



TO: T.C. Broadnax
City Manager

FROM: Kurtis D. Kingsolver, P.E.
Interim Public Works Director/City Engineer

SUBJECT: Council Action Memo – Request for Resolution – August 20, 2013
Tacoma Rail Mountain Division – Access Easement to Bueche

DATE: August 2, 2013

The Public Works Department, Facilities Management Division, Real Property Services is requesting City Council to authorize 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 (Bueche) for ingress, egress and utilities over and across the Tacoma Rail Mountain Division (TRMW) right-of-way near Ashford in Pierce County for consideration of \$10,000.00.

Background

In 1957, TRMW's predecessor in interest, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, granted a non-assignable and revocable Private Road Crossing Agreement to Lynn S. O'Donnell for an eight foot farm crossing over and across the railroad right-of-way near Ashford, Washington. Since that time, railroad operations along this segment of railroad right-of-way have ceased and the eight foot farm crossing has expanded to provide access to two homes.

In 2012, 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. Due to the above stated changed circumstances, City staff determined that an easement, rather than a revocable permit, would be the proper way to allow continued access.

TRMW and Bueche have agreed on the following conditions for granting an easement for the ingress, egress and utilities:

1. Bueche will pay TRMW fair market value in the amount of \$10,000 for a non-exclusive perpetual easement for ingress, egress and utilities.
2. Bueche, her successors and assigns, among other obligations, will be responsible for all maintenance and liability for the road crossing, and accepts all risks associated with utilizing the road crossing during railroad operations that may take place in the future.
3. TRMW will grant the non-exclusive perpetual easement for ingress, egress and utilities to Bueche.

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

City Charter requires that City Council authorize the conveyance of a perpetual interest in real property.

Funding

The revenue from this easement sale will be deposited in PW Tacoma Rail Mountain Division Fund 4120.

Attachment

Easement Location

