



RESOLUTION NO. 40036

1 A RESOLUTION relating to City-owned property; authorizing the execution,
2 granting, and conveyance of two non-exclusive perpetual easements to
3 James Hardie Building Products, Inc., in the amount of \$10,000 each, for a
4 total of \$20,000, for ingress, egress, and an overhead electric distribution
5 line and private communications lines in a portion of Tacoma Rail Mountain
6 Division right-of-way in the Frederickson area of Pierce County; and
accepting the sum of \$20,000 for deposit into Tacoma Rail Mountain
Division Fund 4120, as consideration for the rights granted under the
easements.

7 WHEREAS Tacoma Rail Mountain Division (“TRMW”) has owned, operated,
8 and/or maintained the rail line and right-of-way that runs between Tacoma and
9 Chehalis since it was acquired from the Weyerhaeuser Company in 1995, and

10 WHEREAS James Hardie Building Products, Inc., has requested two
11 easements for the purpose of allowing for ingress, egress, and an overhead electric
12 distribution line and private communication lines in a portion of TRMW right-of-way
13 in the Frederickson area of Pierce County, and

14 WHEREAS Easement No. 53 (“E53”) is comprised of approximately
15 762 square feet, and Easement No. 54 (“E54”) is comprised of approximately
16 3,675 square feet, and the proposed infrastructure includes a paved driveway in E53
17 and overhead lines in E54, and

18 WHEREAS, based upon review and comment by interested parties, it is not
19 anticipated that the installation, operation, and maintenance of the improvements
20 will have a negative impact on TRMW’s use or operations of its right-of-way, and

21 WHEREAS a separate right-of-entry permit agreement, issued
22 administratively, will be required in order to install the improvements, and
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WHEREAS Real Property Services has worked with the City Attorney's Office, TRMW, and James Hardie Building Products, Inc., to prepare the proposed easements and now seeks final approval from the City Council; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the proper officers of the City are hereby authorized to grant and convey two non-exclusive perpetual easements to James Hardie Building Products, Inc., in the amount of \$10,000 each, for a total of \$20,000, for ingress, egress, and an overhead electric distribution line and private communications lines in a portion of Tacoma Rail Mountain Division right-of-way in the Frederickson area of Pierce County, said documents to be substantially in the form of the proposed easements on file in the office of the City Clerk.

Section 2. That the proper officers of the City are hereby authorized to accept the sum of \$20,000, for deposit into Tacoma Rail Mountain Division Fund 4120, for consideration of the rights granted under the easements.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney