



Legislation Text

File #: 2012-0354, **Version:** 2

Clerk 12/06/2012

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

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 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 to support transportation, recreation and utility uses.

D. In May 2009, 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 to "railbank" the ERC from Woodinville to Renton as well as the Redmond spur 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 December 2010, Puget Sound Energy acquired from the Port of Seattle an easement over all portions of the ERC main line and spur south of the city of Snohomish in Snohomish county.

G. 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.

H. 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.

I. King County and the Port of Seattle have completed and sent to the King County council for its approval a purchase and sale agreement that enables King County's acquisition of new fee and easement interests over nineteen and one-half miles of the ERC, which overlap geographically with the interests Puget Sound Energy acquired in December 2010.

J. It is in King County's and Puget Sound Energy's interests to execute a reciprocal coordination and cooperation covenant agreement to clarify and guide the coordination of the parties' planning and development activities within the ERC.

K. The property interests in the ERC that will be held by King County, Puget Sound Energy, Sound Transit and the cities of Redmond and Kirkland 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.

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

M. 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 36.70 RCW.

SECTION 2. The King County executive is hereby authorized to execute a reciprocal coordination and cooperation covenant agreement with Puget Sound Energy substantially in the form of Attachment A to this ordinance, to implement the terms of the agreement and to execute any documents necessary to carry out the transaction authorized by the agreement.

10 days, not more than 25

Newspapers: 11-16-12 Redmond Reporter

11-21-12 Seattle Times

Public Hearing 12-3-12