



SEATTLE CITY COUNCIL

Legislative Summary

CB 119253

Record No.: CB 119253

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125584

In Control: City Clerk

File Created: 03/19/2018

Final Action: 06/01/2018

Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities to acquire, accept, and record on behalf of The City of Seattle both temporary and permanent property rights from owners of property located along the alignment of a planned, combined sewage conveyance pipe and a sewage storage facility near the east side of I-5 between South Dawson Street and South Lucile Street, which are necessary or convenient to construct, operate, and maintain structures related to the Pearl Street Drainage & Wastewater (DWW) Improvement Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of Seattle Public Utilities and designating the property rights acquired for utility and general municipal purposes; authorizing payment of all other costs associated with acquisition; and authorizing construction within the City right-of-way.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 – List of Affected Properties, Att 2 – Map of Affected Properties

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	04/24/2018	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	04/24/2018	sent for review	Council President's Office			

Action Text: The Council Bill (CB) was sent for review. to the Council President's Office

- Notes:**
- 1 Council President's Office 04/30/2018 sent for review Civil Rights, Utilities, Economic Development, and Arts Committee
- Action Text:** The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee
- Notes:**
- 1 City Council 05/14/2018 referred Civil Rights, Utilities, Economic Development, and Arts Committee
- Action Text:** The Council Bill (CB) was referred. to the Civil Rights, Utilities, Economic Development, and Arts Committee
- Notes:**
- 1 Civil Rights, Utilities, Economic Development, and Arts Committee 05/22/2018 pass Pass
- Action Text:** The Committee recommends that Full Council pass the Council Bill (CB).
- Notes:**
- In Favor: 2 Chair Herbold, Member O'Brien
- Opposed: 0
- 1 City Council 05/29/2018 passed Pass
- Action Text:** The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
- Notes:**
- In Favor: 8 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant
- Opposed: 0
- 1 City Clerk 05/30/2018 submitted for Mayor's signature Mayor
- 1 Mayor 06/01/2018 Signed
- Action Text:** The Council Bill (CB) was Signed.
- Notes:**
- 1 Mayor 06/01/2018 returned City Clerk
- Action Text:** The Council Bill (CB) was returned. to the City Clerk
- Notes:**
- 1 City Clerk 06/01/2018 attested by City Clerk
- Action Text:** The Ordinance (Ord) was attested by City Clerk.
- Notes:**
-

CITY OF SEATTLE

ORDINANCE 125584

COUNCIL BILL 119253

AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities to acquire, accept, and record on behalf of The City of Seattle both temporary and permanent property rights from owners of property located along the alignment of a planned, combined sewage conveyance pipe and a sewage storage facility near the east side of I-5 between South Dawson Street and South Lucile Street, which are necessary or convenient to construct, operate, and maintain structures related to the Pearl Street Drainage & Wastewater (DWW) Improvement Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of Seattle Public Utilities and designating the property rights acquired for utility and general municipal purposes; authorizing payment of all other costs associated with acquisition; and authorizing construction within the City right-of-way.

WHEREAS, The City of Seattle owns and operates a combined sewer system throughout much of the City and within the west Beacon Hill area; and

WHEREAS, sewer overflows have occurred out of the public sewer system within the right-of-way and on private properties in this west Beacon Hill neighborhood; and

WHEREAS, The City of Seattle is required to limit sewer overflows per the Seattle Public Utilities (SPU) wastewater collection system's National Pollutant Discharge Elimination System (NPDES) permit, administered by the United States Environmental Protection Agency; and

WHEREAS, the City's Capacity, Management, Operations and Maintenance (CMOM) Performance Program goal, incorporated in the Consent Decree authorized by Ordinance 123908 and amended by Ordinance 124129, is eliminating all sanitary sewer overflows (SSOs); and

WHEREAS, SPU's mission is to provide efficient and forward-looking utility services that keep Seattle the best place to live, to provide drainage and wastewater services while

1 protecting public health and the environment, and to proactively prevent sewer
2 overflows; and

3 WHEREAS, planned improvements to the public sewer system will control sewage from
4 overflowing out of the public sewer system; and

5 WHEREAS, an undeveloped, currently vacant parcel in the area can be used to accommodate
6 necessary components of the planned sewer improvements; and

7 WHEREAS, portions of the existing and proposed sewer system lie within the Washington State
8 Department of Transportation (WSDOT) right-of-way; and

9 WHEREAS, temporary and permanent property rights across the vacant private property and
10 within the WSDOT public right-of-way will be necessary to construct, maintain, and
11 operate portions of the structures necessary for the Pearl Street DWW Improvement
12 Project; and

13 WHEREAS, portions of the planned improvements for the Pearl Street DWW Improvement
14 Project are anticipated to be constructed and located within the City right of way under
15 the jurisdiction of the Department of Transportation; NOW, THEREFORE,

16 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

17 Section 1. Acquisition of the real property interests described in Sections 2 and 3 of this
18 ordinance is for a public use, and public convenience and necessity require that the real property
19 interests described in Sections 2 and 3 of this ordinance, as described and shown on Attachments
20 1 and 2 attached hereto and incorporated by reference into this ordinance, and such other
21 property as may be necessary or convenient for purposes of the Pearl Street DWW Improvement
22 Project (“Project”), located in the City of Seattle, County of King, together with all rights and
23 privileges and other property interests pertaining to the real property interests, be acquired for

1 utility and general municipal purposes through negotiations and use of eminent domain
2 (condemnation), if necessary, in connection with the Project.

3 Section 2. The General Manager/CEO of Seattle Public Utilities is authorized to acquire
4 by negotiation or use of eminent domain (condemnation), for and on behalf of The City of
5 Seattle, property legally described as:

6 Lots 5, 6, 7 and 8, Block 2, Plat of Germania Addition to the City of Georgetown,
7 Division No. 1, according to the Plat thereof recorded in Volume 16 of Plats, Page 50,
8 records of King County, Washington, lying Easterly of the following described line:

9 Beginning at a point opposite H E S 1999+00 on said R/W Baseline survey of said
10 Highway and 170' E therefrom;

11 Thence Northwesterly, parallel with said survey line to intersect the East line of said
12 lot 5;

13 Thence North in a straight line to intersect the South line of Lot 9, Block 4, Division
14 No. 2, Germania Addition to the City of Georgetown, according to the Plat thereof
15 recorded in Volume 17 of Plats, Page 34, records of said County, at a point 250 feet
16 Northeasterly when measured at right angles and/or radially from said survey line and the
17 end of this line description.

18 Situate in the County of King, State of Washington.

19 Tax Parcel Number 274060-0055-02.

20 The acquisition costs, including purchase price and transaction costs, together with
21 relocation benefits to the extent required by law, shall be paid from the funds appropriated, or to
22 be appropriated, for such purposes in connection with the Project.

23 Section 3. The General Manager/CEO of Seattle Public Utilities is authorized to acquire
24 by negotiation, for and on behalf of The City of Seattle, permanent and temporary easements or
25 permits over the property described as:

26 Washington State Department of Transportation limited access Interstate-5 Freeway east
27 of the traffic lanes, south of the northern boundary of South Dawson Street and north of
28 the southern boundary of South Lucile Street.

1 Section 4. The General Manager/CEO of Seattle Public Utilities is authorized to:
2 determine the portions and interests of the properties described in Sections 2 and 3 of this
3 ordinance that are necessary or convenient for the Project, and any other property interests that
4 may be necessary or convenient for the Project; negotiate and enter into written agreements for
5 and acquire, after paying just compensation, the real property interests that are necessary or
6 convenient for the Project, including temporary or permanent rights, in easement form; and
7 accept and record easements and other written instruments on behalf of the City by attaching to
8 the instrument the General Manager/CEO's written acceptance and recording the easement or
9 other written instrument.

10 Section 5. The City Attorney is authorized to commence and prosecute proceedings in the
11 manner provided by law to condemn, take, damage, and appropriate easements or other property
12 interests determined by the General Manager/CEO of Seattle Public Utilities or the General
13 Manager/CEO's designee to be necessary or convenient to the Project; provided the lands, rights,
14 privileges, and other property are to be appropriated and taken only after just compensation has
15 been made or paid into court for the owners in the manner provided by law; and to stipulate for
16 the purpose of minimizing damages.

17 Section 6. The real property interests referenced above include, but are not limited to, fee
18 and temporary or permanent easements or permits that when recorded shall be placed under the
19 jurisdiction of Seattle Public Utilities and designated for utility and general municipal purposes.

20 Section 7. Seattle Public Utilities is authorized to construct and locate the planned
21 improvements for the Pearl Street DWW Improvement Project within the City right-of-way
22 under the jurisdiction of the Department of Transportation.

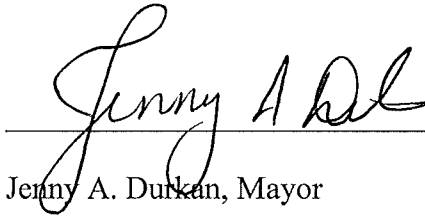
1 Section 8. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 29th day of May, 2018,
5 and signed by me in open session in authentication of its passage this 29th day of
6 May, 2018.

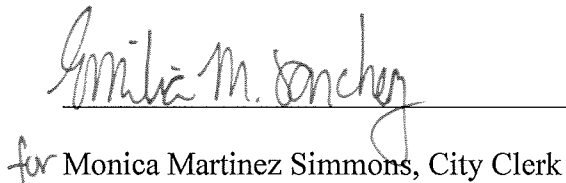
7 

8 President _____ of the City Council

9 Approved by me this 1st day of June, 2018.

10 
11 Jenny A. Durkan, Mayor

12 Filed by me this 1st day of June, 2018.

13 
14 for Monica Martinez Simmons, City Clerk

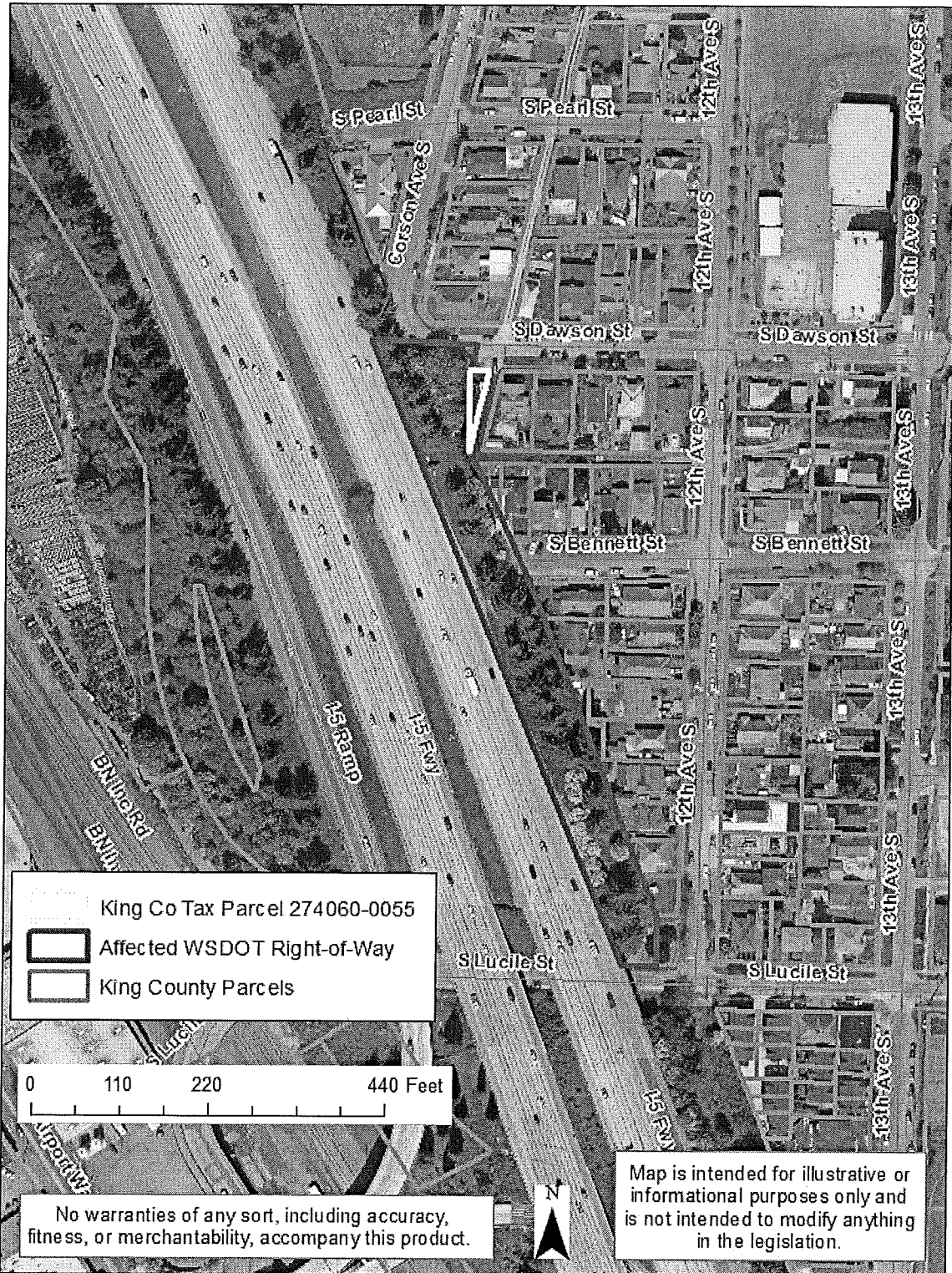
15 (Seal)

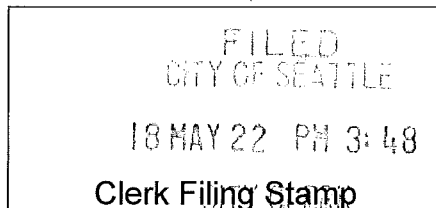
16 Attachments:
17 Attachment 1 – List of Affected Properties
18 Attachment 2 – Map of Affected Properties

Attachment 1 – List of Affected Properties

Ordinance Section No.	King County Tax ID. No.	Property Address	Property Owner	Tax Payer's Address of Record (Name included only if different than Property owner.)
2	2740600055	no street address, Seattle, WA 98107	David Lynch and Judith Maurer	5862 N Camino Miraval, Tucson, AZ 85718
3	none - WSDOT right-of way	none - portion of Interstate 5	Washington State Department of Transportation	15700 Dayton Ave. N., Seattle, WA 98133-9710

Attachment 2 – Map of Affected Properties





**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Council Bill 119253**

I, Pree Carpenter, Sr. Real Property Agent, hereby certify as follows:

(Check all that apply below.)

- 1. On the 1st day of May, 2018, I mailed via US Postal Service Certified Mail a notice of condemnation or other notice of hearing that will authorize condemnation, a true and correct representative copy of which is attached and designated as Attachment A, to those persons whose names and addresses appear on the attached list as Attachment B.
- 2. For condemnation legislation: The notice designated in Attachment A constitutes adequate notice to property owners, pursuant to RCW 8.12 and 8.25, that the City may take final action to authorize condemnation of the subject property.
- 3. The notice designated in Attachment A was published in the Seattle Times on May 7, 2018, and May 14, 2018, and the Daily Journal of Commerce on May 7, 2018, and May 14, 2018.
- 4. This Certificate of Mailing and Publication and complete Attachments A and B are hereby filed with the City Clerk of the City of Seattle.

Dated this 22nd day of May, 2018.

The City of Seattle, Washington

Pree Carpenter



(Signature)

Sr Real Property Agent

Seattle Public Utilities

206.386.9754

Attachment A



**Seattle
Public
Utilities**

May 1, 2018

David Lynch
5862 North Camino Miraval
Tucson, Arizona 85718

VIA CERTIFIED MAIL and REGULAR MAIL

RE: City of Seattle Pearl Street DWW Improvement Project

Notice of Seattle City Council Civil Rights, Utilities, Economic Development & Arts
Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property for
Public Purposes through Negotiation and the Exercise of Eminent Domain (Condemnation)

Dear Mr. Lynch:

I'm writing to let you know that the Committee hearing discussed in the attached letter was
rescheduled to May 22, 2018, with the full City Council hearing rescheduled to May 29, 2018. The
other information in the letter remains the same.

I apologize for the schedule change. This will delay Seattle Public Utilities' purchase of your
property by about a month.

General information about the Project can be found on the City's website at the following address:
<http://www.seattle.gov/util/EnvironmentConservation/Projects/PearlStreet/index.htm>. Please
contact Luis Ramirez, Project Manager, at 206-684-3660 or Luis.Ramirez@seattle.gov if you have
questions about this Project. Please contact me at 206-386-9754 or pree.carpenter@seattle.gov if
you have questions about this letter.

Thank you,

A handwritten signature in cursive script that reads "Pree Carpenter".

Pree Carpenter
Senior Real Property Agent
Seattle Public Utilities

Cc: David Lynch via email at dclynch@email.arizona.edu
Judith Maurer via email at jkmaurer@hotmail.com



**Seattle
Public
Utilities**

COPY

March 30, 2018

David Lynch
5862 North Camino Miraval
Tucson, Arizona 85718

VIA CERTIFIED MAIL and REGULAR MAIL

RE: City of Seattle Pearl Street DWW Improvement Project

Notice of Seattle City Council Civil Rights, Utilities, Economic Development & Arts
Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property for
Public Purposes through Negotiation and the Exercise of Eminent Domain (Condemnation)

Dear Mr. Lynch:

Seattle Public Utilities (SPU), a department of the City of Seattle (City), has a drainage and wastewater improvement project primarily in South Dawson Street and next to King County Tax Parcel 274060-0055, which is a property owned by you and Judith Maurer. A map showing the property is enclosed.

This letter is to inform you that the Seattle City Council is expected to vote on an ordinance that, if approved, will authorize Seattle Public Utilities (SPU) to acquire this property either through negotiating a voluntary purchase or through condemnation (eminent domain). Property owners will be paid just compensation for SPU's acquisition.

The City of Seattle (City) is required by RCW 8.25.290 to provide you with formal written notice before the City takes final action authorizing the condemnation of property. The City ordinance authorizing property acquisition through negotiation or condemnation will be on the agenda of the Seattle City Council Civil Rights, Utilities, Economic Development & Arts Committee for discussion and possible vote. The Committee will take public comment as a regular part of the meeting beginning at 9:30 a.m. on April 24, 2018.

This Seattle City Council committee meeting will be held in the City Council Chambers at 600 4th Avenue, 2nd Floor, Seattle, WA. The Council Chambers and offices are physically accessible; print and communications access are provided on request. Call 206-684-8888 (TDD: 206-233-0025) for further information.

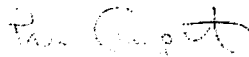
You will have the opportunity to express your views on the ordinance during the public comment section of the meeting. Public comments are received by the Committee at the start of the meeting and are generally limited to a total of 15 minutes, and two minutes per speaker. If you have questions about the committee meeting format, agenda for the meeting, or the public comment section, please contact Alex Clardy, Legislative Assistant to Councilmember Herbold (Chair of Seattle City Council Civil Rights, Utilities, Economic Development & Arts Committee) at 206-386-1856 or visit the Seattle City Council Civil Rights, Utilities, Economic Development & Arts Committee's website at the following address: <http://www.seattle.gov/council/committees/civil-rights-utilities-economic-development-and-arts/>.

700 Fifth Avenue | PO Box 34018 | Seattle, WA 98124-4018 | 206-684-3000 | seattle.gov/util

If the Committee approves the ordinance, it will then be scheduled for final City Council action. Final action on the ordinance by the City Council is expected on April 30, 2018, at 2:00 p.m., in the City Council Chambers located at 600 4th Avenue, 2nd Floor, Seattle, WA. If the full City Council approves the ordinance, the City of Seattle may purchase this property from you through negotiation, or may use its powers of eminent domain to condemn your property. In either case, the City will pay just compensation for any property rights or interests it acquires for this project.

General information about the Project can be found on the City's website at the following address: <http://www.seattle.gov/util/EnvironmentConservation/Projects/PearlStreet/index.htm>. Please contact Luis Ramirez, Project Manager, at 206-684-3660 or Luis.Ramirez@seattle.gov if you have questions about this Project. Please contact me at 206-386-9754 or pree.carpenter@seattle.gov if you have questions about this letter.

Thank you,



Pree Carpenter
Senior Real Property Agent
Seattle Public Utilities
PO Box 34018
Seattle, WA 98124-4018
206-386-9754
pree.carpenter@seattle.gov

Enclosure: Map

Cc: David Lynch via email at dclynch@email.arizona.edu

700 Fifth Avenue | PO Box 34018 | Seattle, WA 98124-4018 | 206-684-3000 | seattle.gov/util



Attachment B

David Lynch
5862 North Camino Miraval
Tucson, AZ 85718

STATE OF WASHINGTON -- KING COUNTY

--SS.

361558

No. .

SPU:ACCOUNTS PAYABLE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

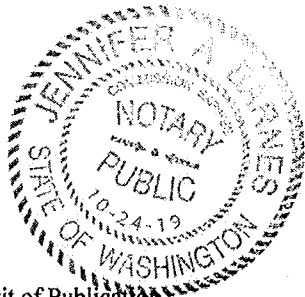
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:PEARL ST MEETING

was published on

05/07/18 05/14/18

The amount of the fee charged for the foregoing publication is the sum of \$201.00 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

05/14/2018

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

SEATTLE PUBLIC UTILITIES DEPARTMENT

Notice of Public Meeting and Planned Final Action by the Seattle City Council regarding the Pearl Street Drainage & Wastewater Improvement Project's proposed legislation authorizing property acquisition by negotiation and/or eminent domain (condemnation).

Attention all parties holding an interest in, or any portion thereof, the following King County Tax Parcel Number located in Seattle, Washington: 274060-0055 and adjacent WSDOT right-of-way.

The City of Seattle will hold a public meeting to consider proposed Seattle City Council legislation authorizing property rights acquisition of Seattle both temporary and permanent property rights from owners of property located along the alignment of a planned, combined sewage conveyance pipe and a sewage storage facility near the east side of I-5 between South Dawson Street and South Lucile Street, that are necessary or convenient to construct, operate, and maintain structures related to the Pearl Street Drainage & Wastewater (DWW) Improvement Project. The City will introduce the proposed ordinance at the Civil Rights, Utilities, Economic Development & Arts Committee meeting for discussion and possible vote at 9:30 am, Tuesday, May 22, 2018. The Committee meets in the City Council Chambers, City Hall, which is located at 600 4th Avenue, 2nd Floor, Seattle, WA. Public comment will also be taken at this time.

If the Civil Rights, Utilities, Economic Development & Arts Committee approves the proposed ordinance, it will be scheduled for full City Council action on Tuesday, May 29, at 2:00 pm at the City Council's Chambers, located at 600 4th Avenue, 2nd Floor, Seattle, WA. At this meeting, the City Council is expected to consider and take final action on the proposed ordinance, which, if approved, will authorize acquisition by negotiation and/or condemnation of all or a portion of the properties identified above for the project. The City is required by RCW 8.25.290 to provide this notice before the City takes final action authorizing condemnation of property.

Any questions about the project, proposed ordinance, or City Council meeting, may be directed to Free Carpenter, Seattle Public Utilities Senior Real Property Agent, at (206) 386-9754, or visit the City Council's website at: <http://www.seattle.gov/council>.

Dates of publication in the Seattle Daily Journal of Commerce, May 7 and 14, 2018.

5/14/361558

The Seattle Times

Re: Advertiser Account # 146957

Ad #: 810650

Agency Account #: 0

Agency Name:

AD TEXT

SEATTLE PUBLIC UTILITIES DEPARTMENT

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The Seattle Times

Seattle Public Utilities
Josh Campbell
700 5th Ave
Seattle Municipal Tower Ste 4900
Seattle, WA 98124-4018

Re: Advertiser Account # 146957
Ad #: 810650

Agency Account #: 0
Agency Name:

Affidavit of Publication

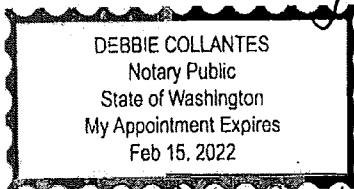
STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	05/07/18
Seattle Times	05/14/18

Agent Ayan Abshir Signature Ayan Abshir



Subscribed and sworn to before me on MAY 14, 2018
DATE

Debbie Collantes **Debbie Collantes**
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle