Council Meeting Date: February 8, 2021 Agenda Item: 7(c)

### CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Action on Resolution No. 472 – Amending Resolution No. 453 for

the Intergovernmental Transfer of Property at 7<sup>th</sup> Avenue NE and NE 185<sup>th</sup> Street to Sound Transit for the Purpose of Light Rail

Station and System Construction

**DEPARTMENT:** City Manager's Office

PRESENTED BY: Juniper Nammi, Light Rail Project Manager

**ACTION:** Ordinance X Resolution Motion

\_\_\_\_ Discussion \_\_\_\_ Public Hearing

### PROBLEM/ISSUE STATEMENT:

Sound Transit was approved to acquire, through intergovernmental property transfer, a portion of City Rights-of-Way (ROW) identified as 7<sup>th</sup> Avenue NE, north of NE 185<sup>th</sup> Street, and a triangular portion of NE 185<sup>th</sup> Street, north of the existing sidewalk between 7<sup>th</sup> Avenue NE and 8<sup>th</sup> Avenue NE. This portion of City ROW property is proposed as part of a larger site for the construction of the Shoreline North/185<sup>th</sup> Light Rail Station, Garage, and Transit Center, as currently designed for the Lynnwood Link Extension (LLE) Project.

Resolution No. 453, adopted by the City Council on March 16, 2020, incorrectly contained a requirement to apply deed restriction that would limit the use of the real property by Sound Transit for the construction of the light rail station. This deed restriction is actually to be removed from the 7<sup>th</sup> Avenue NE and NE 185<sup>th</sup> Street property and should be applied to the title of any property the City receives as compensation. Proposed resolution No. 472 (Attachment A) seeks to amend Resolution No. 453 to correctly direct that the deed restriction be applied to property the City would receive from Sound Transit, not the property being conveyed to Sound Transit so that the station can be constructed on the property as designed. Tonight, the City Council is scheduled to take action on proposed Resolution No. 472.

### **RESOURCE/FINANCIAL IMPACT:**

There is no financial impact associated with this resolution.

### RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 472.

Approved By: City Manager **DT** City Attorney **MK** 

7c-1

### **BACKGROUND**

The Sound Transit Lynnwood Link Extension (LLE) Project includes the proposed Shoreline South/185<sup>th</sup> Station, which is designed to be located parallel to the I-5 corridor, immediately north of NE 185<sup>th</sup> Street and west of 8<sup>th</sup> Avenue NE. The station is proposed to be located over portions of City right-of-way (ROW) for 7<sup>th</sup> Avenue NE and the northern margin of NE 185<sup>th</sup> Street. Due to the building type and applicable building standards in the International Building Code, the City ROW lines must be relocated or eliminated prior to issuance of the building permits for the Shoreline North Station and garage/transit center structures.

The area of City ROW proposed for transfer to Sound Transit was subject to the Chapter 39.33 RCW process for disposing of the roadway area through an intergovernmental property transfer, which was authorized by the City Council with approval of Resolution No. 453 on March 16, 2020. The staff report for the adoption of this Resolution can be found at the following link:

http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staff report031620-7c.pdf.

### **DISCUSSION**

Section 3 of Resolution No. 453, however, erroneously applied a requirement for the deed transferring the Fee Property to Sound Transit to include a deed restriction limiting the property's use to road purposes. This restriction is already on the title of the subject property and would prevent Sound Transit from building on the property as designed.

Subsequent to the adoption of Resolution No. 453, the Washington State Department of Transportation (WSDOT) agreed in writing, as set forth in Exhibit A to Attachment A, to release that existing deed restriction. In order to conform to WSDOT's release and fulfill the City's commitment to apply the Road Uses Only deed restriction to any properties received as compensation instead, Resolution No. 472 must be adopted to correct this error.

Tonight, the City Council is scheduled to take action on proposed Resolution No. 472.

### COUNCIL GOAL(S) ADDRESSED

Proposed Resolution No. 472 to amend Resolution No. 453 of March 16, 2020 to transfer portions of 7th Ave NE and NE 185th Street ROW to Sound Transit for the Shoreline North/185th Station site supports the 2019-2021 Council Goal 3 – Continued preparation for regional mass transit in Shoreline.

### RESOURCE/FINANCIAL IMPACT

There is no financial impact associated with this resolution.

### RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 472.

7c-2

## **ATTACHMENTS**

Attachment A: Proposed Resolution No. 472 and Exhibits

7c-3

### **RESOLUTION NO. 472**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AMENDING RESOLUTION NO. 453, AN INTERGOVERNMENTAL SALE OF REAL PROPERTY TO THE CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY (SOUND TRANSIT) IN EXCHANGE FOR SURPLUS PROPERTY.

WHEREAS, on March 16, 2020, the City Council adopted Resolution No. 453 authorizing an intergovernmental sale of real property owned in fee by the City ("Fee Property") to the Central Puget Sound Regional Transit Authority ("Sound Transit") in exchange for surplus property from Sound Transit's Lynnwood Link Light Rail project; and

WHEREAS, Section 3 of Resolution No. 453 requires that the deed transferring the Fee Property is to contain a deed restriction limiting the property's use to road purposes; and

WHEREAS, subsequent to the adoption of Resolution No. 453, the Washington State Department of Transportation agreed in writing, as set forth in Exhibit A, to release the deed restriction from the Fee Property subject to the City's inclusion of the same deed restriction on the Sound Transit surplus property that the City will receive as compensation for the Fee Property; and

WHEREAS, Section 3 of Resolution No. 453 needs to be amended to reflect this change to the deed restriction requirement;

# NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

**Section 1. Amendment of Resolution No. 453:** Section 3 is deleted in its entirety and replaced with the following language:

**Section 3. Deed Restriction.** Every deed for Sound Transit surplus property the City receives as compensation for the property that is the subject of this Resolution, shall contain the following language as set forth in the 1986 Quit Claim Deed:

It is understood and agreed that the above referenced property is transferred for road purposes and that all revenue resulting from any vacation, sale or rental of such road shall be placed in the county road fund and used exclusively for road purposes.

**Section 2. Directions to City Clerk.** The City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this Resolution, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering and references.

**Section 3. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this Resolution or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or its application to any person or situation.

**Section 4. Effective Date.** This Resolution is effective immediately upon adoption by the City Council and in no way affects the Effective Date of Resolution No. 453.

ADOPTED BY THE CITY COUNCIL ON		, 2021
	Mayor Will Hall	
ATTEST:		
Jessica Simulcik Smith, City Clerk		

### **RESOLUTION NO. 472 - EXHIBIT A**

### AFTER RECORDING RETURN TO:

Washington State Department of Transportation Northwest Region 15700 Dayton Avenue N PO Box 330310 Seattle, WA 98133-9710

### RELEASE OF DEED RESTRICTION

Whereas, by Quitclaim Deed dated January 10, 1984, recorded March 11, 1986 under King County Auditor's File No. 8603110515 (Deed), the Washington State Department of Transportation (WSDOT), a state agency, conveyed certain land on the WSDOT Right of Way Plans entitled SR 5, Seattle Freeway, E. 145th ST. to E. 200th ST. (Exhibit A attached hereto), to King County, a municipal corporation, subject to a Deed Restriction which states:

It is understood and agreed that the above referenced property is transferred for road purposes and that all revenue resulting from any vacation, sale or rental of such road shall be placed in the county road fund and used exclusively for road purposes.

Whereas, said land was conveyed to the City of Shoreline, a municipal corporation, by operation of law in/about 1995 when the City incorporated and has been used by the City for road purposes since that time; and

Whereas, the Central Puget Sound Regional Transit Authority (Sound Transit) sought vacation of certain portions of said land as described on **Exhibit B-1** hereto and depicted on **Exhibit B-2** hereto (Property) for non-road purposes, namely for the constructing, operating, and maintaining a light rail station, guideway, and related features for its Lynnwood Link Extension project; and

Whereas, to permit Sound Transit to utilize said Property for non-road purposes, WSDOT must release the Deed Restriction encumbering said Property but WSDOT is still obligated to retain the Deed Restriction; and

**Now Therefore**, in consideration of the promises and covenants set forth below, WSDOT and the City hereby execute this Release of Deed Restriction as follows:

### Section 1. Release of Deed Restriction.

A. WSDOT hereby releases the Deed Restriction showing on Page 1 of the Quitclaim Deed dated January 10, 1984, recorded March 11, 1986 under King County Auditor's File No. 8603110515, but only in relationship to the Property.

### Section 2. City of Shoreline Covenants.

In consideration of the release of the Deed Restriction, the City of Shoreline hereby covenants:

- A. The City shall record this Release of Deed Restriction with the King County Recorder's Office.
- B. The City shall obtain from Sound Transit fee title to other real property (Exchange Property) of equivalent fair market value to the Property.
- C. The City shall encumber the fee title to the Exchange Property with the same language as the Deed Restriction.
- D. If the City sells, leases, or vacates the Exchange Property, the revenues resulting therefrom shall be placed in the City's Road Fund and used exclusively for road purposes.

111

Signatures and Notary Certification on following pages

Therefore, the Washington State Department of Transportation and the City of Shoreline executes this Release of Deed Restriction which becomes effective upon its execution.

Dated this 20 day of May, 2020.

Washington State Department of Transportation

Roger Millar

Secretary of Transportation

STATE OF WASHINGTON

COUNTY OF THURSTON

I certify that I know or have satisfactory evidence Roger Millar is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument as the Secretary of Transportation, State of Washington, Department of Transportation and acknowledged the said instrument to be the free and voluntary act and deed of the Washington State Department of Transportation, for the uses and purposes therein mentioned.

DATED this day of May, 2020.

(signed name of notary)

(printed name of notary) Notary Public in and for the

State of Washington

My appointment expires 9/20



City of Shoreline Signature and Notary Certification on following page.

City of Shoreline:	1	4/8/2000
Debbie Tarry City Manager		Date
STATE OF WASHINGTON	)	
COUNTY OF KING	)	

I certify that I know or have satisfactory evidence that **Debbie Tarry** is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument as the City Manager for the City of Shoreline and acknowledged the said instrument to be the free and voluntary act and deed of the City of Shoreline, for the uses and purposes therein mentioned.

DATED this 8 day of Cyril, 2020.  Maily Mulou  (signed name of notary)  (escrea Smulosk Smoth	ANN SIMU SANN SIMU NOTARL
(printed name of notary)  Notary Public in and for the  State of Washington  Residing at King County  My appointment expires 12/19/202/	OK WASHINGTON

KING COUNTY REAL PROPERTY DIVISION 500 K.C. ADMINISTRATION CLOS 500 FOURTH AVENUE SEATTLE, WA. 98104

QUITCLAIM DEED

86/03/11 RECD F CASHSL

#0515 anantan, OO 55

85-11-126 (2)

IN THE MATTER OF SR 5 Seattle Freeway, E. 145th St. to E. 200th St.

KNOW ALL MEN BY THESE PRESENTS, that the STATE OF WASHINGTON, for and in accordance with that Agreement of the parties entitled GM 1202, dated the 23 day of April, 1984 hereby conveys and quitclaims unto KING COUNTY, a political subdivision of the State of Washington, all its right, title and interest, in and to the following described real property situated in King County, State of Washington:

All those parts of Section 17, 8, 5, Township 26N, Range 4E, W.M., shown hachured on Exhibit "A" attached hereto and made a part hereof,

The specific details concerning all of which may be found on Sheets 2, 3, 4, 7, 9, and 10 of that certain plan, entitled SR 5 Seattle Freeway, E. 145th St. to E. 200th St., now of record and on file in the office of the Secretary of Transportation at Olympia, Washington bearing date of approval May 31, 1961.

It is understood and agreed that the above referenced property is transferred for road purposes and that all revenue resulting from any vacation, sale or rental of such road shall be placed in the county road fund and used exclusively for road purposes.

The Grantee herein, its successors or assigns, shall have no right of ingress and egress to, from and between said SR 5 and the lands herein conveyed and will maintain the control of ingress and egress to, from and between the lands herein conveyed and the lands adjacent thereto, as indicated by the prohibition of access symbol appearing on said Exhibit "A"; nor shall the Grantee herein, its successors or assigns, be entitled to compensation for any loss of light, view and air occasioned by the location, construction, maintenance or operation of said Highway; EXCEPT that said Grantee, its successors or assigns, shall have reasonable ingress and egress to, from and between the lands herein conveyed and said Highway by means of the off and on ramps thereto shown on said Exhibit "A".

The grantee as part consideration herein does hereby agree to comply with all civil rights and anti-discrimination requirements of RCW Chapter 49.60, as to the lands herein described.

The lands herein described are not required for State highway purposes and are conveyed pursuant to the provisions of RCW Chapter 47.12.080.

STATE OF WASHINGTON

KING COUNTY NO EXCISE TAX MAR 1 11986 E0866873

Filed For Record At The Request Of

County Real Property Division

DUANE BERENTSON Secretary of Transportation

70 =

Page I of 2

I.C. # 1-17-04488

RECEIVED THIS DAY

APPROVED AS TO FORM

By:

Assistant Attorney General

REVIEWED AS TO FORM:

W

8603110515

By:

King County

APPROVED AS TO FORM

FIXE CONTROL OF THE PROPERTY OF THE PROPE

STATE OF WASHINGTON )

): ss

County of Thurston

county of Inurston

On this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 19 \_\_\_\_\_\_\_, before me personally appeared DUANE BERENTSON, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

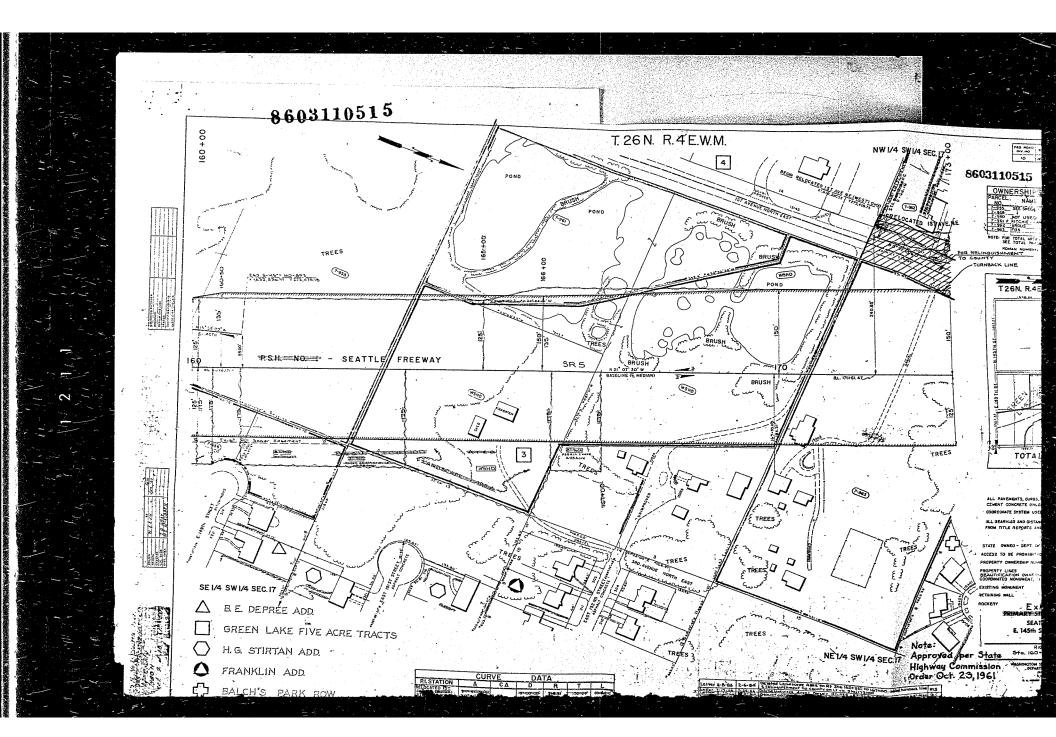
Given under my hand and official seal the day and year last above written.

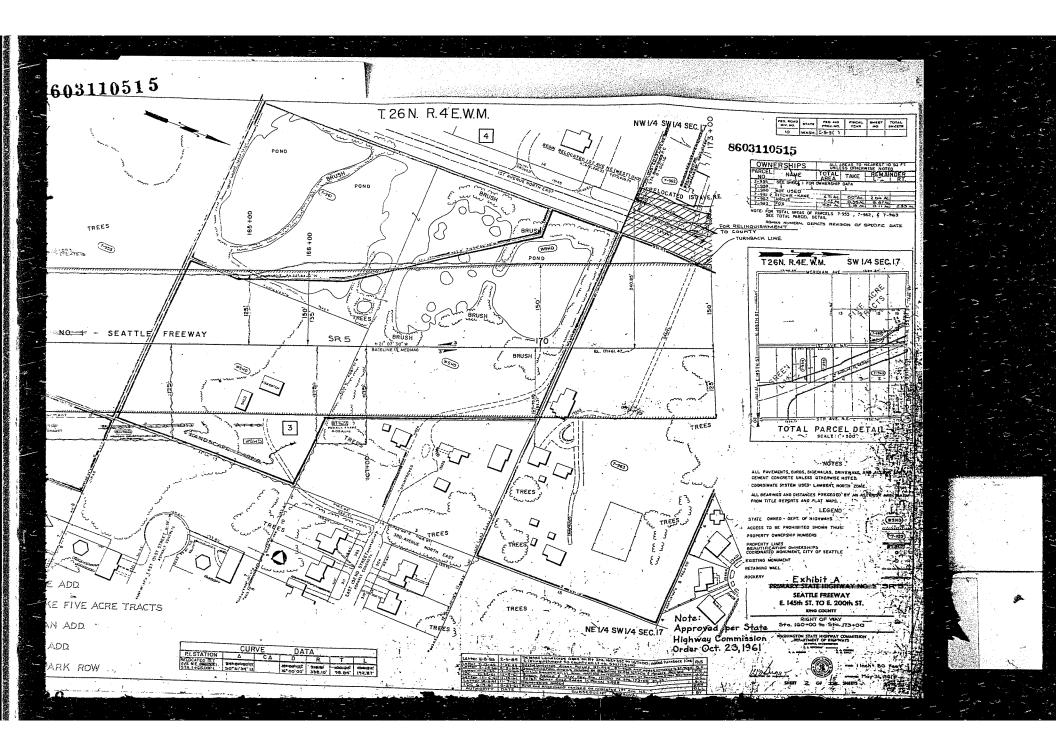
STEPHEN D. BATES

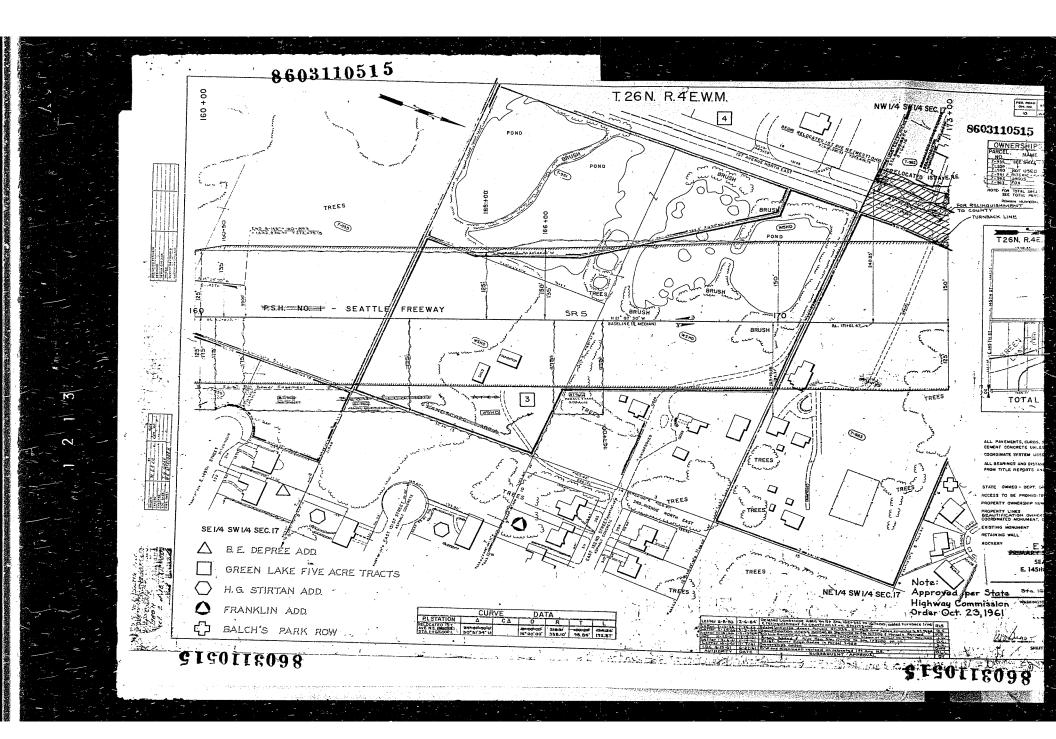
NOTARY PUBLIC STATE OF WASHINGTON

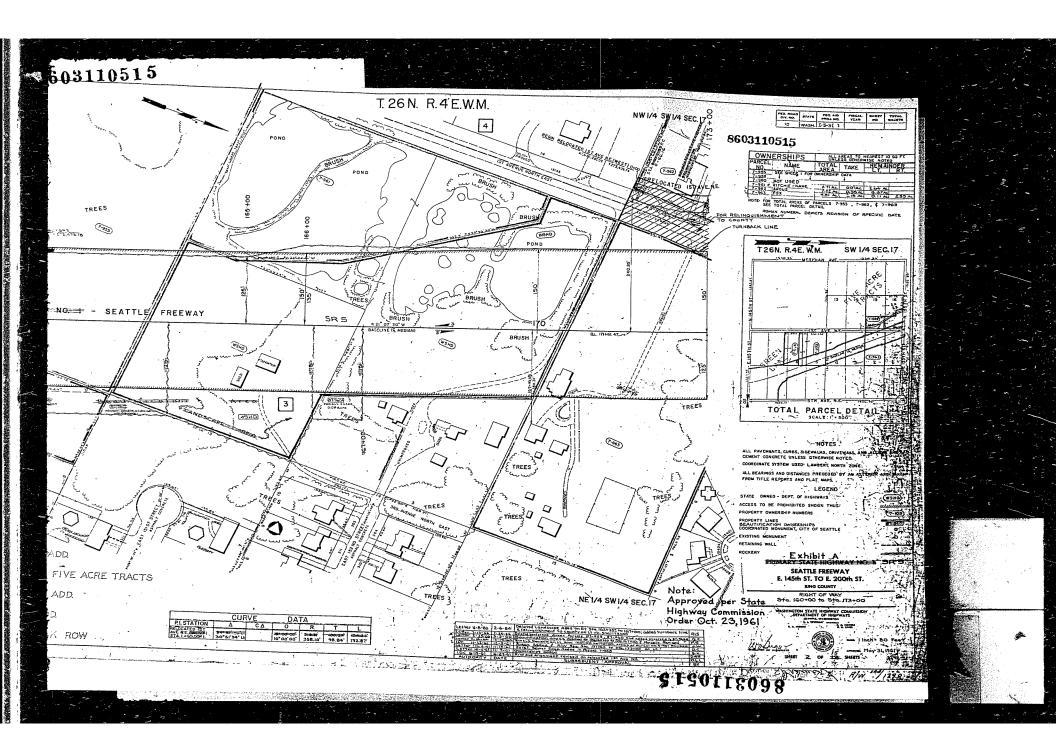
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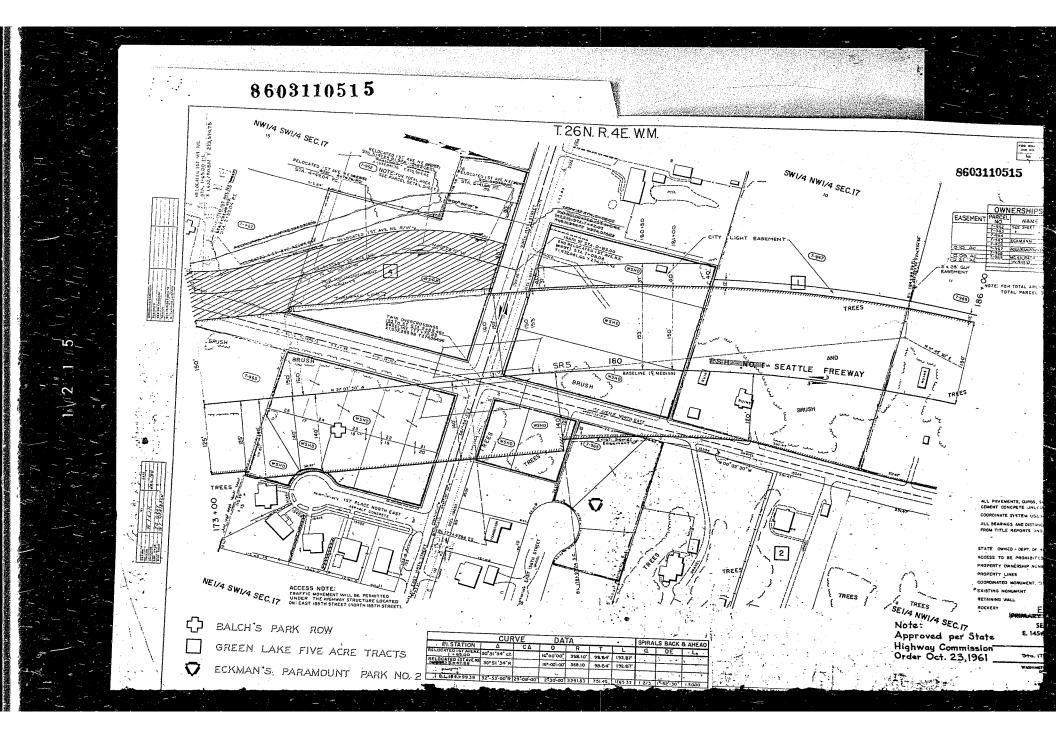
Notary Public in and for the State of Washington, residing at Olympia.

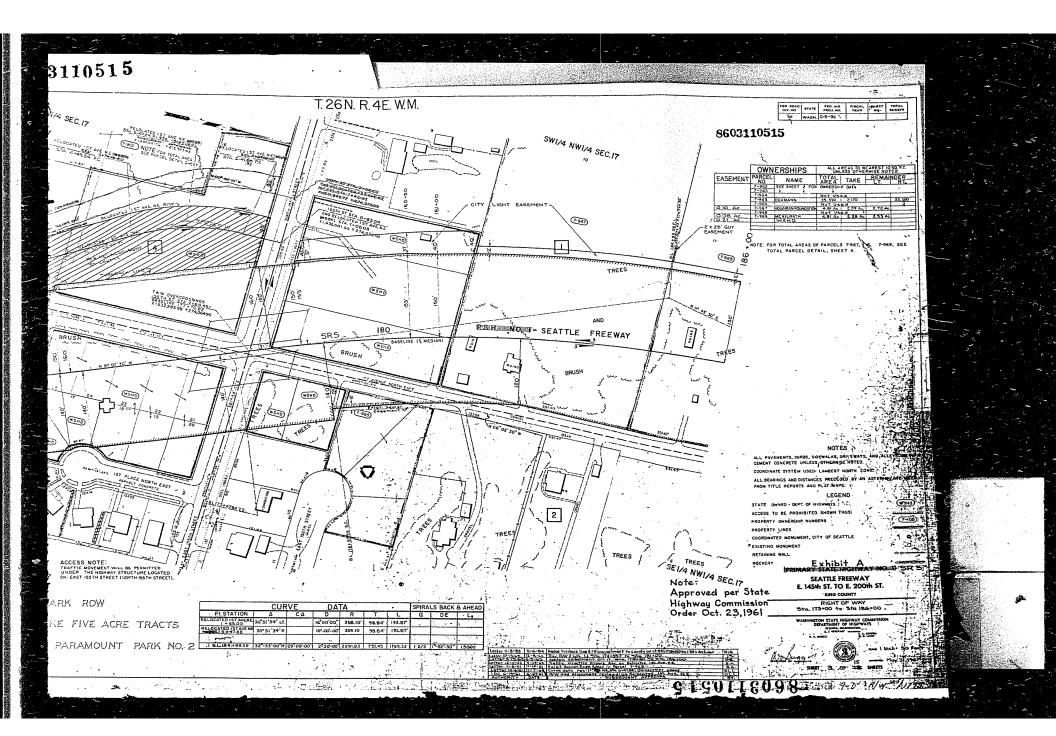


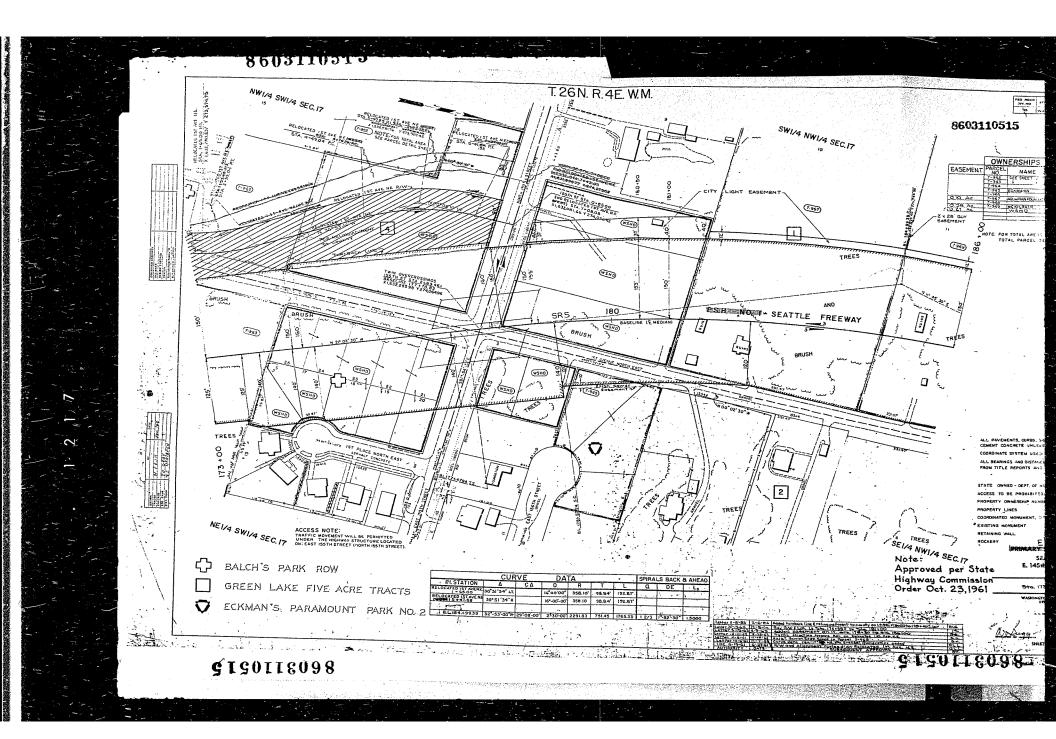


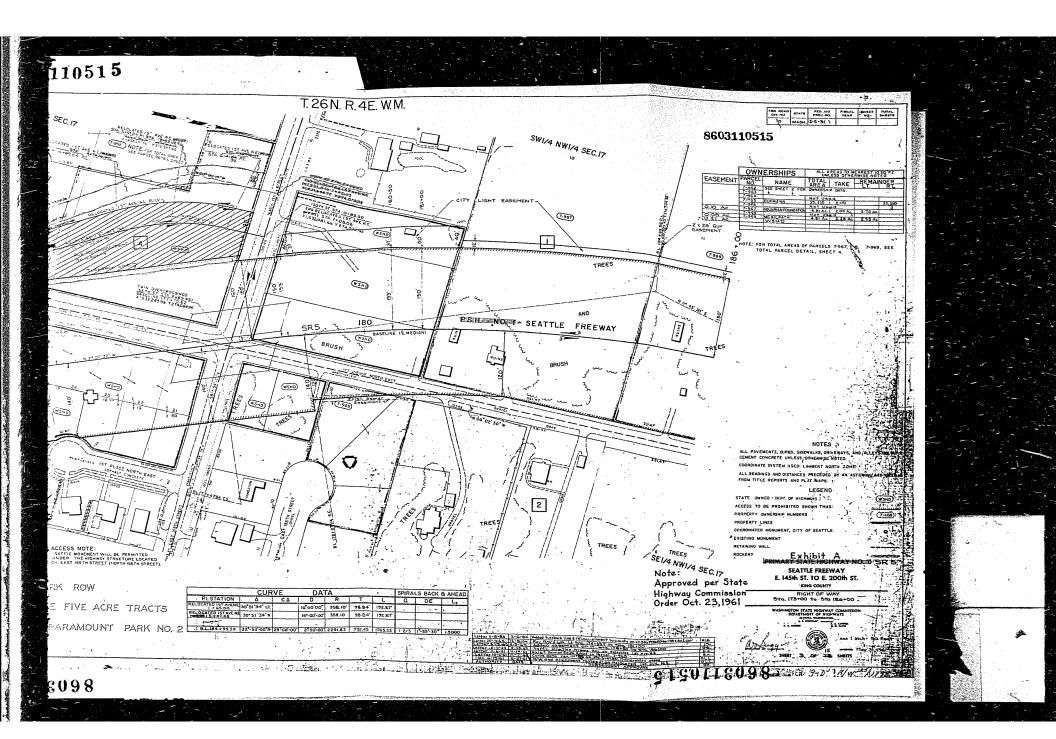


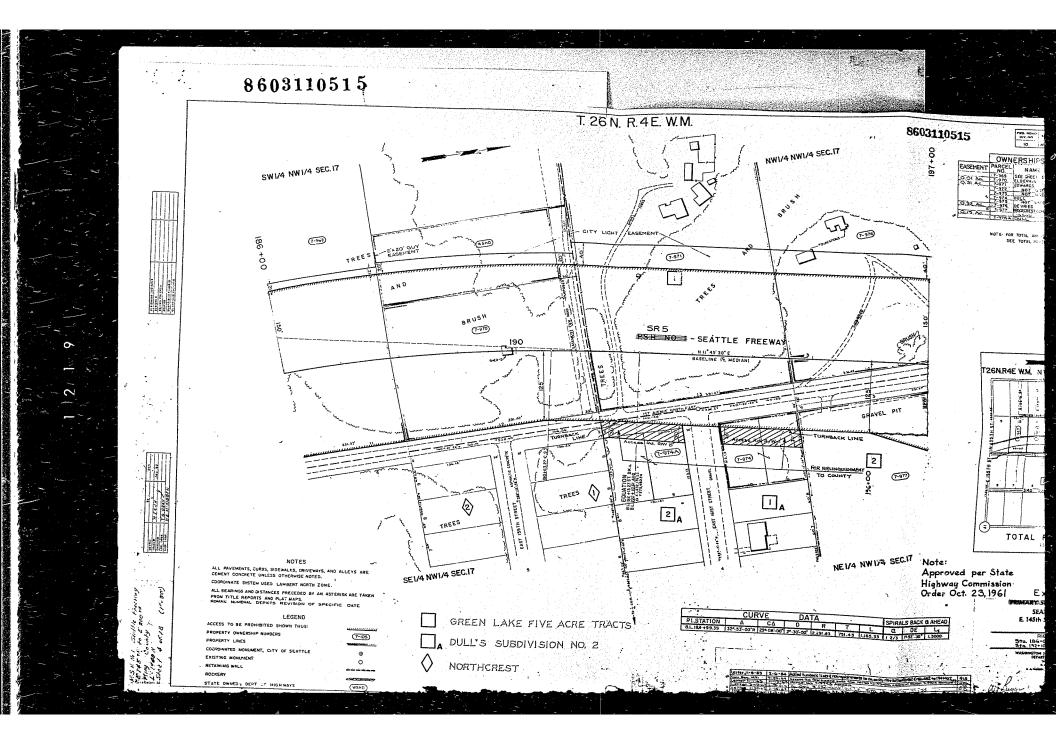


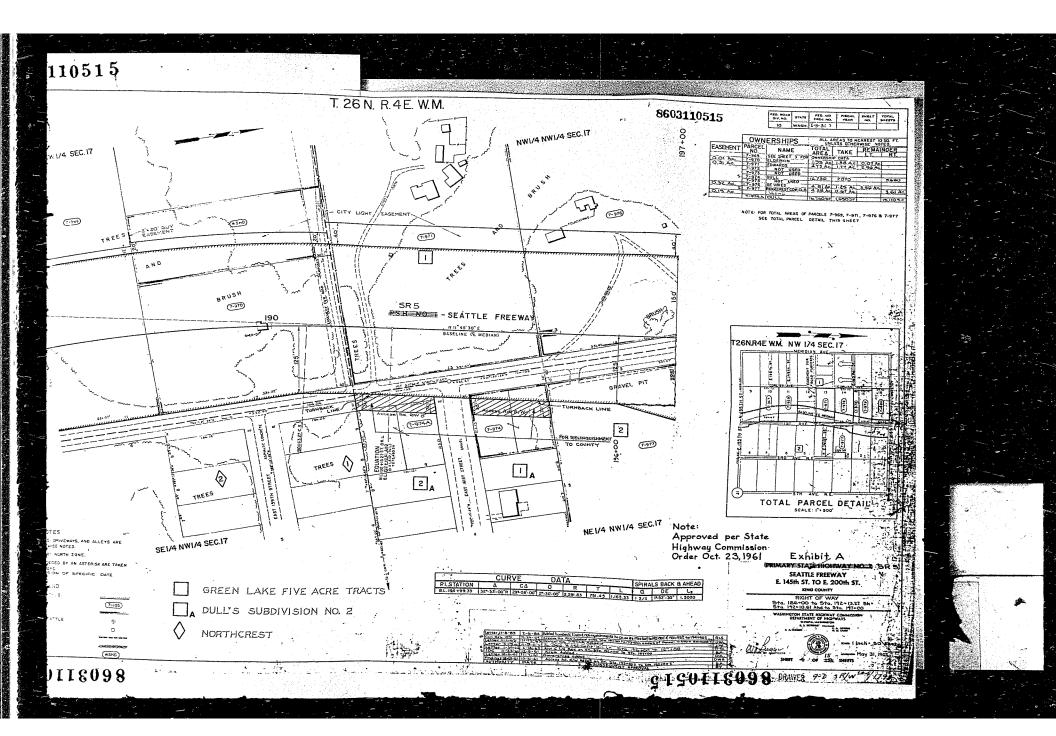




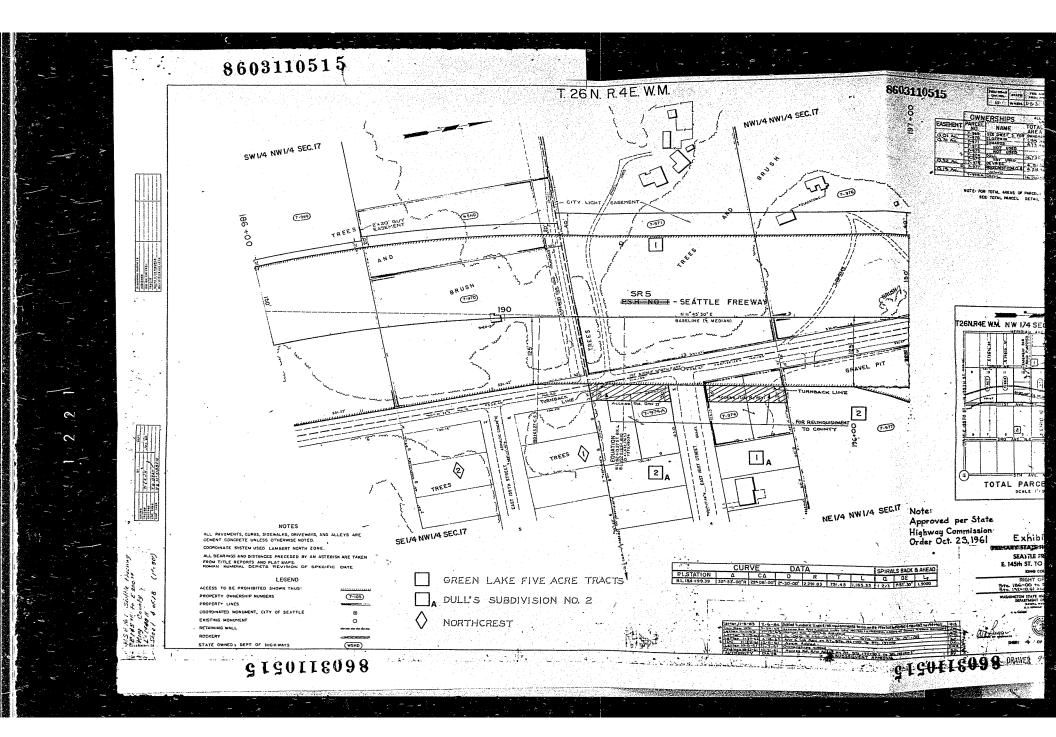


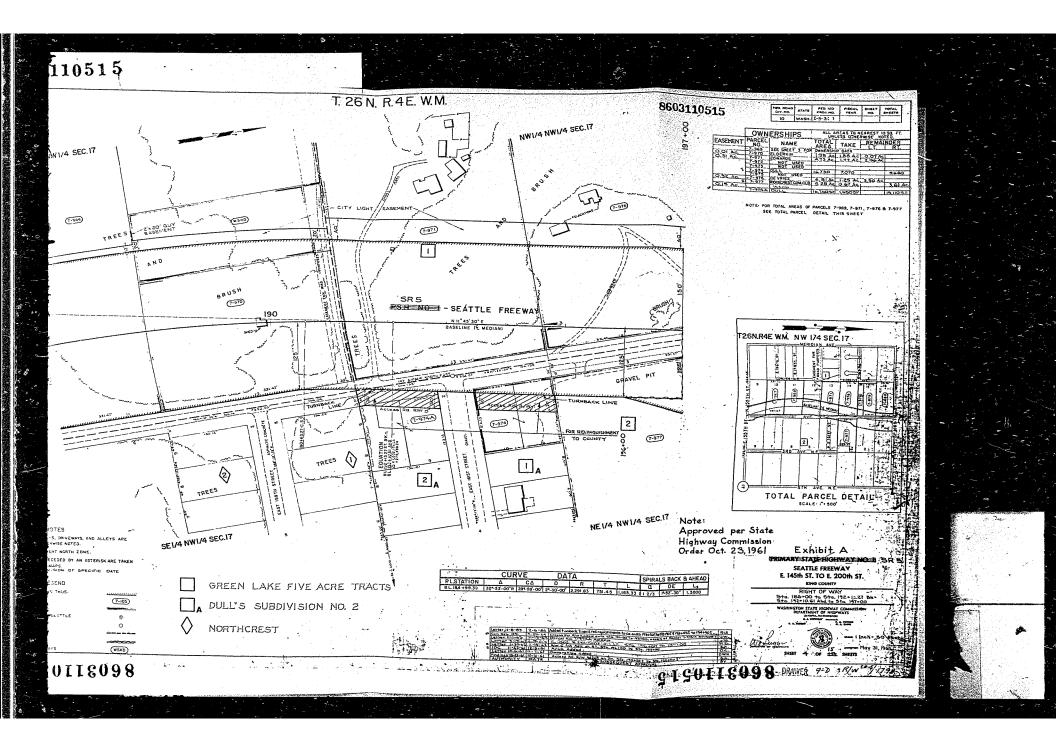


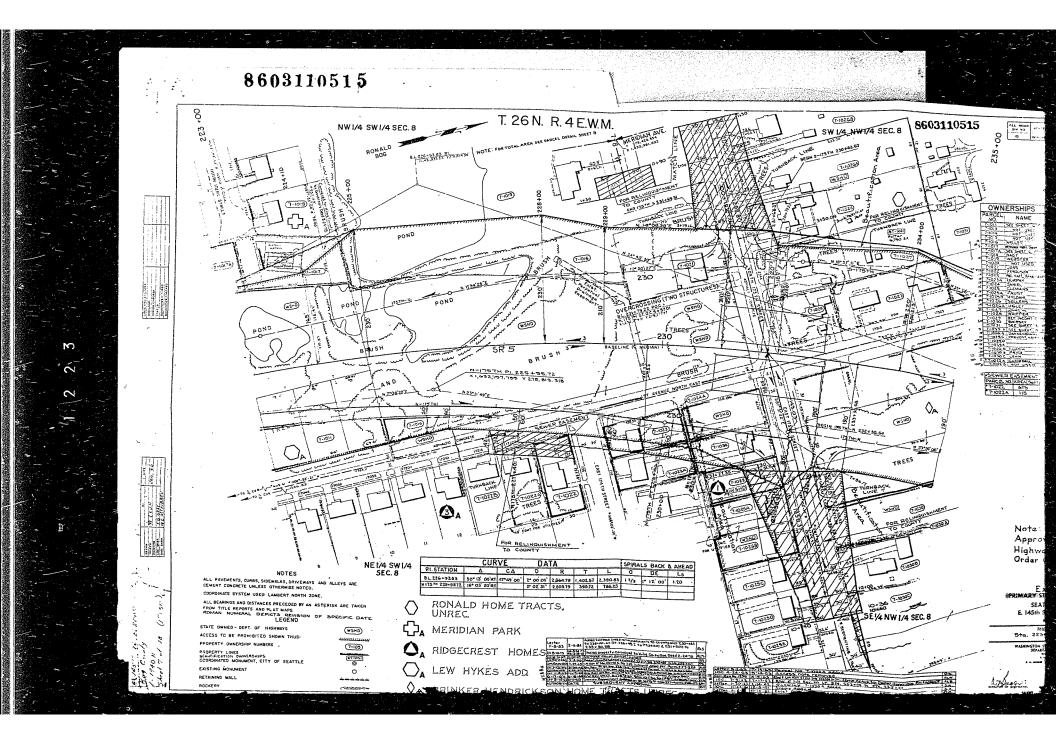


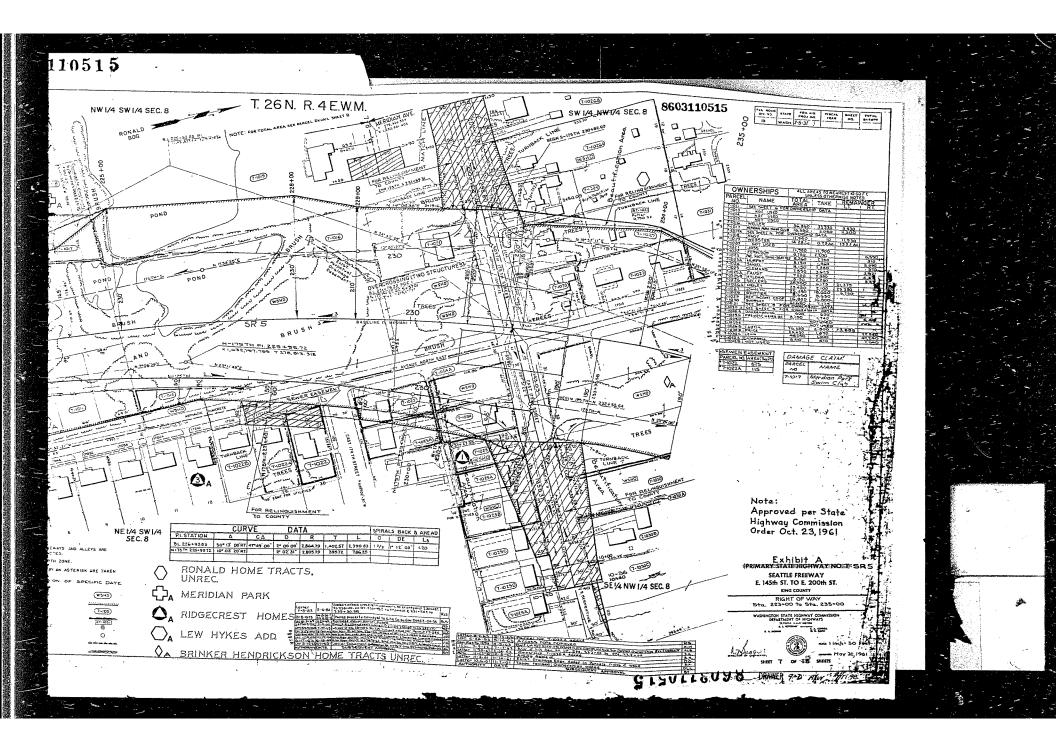


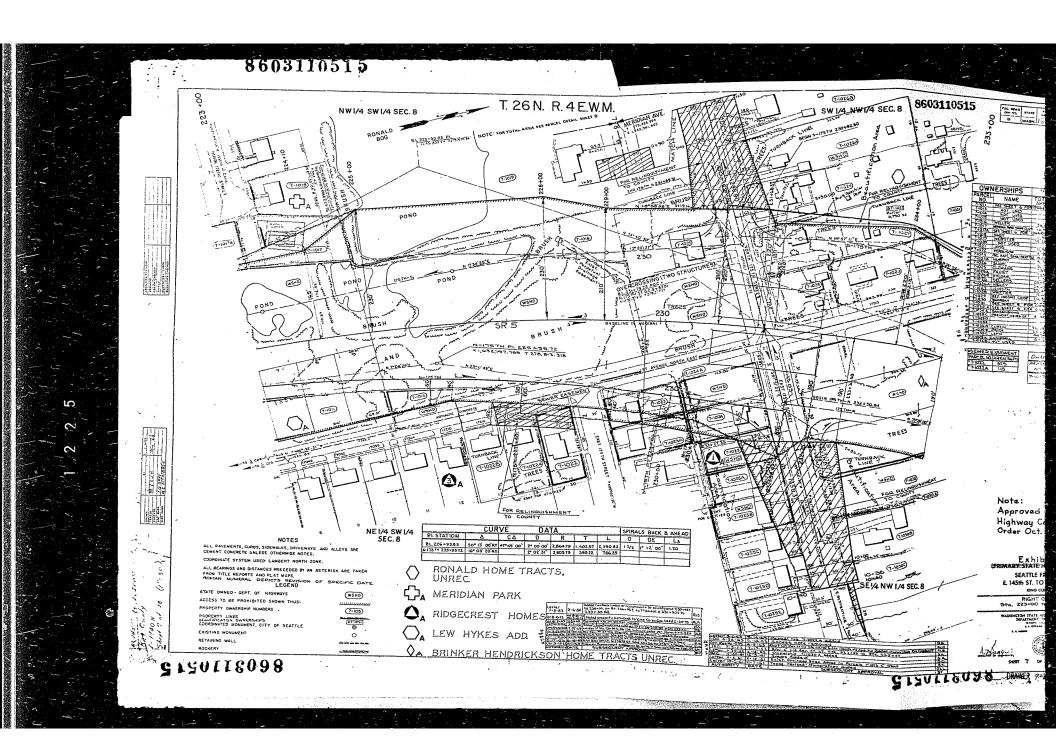
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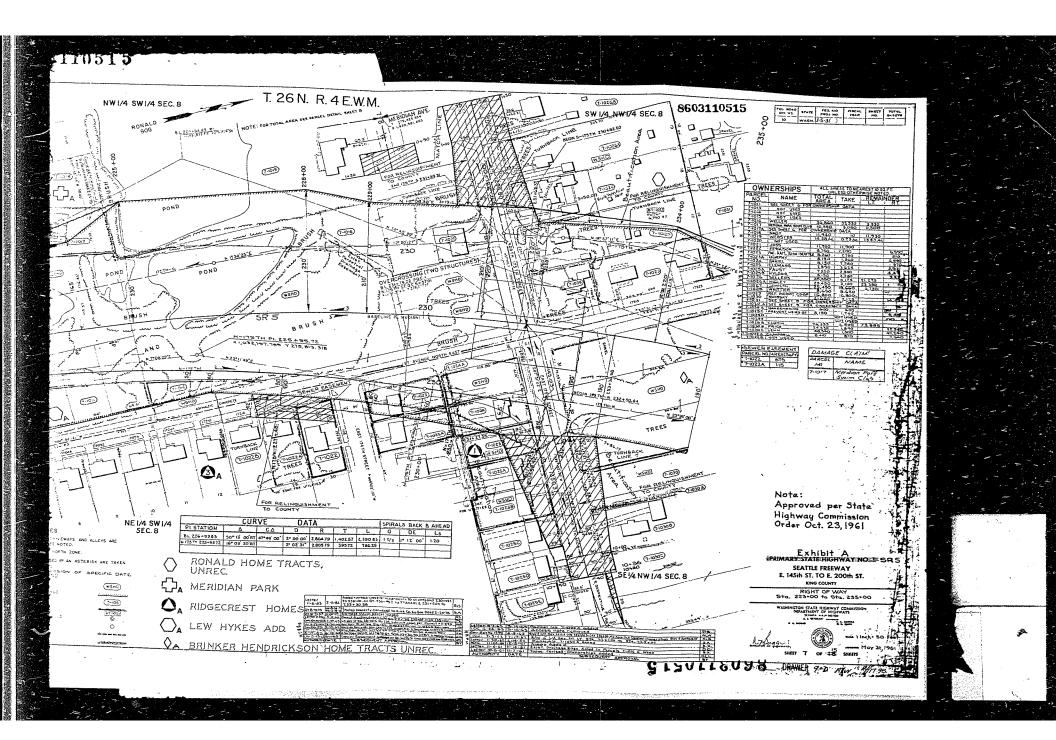


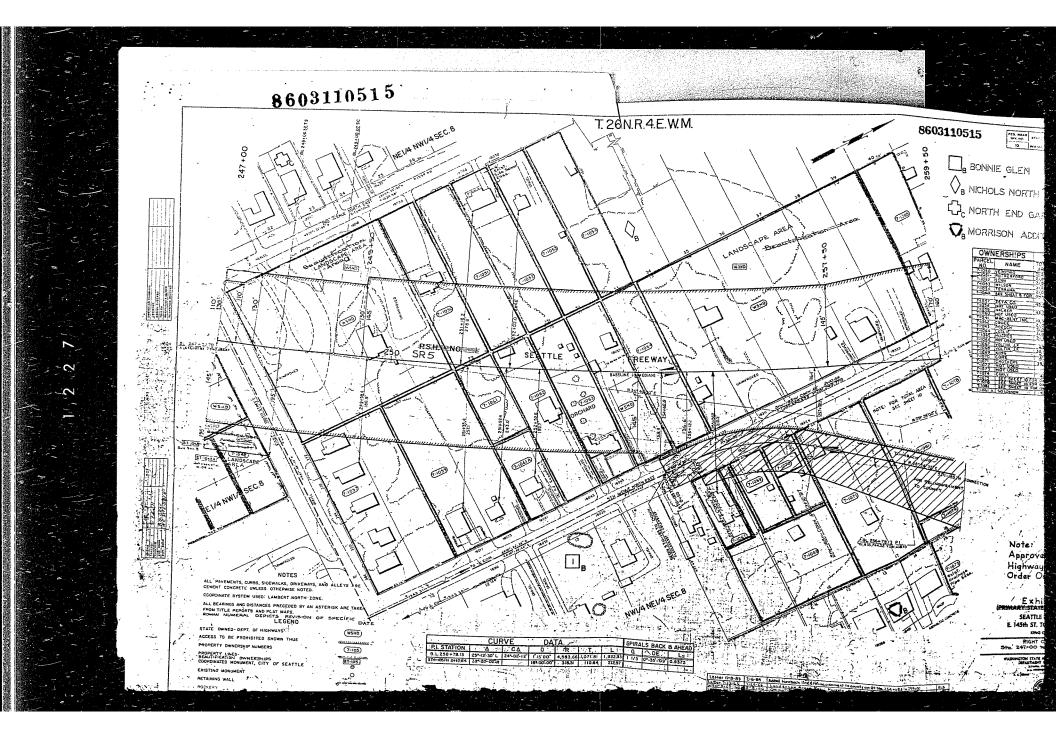


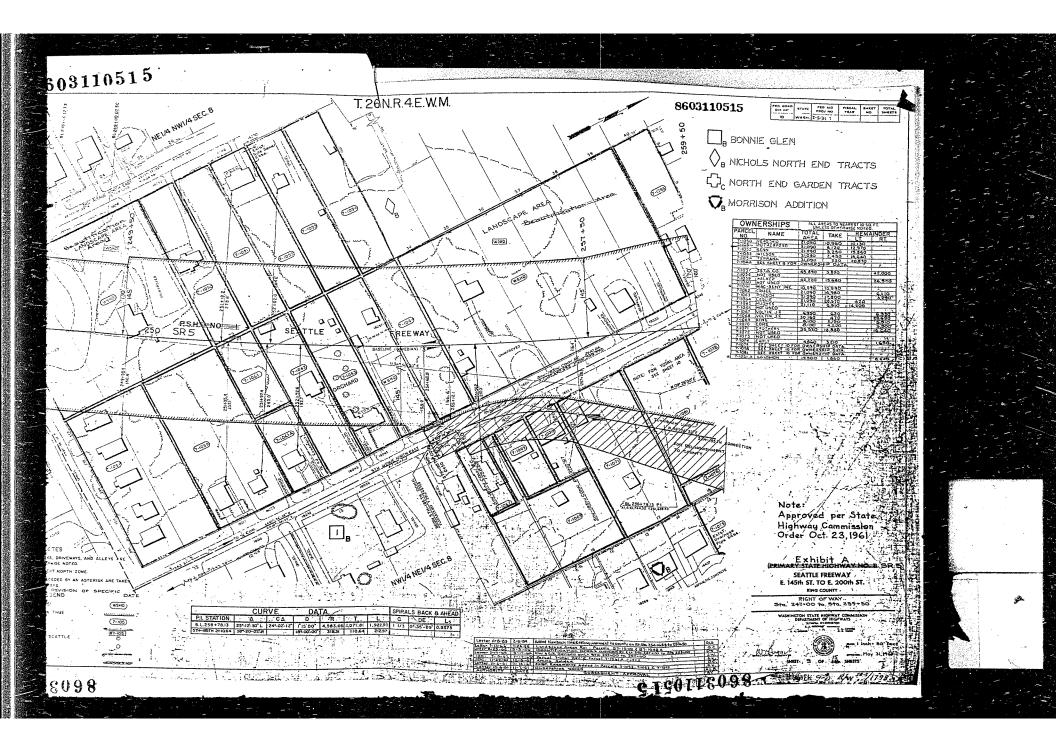


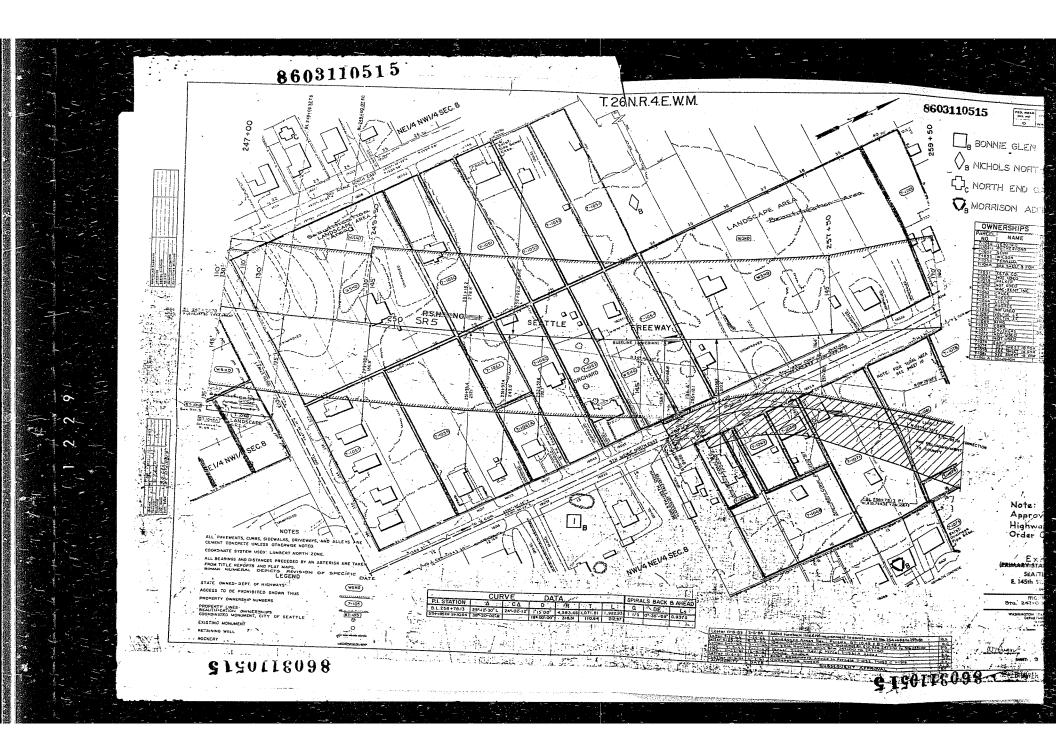


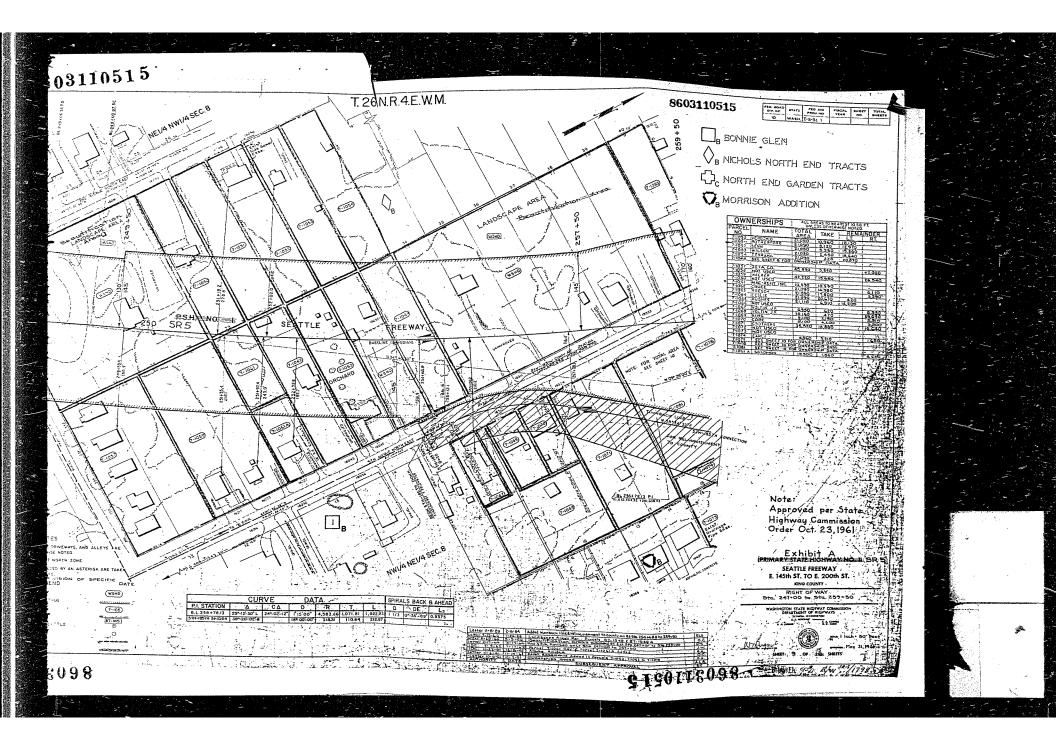


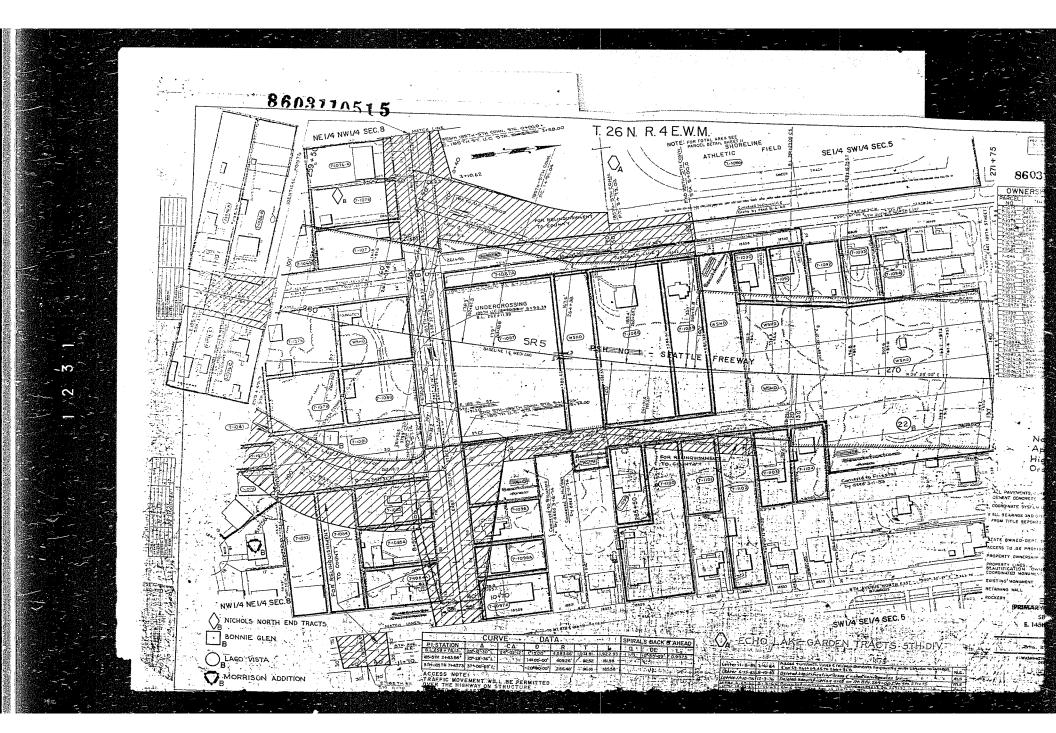


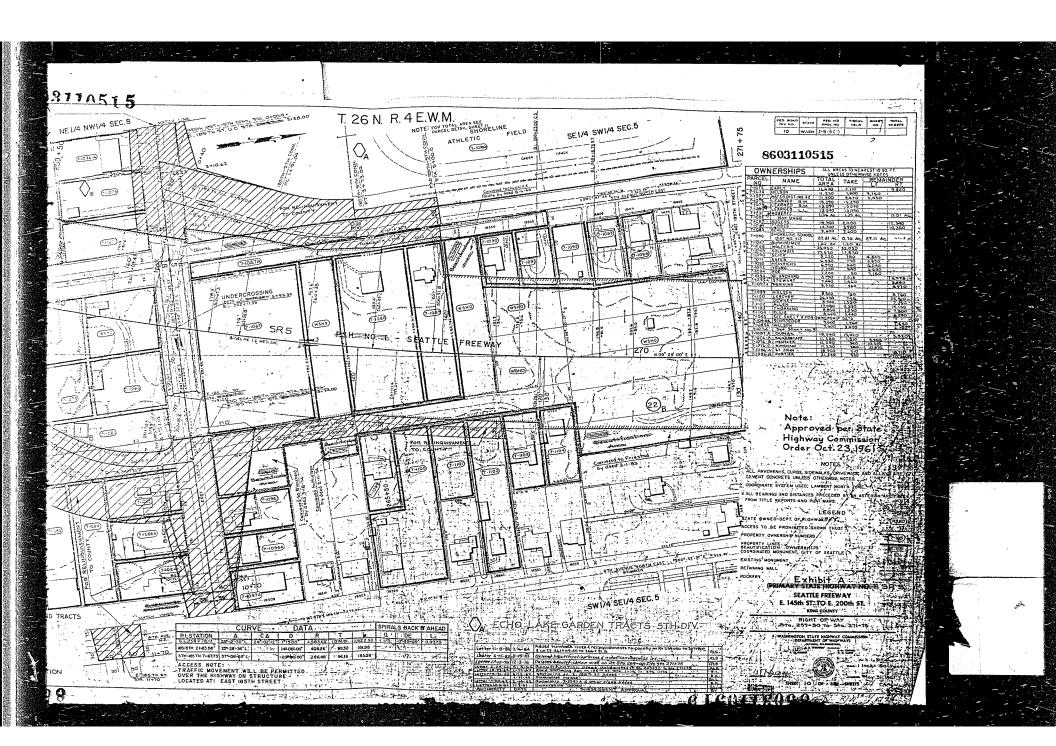


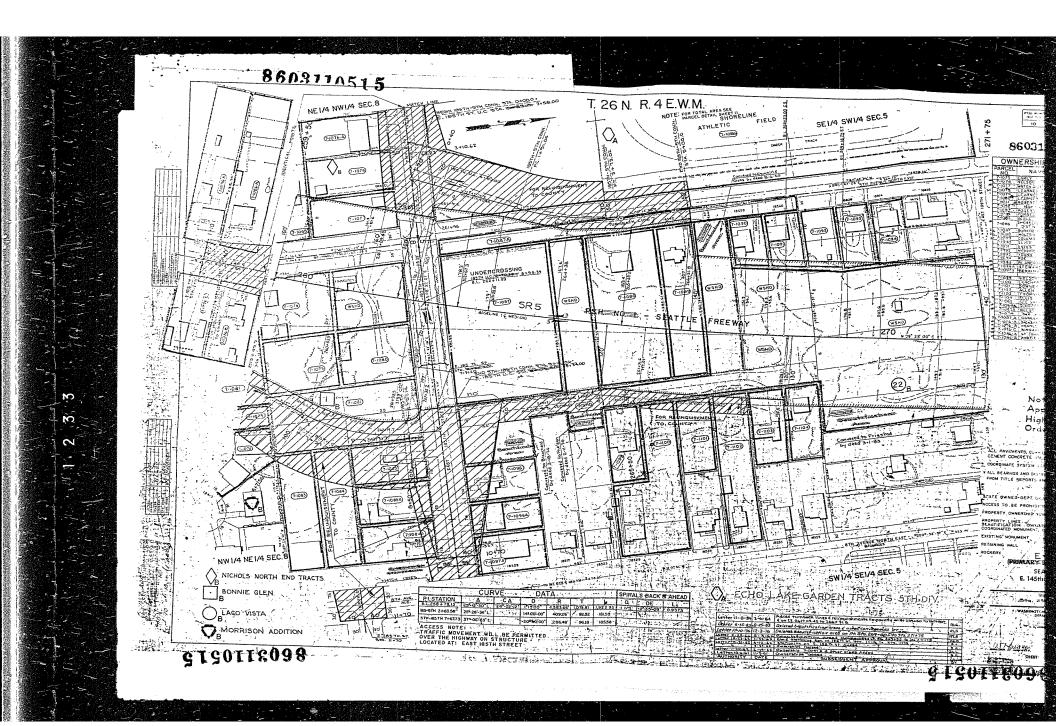


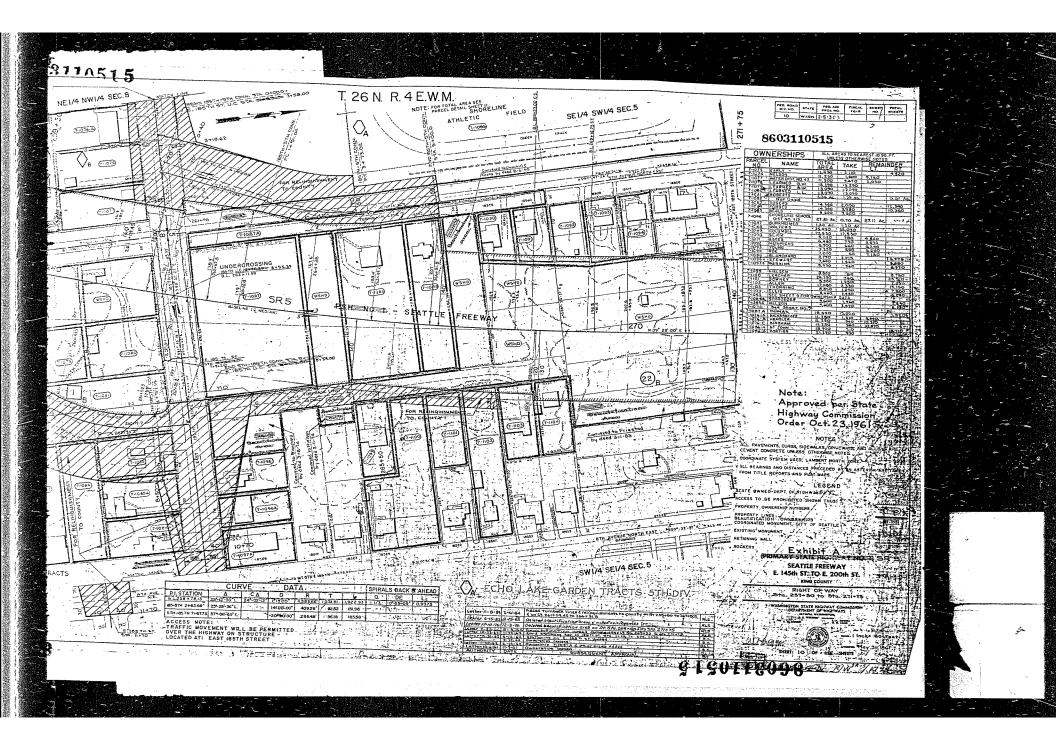












# Exhibit B-1

### **EXHIBIT "B"**

R/W No. LL-509.1 7<sup>TH</sup> AVE NE CITY OF SHORELINE

### INTERGOVERNMENTAL TRANSFER AREA:

ALL OF 7TH AVE NE AND PORTION OF NE 185TH STREET IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 26 NORTH, RANGE 4 EAST, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 5, TOWNSHIP 26 NORTH, RANGE 4 EAST;

THENCE S87°58'49"E ALONG THE SOUTH LINE OF SAID SECTION, BEING THE CENTERLINE OF NE  $185^{TH}$  STREET, A DISTANCE OF 595.59 FEET;

THENCE AT RIGHT ANGLES N02°01'11"E A DISTANCE OF 40 FEET TO A POINT ON THE EXISTING NORTH MARGIN OF SAID STREET, BEING THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED **LINE**, BEING THE BEGINNING OF A NON-TANGET CURVE HAVING A RADIUS OF 34.00 FEET, TO WHICH POINT A RADIAL LINE BEARS S02°26'05"E; THENCE LEAVING SAID MARGIN, WESTERLY, TO THE RIGHT ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°56'58" AN ARC DISTANCE OF 2.94 FEET; THENCE N87°29'06"W A DISTANCE OF 282.01 FEET TO THE EAST MARGIN OF SR 5, BEING THE END OF THE HEREIN DESCRIBED **LINE**;

EXCEPT THE EAST 10 FEET OF THE WEST 30 FEET OF THE NORTH 62 FEET OF THE SOUTH 216 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, AS DEDICATED TO KING COUNTY UPON RECORDING OF SHORT PLAT NUMBER 578077, RECORDED UNDER RECORDING NUMBER 7901170721, IN KING COUNTY, WASHINGTON;

CONTAINING 24,068 SQUARE FEET.

Earl J. Bone 2/21/20

LL509.1 Legal - KC QCD.doc

2/21/2020

Earl J. Bone P.L.S.

