



RESOLUTION NO. 40973

1 A RESOLUTION relating to surplus property; declaring certain real property owned
2 by the Department of Public Utilities, Light Division (d.b.a. "Tacoma Power"),
3 consisting of approximately 2.74 acres of unimproved property, located in
4 the Vader vicinity of unincorporated Cowlitz County, Washington, surplus to
5 the needs of the City; and authorizing the negotiated sale and conveyance
6 of said property to BNSF Railway Company for the amount of \$81,200.

7 WHEREAS the City of Tacoma, Department of Public Utilities, Light
8 Division (d.b.a. "Tacoma Power"), owns approximately 2.74 acres of unimproved
9 property ("Property") located in a rural location in unincorporated Cowlitz County,
10 Washington, near the town of Vader, identified under Cowlitz County Assessor
11 Tax Parcel No. WK1601006, and

12 WHEREAS the Property was originally acquired by Tacoma Power in 2013
13 for the amount of \$11,362, utilizing Fish Habitat Funds targeted for fish habitat
14 protection, restoration, and enhancement consistent with the Cowlitz Hydroelectric
15 Project obligations under Federal Energy Regulatory Commission ("FERC")
16 License No. 2016, and

17 WHEREAS, given its land-locked status and small size, together with its
18 location adjacent to an operating rail line, there is limited opportunity to improve
19 habitat functions and values on the Property, and

20 WHEREAS Tacoma Power has determined the Property is no longer
21 essential for continued effective utility service, and

22 WHEREAS BNSF Railway Company, which operates the adjacent rail line
23 and would like to acquire the Property for a bridge replacement project across the
24 Cowlitz River, has offered to purchase the Property for \$81,200, which is deemed
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1 to represent fair market value and deemed acceptable by Tacoma Power and the
2 Department of Public Works, Real Property Services Division, and

3 WHEREAS the net sale proceeds will be returned to the Fish Habitat Fund
4 to be reinvested for fish habitat purposes, consistent with the guidelines of the
5 Habitat Advisory Group ("HAG") oversight committee established by the FERC
6 License Settlement Agreement, Article 11, and

7 WHEREAS Real Property Services has worked with Tacoma Power's
8 Natural Resources Division on this request, and the HAG committee has given its
9 approval, and

10 WHEREAS, on April 13, 2022, by adoption of Public Utility Board Resolution
11 No. U-11315, the Property was declared surplus to the needs of Tacoma Power
12 and Tacoma Public Utilities and approved for sale, pending confirmation from the
13 City Council, and

14 WHEREAS, on May 10, 2022, pursuant to RCW 35.94.040 and
15 TMC 1.06.280, the City Council conducted a public hearing on the proposed
16 sale of said Property, and

17 WHEREAS, there being no foreseeable need for continued City ownership
18 of the Property, the sale of said Property appears to be in the best interests of the
19 City; Now, Therefore,

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

21 Section 1. That the City Council does hereby find and concur with the
22 Tacoma Public Utility Board's determination and declaration, pursuant to Public
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Utility Board Resolution No. U-11315, that the approximately 2.74 acres of unimproved property located in a rural location in unincorporated Cowlitz County, Washington, near the town of Vader, identified under Cowlitz County Assessor Tax Parcel No. WK1601006 ("Property"), owned by the City of Tacoma, through its Department of Public Utilities, Light Division (d.b.a. "Tacoma Power"), is surplus to the needs of Tacoma Power and Tacoma Public Utilities.

Section 2. That, consistent with RCW 35.94.040, RCW 35.22.020, and Article I, Section 1.2 and Article IX, Section 9.1 of the City Charter, the City Council does hereby find and determine that the Property is not required for, and is not essential to, continued public utility service or continued effective utility service and, pursuant to applicable law, is properly declared surplus property and excess to the needs of Tacoma Power, Tacoma Public Utilities, and the City.

Section 3. That the request of Tacoma Power, to sell the Property to BNSF Railway Company for the amount of \$81,200, is hereby approved.

Section 4. That the proper officers of the City are hereby authorized to execute all necessary documents to convey the Property to BNSF Railway



1 Company for the amount of \$81,200, said documents to be substantially in the
2 form of those on file in the office of the City Clerk.

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4 Adopted _____

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Mayor

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Attest:

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City Clerk

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Approved as to form:

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Chief Deputy City Attorney

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Requested by Public Utility Board
Resolution No. U-11315

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