

CITY OF SEATTLE

ORDINANCE 126430

COUNCIL BILL 120138

AN ORDINANCE relating to the Terminal 5 Quiet Zone Improvements project under the Freight Spot Improvement Program; authorizing the Director of the Department of Transportation to acquire, accept, and record both temporary and permanent property rights from abutting property owners located along West Marginal Way Southwest between 17th Avenue Southwest and Delridge Way Southwest, necessary or convenient for the Terminal 5 Quiet Zone Improvements project through negotiation or condemnation; placing the acquired real property rights under the jurisdiction of the Seattle Department of Transportation and designating for transportation, utility, and general municipal purposes; authorizing payment of all other costs associated with acquisition; and ratifying and confirming certain prior acts.

WHEREAS, The Port of Seattle (the “Port”), in coordination with The Northwest Seaport Alliance (the “NSA”), will be constructing the Terminal 5 Cargo Wharf, Berth Deepening, and Improvements Project on the West shoreline of the West Waterway in Southwest Elliot Bay, the address for the site is 2701 26th Avenue Southwest, Seattle, Washington, 98106, and is approximately 1.5 miles from the city of Seattle urban center (“Terminal 5”), to rehabilitate the existing marine cargo facilities at Terminal 5 of the Port of Seattle to serve larger cargo vessels (the “Terminal 5 Project”); and

WHEREAS, Terminal 5 has long been considered a premier container cargo facility on the West Coast because of its naturally deep berth, wide footprint (185 acres), and the availability of an on-dock rail yard that allows containers to be directly loaded from the ship onto rail lines; and

WHEREAS, in recent years, the introduction of new ultra-large container vessels has triggered dramatic changes in the container shipping industry with vessels of more than 10,000 20-foot-equivalent units (“TEUs”) capacity currently calling at North American West Coast ports (the “Ports”), and 18,000-TEUs vessels are expected to be more prevalent in the

1 near future requiring larger, heavier cranes with a larger reach, which in turn requires
2 strengthening the dock and upgrading utilities; and

3 WHEREAS, Terminal 5 could only handle ships with a maximum capacity of 6,000 TEUs when
4 container operations were suspended in July 2014 to allow for the strategic planning and
5 investments necessary to prepare the terminal to handle two 18,000-TEUs ships
6 simultaneously; and

7 WHEREAS, competition for the trans-Pacific market among the Ports has become particularly
8 fierce over the last few years as shipping lines have consolidated operations into larger
9 vessels with fewer port calls; and

10 WHEREAS, the Terminal 5 Project renovates Terminal 5 to serve larger vessels and consists of:
11 cargo wharf rehabilitation necessary to support larger and heavier cranes, deepening of
12 the vessel berth, water and stormwater utility retrofits, electrical utility capacity increases,
13 reconfiguration of the marine cargo marshalling area, reorganization of the intermodal
14 rail facilities, cargo area lighting modifications, pavement repair and maintenance,
15 stormwater drainage improvements, alteration of maintenance and repair buildings, and a
16 redesign of entrance/exit gates and heavy vehicle access points to serve increased
17 capacity; and

18 WHEREAS, in addition to these infrastructure improvements, the Terminal 5 Project also
19 provides for environmental investments to enhance water and air quality for the
20 community, including updating stormwater treatment systems and installing “shore
21 power” infrastructure that allows a vessel to plug into electricity while at berth,
22 substantially reducing air emissions, technology improvements to manage truck flow

1 around the terminal, and a railroad quiet zone to reduce noise impacts for the surrounding
2 community; and

3 WHEREAS, in October of 2016, the Terminal 5 Project’s Final Environmental Impact
4 Statement, prepared by the Port acting as the lead agency for environmental review under
5 the State Environmental Policy Act (SEPA), was published and identifies train horn noise
6 required for public and private crossings and presence of human activity as an annoyance
7 noise; and

8 WHEREAS, on April 3, 2017, The City of Seattle (the “City”) published the Master Use Permit,
9 Application Number 3019071, Analyses and Decision of the Director of the Seattle
10 Department of Construction and Inspections, with conditions, for the Terminal 5 Project
11 (the “MUP”); and

12 WHEREAS, one of the conditions of the MUP required that the Port enter into a Memorandum
13 of Understanding (the “MOU”) with the Seattle Department of Transportation (“SDOT”),
14 on behalf of the City, to describe how the Port and the City will work together to secure
15 approval of a U.S. Federal Railroad Administration (the “FRA”) designated quiet zone
16 between the West end of the train bridge across the West Waterway of the Duwamish and
17 the Terminal 5 gate (the “Quiet Zone”); and

18 WHEREAS, the MOU, executed by the parties, dated August 29, 2017, codifies the quiet zone
19 noise mitigation strategy conditioned in the MUP and as contemplated in SDOT’s Seattle
20 City Council Statement of Legislative Intent (SLI) 95-2-A-1: West Seattle Bridge
21 Corridor Improvements Update on White Paper and Investment List Report as a part of
22 the City’s 2016 budget process, and memorialized in Clerk Files 319666, 320210,
23 320307, and 320423; and

1 WHEREAS, the Seattle Department of Transportation’s (SDOT’s) Terminal 5 Quiet Zone
2 Improvements project, under the Freight Spot Improvement Program (the “Quiet Zone
3 Project”), is part of the Terminal 5 Project impacting West Marginal Way Southwest
4 from 17th Avenue Southwest to Delridge Way Southwest, and will mitigate train noise
5 generated by terminal operations along this West Marginal Way Southwest street
6 corridor; and

7 WHEREAS, the Quiet Zone Project has been planned and is being executed in accordance with
8 the provisions of the MUP, and as contemplated by the Seattle City Council, and requires
9 that the City obtain certain temporary and permanent property rights necessary to
10 mitigate train noise and also provides for acquiring the FRA quiet zone designation; and

11 WHEREAS, completion of the Quiet Zone Project will meet an important condition of the
12 Terminal 5 Project, which will modernize Terminal 5 and expand its cargo-handling
13 capabilities allowing it to remain competitive in the shipping industry, which is critical
14 for trans-Pacific trade, growing our economy, and creating more jobs; NOW,
15 THEREFORE,

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

17 Section 1. Public convenience and necessity require that the real property interests
18 generally shown in Attachments 1 and 2, attached to this ordinance and incorporated by
19 reference, and such other property as may be necessary or convenient for the Terminal 5 Quiet
20 Zone Improvements project under the Freight Spot Improvement Program (the “Quiet Zone
21 Project”), located in the city of Seattle, county of King, State of Washington, together with all
22 rights, privileges, and other property interests pertaining thereto, be acquired for transportation,

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

3 Section 2. The Director of the Department of Transportation or designee (“Director”), on
4 behalf of The City of Seattle (the “City”), is authorized to: determine the portions and interests of
5 the properties shown on Attachments 1 and 2 that are necessary or convenient for the Quiet Zone
6 Project, and any other properties that may be necessary or convenient for the Quiet Zone Project;
7 negotiate and enter into agreements to acquire the properties upon payment of just compensation
8 thereto; and accept the deeds, permanent and temporary easements, and/or permits for the
9 properties by attaching to the deeds, easements, and/or permits the Director’s written acceptance
10 thereof, and recording the same. The funds for the acquisition of the property and/or property
11 rights shall be from the City’s Transportation Fund, or such other funds lawfully available, and
12 reimbursed by the Port of Seattle (the “Port”) under the terms of the Memorandum of
13 Understanding between the City and the Port, as amended, that describes how the Port and the
14 City will work together to secure approval of a U.S. Federal Railroad Administration designated
15 quiet zone between the West end of the train bridge across the West Waterway of the Duwamish
16 and the Port’s Terminal 5 gate.

17 Section 3. The City Attorney is authorized to commence and prosecute proceedings in the
18 manner provided by law to condemn, take, damage, and appropriate the properties in fee simple
19 or such other interests that are necessary or convenient for the Quiet Zone Project, after just
20 compensation has been made or paid into court for the owners thereof, in the manner provided
21 by law; and to stipulate for the purpose of minimizing damages.

22 Section 4. The Director is authorized to settle condemnation litigation or enter
23 administrative settlements (a settlement in lieu of initiating condemnation litigation) for the

1 acquisition of the real property interests necessary for the Quiet Zone Project. Such settlements
2 shall be made for amounts deemed to be a reasonable estimation of fair market value and shall
3 not exceed established budgets.

4 Section 5. The deeds, permanent and temporary easements, and/or permits referenced
5 above shall be placed under the jurisdiction of the Seattle Department of Transportation and
6 designated for transportation, utility, and general municipal purposes.

7 Section 6. Any act consistent with the authority of this ordinance taken prior to its
8 effective date is ratified and confirmed.

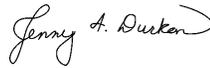
1 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 13th day of September, 2021,
5 and signed by me in open session in authentication of its passage this 13th day of
6 September, 2021.

7 

8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this 20th day of September, 2021.

10 

11 Jenny A. Durkan, Mayor

12 Filed by me this 20th day of September, 2021.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachments:

17 Attachment 1 – Map of Construction Corridor

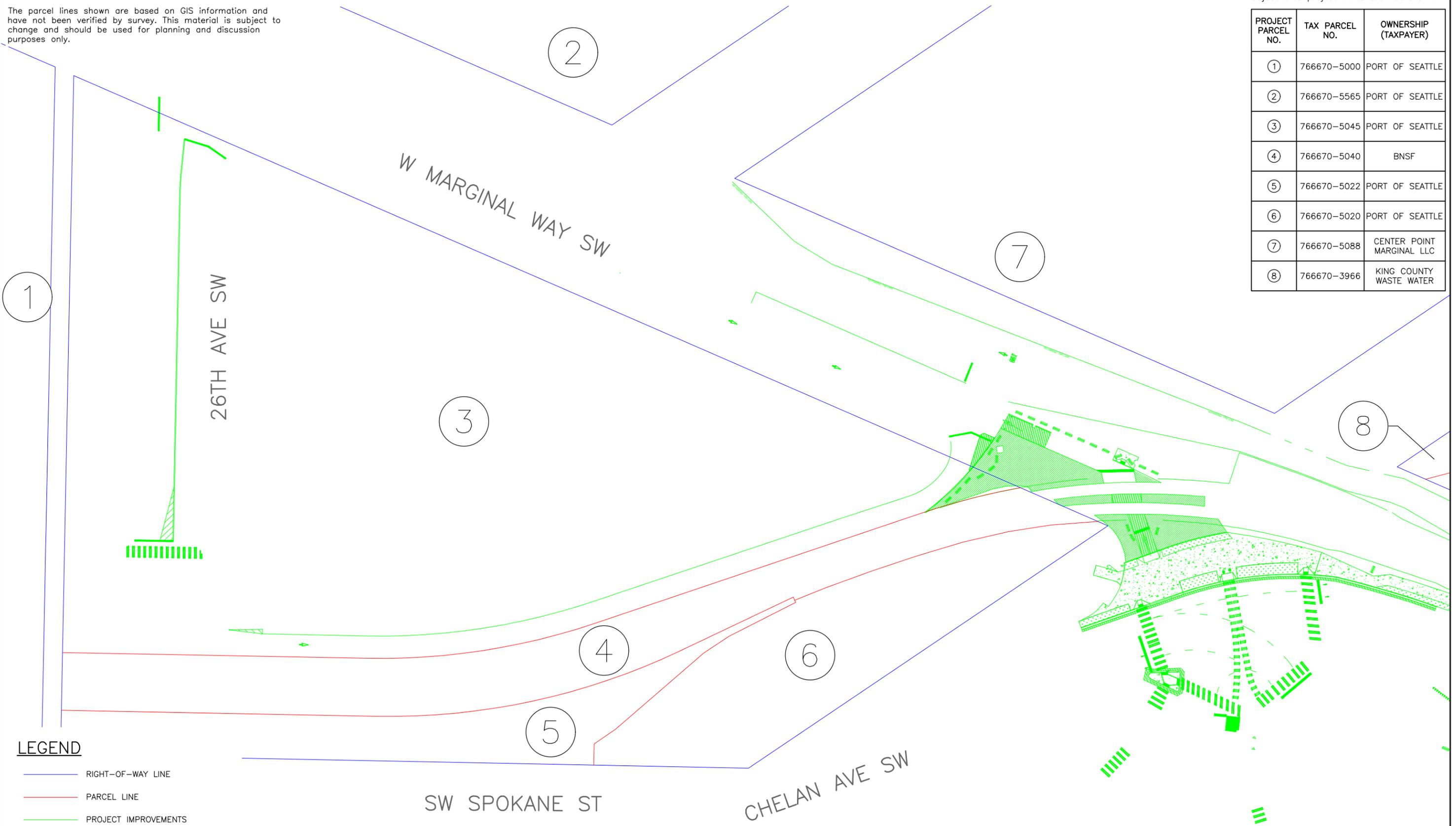
18 Attachment 2 – Contact List for Properties Affected (Preliminary)

DISCLAIMER

The parcel lines shown are based on GIS information and have not been verified by survey. This material is subject to change and should be used for planning and discussion purposes only.

NOTE: Parcel information for properties not adjacent to project limits are not shown.

PROJECT PARCEL NO.	TAX PARCEL NO.	OWNERSHIP (TAXPAYER)
①	766670-5000	PORT OF SEATTLE
②	766670-5565	PORT OF SEATTLE
③	766670-5045	PORT OF SEATTLE
④	766670-5040	BNSF
⑤	766670-5022	PORT OF SEATTLE
⑥	766670-5020	PORT OF SEATTLE
⑦	766670-5088	CENTER POINT MARGINAL LLC
⑧	766670-3966	KING COUNTY WASTE WATER



LEGEND

- RIGHT-OF-WAY LINE
- PARCEL LINE
- PROJECT IMPROVEMENTS



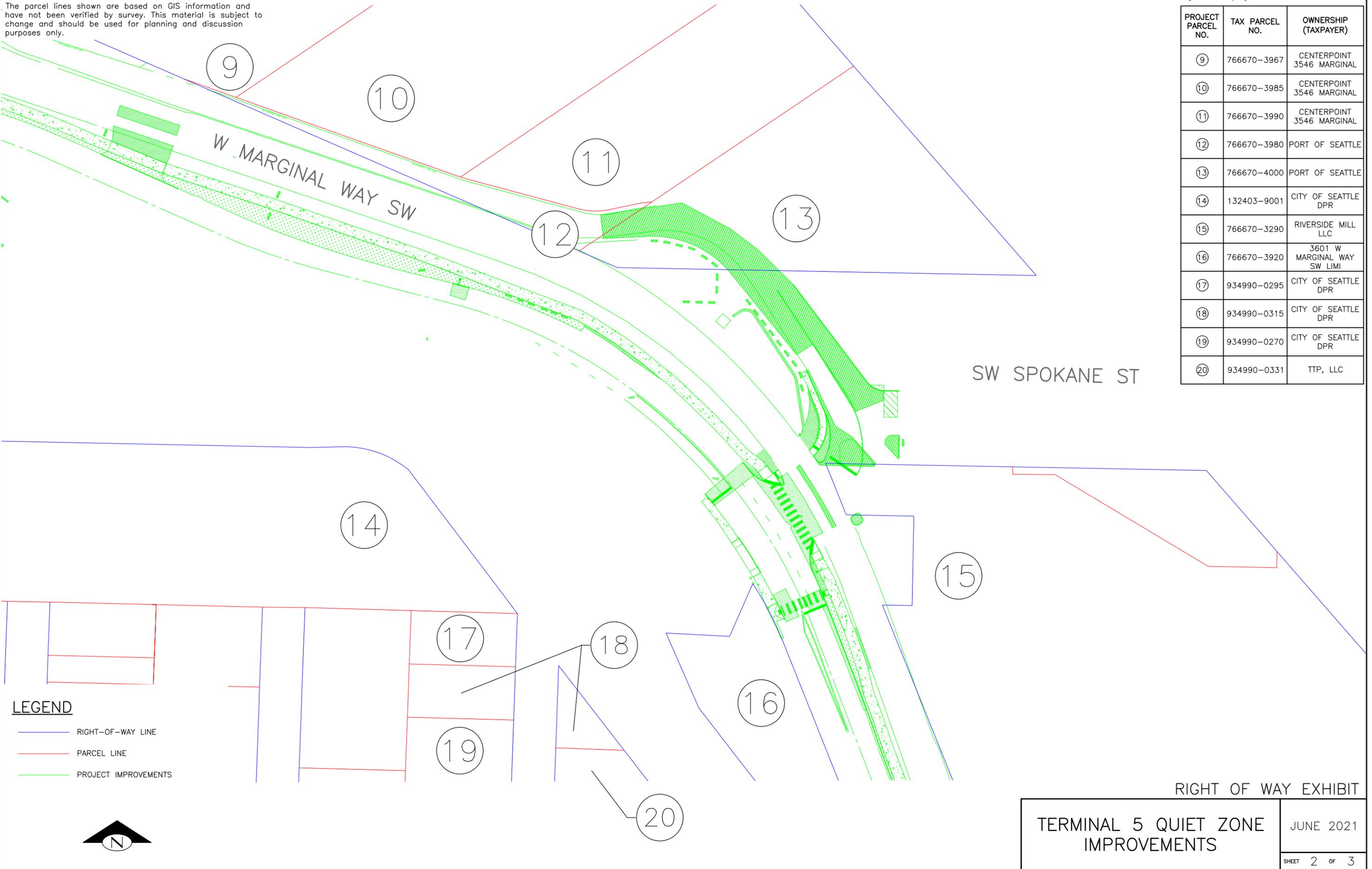
RIGHT OF WAY EXHIBIT

TERMINAL 5 QUIET ZONE IMPROVEMENTS	JUNE 2021
	SHEET 1 OF 3

DISCLAIMER

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NOTE: Parcel information for properties not adjacent to project limits are not shown.



PROJECT PARCEL NO.	TAX PARCEL NO.	OWNERSHIP (TAXPAYER)
9	766670-3967	CENTERPOINT 3546 MARGINAL
10	766670-3985	CENTERPOINT 3546 MARGINAL
11	766670-3990	CENTERPOINT 3546 MARGINAL
12	766670-3980	PORT OF SEATTLE
13	766670-4000	PORT OF SEATTLE
14	132403-9001	CITY OF SEATTLE DPR
15	766670-3290	RIVERSIDE MILL LLC
16	766670-3920	3601 W MARGINAL WAY SW LIM
17	934990-0295	CITY OF SEATTLE DPR
18	934990-0315	CITY OF SEATTLE DPR
19	934990-0270	CITY OF SEATTLE DPR
20	934990-0331	TTP, LLC

LEGEND

- RIGHT-OF-WAY LINE
- PARCEL LINE
- PROJECT IMPROVEMENTS



RIGHT OF WAY EXHIBIT

TERMINAL 5 QUIET ZONE IMPROVEMENTS

JUNE 2021

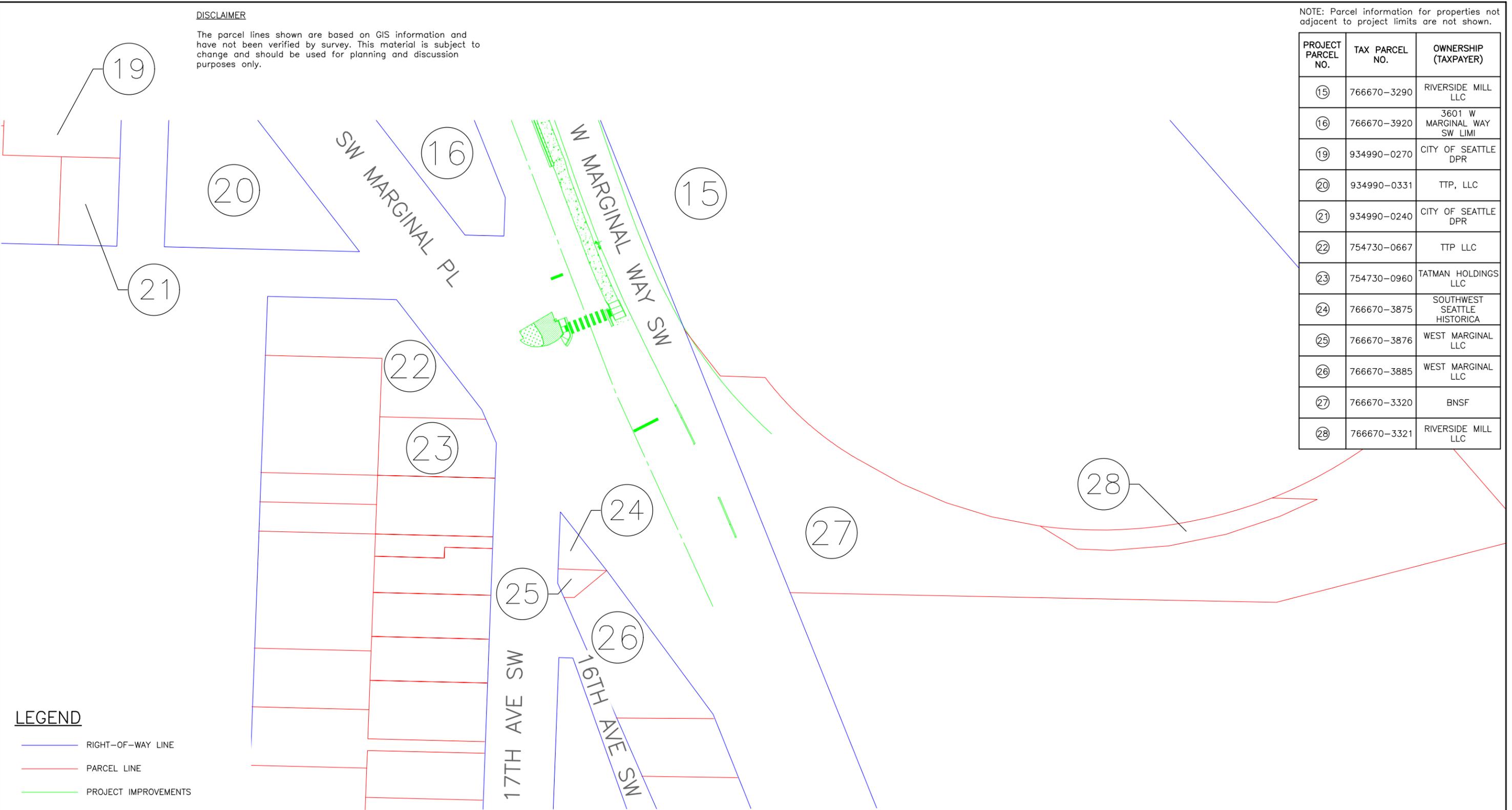
SHEET 2 OF 3

DISCLAIMER

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NOTE: Parcel information for properties not adjacent to project limits are not shown.

PROJECT PARCEL NO.	TAX PARCEL NO.	OWNERSHIP (TAXPAYER)
(15)	766670-3290	RIVERSIDE MILL LLC
(16)	766670-3920	3601 W MARGINAL WAY SW LIMI
(19)	934990-0270	CITY OF SEATTLE DPR
(20)	934990-0331	TTP, LLC
(21)	934990-0240	CITY OF SEATTLE DPR
(22)	754730-0667	TTP LLC
(23)	754730-0960	TATMAN HOLDINGS LLC
(24)	766670-3875	SOUTHWEST SEATTLE HISTORICA
(25)	766670-3876	WEST MARGINAL LLC
(26)	766670-3885	WEST MARGINAL LLC
(27)	766670-3320	BNSF
(28)	766670-3321	RIVERSIDE MILL LLC



LEGEND

- RIGHT-OF-WAY LINE
- PARCEL LINE
- PROJECT IMPROVEMENTS



RIGHT OF WAY EXHIBIT

TERMINAL 5 QUIET ZONE
IMPROVEMENTS

JUNE 2021

SHEET 3 OF 3

TERMINAL 5 QUIET ZONE IMPROVEMENTS PROJECT ACQUISITIONS				
CONTACT LIST FOR PROPERTIES AFFECTED (Preliminary)				
Project Parcel No.	Tax ID. No.	Property Address (Seattle, WA)	Property Owner	Tax Payer's Address of Record (Name included only if different than Property owner.)
1	766670-5000	2500 SW Spokane St.	Port of Seattle	P. O. Box 1209, Seattle, WA 98111
2	766670-5565	2701 26th Ave. SW	Port of Seattle	P. O. Box 1209, Seattle, WA 98111
3	766670-5045	3443 West Marginal Way SW	Port of Seattle	P. O. Box 1209, Seattle, WA 98111
4	766670-5040	3585 West Marginal Way SW	BNSF Railway Company	P. O. Box 961089, Fort Worth, TX 76161
5	766670-5022	2340 SW Spokane St.	Port of Seattle	P. O. Box 1209, Seattle, WA 98111
6	766670-5020	2300 SW Spokane St.	Port of Seattle	P. O. Box 1209, Seattle, WA 98111
7	766670-5088	3480 West Marginal Way SW	CenterPoint Marginal, LLC	1808 Swift Dr., Oak Brook, IL. 60523
8	766670-3966	Not assigned	King County Properties	201 S Jackson St, #505, Seattle, WA 98104
9	766670-3967	3518 West Marginal Way SW	CenterPoint 3546 Marginal Way, LLC	1808 Swift Dr., Oak Brook, IL. 60523
10	766670-3985	3546 West Marginal Way SW	CenterPoint 3546 Marginal Way, LLC	1808 Swift Dr., Oak Brook, IL. 60523
11	766670-3990	Not assigned	CenterPoint 3546 Marginal Way, LLC	1808 Swift Dr., Oak Brook, IL. 60523
12	766670-3980	Not assigned	Port of Seattle	P. O. Box 1209, Seattle, WA 98111
13	766670-4000	1636 SW Spokane St.	Port of Seattle	P. O. Box 1209, Seattle, WA 98111
14	132403-9001	Not assigned	The City of Seattle, Department of Parks and Recreation	Property Management, 300 Elliot Ave W, Ste 100, Seattle, WA 98119
15	766670-3290	3800 West Marginal Way SW	Riverside Mill, LLC	3800 West Marginal Way SW, Seattle, WA 98106
16	766670-3920	3601 West Marginal Way SW	3601 W. Marginal Way S. W. Limited Partnership	270 S Hanford St., #100, Seattle, WA 98134
17	934990-0295	Not assigned	The City of Seattle, Department of Parks and Recreation	Property Management, 300 Elliot Ave W, Ste 100, Seattle, WA 98119
18	934990-0315	3600 West Marginal Way SW	The City of Seattle, Department of Parks and Recreation	Property Management, 300 Elliot Ave W, Ste 100, Seattle, WA 98119
19	934990-0270	Not assigned	The City of Seattle, Department of Parks and Recreation	Property Management, 300 Elliot Ave W, Ste 100, Seattle, WA 98119
20	934990-0331	Not assigned	TTP, LLC	4209 21st Ave. W, Ste 401, Seattle, WA 98199
21	934990-0240	Not assigned	The City of Seattle, Department of Parks and Recreation	Property Management, 300 Elliot Ave W, Ste 100, Seattle, WA 98119
22	754730-0667	3801 West Marginal Way SW	TTP, LLC	526 Yale Ave. N, #A, Seattle, WA 98109
23	754730-0960	Not assigned	Tatman Holdings, LLC	3940 SW Southern St., Seattle, WA 98136

TERMINAL 5 QUIET ZONE IMPROVEMENTS PROJECT ACQUISITIONS				
CONTACT LIST FOR PROPERTIES AFFECTED (Preliminary)				
Project Parcel No.	Tax ID. No.	Property Address (Seattle, WA)	Property Owner	Tax Payer's Address of Record (Name included only if different than Property owner.)
24	766670-3875	3810 17th Ave. SW	Southwest Seattle Historical Society	3003 61st Ave SW, Seattle, WA 98116
25	766670-3876	Not assigned	West Marginal, LLC	3835 W Marginal Way SW, Seattle, WA 98106
26	766670-3885	3825 West Marginal Way SW	West Marginal, LLC	3835 W Marginal Way SW, Seattle, WA 98106
27	766670-3320	3800 West Marginal Way SW	BNSF Railway Company	P. O. Box 961089, Fort Worth, TX 76161
28	766670-3321	3835 West Marginal Way SW	Riverside Mill, LLC	3800 West Marginal Way SW, Seattle, WA 98106

NOTE: All of the parcels on this Contact List may be affected by the Terminal 5 Quiet Zone Improvements project. Some will involve the City's acquisition of a property interest from the property owner, ranging from temporary construction easements to the permanent taking of property. The known permanent acquisition row is shaded.