



Legislation Text

File #: CB 119475, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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

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

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

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

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

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

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

WHEREAS, DPR and SPU determined that a transfer of partial jurisdiction of the area to be occupied by the microtunnel, including associated internal pipes, ducts, and electrical lines, from DPR to SPU is appropriate because of the permanent nature of the microtunnel and ancillary facilities and to facilitate efficient ongoing maintenance, repair, operation, and protection of the underground microtunnel and internal facilities by SPU; and

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

Section 2. Conditioned upon the completion of the CSO Facility, such limited and partial jurisdiction of the real property legally described and depicted in Attachment 1 (Use Area), attached to this ordinance and incorporated herein, as shall be necessary for the maintenance, repair, operation, and protection of the CSO Facility (Purposes) is transferred from DPR to SPU subject to the following: (a) SPU may access the Use Area for the Purposes without further authorization upon at least five days' notice to DPR, except in case of emergency, and shall coordinate with DPR to avoid time periods when heavy use by the public is anticipated; (b) after any access to the Use Area for the Purposes, SPU will restore the Use Area, at SPU's expense, to at least the condition existing immediately prior to such access; (c) SPU shall not use any park land outside of the Use Area without the prior written approval of DPR and (d) DPR agrees not to build any structures above the Use Area without the prior granted consent of SPU.

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

Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2019, and signed by
me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)

Attachment:
Attachment 1 - Use Area