



RESOLUTION NO. 40953

1 A RESOLUTION relating to utility-owned surplus property; setting Tuesday,
2 May 10, 2022, upon completion of Regular Agenda Items, no earlier than
3 5:15 p.m., as the date for a public hearing by the City Council on the sale of
4 approximately 2.74 acres of unimproved property, located in the Vader
5 vicinity of unincorporated Cowlitz County, Washington, owned by the City of
6 Tacoma, Department of Public Utilities, Light Division (d.b.a. "Tacoma
7 Power"), and now surplus to its needs, to BNSF Railway Company for the
8 amount of \$81,200.

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

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

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

21 WHEREAS Tacoma Power has determined that the Property is not essential
22 for continued effective utility service, and

23 WHEREAS BNSF Railway Company ("BNSF"), which operates the adjacent
24 rail line, would like to acquire the Property for a bridge replacement project across
25 the Cowlitz River, and has offered to purchase the Property for \$81,200, which is
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1 deemed to represent fair market value and deemed acceptable by Tacoma Power,
2 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

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

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16 WHEREAS, pursuant to RCW 35.94.040 and TMC 1.06.280, the City
17 Council shall conduct a public hearing on the proposed sale of City-owned real
18 property; Now, Therefore,

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

20 Section 1. That a public hearing on the sale of approximately 2.74 acres of
21 unimproved property, identified under Cowlitz County Assessor Tax Parcel
22 No. WK1601006, located in the Vader vicinity of unincorporated Cowlitz County,
23 Washington, owned by the City of Tacoma, Department of Public Utilities, Light
24 Division (d.b.a. “Tacoma Power”) and now surplus to its needs, to BNSF Railway
25 Company for the amount of \$81,200, shall be held before the City Council in the
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Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, or alternatively, a call-in option will be provided, on Tuesday, May 10, 2022, upon completion of Regular Agenda Items, no earlier than 5:15 p.m. or as soon thereafter as the same may be heard.

Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-11315