



Legislation Text

File #: CB 118760, **Version:** 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

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 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 Seattle Public Utilities 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 Project; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

Section 2. The Director is authorized to: determine the portions and interests of the properties shown on Attachments 1 and 2 that are necessary or convenient for the Project, and any other property interests that may be necessary or convenient for the Project, negotiate and enter into written agreements for and acquire, after paying just compensation, the real property interests that are necessary or convenient for the Project, including temporary or permanent rights, in fee or easement form; and accept and record deeds and other written instruments on behalf of the City by attaching to the instrument the Director's written acceptance and recording the deed or other written instrument. The acquisition costs, including purchase price and transaction costs, together with relocation benefits to the extent required by law, shall be paid from the funds appropriated, or to be appropriated, for such purposes in connection with the Project.

Section 3. The City Attorney is authorized to commence and prosecute proceedings in the manner

provided by law to condemn, take, damage, and appropriate in fee simple or other property interests determined by the Director of Seattle Public Utilities or his designee to be necessary or convenient to the Project; provided the lands, rights, and privileges, and other property are to be appropriated and taken only after just compensation has been made or paid into court for the owners in the manner provided by law; and to stipulate for the purpose of minimizing damages.

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

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

Section 6. 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 ten 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 _____, 2016, and
signed by me in open session in authentication of its passage this
____ day of _____, 2016.

President _____ of the City Council

Approved by me this ____ day of _____, 2016.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2016.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Construction Corridor Maps

Attachment 2 - Affected Properties