



REQUEST FOR **RECEIVED**
 ORDINANCE RESOLUTION

Request #:	13603
Ord./Res. #:	38721

JUL 20 2013

CITY CLERK'S OFFICE

1. DATE: July 29, 2013

2. SPONSORED BY: COUNCIL MEMBER(S) N/A

3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM Public Works/Facilities Management/Real Property Services 3b. "RECOMMENDED FOR ADOPTION" FROM <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Committee as information only <input checked="" type="checkbox"/> Did not go before a Committee 3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD? <input type="checkbox"/> Yes, on <input checked="" type="checkbox"/> Not required	4a. CONTACT (for questions): Dylan Harrison Real Estate Officer PHONE: 502-8836	
	4b. PERSON PRESENTING: Dylan Harrison Real Estate Officer PHONE: 502-8836	
	4c. ATTORNEY: Michael Smith Deputy City Attorney PHONE: 591-5638	
 Kurtis D. Kingsolver, P.E., Interim P.W. Director	 Andrew Cherullo, Finance Director	 Nadia Chandler-Mardy, City Manager's Office

5. REQUESTED COUNCIL DATE: August 20, 2013

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Authorizing the execution and conveyance of 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 for consideration of \$10,000.00.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

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

In 2012, Robin Bueche, heir to the estate of O'Donnell, contacted the City through her attorney to inquire about acquiring legal access to approximately 84 acres of property across the railroad right-of-way.

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

TRMW is in full support of conveying an ingress, egress and utilities easement, and believes it to be in the best interest of the City.

Real Property Services has worked with Legal, Public Works, Tacoma Rail and Ms. Bueche's attorney to prepare the Easement to accomplish the conveyance and now seek final approval from the City Council.

REQUEST (CONT)

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8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material

Location of Document

Easement No. 47

City Clerk's Office

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A. A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B. A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C. A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. SUSTAINABILITY: IN WHAT WAYS HAVE YOU CONSIDERED THE CITY'S SUSTAINABILITY PRIORITIES?*Environment:* How does this decision impact regional and local ecological well-being?

This proposed easement is over and across an existing driveway that provides direct access to two existing homes. Absent this easement, alternative access to the homes would require a new and longer driveway, which would impact existing vegetation and potentially create a longer access route to the existing homes. Continued use of the existing driveway will create less negative impact on ecological well-being by preventing vegetation disturbance and reducing drive times to the homes.

Equity: How does this decision promote meeting basic needs and equitable access to opportunities for all city residents?

N/A – This property is located near Ashford, WA, which is approximately 44 miles outside of Tacoma City Limits; therefore, this transaction has no impact on Tacoma City residents' basic needs and equitable access to opportunities.

Culture: How does this decision impact cultural (arts, innovation, heritage, and recreation) and quality of life for all citizens?

With TRMW's (and predecessor's) permission, for over 60 years, the property owner's family has utilized the existing crossing as access to their property. To secure legal access to the property would ensure that this historical use would be preserved and permanent access to existing homes would provide quality of life for the property owners.

Economy: How does this decision impact the local economy? What are the significant financial costs/benefits?

This transaction has minimal impact, if any, on the local economy and there are no significant financial costs/benefits other than the income to Tacoma Rail Mountain Division.

11. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

Per the Tacoma City Charter article IX, Miscellaneous Provisions, Section 9.1 Disposition of City Property.

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12. FINANCIAL IMPACT: EXPENDITURE REVENUE

- A. NO IMPACT (NO FISCAL NOTE)
- B. YES, OVER \$100,000, Fiscal Note Attached
- C. YES, UNDER \$100,000, (NO FISCAL NOTE)
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
Fund 4120 - PW Tacoma Rail Mountain Division			\$10,000.00	\$10,000.00

If an expenditure, is it budgeted? Yes No Where? Cost Center:
Acct #: