



Legislation Details (With Text)

File #: CB 119569 **Version:** 1 **Name:** CB 119569
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 7/22/2019
Final Action: 7/26/2019 **Ord. No.** Ord 125870

Title: AN ORDINANCE granting a utility easement of surface and subsurface rights to King County, through its Department of Natural Resources and Parks, Wastewater Treatment Division (“King County”), to maintain an underground overflow pipeline and channel for the King County-owned reservoir within Discovery Park, which serves the regional wastewater facility, to meet federal guidelines for a potable water supply separation in the event of an emergency shutdown and backup of the incoming water supply.

Sponsors: Debora Juarez

Indexes:

Attachments: 1. Att 1 - Utility Easement v2, 2. Att 2 - Ordinance 118477, 3. Att 1 - Utility Easement v1, 4. Summary and Fiscal Note, 5. Summary Att A - Location of Easement Area, 6. Presentation, 7. Signed Ordinance 125870, 8. Affidavit of Publication

Date	Ver.	Action By	Action	Result
7/26/2019	1	City Clerk	attested by City Clerk	
7/26/2019	1	Mayor	returned	
7/26/2019	1	Mayor	Signed	
7/25/2019	1	City Clerk	submitted for Mayor's signature	
7/22/2019	1	City Council	passed	Pass
7/17/2019	1	Civic Development, Public Assets, and Native Communities Committee	pass as amended	Pass
7/15/2019	1	City Council	referred	
7/2/2019	1	Council President's Office	sent for review	
6/25/2019	1	City Clerk	sent for review	
6/25/2019	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE granting a utility easement of surface and subsurface rights to King County, through its Department of Natural Resources and Parks, Wastewater Treatment Division (“King County”), to maintain an underground overflow pipeline and channel for the King County-owned reservoir within Discovery Park, which serves the regional wastewater facility, to meet federal guidelines for a potable water supply separation in the event of an emergency shutdown and backup of the incoming water supply.

WHEREAS, King County owns and operates the West Point Treatment Plant wastewater facility, located west of and adjacent to Discovery Park at the toe of a bluff on a parcel owned by King County; and

WHEREAS, King County owns and maintains a water supply reservoir, which is located within an easement area, King County Recording No. 6165044; and

WHEREAS, the reservoir easement was granted by the U.S. Government, through the Department of the Army, to King County, known at that time as the “Municipality of Metropolitan Seattle,” for 99 years from December 21, 1962, the date of easement signature for the operation and maintenance of the water supply for the treatment plant and several park facilities; and

WHEREAS, under Seattle Public Utilities and state guidelines, an aboveground air gap and adequate overflow drainage pipeline are required for potable water separation in the event that inflowing water is prevented from continuing to the West Point Treatment Plant due to emergency plant shutdown; and

WHEREAS, King County will upgrade the reservoir and ancillary components to accommodate the required air gap, reservoir operation, and future maintenance needs; and

WHEREAS, King County held a public information meeting on February 23, 2019, from 10:00 a.m. to 12:00 p.m. at the Discovery Park Environmental Learning Center, informing the public of the reasons for, design of, and placement of the pipeline, necessary tree removal, and restoration of the property, which was attended by approximately 20 members of the public; and

WHEREAS, the overflow channel will be located completely underground along its alignment, with a diffuser that daylight at its terminus, which will be landscaped to blend in with the park’s natural landscaping; it will be required that King County designs, installs, and maintains vegetation within the pipeline easement area and diffuser under the guidance and specification of the Department of Parks and Recreation and until the newly installed planting has been established as determined by Parks and Recreation; and

WHEREAS, constructing a pipeline to contain the overflow channel is necessary for the continual operation

and maintenance of King County’s existing reservoir and water supply system, which serves the West Point Treatment Plant wastewater facility; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Superintendent of Parks and Recreation (“Superintendent”), or the Superintendent’s designee, is authorized on behalf of The City of Seattle (“City”) to execute a utility easement in favor of King County through its Department of Natural Resources and Parks, Wastewater Treatment Division (“County”), substantially in the form of Attachment 1 to this ordinance (the “Utility Easement”). The Utility Easement will grant the County permanent subsurface utility use rights as well as limited surface rights, to install, construct, own, operate, and maintain an underground pipeline and channel.

Section 2. The City Council finds that granting the County a subterranean easement under portions of Discovery Park, as authorized in Section 1 of this ordinance, is consistent with the requirements of Ordinance 118477, adopting Initiative 42 (Attachment 2). To the extent granting the easement is inconsistent, the requirements of Ordinance 118477 are superseded.

Section 3. In exchange for granting the County the easement rights designated in the Utility Easement, the Superintendent shall accept \$156,000 as consideration from the County, constituting the appraised value of the easement as of December 4, 2018, as well as park improvements and other consideration set out in the Utility Easement.

Section 4. 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)

Attachments:

Attachment 1 - Utility Easement

Attachment 2 - Ordinance 118477