



RESOLUTION NO. 38721

1 A RESOLUTION relating to City-owned property; authorizing the execution and
2 conveyance of a non-exclusive perpetual easement to Robin Bueche,
3 individually and as Successor Trustee of the O'Donnell Family Revocable
4 Living Trust, for ingress, egress, and utilities over and across the Tacoma
5 Rail Mountain Division right-of-way in the Ashford area of Pierce County; and
6 accepting the consideration of \$10,000 for the rights granted under the
7 easement.

8 WHEREAS, in 1957, Tacoma Rail Mountain Division's ("TRMW")
9 predecessor in interest granted a non-assignable and revocable Private Road
10 Crossing Agreement to Lynn S. O'Donnell for an eight-foot farm crossing to access
11 his property bisected by the railroad right-of-way, and

12 WHEREAS, in 2012, Robin Bueche, heir to the O'Donnell estate, contacted
13 the City through her attorney to inquire about acquiring legal access to
14 approximately 84 acres of property across the railroad right-of-way, and

15 WHEREAS City staff reviewed the request and determined that, due to the
16 lack of railroad operations at the location and that the road is now utilized to access
17 two homes, permanent easement rights should be sold to Robin Bueche,
18 individually and as Successor Trustee of the O'Donnell Family Revocable Living
19 Trust, for fair market value in the amount of \$10,000, and

20 WHEREAS TRMW supports the conveyance of an ingress, egress, and
21 utilities easement as hereinabove set forth, and

22 WHEREAS Real Property Services has worked with the City Attorney's
23 Office, Public Works, TRMW, and the attorney for Ms. Bueche to prepare the
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proposed easement to accomplish the conveyance, 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 convey a non-exclusive perpetual easement to Robin Bueche, individually and as Successor Trustee of the O'Donnell Family Revocable Living Trust, for ingress, egress, and utilities over and across the Tacoma Rail Mountain Division right-of-way in the Ashford area of Pierce County, said document to be substantially in the form of the proposed easement on file in the office of the City Clerk.

Section 2. That the proper officers of the City are hereby authorized to accept the consideration of \$10,000 for the rights granted under the proposed easement.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Michael G. Smith

Deputy City Attorney