



## Legislation Text

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File #: 2012-0382, Version: 2

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Clerk 12/06/2012

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

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

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

C. In November 2009, King County entered into a memorandum of understanding ("MOU") with partners the Port of Seattle, Sound Transit, the city of Redmond, the Cascade Water Alliance and Puget Sound Energy to work together to secure property interests in the ERC in support of transportation, recreation and utility uses.

D. In May 2008, the Port of Seattle, BNSF and King County executed a purchase and sale agreement and donation agreement that allowed the Port of Seattle to purchase the ERC, called for an agreement between King County and BNSF for "railbanking" of the ERC south of milepost 23.8 and over the entire spur and called

for the Port of Seattle to grant a multipurpose easement to King County over the railbanked portion of the ERC. At the same time, King County executed an interlocal agreement with the Port of Seattle to acquire the multipurpose easement for one million, nine hundred three thousand dollars. In December 2009, BNSF conveyed the ERC to the Port of Seattle and the Port of Seattle conveyed the multipurpose easement to King County.

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

F. In June 2010, the city of Redmond acquired from the Port of Seattle fee ownership within the Redmond spur segment within the city, from milepost 3.4 to milepost 7.3, subject to King County's multipurpose easement.

G. In April 2012, Sound Transit acquired from the city of Redmond easements to develop and operate light rail rapid transit facilities on the city-owned segment of the Redmond spur.

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

I. King County has developed, maintains and anticipates the need to expand its world-class wastewater treatment system, which currently includes conveyance facilities that run within and cross the ERC, including portions of the Redmond spur.

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

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

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

M. Chapter 39.33 RCW, and K.C.C. 4.56.140 contemplate that King County may enter into a transaction to convey or otherwise dispose of real property or real property interests to another unit of government on such terms and conditions as may be mutually agreed upon.

N. The high capacity transportation, regional trail and county wastewater facilities that are to be located in the ERC will be of significant public benefit and constitute essential public facilities. As essential public facilities, these transportation, trail and wastewater uses are subject to the requirements of the Growth Management Act, chapter 36.70A RCW.

SECTION 2. A. The King County council hereby approves King County's relinquishment of its multipurpose easement rights and certain other property interests in a portion of the Redmond spur in exchange for other utility easement rights and interests to be granted to King County and trail- and railbanking-related obligations to be undertaken by the city of Redmond, consistent with an intergovernmental land transfer agreement substantially in the form of Attachment A to this ordinance.

B. The King County executive is hereby authorized to execute an intergovernmental land transfer

agreement substantially in the form of Attachment A to  
this ordinance, and to implement the terms of this agreement and to execute any documents necessary to carry  
out the transaction authorized by this ordinance.

10 days, not more than 25

Newspapers: 11-16-12 Redmond Reporter

11-21-12 Seattle Times

Public Hearing 12-3-12