish county to the cities of Renton and Redmond  
9 in King County, passing through unincorporated King County and the  
10 cities of Woodinville, Kirkland, Bellevue, Renton and Redmond.

11 2. The corridor is a regional asset that through ongoing public ownership  
12 can be managed to support shared objectives of a vibrant, growing  
13 community including building a world-class regional transportation  
14 system meeting a variety of rail and trail mobility needs and supporting  
15 the efficient provision of utility services.

16 3. In November 2009, King County entered into a memorandum of  
17 understanding with partners the Port of Seattle, Sound Transit, the city of

18 Redmond, the Cascade Water Alliance and Puget Sound Energy to work  
19 together to secure property interests in the corridor in support of  
20 transportation, recreation and utility uses.

21 4. In May 2008, the Port of Seattle, BNSF and King County executed a  
22 purchase and sale agreement and donation agreement that allowed the Port  
23 of Seattle to purchase the corridor, called for an agreement between King  
24 County and BNSF for “railbanking” of the corridor south of milepost 23.8  
25 and over the entire spur and called for the Port of Seattle to grant a  
26 multipurpose easement to King County over the railbanked portion of the  
27 corridor. At the same time, King County executed an interlocal agreement  
28 with the Port of Seattle to acquire the multipurpose easement for one  
29 million, nine hundred three thousand dollars. In December 2009, BNSF  
30 conveyed the corridor to the Port of Seattle and the Port of Seattle  
31 conveyed the multipurpose easement to King County. In December 2009,  
32 King County executed an interlocal agreement with the Port of Seattle to  
33 acquire for one million nine hundred three thousand dollars a multipurpose  
34 easement over the corridor south of milepost 23.8 on the main line and  
35 over the entire spur.

36 5. Pursuant to the federal National Trails Act and its implementing  
37 regulations, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, in December 2009  
38 King County entered into an interim trail use agreement with BNSF  
39 Railway Company to railbank the corridor from Woodinville to Renton as  
40 well as the Redmond Spur of the corridor from Woodinville to Redmond,

41 subject to reactivation for the resumption of interstate freight service. The  
42 interim trail use agreement designated King County as the interim trail  
43 user for railbanking purposes.

44 6. In June 2010, the city of Redmond acquired from the Port of Seattle fee  
45 ownership within the Redmond Spur segment within the city, from  
46 milepost 3.4 to milepost 7.3, subject to King County's multipurpose  
47 easement.

48 7. In April 2012, Sound Transit acquired from the city of Redmond  
49 easements to develop and operate light rail rapid transit facilities on the  
50 city-owned segment of the Redmond Spur.

51 8. King County has developed, maintains and is seeking to further  
52 develop a world-class regional trail system that provides an important  
53 mode of transportation and recreation opportunity for a diverse and  
54 growing population.

55 9. King County has developed, maintains and anticipates the need to  
56 expand its world-class wastewater treatment system, which currently  
57 includes conveyance facilities that run within and cross the corridor,  
58 including portions of the Redmond Spur.

59 10. The city of Redmond has developed and is implementing a plan to  
60 build a trail on the city-owned segment of the Redmond Spur, from  
61 milepost 3.4 to 7.3, and the city desires to become the interim trail user  
62 and assume railbanking obligations for that segment of the Redmond Spur.

63 11. By granting Sound Transit easements for light rail and other high  
64 capacity transit facilities and by entering into the intergovernmental land  
65 transfer agreement approved by this ordinance, the city of Redmond is  
66 committing to carry out its trail use subject to and in a manner that will not  
67 interfere with the ability of Sound Transit to sue the corridor within the  
68 city of Redmond for high capacity transit purposes.

69 1244. It is in the interest of King County and the city of Redmond to  
70 execute an intergovernmental land transfer agreement to further the  
71 interests of the parties regarding the Redmond Spur and to better align  
72 their respective property rights and obligations with their existing and  
73 intended uses of the Redmond Spur. The property interests in the corridor  
74 within the city of Redmond that will be held by King County, Sound  
75 Transit and the city of Redmond are intended by these entities to  
76 implement the November 2009 MOU vision to share the corridor for  
77 public transportation, trail and utility uses in a manner that allows each  
78 entity to achieve its purposes and attempts to avoid any frustration of those  
79 purposes.

80 1342. State statute, chapter 39.33 RCW, and K.C.C. 4.56.140 contemplate  
81 that King County may enter into a transaction to convey or otherwise  
82 dispose of real property or real property interests to another unit of  
83 government on such terms and conditions as may be mutually agreed  
84 upon.

85 | 14. The high capacity transportation, regional trail and county wastewater  
86 | facilities that are to be located in the corridor will be of significant public  
87 | benefit and constitute essential public facilities. As essential public  
88 | facilities, these transportation, trail and wastewater uses are subject to the  
89 | requirements of the Growth Management Act.

90 | BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

91 | SECTION 1. A. The King County council hereby approves King County's

92 | relinquishment of its multipurpose easement rights and certain other property interests in  
93 | a portion of the Redmond Spur in exchange for other utility easement rights and interests  
94 | to be granted to King County and trail- and railbanking-related obligations to be  
95 | undertaken by the city of Redmond, consistent with an intergovernmental land transfer  
96 | agreement substantially in the form of Attachment A to this ordinance.

97 | B. The King County executive is hereby authorized to execute an

98 | intergovernmental land transfer agreement substantially in the form of Attachment A to  
99 | this ordinance, and to implement the terms of ~~this~~that agreement and to execute any  
100 | documents necessary to carry out the transaction authorized by this ordinance."

101 | On Attachment A, in the first line of the seventh paragraph of page 3 following the words

102 | "King County Code Section", delete "26.12.020.G" and insert "26.12.010.G."

103 | **EFFECT:** The striking amendment will address the following issues:

- 104 | • **Dual Use.** New findings will provide context for the Eastside Rail Corridor  
105 | acquisition and the shared goal of dual usage;
- 106 | • **Corridor as an essential public facility.** A new finding will note that the  
107 | Corridor is an essential public facility under GMA;

- 108       • **Frustration of use.** A new finding will note that the shared goal of dual usage  
109           and the regional planning process will strive to prevent any frustration of use  
110           among the property owners;
- 111       • **Redmond coordination with Sound Transit.** A new finding will note that by  
112           granting Sound Transit easements and by entering into the proposed agreement  
113           with the County, the city of Redmond is committing to the principles of dual use  
114           and to coordination with Sound; and
- 115       • **Technical corrections.** The amendment will make a technical correction in the  
116           agreement.

November 28, 2012

mb

Sponsor: Jane Hague

Proposed No.: 2012-0382

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2012-0382, VERSION**

2 **1**

3 On page 1, beginning on line 4, strike everything through page 5, line 72, and insert:

4 "FINDINGS:

5 1. The Eastside Rail Corridor ("the corridor"), formerly referred to as the  
6 Burlington Northern-Santa Fe Rail ("BNSF") Rail Corridor, is a forty-two  
7 mile railroad line corridor that extends south from the city of Snohomish  
8 in Snohomish county to the cities of Renton and Redmond in King  
9 County, passing through unincorporated King County and the cities of  
10 Woodinville, Kirkland, Bellevue, Renton and Redmond.

11 2. The corridor is a regional asset that through ongoing public ownership  
12 can be managed to support shared objectives of a vibrant, growing  
13 community including building a world-class regional transportation  
14 system meeting a variety of rail and trail mobility needs and supporting  
15 the efficient provision of utility services.

16 3. In November 2009, King County entered into a memorandum of  
17 understanding with partners the Port of Seattle, Sound Transit, the city of

18 Redmond, the Cascade Water Alliance and Puget Sound Energy to work  
19 together to secure property interests in the corridor in support of  
20 transportation, recreation and utility uses.

21 4. In May 2008, the Port of Seattle, BNSF and King County executed a  
22 purchase and sale agreement and donation agreement that allowed the Port  
23 of Seattle to purchase the corridor, called for an agreement between King  
24 County and BNSF for “railbanking” of the corridor south of milepost 23.8  
25 and over the entire spur and called for the Port of Seattle to grant a  
26 multipurpose easement to King County over the railbanked portion of the  
27 corridor. At the same time, King County executed an interlocal agreement  
28 with the Port of Seattle to acquire the multipurpose easement for one  
29 million, nine hundred three thousand dollars. In December 2009, BNSF  
30 conveyed the corridor to the Port of Seattle and the Port of Seattle  
31 conveyed the multipurpose easement to King County.

32 5. Pursuant to the federal National Trails Act and its implementing  
33 regulations, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, in December 2009  
34 King County entered into an interim trail use agreement with BNSF  
35 Railway Company to railbank the corridor from Woodinville to Renton as  
36 well as the Redmond Spur of the corridor from Woodinville to Redmond,  
37 subject to reactivation for the resumption of interstate freight service. The  
38 interim trail use agreement designated King County as the interim trail  
39 user for railbanking purposes.



40 6. In June 2010, the city of Redmond acquired from the Port of Seattle fee  
41 ownership within the Redmond Spur segment within the city, from  
42 milepost 3.4 to milepost 7.3, subject to King County's multipurpose  
43 easement.

44 7. In April 2012, Sound Transit acquired from the city of Redmond  
45 easements to develop and operate light rail rapid transit facilities on the  
46 city-owned segment of the Redmond Spur.

47 8. King County has developed, maintains and is seeking to further  
48 develop a world-class regional trail system that provides an important  
49 mode of transportation and recreation opportunity for a diverse and  
50 growing population.

51 9. King County has developed, maintains and anticipates the need to  
52 expand its world-class wastewater treatment system, which currently  
53 includes conveyance facilities that run within and cross the corridor,  
54 including portions of the Redmond Spur.

55 10. The city of Redmond has developed and is implementing a plan to  
56 build a trail on the city-owned segment of the Redmond Spur, from  
57 milepost 3.4 to 7.3, and the city desires to become the interim trail user  
58 and assume railbanking obligations for that segment of the Redmond Spur.

59 11. By granting Sound Transit easements for light rail and other high  
60 capacity transit facilities and by entering into the intergovernmental land  
61 transfer agreement approved by this ordinance, the city of Redmond is  
62 committing to carry out its trail use subject to and in a manner that will not

63 interfere with the ability of Sound Transit to sue the corridor within the  
64 city of Redmond for high capacity transit purposes.

65 12. It is in the interest of King County and the city of Redmond to execute  
66 an intergovernmental land transfer agreement to further the interests of the  
67 parties regarding the Redmond Spur and to better align their respective  
68 property rights and obligations with their existing and intended uses of the  
69 Redmond Spur. The property interests in the corridor within the city of  
70 Redmond that will be held by King County, Sound Transit and the city of  
71 Redmond are intended by these entities to implement the November 2009  
72 MOU vision to share the corridor for public transportation, trail and utility  
73 uses in a manner that allows each entity to achieve its purposes and  
74 attempts to avoid any frustration of those purposes.

75 13. State statute, chapter 39.33 RCW, and K.C.C. 4.56.140 contemplate  
76 that King County may enter into a transaction to convey or otherwise  
77 dispose of real property or real property interests to another unit of  
78 government on such terms and conditions as may be mutually agreed  
79 upon.

80 14. The high capacity transportation, regional trail and county wastewater  
81 facilities that are to be located in the corridor will be of significant public  
82 benefit and constitute essential public facilities. As essential public  
83 facilities, these transportation, trail and wastewater uses are subject to the  
84 requirements of the Growth Management Act.

85 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

86            SECTION 1. A. The King County council hereby approves King County's  
87 relinquishment of its multipurpose easement rights and certain other property interests in  
88 a portion of the Redmond Spur in exchange for other utility easement rights and interests  
89 to be granted to King County and trail- and railbanking-related obligations to be  
90 undertaken by the city of Redmond, consistent with an intergovernmental land transfer  
91 agreement substantially in the form of Attachment A to this ordinance.

92            B. The King County executive is hereby authorized to execute an  
93 intergovernmental land transfer agreement substantially in the form of Attachment A to  
94 this ordinance, and to implement the terms of this agreement and to execute any  
95 documents necessary to carry out the transaction authorized by this ordinance."  
96 On Attachment A, in the first line of the seventh paragraph of page 3 following the words  
97 "King County Code Section", delete "26.12.020.G" and insert "26.12.010.G."

98 **EFFECT:** The striking amendment will address the following issues:

- 99            • **Dual Use.** New findings will provide context for the Eastside Rail Corridor  
100            acquisition and the shared goal of dual usage;
- 101            • **Corridor as an essential public facility.** A new finding will note that the  
102            Corridor is an essential public facility under GMA;
- 103            • **Frustration of use.** A new finding will note that the shared goal of dual usage  
104            and the regional planning process will strive to prevent any frustration of use  
105            among the property owners;
- 106            • **Redmond coordination with Sound Transit.** A new finding will note that by  
107            granting Sound Transit easements and by entering into the proposed agreement

108 with the County, the city of Redmond is committing to the principles of dual use  
109 and to coordination with Sound; and  
110 • **Technical corrections.** The amendment will make a technical correction in the  
111 agreement.



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**November 28, 2012**

**Ordinance**

**Proposed No. 2012-0382.1**

**Sponsors Hague**

1 AN ORDINANCE approving and authorizing the King  
2 County executive to enter into an intergovernmental land  
3 transfer agreement with the city of Redmond.

4 STATEMENT OF FACTS:

- 5 1. The Eastside Rail Corridor ("the corridor"), formerly referred to as the  
6 Burlington Northern-Santa Fe Rail ("BNSF") Rail Corridor, is a forty-  
7 seven mile railroad line corridor that extends south from the city of  
8 Snohomish in Snohomish county to the cities of Renton and Redmond in  
9 King County, passing through unincorporated King County and the cities  
10 of Woodinville, Kirkland, Bellevue, Renton and Redmond.
- 11 2. The corridor is a regional asset that through ongoing public ownership  
12 can be managed to support shared objectives of a vibrant, growing  
13 community including building a world-class regional transportation  
14 system meeting a variety of rail and trail mobility needs and supporting  
15 the efficient provision of utility services.
- 16 3. In November 2009, King County entered into a memorandum of  
17 understanding with partners the Port of Seattle, Sound Transit, the city of  
18 Redmond, the Cascade Water Alliance and Puget Sound Energy to work

19 together to secure property interests in the corridor in support of  
20 transportation, recreation and utility uses.

21 4. In December 2009, King County executed an interlocal agreement with  
22 the Port of Seattle to acquire for one million nine hundred three thousand  
23 dollars a multipurpose easement over the corridor south of milepost 23.8  
24 on the main line and over the entire spur.

25 5. Pursuant to the federal National Trails Act and its implementing  
26 regulations, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, in December 2009  
27 King County entered into an interim trail use agreement with BNSF  
28 Railway Company to railbank the corridor from Woodinville to Renton as  
29 well as the Redmond Spur of the corridor from Woodinville to Redmond,  
30 subject to reactivation for the resumption of interstate freight service. The  
31 interim trail use agreement designated King County as the interim trail  
32 user for railbanking purposes.

33 6. In June 2010, the city of Redmond acquired from the Port of Seattle fee  
34 ownership within the Redmond Spur segment within the city, from  
35 milepost 3.4 to milepost 7.3, subject to King County's multipurpose  
36 easement.

37 7. In April 2012, Sound Transit acquired from the city of Redmond  
38 easements to develop and operate light rail rapid transit facilities on the  
39 city-owned segment of the Redmond Spur.

40 8. King County has developed, maintains and is seeking to further  
41 develop a world-class regional trail system that provides an important

42 mode of transportation and recreation opportunity for a diverse and  
43 growing population.

44 9. King County has developed, maintains and anticipates the need to  
45 expand its world-class wastewater treatment system, which currently  
46 includes conveyance facilities that run within and cross the corridor,  
47 including portions of the Redmond Spur.

48 10. The city of Redmond has developed and is implementing a plan to  
49 build a trail on the city-owned segment of the Redmond Spur, from  
50 milepost 3.4 to 7.3, and the city desires to become the interim trail user  
51 and assume railbanking obligations for that segment of the Redmond Spur.

52 11. It is in the interest of King County and the city of Redmond to execute  
53 an intergovernmental land transfer agreement to further the interests of the  
54 parties regarding the Redmond Spur and to better align their respective  
55 property rights and obligations with their existing and intended uses of the  
56 Redmond Spur.

57 12. State statute, chapter 39.33 RCW, and K.C.C. 4.56.140 contemplate  
58 that King County may enter into a transaction to convey or otherwise  
59 dispose of real property or real property interests to another unit of  
60 government on such terms and conditions as may be mutually agreed  
61 upon.

62 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

63 SECTION 1. A. The King County council hereby approves King County's  
64 relinquishment of its multipurpose easement rights and certain other property interests in

65 a portion of the Redmond Spur in exchange for other utility easement rights and interests  
66 to be granted to King County and trail- and railbanking-related obligations to be  
67 undertaken by the city of Redmond, consistent with an intergovernmental land transfer  
68 agreement substantially in the form of Attachment A to this ordinance.

69 B. The King County executive is hereby authorized to execute an  
70 intergovernmental land transfer agreement substantially in the form of Attachment A to



71 this ordinance, and to implement the terms of that agreement and to execute any  
72 documents necessary to carry out the transaction authorized by this ordinance.  
73

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

---

Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

Dow Constantine, County Executive

**Attachments:** A. Intergovernmental Land Transfer Agreement between the City of Redmond and King County



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**November 28, 2012**

**Motion**

**Proposed No.** 2012-0452.1

**Sponsors** Hague and Phillips

1           A MOTION establishing the Eastside Rail Corridor as a  
2           corridor of regional significance and declaring the  
3           criticality of the regional ownership partnership by  
4           establishing the Eastside Rail Corridor regional advisory  
5           council to immediately initiate a regional planning process.

6           WHEREAS, the Eastside Rail Corridor is a forty-two-mile corridor that extends  
7           from Renton to Snohomish and from Woodinville to Redmond, and

8           WHEREAS, the Eastside Rail Corridor creates a direct contiguous land use and  
9           transportation connection through the communities of Renton, Bellevue, Kirkland,  
10          Redmond, Woodinville, Snohomish county and King County, and

11          WHEREAS, the region, through the Puget Sound Regional Council has  
12          established land use and transportation plans to guide the integrated and managed growth  
13          of the Puget Sound region, and

14          WHEREAS, the Eastside Rail Corridor is centrally located within the Puget  
15          Sound planning area, and

16          WHEREAS, these regional planning efforts have established, through Vision  
17          2040, regional goals for the economy, housing, transportation, public services,  
18          development patterns and the environment, and

19           WHEREAS, the Eastside Rail Corridor provides an opportunity to connect jobs,  
20 housing and transportation across multiple communities, and

21           WHEREAS, King County has established policy emphasizing the critical  
22 importance of transportation dual-usage, transit and nonmotorized trail usage, to link the  
23 centers and cities of the Puget Sound region, and

24           WHEREAS, development of the Eastside Rail Corridor has the potential to meet  
25 future public transportation needs by providing regional livability connections to South,  
26 East and North King County through a series of biking, walking and hiking trails, and

27           WHEREAS, the Eastside Rail Corridor could also provide for a regional trail  
28 system that could extend into Snohomish and Skagit counties to the north, and Pierce  
29 county to the south, and

30           WHEREAS, the Eastside Rail Corridor is a regional utility corridor for the  
31 transmission of gas, electricity, water and wastewater, and

32           WHEREAS, the Eastside Rail Corridor provides a trans-generational opportunity  
33 to support walkable, compact and connected communities through publically owned  
34 lands, and

35           WHEREAS, through dual-usage and trail sponsorship, King County has an  
36 opportunity to enhance and protect the environment through reduced greenhouse gas  
37 emissions and to improve public health through increased opportunities to bike and walk,  
38 and

39           WHEREAS, the Eastside Rail Corridor provides a regional opportunity to connect  
40 historically disadvantaged and geographically disparate communities and centers, and

41           WHEREAS, the Eastside Rail Corridor is now under public ownership, and

42 WHEREAS, King County is the interim trail sponsor, and

43 WHEREAS, King County is entering into a Purchase and Sale Agreement with  
44 the Port of Seattle for 15.6 miles of fee ownership in the southern portion of the corridor  
45 south of Woodinville and 3.6 miles of trail easement within the northern portion of the  
46 corridor north of Woodinville, contingent upon future financing, a Reciprocal  
47 Coordination and Cooperation Covenant Agreement with Puget Sound Energy, an  
48 Intergovernmental Land Transfer Agreement with the city of Redmond and a prospective  
49 Intergovernmental Land Transfer Agreement with the city of Kirkland, and

50 WHEREAS, Puget Sound Energy has purchased a utilities easement the length of  
51 the corridor, and

52 WHEREAS, Sound Transit has purchased 1.1 miles of fee ownership in Bellevue  
53 and a transit easement over the southern portion of the corridor, and

54 WHEREAS, the cities of Redmond and Kirkland have purchased in fee those  
55 portions of the corridor within their respective municipal boundaries, and

56 WHEREAS, Puget Sound Energy, Sound Transit, Redmond and King County  
57 were all a party to the November 5, 2009, Memorandum of Understanding, wherein dual  
58 usage was a guiding principle, and

59 WHEREAS, the city of Kirkland is in agreement with that guiding principle for  
60 the use of its property rights, and

61 WHEREAS, King County's dual usage policy identifies the critical importance of  
62 a comprehensive regional planning process, and

63 WHEREAS, this motion advances the goals of the county's Strategic Plan by  
64 encouraging vibrant, prosperous and sustainable communities and safeguarding and  
65 enhancing King County's natural resources environment, and

66 WHEREAS this motion further advances the goals of the county's Equity and  
67 Social Justice Initiative by supporting ongoing public access for all people to the corridor  
68 as a safe, clean and quality outdoor space and facility that will serve the interests of the  
69 citizens of the region, and

70 WHEREAS this legislation advances the adopted King County Comprehensive  
71 Plan by furthering economic development, housing, natural resources, utilities and  
72 transportation modalities, and

73 WHEREAS, the eastside of King County is the second largest economic engine in  
74 the state, and

75 WHEREAS, the most affordable housing is located in southern King County, and

76 WHEREAS, the economic recession has caused all levels of government to look  
77 toward creative financial partnerships, and

78 WHEREAS, the taxpayers of King County are the same taxpayers who support  
79 Sound Transit, and

80 WHEREAS, interim use of the Eastside Rail Corridor is subject to freight  
81 reactivation;

82 NOW, THEREFORE, BE IT MOVED by the Council of King County:

83 A. Due to its regional role in connecting and supporting vibrant, livable and  
84 healthy communities for all, the Eastside Rail Corridor is hereby designated a corridor of  
85 regional significance.

86           B. The Eastside Rail Corridor regional advisory council [ERCRAC] is hereby  
87 established to carry out the regional planning process envisioned in the November 5,  
88 2009, Memorandum of Understanding through which the entities agreed to "coordinate  
89 planning and development activities to the extent possible to ensure effective use of the  
90 southern portion of the corridor and the Redmond Spur."

91           C. The executive shall transmit by January 16, 2013, for council confirmation by  
92 motion, advisory council membership with the following executive-level representation:

- 93           1. Three King County councilmembers;
- 94           2. King County executive or the executive's designee;
- 95           3. One representative from the city of Redmond;
- 96           4. One representative from the city of Kirkland;
- 97           5. One representative from Puget Sound Energy; and
- 98           6. One representative from Sound Transit.

99           D. The King County executive and county councilmember representing the  
100 majority of the cities directly impacted by corridor development shall serve as co-chairs  
101 and shall convene the first meeting of the advisory council in February 2013.

102           E. A technical staff team shall be established by the advisory council to support  
103 the work of the advisory council.

104           G. A third-party facilitator who is not an employee of King County shall be hired  
105 by the county to lead the work of the advisory council based on the guidance of the co-  
106 chairs of the advisory council and the support of the interagency, technical-staff working  
107 group.

108           H. The goal of the advisory council is to oversee the partner planning process  
109 including implementing and coordinating the rail, trail and utility uses in the corridor,  
110 coordinating with affected cities around local planning and development with the  
111 regional uses and overseeing the work of a technical staff work group.

112           I. Consistent with that goal, the advisory council will develop a charter and work  
113 plan with policy options identified for discussion by March 29, 2013. The advisory  
114 council shall address both near-term and long-term recommendations including any  
115 needed changes to the county's countywide planning policies and present them to the  
116 King County executive by July 31, 2013.

117           J. The advisory council shall reach out to a broad-spectrum of stakeholders,  
118 including but not limited to representatives of regional partners, local governments in the  
119 corridor, community organizations, business owners, adjacent landowners, rail/trail  
120 advocates, public health agencies and citizens who are interested in the corridor's  
121 development.

122           K. The King County executive shall transmit these recommendations by motion  
123 to the council by August 30, 2013.  
124

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

Dow Constantine, County Executive

**Attachments:** None