



## Legislation Text

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File #: CB 119253, Version: 1

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### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

### COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities to acquire, accept, and record on behalf of The City of Seattle both temporary and permanent property rights from owners of property located along the alignment of a planned, combined sewage conveyance pipe and a sewage storage facility near the east side of I-5 between South Dawson Street and South Lucile Street, which are necessary or convenient to construct, operate, and maintain structures related to the Pearl Street Drainage & Wastewater (DWW) Improvement Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of 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 authorizing construction within the City right-of-way.

WHEREAS, The City of Seattle owns and operates a combined sewer system throughout much of the City and within the west Beacon Hill area; and

WHEREAS, sewer overflows have occurred out of the public sewer system within the right-of-way and on private properties in this west Beacon Hill neighborhood; and

WHEREAS, The City of Seattle is required to limit sewer overflows per the Seattle Public Utilities (SPU) wastewater collection system's National Pollutant Discharge Elimination System (NPDES) permit, administered by the United States Environmental Protection Agency; and

WHEREAS, the City's Capacity, Management, Operations and Maintenance (CMOM) Performance Program goal, incorporated in the Consent Decree authorized by Ordinance 123908 and amended by Ordinance 124129, is eliminating all sanitary sewer overflows (SSOs); and

WHEREAS, SPU's mission is to provide efficient and forward-looking utility services that keep Seattle the best place to live, to provide drainage and wastewater services while protecting public health and the

environment, and to proactively prevent sewer overflows; and

WHEREAS, planned improvements to the public sewer system will control sewage from overflowing out of the public sewer system; and

WHEREAS, an undeveloped, currently vacant parcel in the area can be used to accommodate necessary components of the planned sewer improvements; and

WHEREAS, portions of the existing and proposed sewer system lie within the Washington State Department of Transportation (WSDOT) right-of-way; and

WHEREAS, temporary and permanent property rights across the vacant private property and within the WSDOT public right-of-way will be necessary to construct, maintain, and operate portions of the structures necessary for the Pearl Street DWW Improvement Project; and

WHEREAS, portions of the planned improvements for the Pearl Street DWW Improvement Project are anticipated to be constructed and located within the City right of way under the jurisdiction of the Department of Transportation; NOW, THEREFORE,

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

Section 1. Acquisition of the real property interests described in Sections 2 and 3 of this ordinance is for a public use, and public convenience and necessity require that the real property interests described in Sections 2 and 3 of this ordinance, as described and shown on Attachments 1 and 2 attached hereto and incorporated by reference into this ordinance, and such other property as may be necessary or convenient for purposes of the Pearl Street DWW Improvement Project (“Project”), located in the City of Seattle, County of King, together with all rights and 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 General Manager/CEO of Seattle Public Utilities is authorized to acquire by negotiation or use of eminent domain (condemnation), for and on behalf of The City of Seattle, property legally described

as:

Lots 5, 6, 7 and 8, Block 2, Plat of Germania Addition to the City of Georgetown, Division No. 1, according to the Plat thereof recorded in Volume 16 of Plats, Page 50, records of King County, Washington, lying Easterly of the following described line:

Beginning at a point opposite H E S 1999+00 on said R/W Baseline survey of said Highway and 170' E therefrom;

Thence Northwesterly, parallel with said survey line to intersect the East line of said lot 5;

Thence North in a straight line to intersect the South line of Lot 9, Block 4, Division No. 2, Germania Addition to the City of Georgetown, according to the Plat thereof recorded in Volume 17 of Plats, Page 34, records of said County, at a point 250 feet Northeasterly when measured at right angles and/or radially from said survey line and the end of this line description.

Situate in the County of King, State of Washington.

Tax Parcel Number 274060-0055-02.

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 General Manager/CEO of Seattle Public Utilities is authorized to acquire by negotiation, for and on behalf of The City of Seattle, permanent and temporary easements or permits over the property described as:

Washington State Department of Transportation limited access Interstate-5 Freeway east of the traffic lanes, south of the northern boundary of South Dawson Street and north of the southern boundary of South Lucile Street.

Section 4. The General Manager/CEO of Seattle Public Utilities is authorized to: determine the portions and interests of the properties described in Sections 2 and 3 of this ordinance 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 easement form; and accept and record easements and other written instruments on behalf of the City by attaching to the

instrument the General Manager/CEO's written acceptance and recording the easement or other written instrument.

Section 5. The City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate easements or other property interests determined by the General Manager/CEO of Seattle Public Utilities or the General Manager/CEO's designee to be necessary or convenient to the Project; provided the lands, rights, 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 6. The real property interests referenced above include, but are not limited to, fee and temporary or permanent easements or permits that when recorded shall be placed under the jurisdiction of Seattle Public Utilities and designated for utility and general municipal purposes.

Section 7. Seattle Public Utilities is authorized to construct and locate the planned improvements for the Pearl Street DWW Improvement Project within the City right-of-way under the jurisdiction of the Department of Transportation.

Section 8. 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 \_\_\_\_\_, 2018, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - List of Affected Properties

Attachment 2 - Map of Affected Properties