



SEATTLE CITY COUNCIL

Legislative Summary

CB 119475

Record No.: CB 119475

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125798

In Control: City Clerk

File Created: 01/29/2019

Final Action: 03/29/2019

Title: AN ORDINANCE relating to the Seattle Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of the West Ewing Mini Park from the Seattle Department of Parks and Recreation to Seattle Public Utilities for installation, maintenance, repair, and operation of a combined sewer underground microtunnel and associated internal underground pipes, ducts, and electrical lines; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Juarez

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 - Use Area

Drafter: Louis Webster

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	02/12/2019	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	02/12/2019	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 02/19/2019 sent for review Civic Development, Public Assets, and Native Communities Committee
Action Text: The Council Bill (CB) was sent for review. to the Civic Development, Public Assets, and Native Communities Committee
Notes:
- 1 City Council 03/18/2019 referred Civic Development, Public Assets, and Native Communities Committee
Action Text: The Council Bill (CB) was referred. to the Civic Development, Public Assets, and Native Communities Committee
Notes:
- 1 Civic Development, Public Assets, and Native Communities Committee 03/20/2019 pass Pass
Action Text: The Committee recommends that City Council pass the Council Bill (CB).
In Favor: 2 Chair Juarez, Vice Chair Bagshaw
Opposed: 0
- 1 City Council 03/25/2019 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
Notes:
In Favor: 9 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant
Opposed: 0
- 1 City Clerk 03/27/2019 submitted for Mayor's signature Mayor
- 1 Mayor 03/29/2019 Signed
- 1 Mayor 03/29/2019 returned City Clerk
- 1 City Clerk 03/29/2019 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
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CITY OF SEATTLE

ORDINANCE 125798

COUNCIL BILL 119475

AN ORDINANCE relating to the Seattle Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of the West Ewing Mini Park from the Seattle Department of Parks and Recreation to Seattle Public Utilities for installation, maintenance, repair, and operation of a combined sewer underground microtunnel and associated internal underground pipes, ducts, and electrical lines; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

WHEREAS, The City of Seattle (City) 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 limit CSOs to a long-term average of no more than one untreated discharge per year per outfall, on a 20-year moving average; and

WHEREAS, the City 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 (SPU) 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 north of the Lake Washington Ship Canal designed to temporarily store more than 15 million gallons of

1 combined stormwater and sewage in order to reduce CSOs and partially fulfill the
2 objectives of the City's and County's NPDES permits and Consent Decrees; and

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

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

9 WHEREAS, a new microtunnel under the Lake Washington Ship Canal will be built to convey
10 polluted stormwater and sewage from North Queen Anne to the storage tunnel; and

11 WHEREAS, the West Ewing Mini Park is managed by Seattle Department of Parks and
12 Recreation (DPR), and consists of Lots 1-3, Block 49, Denny and Hoyt's Addition which
13 is under the jurisdiction of SPU; Lots 4-8, Block 49, Denny and Hoyt's Addition which is
14 under the jurisdiction of DPR; and the unopened portion of 3rd Avenue West south of and
15 adjacent to the Lake Washington Ship Canal and north of West Ewing Street; and

16 WHEREAS, engineering and hydraulic limitations determine that the southern end of the
17 microtunnel pass beneath property under the jurisdiction of DPR; and

18 WHEREAS, the portion of West Ewing Mini Park under the jurisdiction of SPU contains the
19 southern end of a utility tunnel built in 1911 to carry sewer and water lines and is
20 unavailable for additional uses; and

21 WHEREAS, DPR and SPU determined that a transfer of partial jurisdiction of the area to be
22 occupied by the microtunnel, including associated internal pipes, ducts, and electrical
23 lines, from DPR to SPU is appropriate because of the permanent nature of the

1 microtunnel and ancillary facilities and to facilitate efficient ongoing maintenance, repair,
2 operation, and protection of the underground microtunnel and internal facilities by SPU;
3 and

4 WHEREAS, the City Council held a public hearing in accordance with the requirements of
5 Section 3 of Ordinance 118477; NOW, THEREFORE,

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

7 Section 1. The City Council hereby finds that the transfer of limited and partial
8 jurisdiction of a portion of West Ewing Mini Park, as described in Section 2 below, from the
9 Seattle Department of Parks and Recreation (DPR) to Seattle Public Utilities (SPU) for the
10 installation, maintenance, repair, operation, and protection of a microtunnel and associated
11 internal facilities, (CSO Facility) to reduce combined sewer system overflows into the Lake
12 Washington Ship Canal, meets the requirements of Ordinance 118477, adopting Initiative 42, as
13 follows: (a) the proposed use is necessary because there is no reasonable and practical alternative
14 location for the CSO Facility; (b) transfer of limited and partial jurisdiction for installation,
15 maintenance, repair, operation and protection of the CSO Facility is equivalent to a subsurface or
16 utility easement, as permitted by Section 3 of Ordinance 118477; and (c) the CSO Facility is
17 compatible with park use because it is compatible with the current use of the property for
18 recreating, parking and landscaping.

19 Section 2. Conditioned upon the completion of the CSO Facility, such limited and partial
20 jurisdiction of the real property legally described and depicted in Attachment 1 (Use Area),
21 attached to this ordinance and incorporated herein, as shall be necessary for the maintenance,
22 repair, operation, and protection of the CSO Facility (Purposes) is transferred from DPR to SPU
23 subject to the following: (a) SPU may access the Use Area for the Purposes without further

1 authorization upon at least five days' notice to DPR, except in case of emergency, and shall
2 coordinate with DPR to avoid time periods when heavy use by the public is anticipated; (b) after
3 any access to the Use Area for the Purposes, SPU will restore the Use Area, at SPU's expense, to
4 at least the condition existing immediately prior to such access; (c) SPU shall not use any park
5 land outside of the Use Area without the prior written approval of DPR and (d) DPR agrees not
6 to build any structures above the Use Area without the prior granted consent of SPU.

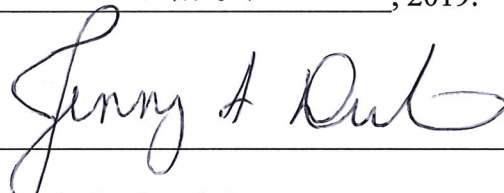
1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within 10 days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 25th day of March, 2019,
5 and signed by me in open session in authentication of its passage this 25th day of
6 March, 2019.

7 

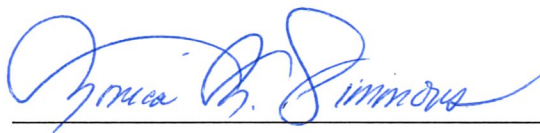
8 President _____ of the City Council

9 Approved by me this 29th day of March, 2019.

10 

11 Jenny A. Durkan, Mayor

12 Filed by me this 29th day of MARCH, 2019.

13 

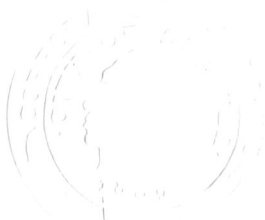
14 Monica Martinez Simmons, City Clerk

15 (Seal)

16

17 Attachment:

18 Attachment 1 – Use Area



Attachment 1 – Use Area

THAT PORTION OF LOTS 6 AND 7, BLOCK 49, OF DENNY AND HOYT'S ADDITION TO THE CITY OF SEATTLE, AS RECORDED IN VOLUME 2 OF PLATS, PAGE 136, RECORDS OF KING COUNTY, WASHINGTON, SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 25 NORTH, RANGE 3 EAST, W.M.;

EXCEPT THAT PORTION THEREOF HERETOFORE CONVEYED TO THE UNITED STATES OF AMERICA FOR A CANAL RIGHT OF WAY BY DEED RECORDED UNDER RECORDING NUMBER 192544, RECORDS OF KING COUNTY.

DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK 49; THENCE ALONG THE NORTHERLY RIGHT OF WAY MARGIN OF WEST EWING STREET, S 70° 22' 55" E A DISTANCE OF 171.83 FEET TO THE **POINT OF BEGINNING**; THENCE N 23° 00' 48" E A DISTANCE OF 20.22 FEET TO A POINT ON THE AFORESAID SOUTHERLY CANAL RIGHT OF WAY; THENCE ALONG SAID SOUTHERLY CANAL RIGHT OF WAY S 52° 10' 33" E A DISTANCE OF 15.52 FEET; THENCE S 23° 00' 48" W A DISTANCE OF 15.37 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF WEST EWING STREET; THENCE ALONG THE NORTHERLY RIGHT OF WAY MARGIN OF WEST EWING STREET N 70° 22' 55" W A DISTANCE OF 15.03 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 267 SQ. FT., MORE OR LESS

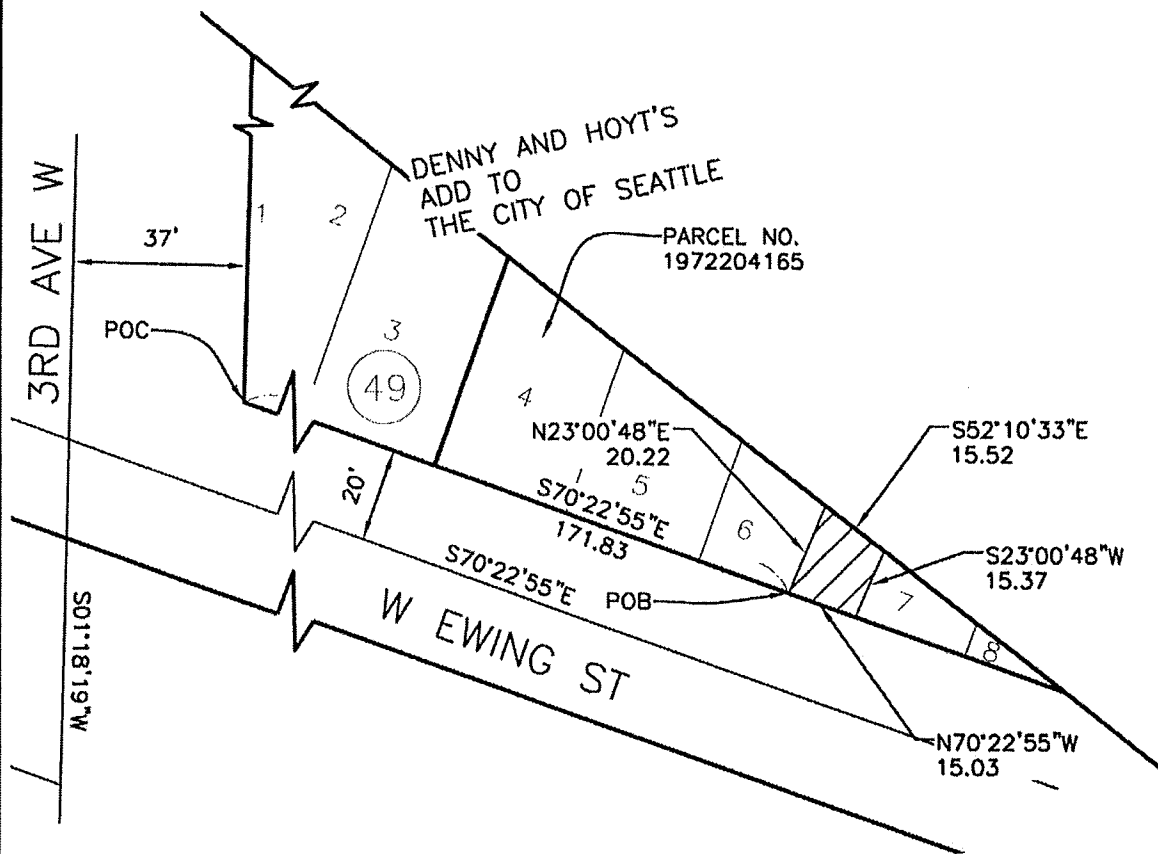
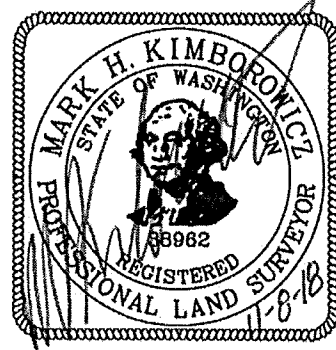
AND SHALL BE A SUBSURFACE USE AREA LYING VERTICALLY BETWEEN TWO HORIZONTAL PLANES AT ELEVATION -15.00 AND ELEVATION -64.00 FEET, BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), THE TOP PLANE BEING APPROXIMATELY 40 FEET BELOW THE EXISTING GROUND SURFACE.

THAT PORTION OF LOTS 6 AND 7 BLOCK 49
DENNY AND HOYT'S ADDITION TO THE CITY OF SEATTLE
NE 1/4 SE 1/4 SEC. 13, TWP. 25 N., RGE. 3 E., W.M.



SCALE IN FEET

POC=POINT OF COMMENCEMENT
POB=POINT OF BEGINNING



SPU
DRAWN: MHK
CHECKED: CSR
SCALE: 1"=40'



