



RESOLUTION NO. 38816

1 A RESOLUTION relating to Tacoma Rail Mountain Division; authorizing the City
2 of Tacoma, Public Works Department, Tacoma Rail Mountain
3 Division (“TRMW”), to enter into a five-year lease agreement with Western
4 Washington Railroad, LLC, in the amount of \$50,000 per year, for rail
5 operations and personal and real property comprising approximately
6 20 miles of TRMW railroad right-of-way from Maytown, in Thurston
7 County, to south of Chehalis, in Lewis County.

8 WHEREAS, since 1995, the City of Tacoma, Public Works Department,
9 Tacoma Rail Mountain Division (“TRMW”), has operated and maintained the rail
10 line that runs between the City and the Port of Chehalis, and

11 WHEREAS, on October 17, 2012, TRMW entered into a short-term trial
12 lease agreement with Western Washington Railroad, LLC (“WWR”) for the
13 operation and maintenance of an approximately 20-mile section of the rail line
14 running from Maytown, in Thurston County, to south of Chehalis, in Lewis County,
15 and

16 WHEREAS TRMW has been satisfied with WWR’s maintenance and
17 operations during the term of the trial lease, and believes it is in the best interest of
18 the City to enter into a five-year lease with WWR for its continued operations, and

19 WHEREAS the proposed lease will allow WWR to perform freight
20 transportation services, railcar storage, and other ancillary uses thereto on the
21 20-mile section of rail line, and

22 WHEREAS, as consideration for the proposed lease, WWR will pay TRMW
23 \$50,000 per year for five years; will maintain the rail line and right-of-way; and will
24 provide sufficient indemnity and insurance to protect the City against claims
25 caused by WWR’s operations, and
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WHEREAS the proposed lease will ensure appropriate operational and maintenance activities occur on this section of rail right-of-way in order to mitigate further TRMW expenses, which is consistent with the commitment by Tacoma Rail to divest portions of TRMW assets, when feasible, and with the Interlocal Agreement between the parties approved pursuant to Resolution No. 38779; Now, Therefore,

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

That the proper officers of the City are hereby authorized to enter into a five-year lease agreement with Western Washington Railroad, LLC, in the amount of \$50,000 per year, for rail operations and personal and real property comprising approximately 20 miles of TRMW railroad right-of-way from Maytown, in Thurston County, to south of Chehalis, in Lewis County, said document to be substantially in the form of the lease agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney