



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 118760

Record No.: CB 118760

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125153

In Control: City Clerk

File Created: 07/21/2016

Final Action: 10/07/2016

**Title:** AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to acquire, accept, and record on behalf of the City of Seattle both temporary and permanent property rights from abutting property owners located along the alignment of the planned combined sewage storage tunnel between 24th Avenue NW and Shilshole Avenue NW and Interlake Avenue North and North 35th Street that are necessary or convenient to construct, operate and maintain the Ship Canal Water Quality Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of the 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 ratifying and confirming certain prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 – Construction Corridor Maps, Att 2 – Affected Properties v2

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

Yes

No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	08/02/2016	Mayor's leg transmitted to Council	City Clerk			
	<b>Action Text:</b>		The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk				
	<b>Notes:</b>						
1	City Clerk	08/02/2016	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 | 08/05/2016 | sent for review | Civil Rights,<br>Utilities, Economic<br>Development, and<br>Arts Committee |
|---|----------------------------|------------|-----------------|--|

Action Text: The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee

Notes:

- |   |              |            |          |  |
|---|--------------|------------|----------|--|
| 1 | Full Council | 08/15/2016 | referred | Civil Rights,<br>Utilities, Economic<br>Development, and<br>Arts Committee |
|---|--------------|------------|----------|--|

- |   |   |            |                 |      |
|---|---|------------|-----------------|------|
| 1 | Civil Rights, Utilities,<br>Economic Development,<br>and Arts Committee | 09/23/2016 | pass as amended | Pass |
|---|---|------------|-----------------|------|

Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).

In Favor: 1 Chair Herbold

Opposed: 0

Absent(NV): 1 Vice Chair Sawant

- |   |              |            |        |      |
|---|--------------|------------|--------|------|
| 1 | Full Council | 10/03/2016 | passed | Pass |
|---|--------------|------------|--------|------|

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien

Opposed: 0

- |   |            |            |                                    |            |
|---|------------|------------|------------------------------------|------------|
| 2 | City Clerk | 10/05/2016 | submitted for<br>Mayor's signature | Mayor      |
| 2 | Mayor      | 10/07/2016 | Signed                             |            |
| 2 | Mayor      | 10/07/2016 | returned                           | City Clerk |
| 2 | City Clerk | 10/07/2016 | attested by City<br>Clerk          |            |

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

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**CITY OF SEATTLE**

**ORDINANCE** 125153

**COUNCIL BILL** 118760

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to acquire, accept, and record on behalf of the City of Seattle both temporary and permanent property rights from abutting property owners located along the alignment of the planned combined sewage storage tunnel between 24<sup>th</sup> Avenue NW and Shilshole Avenue NW and Interlake Avenue North and North 35<sup>th</sup> Street that are necessary or convenient to construct, operate and maintain the Ship Canal Water Quality Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of the 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 ratifying and confirming certain prior acts.

WHEREAS, the City of Seattle owns and operates a combined sewer system that in some locations overflows during heavy rain events; and

WHEREAS, the combined sewer system overflows (CSOs) are governed by the State of Washington under the terms of a National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, the terms of the NPDES permit mandate the City of Seattle limit untreated overflows at each CSO outfall to an average of no more than one per year; and

WHEREAS, the City of Seattle is required by federal Consent Decree, as authorized by Ordinance 123908 and amended by Ordinance 124129, to construct control measures to limit untreated combined sewer overflows in accordance with State of Washington requirements by December 31, 2025; and

WHEREAS, Seattle Public Utilities and King County have been working together to evaluate possible joint projects to reduce both City and County CSOs, and have agreed to jointly fund and build a 2.7 mile underground storage tunnel designed to temporarily store more than 15 million gallons of combined stormwater and sewage in order to reduce CSOs and

1 partially fulfill the objectives of the City's and County's NPDES permits and Consent  
2 Decrees; and

3 WHEREAS, in 2015 the City Council pursuant to Ordinance 124966 authorized Seattle Public  
4 Utilities to enter into a Joint Project Agreement with King County to design, construct,  
5 operate, and maintain the Ship Canal Water Quality Project to reduce combined sewer  
6 overflows; and

7 WHEREAS, while the tunnel and its ancillary structures will be built primarily within street  
8 right-of-way, temporary and permanent property rights will be necessary to construct,  
9 maintain, and operate portions of the Project; NOW, THEREFORE,

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

11 Section 1. Public convenience and necessity require that real property interests generally  
12 shown on Attachments 1 and 2 of this ordinance, and such other property as may be necessary or  
13 convenient for the Ship Canal Water Quality Project (the "Project") located in the City of Seattle,  
14 County of King, State of Washington; together with all rights, privileges and other property  
15 interests pertaining to the real property interests, be acquired for utility and general municipal  
16 purposes through negotiations and use of eminent domain (condemnation), if necessary, in  
17 connection with the Project.

18 Section 2. The Director is authorized to: determine the portions and interests of the  
19 properties shown on Attachments 1 and 2 that are necessary or convenient for the Project, and  
20 any other property interests that may be necessary or convenient for the Project, negotiate and  
21 enter into written agreements for and acquire, after paying just compensation, the real property  
22 interests that are necessary or convenient for the Project, including temporary or permanent  
23 rights, in fee or easement form; and accept and record deeds and other written instruments on

1 behalf of the City by attaching to the instrument the Director's written acceptance and recording  
2 the deed or other written instrument. The acquisition costs, including purchase price and  
3 transaction costs, together with relocation benefits to the extent required by law, shall be paid  
4 from the funds appropriated, or to be appropriated, for such purposes in connection with the  
5 Project.

6 Section 3. The City Attorney is authorized to commence and prosecute proceedings in  
7 the manner provided by law to condemn, take, damage, and appropriate in fee simple or other  
8 property interests determined by the Director of Seattle Public Utilities or his designee to be  
9 necessary or convenient to the Project; provided the lands, rights, and privileges, and other  
10 property are to be appropriated and taken only after just compensation has been made or paid  
11 into court for the owners in the manner provided by law; and to stipulate for the purpose of  
12 minimizing damages.

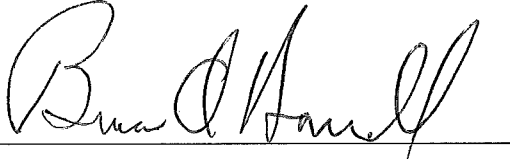
13 Section 4. The real property interests referenced above include, but are not limited to  
14 deeds, easements, and temporary construction easements that, when recorded shall be placed  
15 under the jurisdiction of the Seattle Public Utilities and designated for utility and general  
16 municipal purposes.

17 Section 5. Any act taken after passage but prior to the effective date of this ordinance  
18 and consistent with its authority is hereby ratified and confirmed.

19

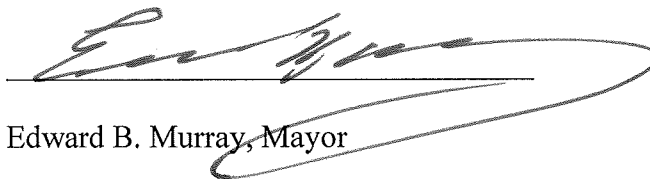
1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 3<sup>rd</sup> day of October, 2016, and  
5 signed by me in open session in authentication of its passage this  
6 3<sup>rd</sup> day of October, 2016.

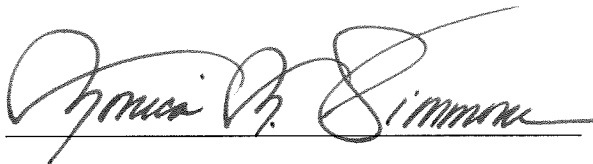
7   
8 \_\_\_\_\_

9 President \_\_\_\_\_ of the City Council

10  
11 Approved by me this 7<sup>th</sup> day of October, 2016.

12  
13   
14 \_\_\_\_\_  
15 Edward B. Murray, Mayor

16 Filed by me this 7<sup>th</sup> day of OCTOBER, 2016.

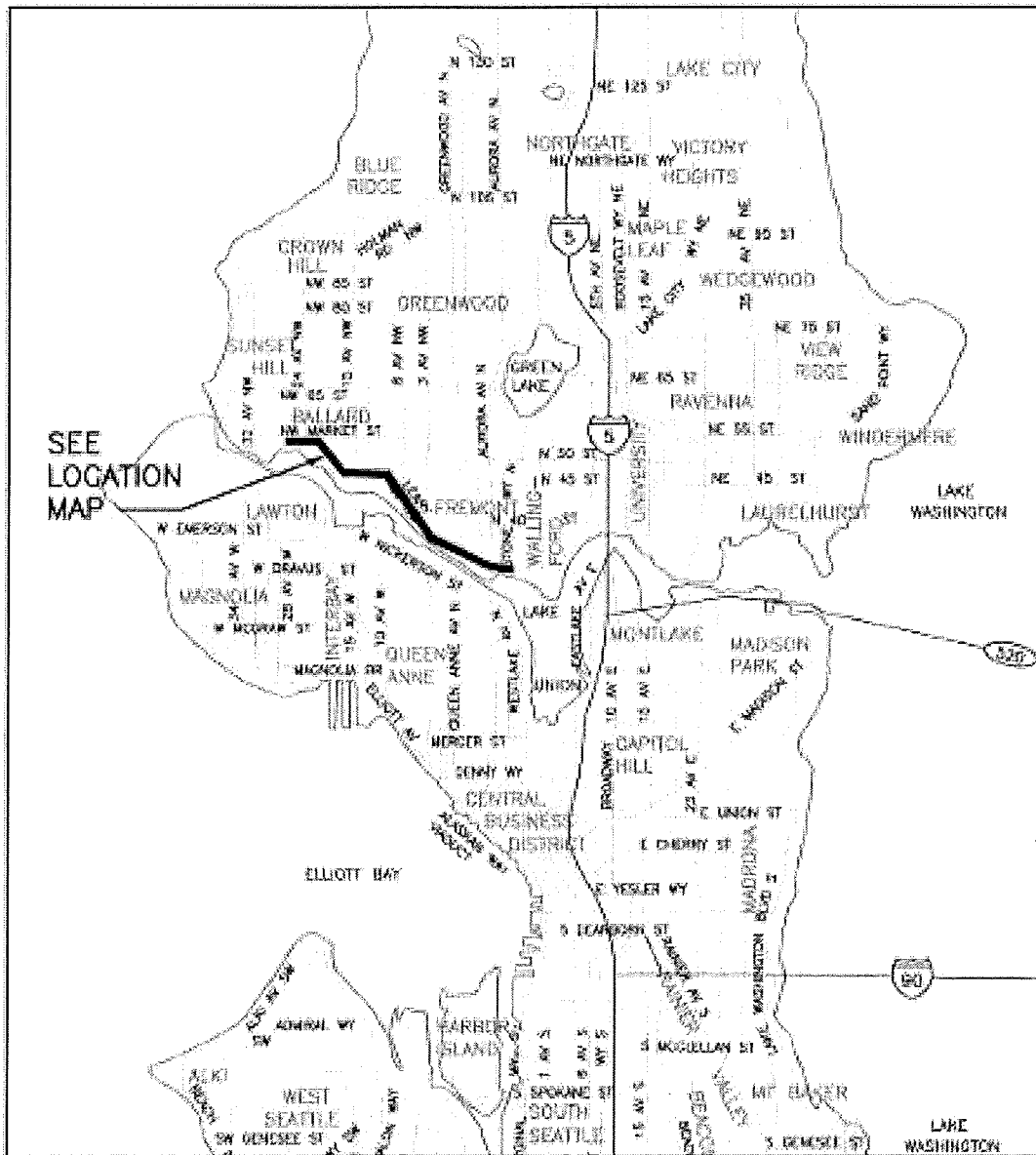
17   
18 \_\_\_\_\_

19 Monica Martinez Simmons, City Clerk

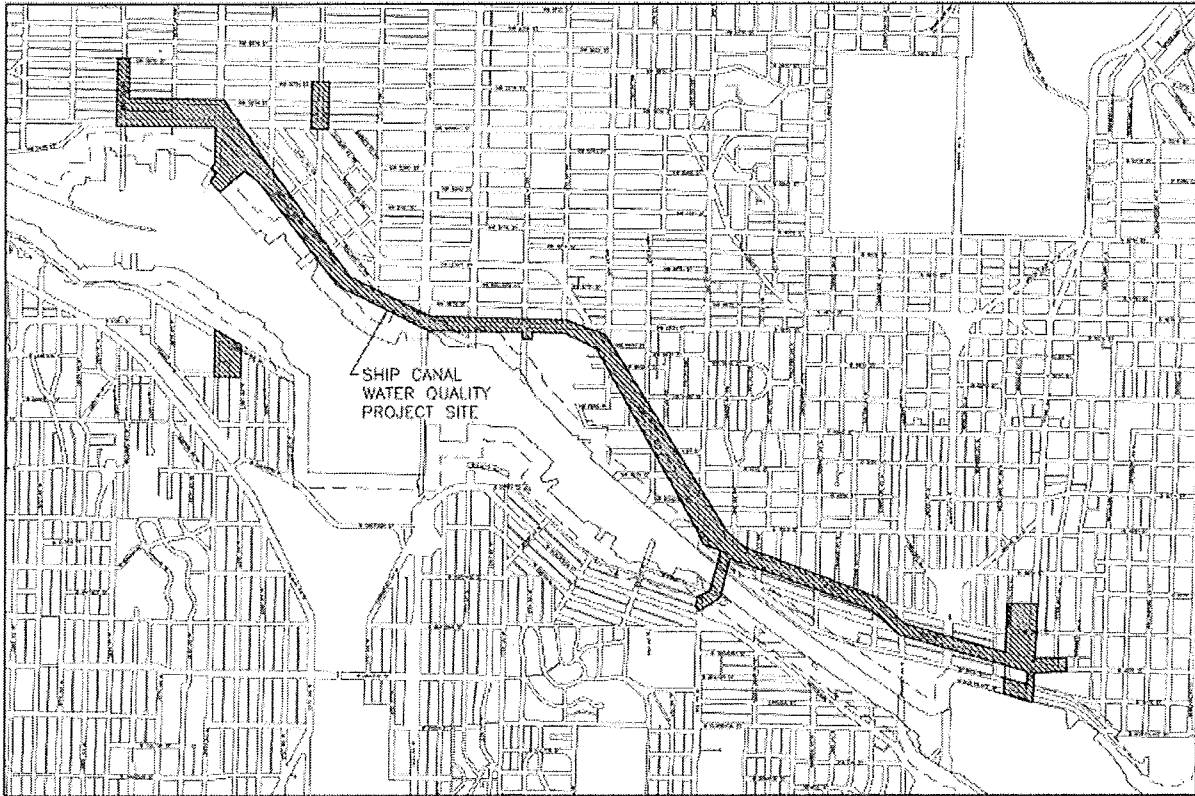
20 (Seal)

21  
22  
23 Attachments:  
24 Attachment 1 – Construction Corridor Maps  
25 Attachment 2 – Affected Properties

### Attachment 1 – Construction Corridor Maps



VICINITY MAP

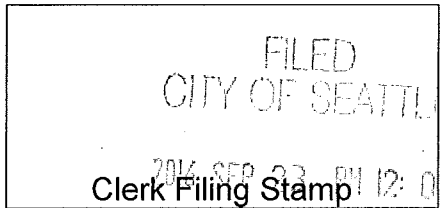


 LOCATION MAP



### Attachment 2 –Affected Properties

Project Parcel 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	0467000418	5423 Shilshole Ave NW, Seattle, WA 98107	C. D. Stimson Company	1411 4th Ave Suite 730, Seattle, WA 98101
3	1982202070	915 NW 45th St, Seattle, WA 98107	Fred Meyer Stores, Inc, a Delaware Corp	Fred Meyer Stores Inc., c/o Nickel & Company, 1014 Vine St 7th Floor, Cincinnati, OH 45202
4	1972204281	215 NW 36th St, Seattle, WA 98107	King County - Wastewater	201 S Jackson St #512, Seattle, WA 98104
9	2768303520	4501 9th Ave NW, Seattle, WA 98107	United States Postal Service	USPS Seattle Post Office, Attn: Postmaster, PO Box 3998, Seattle, WA 98124
11	1982202075	837 NW 45th St, Seattle, WA 98107	Missing Link Real Estate, LLC	PO Box 31516, Seattle, WA 98103
12	1982202080	4415 Leary Way NW, Seattle, WA 98107	Frelard Properties LLC	Olson Fuel Co, 4415 Leary Way NW, Seattle, WA 98107
20	1825049130	1320 N 35th St, Seattle, WA 98103	1320 N 35th St LLC	PO Box 398, Poulsbo, WA 98370
21	2264501095	1320 N 35th St, Seattle, WA 98103	1320 N 35th St LLC	PO Box 398, Poulsbo, WA 98370



**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR  
Council Bill 118760**

I, Judith L. Cross, Division Director, hereby certify as follows:

(Check all that apply below.)

- 1. On the 29th day of August, 2016, I mailed via US Postal Service Certified Mail a
  - notice of condemnation or
  - other \_\_\_\_\_,
 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 September 8 and 12 and the Daily Journal of Commerce on September 9 and 13, 2016.
- 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 23rd day of September, 2016.

The City of Seattle, Washington

Judith L. Cross

  
(Signature)

Division Director, Facilities & Real  
Property Services

Seattle Public Utilities

206-386-1814

Attachment A



**City of Seattle**  
Seattle Public Utilities

August 29, 2016

Thomas S. Bayley  
President  
C. D. Stimson Company  
1411 4th Ave Suite 730  
Seattle, WA 98101

**VIA CERTIFIED MAIL**

RE: City of Seattle Ship Canal Water Quality 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)

Tax Parcel No. 046700-0418  
Address: 5423 Shilshole Ave NW, Seattle, WA 98107

Dear Mr. Bayley:

The purpose of this notice 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 property rights needed for the construction of an underground storage tunnel project. You have been identified as a property owner from whom property rights may be needed, including but not limited to an easement under a portion of your property for the Ship Canal Water Quality Project (Project). A map indicating the proposed Project alignment is enclosed for your information. The final City Council action on this ordinance and Council approval will authorize SPU to acquire temporary or permanent rights, in fee or easement form through negotiations with property owners and the possible use of eminent domain (condemnation), if necessary. Property owners will be paid just compensation for SPU's acquisition of any property rights and interests.

SPU and King County are working together on this Project to build an underground storage tunnel for stormwater and sewage. During storms, this tunnel will hold polluted water from Ballard, Fremont, Wallingford, and north Queen Anne, preventing it from overflowing into the Lake Washington Ship Canal. The 2.7-mile tunnel will be able to capture and temporarily hold more than 15 million gallons of stormwater and sewage that currently overflows during heavy rains. When the storm passes, flows will be sent to the existing King County West Point Wastewater Treatment Plant in Magnolia.

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

Melina Thung, Interim Director  
Seattle Public Utilities  
PO Box 34018  
Seattle, WA 98124-4018

Tel (206) 684-5851  
Fax (206) 684-4631  
TDD (206) 233-7241  
<http://www.seattle.gov/util>

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 Friday, September 23, 2016.

This Seattle City Council committee meeting will be held in the City Council Chambers at 600 4<sup>th</sup> Avenue, 2<sup>nd</sup> 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 10 minutes of comments for each agenda item. 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/utilities/default.htm>.

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 Monday, September 26, 2016, at 2:00 p.m.; in the City Council Chambers located at 600 4<sup>th</sup> Avenue, 2<sup>nd</sup> Floor, Seattle, WA. If the full City Council approves the ordinance, the City of Seattle may purchase property rights for the Project 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 the tunnel project.

SPU staff will call you in the next several days to follow up on this letter. General information about the Project can be found on the City's website at the following address:  
[www.seattle.gov/util/shipcanalproject](http://www.seattle.gov/util/shipcanalproject). Please contact Dan Enrico, Project Manager, at 206-684-7413 or [daniel.enrico@seattle.gov](mailto:daniel.enrico@seattle.gov) if you have questions about this Project. Please contact me at 206-386-9754 or [pree.carpenter@seattle.gov](mailto:pree.carpenter@seattle.gov) if you have questions about this letter.

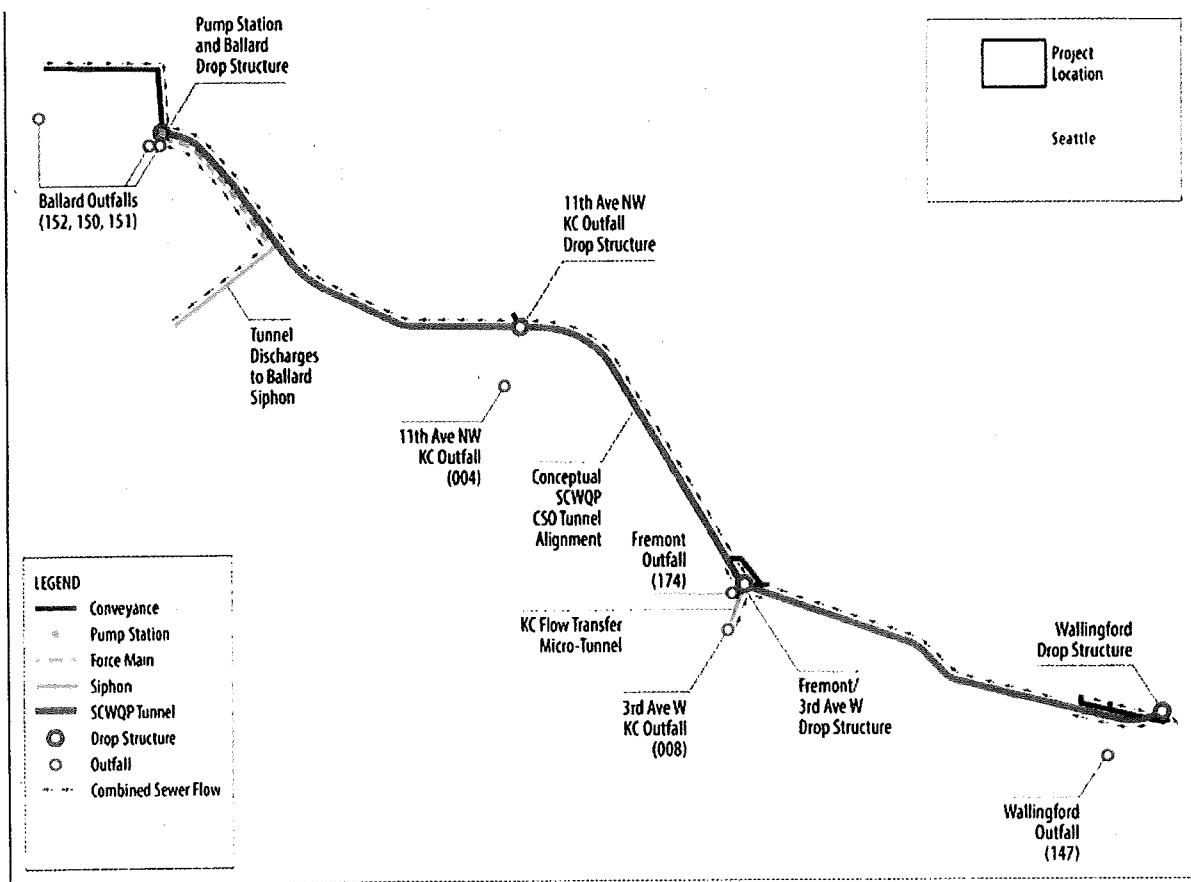
Thank you,



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

Enclosure: Map

# Proposed Project Alignment





**City of Seattle**  
Seattle Public Utilities

August 29, 2016

Fred Meyer Stores Inc  
c/o Nickel & Company  
1014 Vine St 7<sup>th</sup> Floor  
Cincinnati OH 45202

**VIA CERTIFIED MAIL**

RE: City of Seattle Ship Canal Water Quality 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)

Tax Parcel No. 198220-2070  
Address: 915 NW 45th St, Seattle, WA 98107

Dear Property Owner:

The purpose of this notice 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 property rights needed for the construction of an underground storage tunnel project. You have been identified as a property owner from whom property rights may be needed. A map indicating the proposed Ship Canal Water Quality Project (Project) alignment is enclosed for your information. The final City Council action on this ordinance and Council approval will authorize SPU to acquire temporary or permanent rights, in fee or easement form through negotiations with property owners and the possible use of eminent domain (condemnation), if necessary. Property owners will be paid just compensation for SPU's acquisition of any property rights and interests.

SPU and King County are working together on this Project to build an underground storage tunnel for stormwater and sewage. During storms, this tunnel will hold polluted water from Ballard, Fremont, Wallingford, and north Queen Anne, preventing it from overflowing into the Lake Washington Ship Canal. The 2.7-mile tunnel will be able to capture and temporarily hold more than 15 million gallons of stormwater and sewage that currently overflows during heavy rains. When the storm passes, flows will be sent to the existing King County West Point Wastewater Treatment Plant in Magnolia.

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

Melina Thung, Interim Director  
Seattle Public Utilities  
PO Box 34018  
Seattle, WA 98124-4018

Tel (206) 684-5851  
Fax (206) 684-4631  
TDD (206) 233-7241  
<http://www.seattle.gov/util>

discussion and possible vote. The Committee will take public comment as a regular part of the meeting beginning at 9:30 a.m. on Friday, September 23, 2016.

This Seattle City Council committee meeting will be held in the City Council Chambers at 600 4<sup>th</sup> Avenue, 2<sup>nd</sup> 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 10 minutes of comments for each agenda item. 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/utilities/default.htm>.

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 Monday, September 26, 2016, at 2:00 p.m., in the City Council Chambers located at 600 4<sup>th</sup> Avenue, 2<sup>nd</sup> Floor, Seattle, WA. If the full City Council approves the ordinance, the City of Seattle may purchase property rights for the Project 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 the tunnel project.

SPU staff will call Mr. Hansen (cc'd) in the next several days to follow up on this letter. General information about the Project can be found on the City's website at the following address: [www.seattle.gov/util/shipcanalproject](http://www.seattle.gov/util/shipcanalproject). Please contact Dan Enrico, Project Manager, at 206-684-7413 or [daniel.enrico@seattle.gov](mailto:daniel.enrico@seattle.gov) if you have questions about this Project. Please contact me at 206-386-9754 or [pree.carpenter@seattle.gov](mailto:pree.carpenter@seattle.gov) if you have questions about this letter.

Thank you,

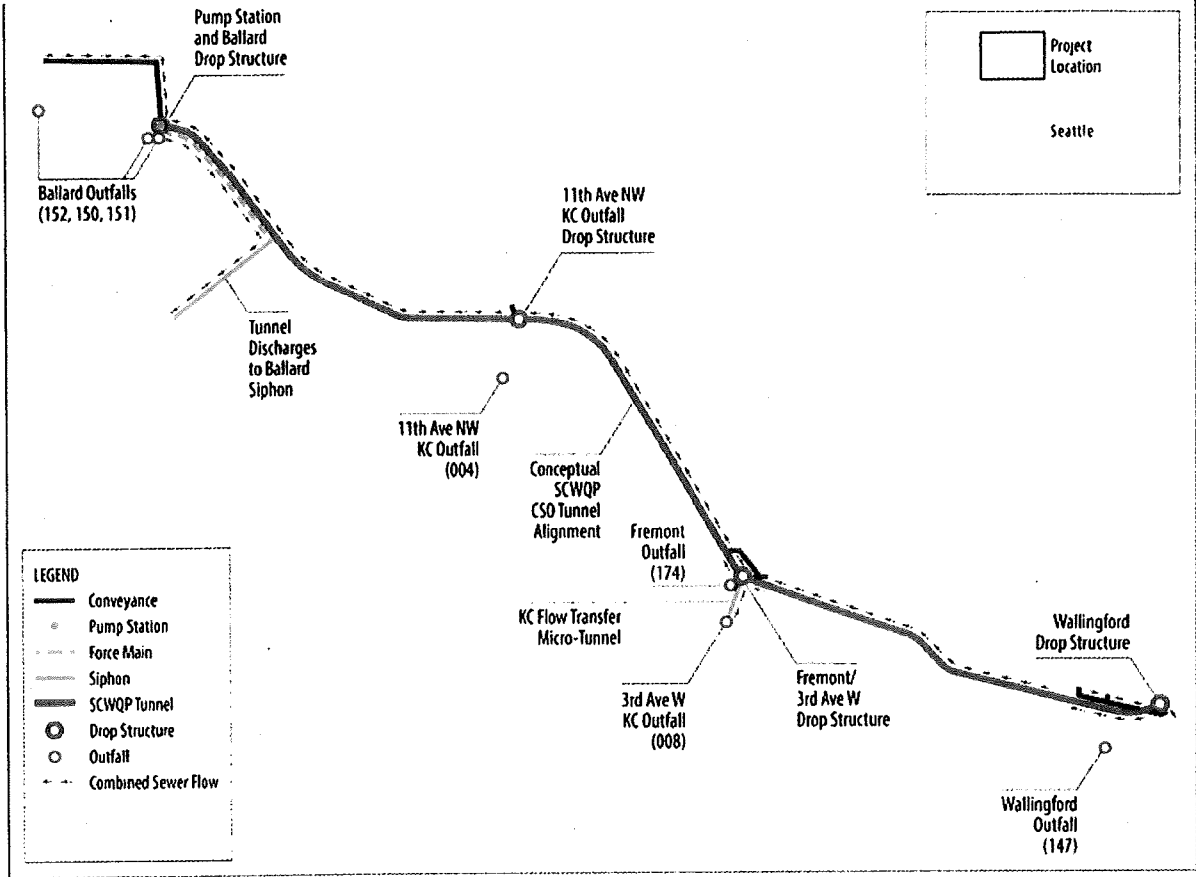


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[pree.carpenter@seattle.gov](mailto:pree.carpenter@seattle.gov)

Enclosure: Map

cc: Tim Hansen, Kroger Real Estate, Bellevue, WA

# Proposed Project Alignment







**City of Seattle**  
Seattle Public Utilities

August 29, 2016

King County – Wastewater  
201 S Jackson St #505  
Seattle WA 98104

**VIA CERTIFIED MAIL**

RE: City of Seattle Ship Canal Water Quality 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)

Tax Parcel No. 197220-4281  
Address: 215 NW 36th St, Seattle, WA 98107

Dear Property Owner:

The purpose of this notice 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 property rights needed for the construction of an underground storage tunnel project. You have been identified as a property owner from whom property rights may be needed, including but not limited to an easement under a portion of your property for the Ship Canal Water Quality Project (Project). A map indicating the proposed Project alignment is enclosed for your information. The final City Council action on this ordinance and Council approval will authorize SPU to acquire temporary or permanent rights, in fee or easement form through negotiations with property owners and the possible use of eminent domain (condemnation), if necessary. Property owners will be paid just compensation for SPU's acquisition of any property rights and interests.

SPU and King County are working together on this Project to build an underground storage tunnel for stormwater and sewage. During storms, this tunnel will hold polluted water from Ballard, Fremont, Wallingford, and north Queen Anne, preventing it from overflowing into the Lake Washington Ship Canal. The 2.7-mile tunnel will be able to capture and temporarily hold more than 15 million gallons of stormwater and sewage that currently overflows during heavy rains. When the storm passes, flows will be sent to the existing King County West Point Wastewater Treatment Plant in Magnolia.

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SPU staff will call Ms. Christian (cc'd) in the next several days to follow up on this letter. General information about the Project can be found on the City's website at the following address:

[www.seattle.gov/util/shipcanalproject](http://www.seattle.gov/util/shipcanalproject). Please contact Dan Enrico, Project Manager, at 206-684-7413 or [daniel.enrico@seattle.gov](mailto:daniel.enrico@seattle.gov) if you have questions about this Project. Please contact me at 206-386-9754 or [pree.carpenter@seattle.gov](mailto:pree.carpenter@seattle.gov) if you have questions about this letter.

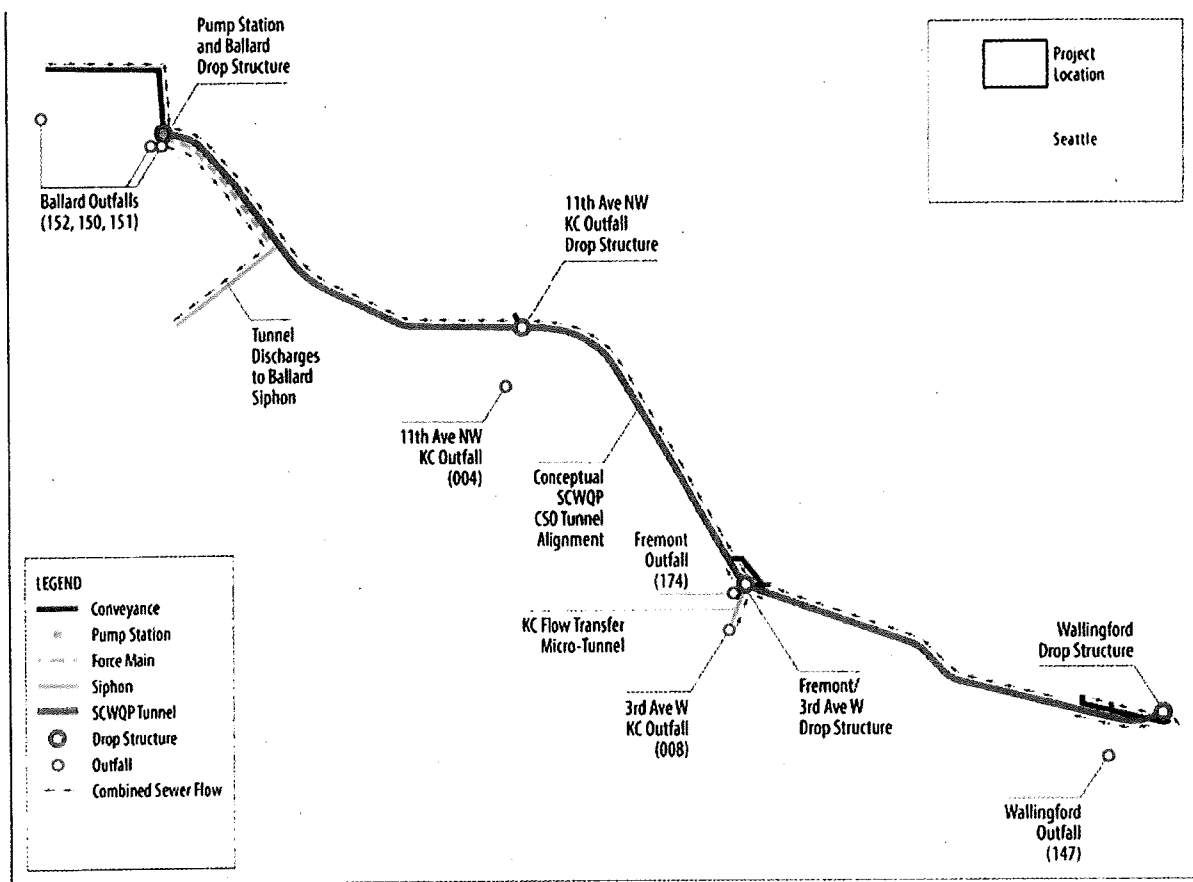
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[pree.carpenter@seattle.gov](mailto:pree.carpenter@seattle.gov)

Enclosure: Map

cc: Claire Christian, King County (via email)  
Alton Gaskill, King County (via email)

# Proposed Project Alignment





**City of Seattle**  
Seattle Public Utilities

August 29, 2016

Postmaster  
USPS Seattle Post Office  
PO Box 3998  
Seattle WA 98124

**VIA CERTIFIED MAIL**

RE: City of Seattle Ship Canal Water Quality 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)

Tax Parcel No. 198220-2075  
Address: 837 NW 45th St, Seattle, WA 98107

Dear Postmaster:

The purpose of this notice 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 property rights needed for the construction of an underground storage tunnel project. You have been identified as a property owner from whom property rights may be needed, including but not limited to an easement under a portion of your property for the Ship Canal Water Quality Project (Project). A map indicating the proposed Project alignment is enclosed for your information. The final City Council action on this ordinance and Council approval will authorize SPU to acquire temporary or permanent rights, in fee or easement form through negotiations with property owners and the possible use of eminent domain (condemnation), if necessary. Property owners will be paid just compensation for SPU's acquisition of any property rights and interests.

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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

Melina Thung, Interim Director  
Seattle Public Utilities  
PO Box 34018  
Seattle, WA 98124-4018

Tel (206) 684-5851  
Fax (206) 684-4631  
TDD (206) 233-7241  
<http://www.seattle.gov/util>

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 Friday, September 23, 2016.

This Seattle City Council committee meeting will be held in the City Council Chambers at 600 4<sup>th</sup> Avenue, 2<sup>nd</sup> 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.

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SPU staff will call you in the next several days to follow up on this letter. General information about the Project can be found on the City's website at the following address: [www.seattle.gov/util/shipcanalproject](http://www.seattle.gov/util/shipcanalproject). Please contact Dan Enrico, Project Manager, at 206-684-7413 or [daniel.enrico@seattle.gov](mailto:daniel.enrico@seattle.gov) if you have questions about this Project. Please contact me at 206-386-9754 or [pree.carpenter@seattle.gov](mailto:pree.carpenter@seattle.gov) if you have questions about this letter.

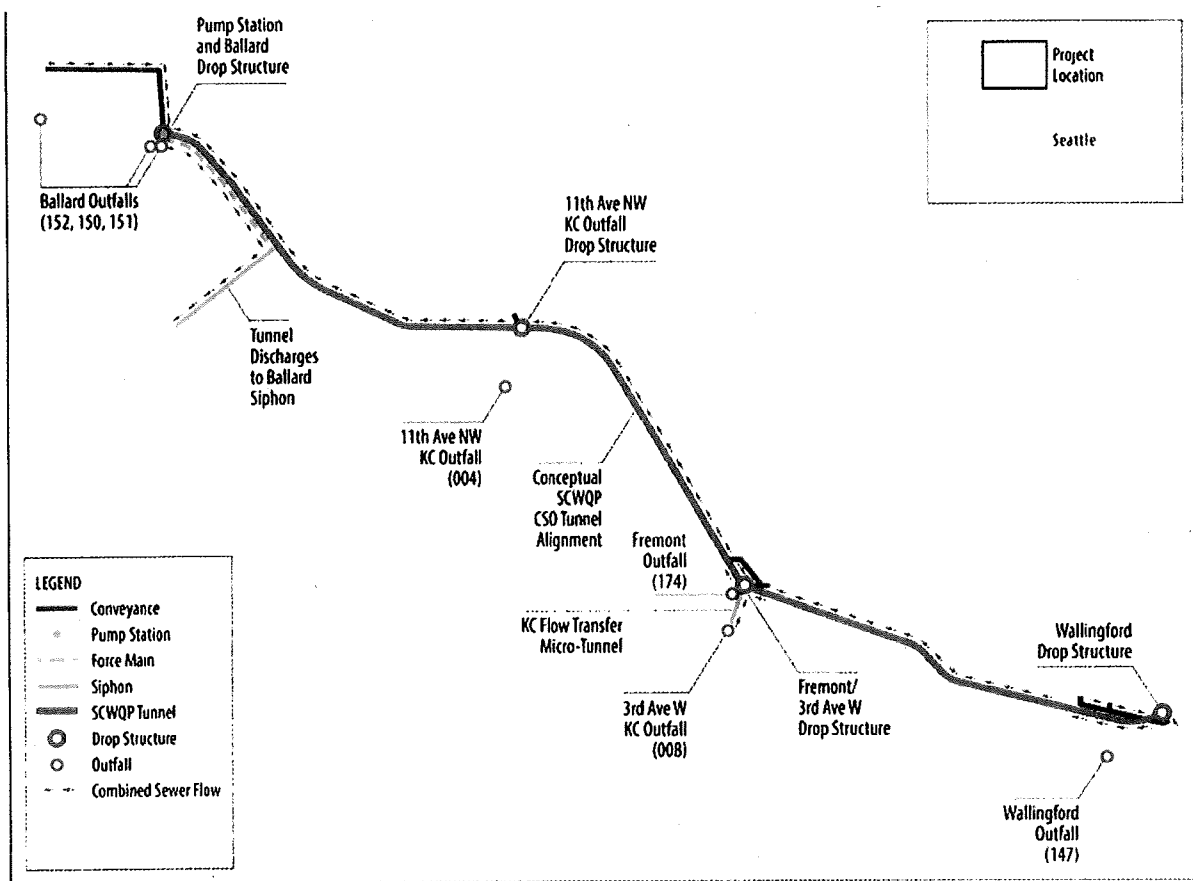
Thank you,



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

Enclosure: Map

# Proposed Project Alignment





**City of Seattle**  
Seattle Public Utilities

August 29, 2016

Allan Bommer  
Manager  
Leary Triangle LLC  
611 NW 41st St  
Seattle, WA 98107

**VIA CERTIFIED MAIL**

RE: City of Seattle Ship Canal Water Quality 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)

Tax Parcel No. 197220-0015  
Address: 3623 Leary Way NW, Seattle, WA 98107

Dear Mr. Bommer:

The purpose of this notice 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 property rights needed for the construction of an underground storage tunnel project. You have been identified as a property owner from whom property rights may be needed, including but not limited to an easement under a portion of your property for the Ship Canal Water Quality Project (Project). A map indicating the proposed Project alignment is enclosed for your information. The final City Council action on this ordinance and Council approval will authorize SPU to acquire temporary or permanent rights, in fee or easement form through negotiations with property owners and the possible use of eminent domain (condemnation), if necessary. Property owners will be paid just compensation for SPU's acquisition of any property rights and interests.

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Seattle, WA 98124-4018

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<http://www.seattle.gov/util>

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 Friday, September 23, 2016.

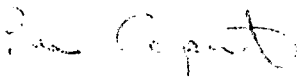
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SPU staff will call you in the next several days to follow up on this letter. General information about the Project can be found on the City's website at the following address: [www.seattle.gov/util/shipcanalproject](http://www.seattle.gov/util/shipcanalproject). Please contact Dan Enrico, Project Manager, at 206-684-7413 or [daniel.enrico@seattle.gov](mailto:daniel.enrico@seattle.gov) if you have questions about this Project. Please contact me at 206-386-9754 or [pree.carpenter@seattle.gov](mailto:pree.carpenter@seattle.gov) if you have questions about this letter.

Thank you,

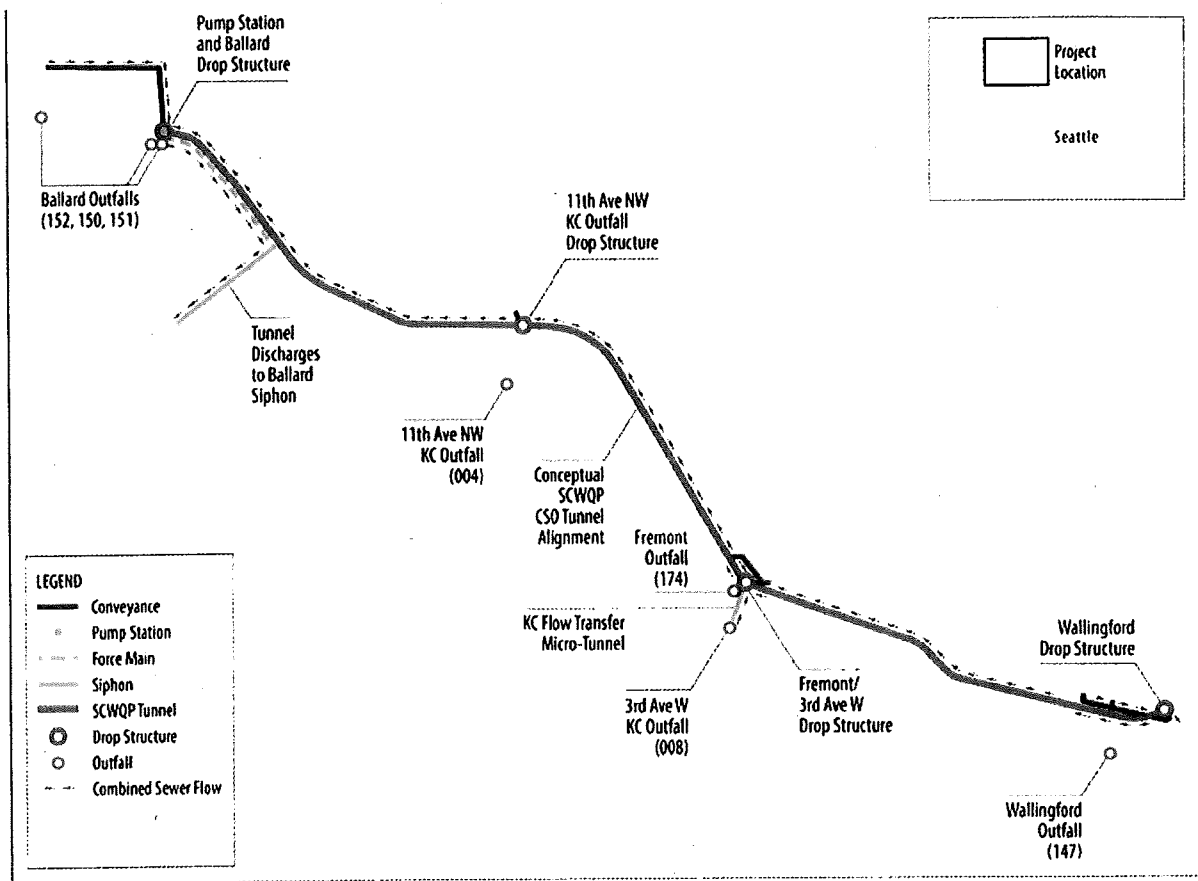


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Enclosure: Map



# Proposed Project Alignment





**City of Seattle**  
Seattle Public Utilities

August 29, 2016

Bryce Phillips  
Manager,  
1320 N 35th St LLC  
PO Box 398  
Poulsbo, WA 98370

**VIA CERTIFIED MAIL**

RE: City of Seattle Ship Canal Water Quality 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)

Tax Parcel Nos. 182504-9130, 226450-1095  
Address: 1320 N 35th St, Seattle, WA 98103

Dear Mr. Phillips:

The purpose of this notice 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 property rights needed for the construction of an underground storage tunnel project. You have been identified as a property owner from whom property rights may be needed, including but not limited to an easement under a portion of your property for the Ship Canal Water Quality Project (Project). A map indicating the proposed Project alignment is enclosed for your information. The final City Council action on this ordinance and Council approval will authorize SPU to acquire temporary or permanent rights, in fee or easement form through negotiations with property owners and the possible use of eminent domain (condemnation), if necessary. Property owners will be paid just compensation for SPU's acquisition of any property rights and interests.

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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 Friday, September 23, 2016.

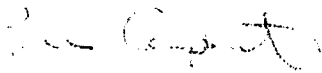
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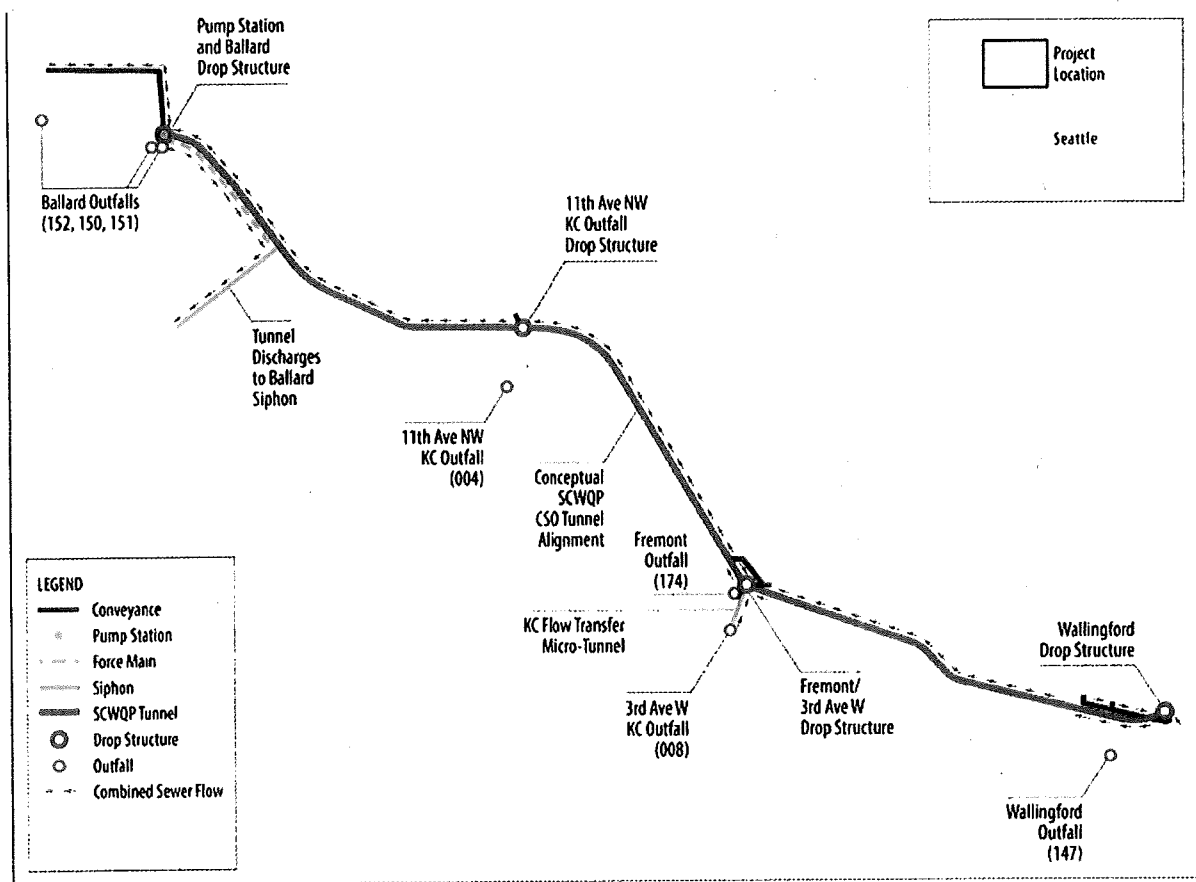
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Enclosure: Map

# Proposed Project Alignment





**City of Seattle**  
Seattle Public Utilities

August 29, 2016

Phil Suetens  
Manager  
Frelard Properties, LLC  
PO Box 31516  
Seattle WA 98103

**VIA CERTIFIED MAIL**

RE: City of Seattle Ship Canal Water Quality 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)

Tax Parcel No. 198220-2080  
Address: 4415 Leary Way NW, Seattle, WA 98107

Dear Mr. Suetens:

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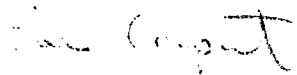
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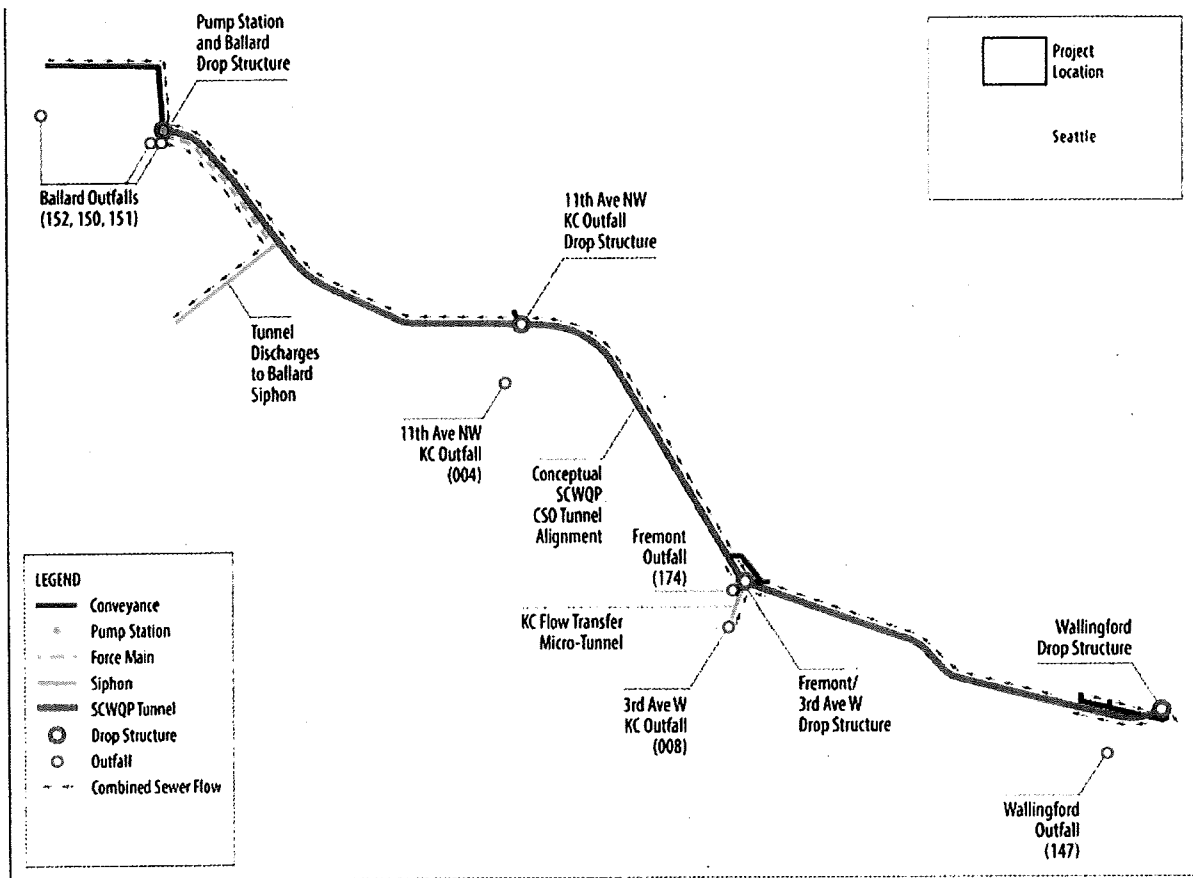


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Enclosure: Map

cc: Mr. Suetens via email [phil@filcoenviro.com](mailto:phil@filcoenviro.com)

# Proposed Project Alignment





**City of Seattle**  
Seattle Public Utilities

August 29, 2016

Phil Suetens  
Manager  
Missing Link Real Estate, LLC  
PO Box 31516  
Seattle WA 98103

**VIA CERTIFIED MAIL**

RE: City of Seattle Ship Canal Water Quality 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  
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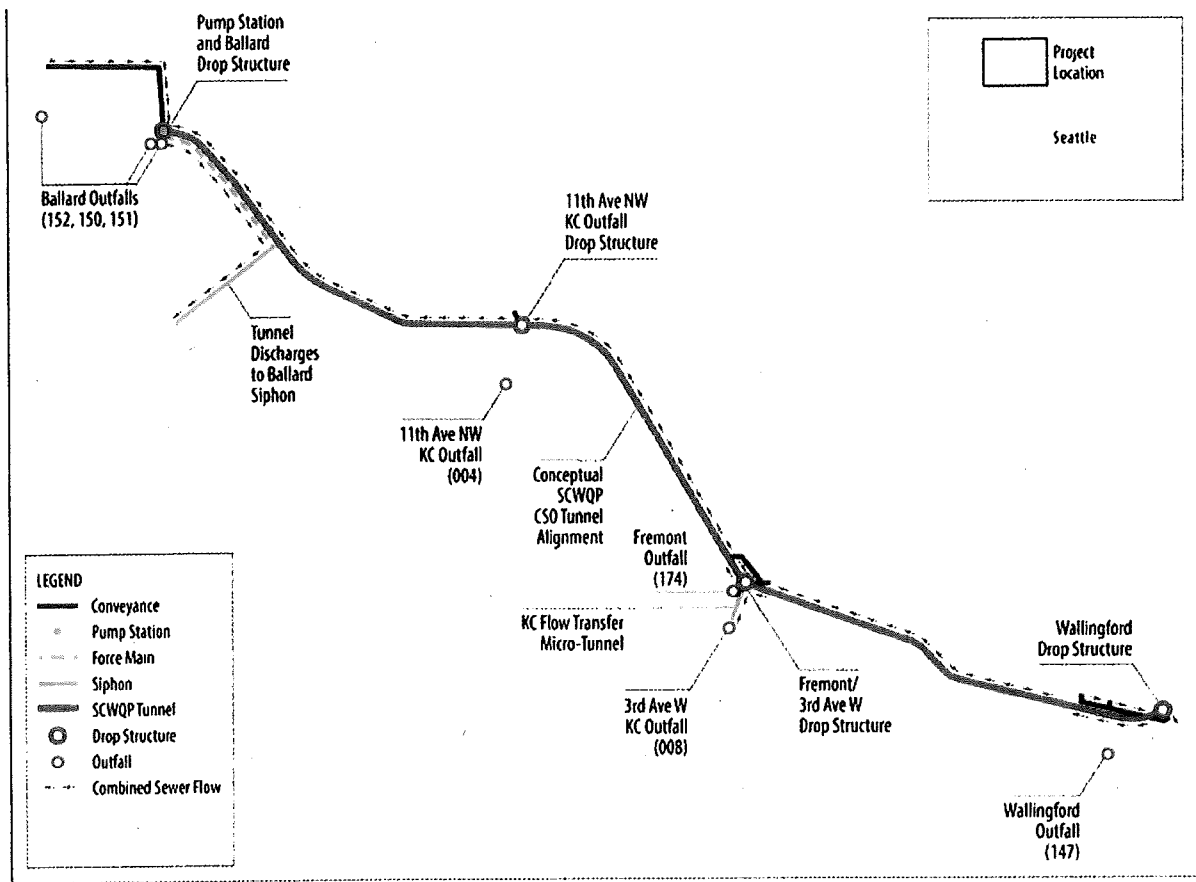


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Enclosure: Map

cc: Mr. Suetens via email [phil@filcoenviro.com](mailto:phil@filcoenviro.com)

# Proposed Project Alignment



Attachment B

Attachment 2 – Affected Properties

Project Parcel 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	0467000418	5423 Shilshole Ave NW, Seattle, WA 98107	C. D. Stimson Company	1411 4th Ave Suite 730, Seattle, WA 98101
3	1982202070	915 NW 45th St, Seattle, WA 98107	Fred Meyer Stores, Inc, a Delaware Corp	Fred Meyer Stores Inc., c/o Nickel & Company, 1014 Vine St 7th Floor, Cincinnati, OH 45202
4	1972204281	215 NW 36th St, Seattle, WA 98107	King County - Wastewater	201 S Jackson St #512, Seattle, WA 98104
9	2768303520	4501 9th Ave NW, Seattle, WA 98107	United States Postal Service	USPS Seattle Post Office, Attn: Postmaster, PO Box 3998, Seattle, WA 98124
11	1982202075	837 NW 45th St, Seattle, WA 98107	Missing Link Real Estate, LLC	PO Box 31516, Seattle, WA 98103
12	1982202080	4415 Leary Way NW, Seattle, WA 98107	Frelard Properties LLC	Olson Fuel Co, 4415 Leary Way NW, Seattle, WA 98107
18	1972200015	3623 Leary Way NW, Seattle, WA 98107	Leary Triangle LLC	611 NW 41st St, Seattle, WA 98107
20	1825049130	1320 N 35th St, Seattle, WA 98103	1320 N 35th St LLC	PO Box 398, Poulsbo, WA 98370
21	2264501095	1320 N 35th St, Seattle, WA 98103	1320 N 35th St LLC	PO Box 398, Poulsbo, WA 98370

---

STATE OF WASHINGTON -- KING COUNTY

--SS.

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341169

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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

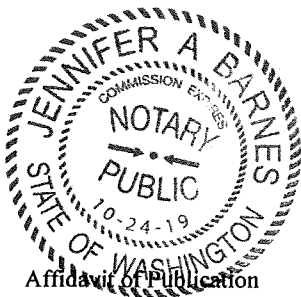
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

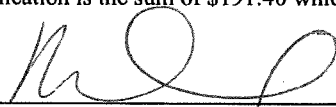

CT:SHIP CANAL HEARING

was published on

09/09/16 09/13/16

The amount of the fee charged for the foregoing publication is the sum of \$191.40 which amount has been paid in full.



  
\_\_\_\_\_  
Subscribed and sworn to before me on  
09/13/2016   
\_\_\_\_\_  
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 Ship Canal Water Quality Project 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 Numbers located in Seattle, Washington: 046700-0418, 182504-9130, 197220-0015, 197220-4281, 198220-2070, 198220-2075, 198220-2080, 226450-1095, and 276830-3520.

The City of Seattle will hold a public meeting to consider proposed Seattle City Council legislation authorizing property rights acquisition for the planned Ship Canal Water Quality Project combined sewage storage tunnel located between 24th Avenue NW and Shilshole Avenue NW to Interlake Avenue North and North 35th Street, through negotiation and/or the exercise of eminent domain (condemnation). 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, Friday, September 23, 2016. 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 Monday, September 26, 2016, 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 Pree 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>.

General information about the Ship Canal Water Quality Project can be found at [www.seattle.gov/util/shipcanalproject](http://www.seattle.gov/util/shipcanalproject).

Dates of publication in the Seattle Daily Journal of Commerce, September 9 and 13, 2016.

9/13(341169)

# 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 #: 671243

Agency Account #: 0  
Agency Name:

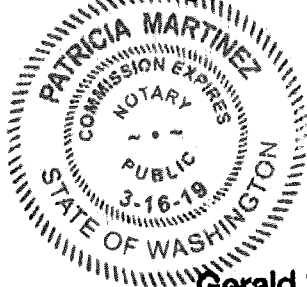
## Affidavit of Publication

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	09/08/16
Seattle Times	09/12/16



Agent Gerald Patriarca Signature Gerald L. Patriarca

Subscribed and sworn to before me on SEP 20 2016  
DATE

(Notary Signature) Patricia Martinez Notary Public in and for the State of Washington, residing at Seattle

Patricia Martinez

# The Seattle Times

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Ad #: 671243

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Agency Name:

## AD TEXT

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