



Legislation Details (With Text)

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Title: AN ORDINANCE requesting the executive negotiate contracts for up to \$26,500,000 in additional property interests in the Burlington Northern Santa Fe Eastside Rail Corridor that are generally consistent with the terms of the Memorandum of Understanding Regarding Acquisition of the Woodinville Subdivision among the Port of Seattle, King County, Sound Transit, the city of Redmond, Puget Sound Energy and the Cascade Water Alliance.

Sponsors: Larry Phillips, Jane Hague, Bob Ferguson, Julia Patterson, Kathy Lambert

Indexes: Appropriation, ERC/BNSF, Rail Roads

Code sections:

Attachments: 1. 16738.pdf, 2. 2009-0644 Attachment to Transmittal Letter--Conservation Futures Financial Plan - 2010.xls, 3. 2009-0644 Fiscal Note.xls, 4. 2009-0644 Transmittal Letter.doc, 5. 2009-0644 Staff Report for 12-07-09 COW.doc, 6. 2009-0644 Staff Report for 12-14-09 COW.doc, 7. A. Memorandum of Understanding Regarding Acquisition of the Woodinville Subdivision, 8. B. Adopted Ordinance 16312, Section 125: General Government Capital Improvement Program

Date	Ver.	Action By	Action	Result
12/14/2009	2	Committee of the Whole	Recommended Do Pass Substitute	Pass
12/14/2009	1	Metropolitan King County Council	Hearing Held	
12/14/2009	1	Metropolitan King County Council	Passed	Pass
12/7/2009	1	Committee of the Whole	Deferred	
11/23/2009	1	Metropolitan King County Council	Introduced and Referred	

Clerk 12/15/2009

AN ORDINANCE requesting the executive negotiate contracts for up to \$26,500,000 in additional property interests in the Burlington Northern Santa Fe Eastside Rail Corridor that are generally consistent with the terms of the Memorandum of Understanding Regarding Acquisition of the Woodinville Subdivision among the Port of Seattle, King County, Sound Transit, the city of Redmond, Puget Sound Energy and the Cascade Water Alliance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The Burlington Northern Santa Fe ("BNSF") East Side Rail corridor ("ERC") is a forty-seven-mile railroad line within King County that extends through the cities of Renton, Newcastle, Bellevue, Kirkland, Redmond, Woodinville and unincorporated King County, in part along Lake Washington and adjacent to several public park facilities, into Snohomish county to the city of Snohomish.

B. Since 2003, when BNSF announced its intent to sell the corridor to either public or private entities, King County has been negotiating with BNSF to preserve this vital corridor in public ownership for transportation, recreational trail and other compatible uses.

C. On July 11, 2005, the metropolitan King County council unanimously approved Ordinance 15233, authorizing the ERC acquisition project for the preservation of transportation right-of-way in eastside King County cities.

D. On December 17, 2007, the metropolitan King County council approved Ordinance 15995, finding in part that King County desires to preserve this unique and valuable transportation corridor in public ownership in perpetuity, and authorizing the King County executive to negotiate and execute agreements with the Port of Seattle to accomplish that end.

E. In May 2008, the metropolitan King County council approved Ordinance 16084, authorizing the King County executive to execute real estate transactions with BNSF and the Port of Seattle for the corridor. An element of these real estate transactions includes King County purchasing a Multipurpose Public Easement over part of the corridor from the Port of Seattle for \$1,903,000 for trail uses, and receiving \$500,000 in reimbursement for the county's due diligence efforts. Before the adoption of Ordinance 16084, the Port advised the council that in the future the Port would be seeking additional funding partners for this vital corridor.

F. As authorized by Ordinance 16084, the county and the Port of Seattle are preparing to close these real estate transactions in December 2009 in accordance with the approved and executed agreements.

G. The county received notice that the Port of Seattle's business model no longer could sustain the

overall purchase of the ERC and, therefore, before closing these real estate transactions, the county and the Port identified additional regional partners, including the city of Redmond, Sound Transit, Puget Sound Energy and Cascade Water Alliance, who could contribute funds to preserve the ERC for mutual shared interests such as: infrastructure improvements that make the region more globally competitive; improved freight mobility and public transportation, both motorized and non-motorized; the promotion of tourism and recreational activities in the region; and the enhancement of mobility, air quality and healthy lifestyles through development of additional alternative transportation modalities.

H. The partners, King County, the Port of Seattle, the city of Redmond, Sound Transit, Puget Sound Energy and Cascade Water Alliance, have negotiated a memorandum of understanding ("MOU"), which establishes a new vision to preserve the BNSF corridor after the Port acquires it from BNSF. The MOU is Attachment A to this ordinance. Pursuant to the MOU, after the Port acquires the ERC from BNSF, the partners will negotiate to acquire distinct real property interests in the corridor in a subsequent set of transactions. It is expected that the partners will agree to contracts to acquire such interests. Following the completion of negotiations, approval by the King County council will be sought by the executive to carry out the proposed transactions.

I. It is in the best interest of King County to take such steps as are necessary to bring the BNSF corridor into public ownership under such terms and conditions as will preserve the corridor in perpetuity for transportation, recreational trail use and other compatible uses.

J. King County is using \$1,903,000 of conservation futures tax revenue to obtain the Multipurpose Public Easement for nonmotorized transportation and recreational trail purposes, as authorized by Ordinance 16084. The acquisition of this easement will enable King County to fulfill its functions as the federally designated "Trail Sponsor" for the corridor.

K. The King County conservation futures tax levy fund has financial capacity sufficient to acquire additional property interests in the ERC.

L. King County operates local and express bus, trolley and streetcar, passenger-only ferry and fixed-guideway and variable-route high capacity transit services throughout the county.

M. King County public transportation funds have fund capacity sufficient to acquire transit interests in the corridor without adversely affecting the delivery of transit service.

N. It is in the interest of King County to preserve remaining interests in the corridor without specific predetermination of the uses. However, a regional planning process as envisioned under Ordinances 15995 and 16084 is of critical import to the success of the corridor acquisition and operation, and is to be agreed to by the partners.

SECTION 2. The King County executive is requested to negotiate contracts to acquire additional property rights in the BNSF Eastside Rail corridor as contemplated in the MOU that is Attachment A to this ordinance, for an amount up to \$26.5 million, and to transmit to the metropolitan King County council an ordinance approving such contracts. The ordinance shall contain a regional planning process as identified in Ordinances 15995 and 16084.

SECTION 3. Before transmitting to the metropolitan King County council an ordinance to approve contracts for King County to acquire additional property rights in the BNSF Eastside Rail Corridor, the King County executive shall evaluate whether the additional property rights in the corridor may be acquired with a mix of funding sources that would better provide for dual uses, such as a regional trail and county transportation uses. Such an evaluation will consider the property rights to be acquired and the manner in which the county may use those property rights. The ordinance shall include an appropriation of up to \$26.5 million from the funding sources identified by the executive.