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CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to Seattle Public Utilities and the 2015 Adopted Budget; authorizing the Director of Seattle Public Utilities to acquire by negotiation or condemnation land and all other necessary property rights located southeast of the intersection of NW 54th Street and 24th Avenue NW, Seattle, Washington for public drainage, wastewater, and general municipal purposes, and to execute, accept and record deeds and convenient documents and agreements deemed by the Director to be necessary to this transaction on behalf of the City; placing the conveyed real properties under the jurisdiction of Seattle Public Utilities; amending Ordinance 124648 to increase appropriations to the Drainage and Wastewater Fund for the acquisition of the aforementioned property and ratifying and confirming certain prior acts.

WHEREAS, the City of Seattle owns and operates a combined sewer system that in some locations is at risk of 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 bound by a Federal Consent Decree to construct control measures to limit untreated overflows in accordance with State of Washington requirements by December 31, 2025, and

WHEREAS, based on the volume of overflows and their impact on water quality in Salmon Bay and the Salmon Bay Waterway, Basins 150, 151 and 152 have been identified in the NPDES permit as a priority for CSO reduction, including regulatory milestones for completion of a capital improvement project; and

WHEREAS, Seattle Public Utilities (SPU) has determined that addressing this area's ongoing combined sewer overflow issues is best achieved by pursuing construction of either an independent CSO storage tank or a shared CSO storage tunnel with King County; and

1 WHEREAS, anticipating low availability of land in Ballard, SPU launched an early search for
real property and identified preferred locations for a storage tank or tunnel boring site;
2 and

3 WHEREAS, the City Council has determined that the properties legally described below,
together with other nearby properties whose acquisitions will be authorized through
4 separate legislation best meet SPU's needs for a site for a CSO storage tank or CSO
5 tunnel; NOW, THEREFORE,

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

7 Section 1. Public convenience and necessity require that the property identified in the
8 records of the King County Assessor as Parcel Number 046700-0417 and commonly referred to
9 as the potential Salmon Bay Hotel site, situated in the City of Seattle, County of King, State of
10 Washington, together with all rights, privileges and other property pertaining thereto, (hereinafter
11 referred to as the "Salmon Bay Property") legally described in Attachment 2 and depicted in
12 Attachments 1 and 3, be acquired through negotiation or condemnation, for public use; namely
13 for drainage and wastewater purposes including, but not limited to, development of an
14 independent CSO storage tank or shared CSO storage tunnel with King County, and for general
15 municipal purposes.

16 Section 2. The Director of Seattle Public Utilities or the Director's designee is authorized
17 on behalf of the City to negotiate and to enter into agreements to acquire the Salmon Bay
18 Property, and upon payment of just compensation, to accept and record deeds and other
19 necessary instruments on behalf of the City, and to provide relocation assistance to the extent
20 required by law to the occupants of the Salmon Bay Property.

21 Section 3. The Seattle City Attorney is authorized to commence and prosecute
22 proceedings in the manner provided by law to condemn, take, damage, and appropriate in fee
23 simple the real property or other property rights described in Section 1, after just compensation
24 has been made or paid into court for the owners thereof in the manner provided by law. The
25 Seattle City Attorney is further authorized to stipulate for the purpose of minimizing damages.

1 Section 4. In order to pay for necessary capital costs and expenses incurred, or to be
2 incurred, the appropriation for the following in the 2015 Adopted Budget and the 2015-2020
3 Adopted Capital Improvement Program is increased for the fund shown, as follows:

Item	Fund	Department	Budget Control Level	Amount
4.1	Drainage and Wastewater Fund (44010)	Seattle Public Utilities	Combined Sewer Overflows (C360)	\$6,100,000

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9 Section 5. The Salmon Bay Property, when acquired by the City, shall be placed under
10 the jurisdiction of Seattle Public Utilities and designated for drainage and wastewater purposes.

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Section 6. Any act consistent with the authority of this ordinance and prior to its effective date is ratified and confirmed.

Section 7. 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 _____, 2015, and signed by me in open session in authentication of its passage this ____ day of _____, 2015.

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

- Attachment 1: Regional Setting
- Attachment 2: Legal Description for Salmon Bay Property
- Attachment 3: Map of Salmon Bay Property