

CITY OF SEATTLE
ORDINANCE 126248
COUNCIL BILL 119961

AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager and Chief Executive Officer 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 the planned combined sewage conveyance and storage tunnel between 24th Avenue NW and Shilshole Avenue NW in Ballard and Interlake Avenue N and N 35th Street in Wallingford, and from owners of property located along the alignment of the planned Ballard Conveyance pipeline between 28th Avenue NW and NW 56th Street and 24th Avenue NW and Shilshole Avenue NW, and for related infrastructure in 28th Avenue NW, that are necessary or convenient to construct, operate, and maintain the Ship Canal Water Quality Project and 3rd Avenue W Water Main Replacement Project, through negotiation or eminent domain (condemnation); placing an underground electrical easement under the jurisdiction of the City Light Department; placing other real property rights acquired under the jurisdiction of Seattle Public Utilities; designating the property rights acquired for utility and general municipal purposes; authorizing termination of an easement held by the former Milwaukee Terminal Railway Company or its successors; authorizing payment of all other costs associated with acquisition; and ratifying and confirming certain prior acts.

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 untreated overflows at each CSO outfall to an average of no more than one per year on a moving 20-year 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

1 combined sewer overflows in accordance with State of Washington requirements by
2 December 31, 2025; and

3 WHEREAS, Seattle Public Utilities and King County have been working together to evaluate
4 possible joint projects to reduce both City and County CSOs, and have agreed to jointly
5 fund and build a 2.7-mile underground storage tunnel designed to temporarily store more
6 than 29 million gallons of combined stormwater and sewage in order to reduce CSOs and
7 partially fulfill the objectives of the City's and County's NPDES permits and Consent
8 Decrees; and

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

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

16 WHEREAS, in 2016 and in 2017 the City Council pursuant to Ordinances 125153 and 125390
17 previously authorized Seattle Public Utilities to acquire certain property rights necessary
18 and convenient for the Ship Canal Water Quality Project; and

19 WHEREAS, Seattle Public Utilities' 3rd Avenue W Water Main Replacement Project will share
20 the use of a temporary access easement with the Ship Canal Water Quality Project; and

21 WHEREAS, construction of the Ship Canal Water Quality Project in 2nd Avenue NW will
22 require acquisition of permanent and temporary property rights necessary for relocating a

1 City Light Department electrical vault to private property located at 123 NW 36th Street;
2 and

3 WHEREAS, in 1908 the Milwaukee Terminal Railway Company was granted an easement
4 across property later purchased by the City, as authorized by Ordinances 124718 and
5 124719, for the Ship Canal Water Quality Project, and

6 WHEREAS, the easement area is needed by the City for construction, operation, and
7 maintenance of the Ship Canal Water Quality Project, and since the easement area is no
8 longer being utilized for any railroad purpose and the easement can be terminated by the
9 City as owner of the property for such non-use, Seattle Public Utilities desires to
10 terminate the easement, NOW, THEREFORE,

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

12 Section 1. The City of Seattle (“City”) accepts the easements and other property rights
13 that are necessary or convenient to construct, operate, and maintain the Ship Canal Water Quality
14 Project and the 3rd Avenue W Water Main Replacement Project, and granted for drainage and
15 wastewater and water supply utility purposes over, under, across, and upon the real property
16 generally described below and legally described in Attachment 1 to this ordinance.

17 A. Grantor: The United States Department of the Army, acting through the Corps of
18 Engineers; Easement No. DACW67-2-19-8 (not recorded with King County).

19 B. Grantor: The United States Department of the Army, acting through the Corps of
20 Engineers; Permit with King County Recording No. 20181226000674.

21 C. Grantor: Fremont West Office LLC, a Washington limited liability company; King
22 County Recording No. 20190131000152.

1 D. Grantor: Mobile Properties, LLC, a Washington limited liability company; King
2 County Recording No. 202009210000428.

3 Section 2. Public convenience and necessity require that real property interests generally
4 shown on Attachments 2 and 3 of this ordinance, and such other property as may be necessary or
5 convenient for the Ship Canal Water Quality Project (“Project”) located in the City of Seattle,
6 County of King, State of Washington, together with all rights, privileges, and other property
7 interests pertaining to the real property interests, be acquired for utility and general municipal
8 purposes through negotiations and use of eminent domain (condemnation), if necessary, in
9 connection with the Project.

10 Section 3. The General Manager and Chief Executive Officer of Seattle Public Utilities
11 (“General Manager/CEO”) is authorized to: determine the portions and interests of the properties
12 shown on Attachments 2 and 3 that are necessary or convenient for the Project, and any other
13 property interests that may be necessary or convenient for the Project, negotiate and enter into
14 written agreements for and acquire, after paying just compensation, the real property interests
15 that are necessary or convenient for the Project, including temporary or permanent rights, in fee
16 or easement, or other property use agreement; and accept and record deeds, easements, and other
17 written instruments on behalf of the City by attaching to the instrument the General
18 Manager/CEO’s written acceptance and recording the deed or other written instrument. The
19 acquisition costs, including purchase price and transaction costs, together with relocation
20 benefits to the extent required by law, shall be paid from the funds appropriated, or to be
21 appropriated, for such purposes in connection with the Project.

22 Section 4. The City Attorney is authorized to commence and prosecute proceedings in the
23 manner provided by law to condemn, take, damage, and appropriate easements or other property

1 interests determined by the General Manager/CEO or the General Manager/CEO's designee to
2 be necessary or convenient to the Project; provided the lands, rights, and privileges, and other
3 property are to be appropriated and taken only after just compensation has been made or paid
4 into court for the owners in the manner provided by law; and to stipulate for the purpose of
5 minimizing damages.

6 Section 5. The real property interests referenced above include, but are not limited to,
7 easements and temporary construction easements that, when received or recorded, shall be
8 placed under the jurisdiction of Seattle Public Utilities and designated for utility and general
9 municipal purposes.

10 Section 6. The real property interests acquired for the electrical vault to be relocated from
11 2nd Ave NW to private property located at 123 NW 36th Street shall, when received or recorded,
12 be placed under the jurisdiction of the City Light Department and designated for utility and
13 general municipal purposes.

14 Section 7. The General Manager/CEO, and/or the General Manager/CEO's designee, is
15 authorized to terminate the easement granted to the Milwaukee Terminal Railway Company on
16 November 25, 1908, and recorded under King County Auditor's File No. 593847, in King
17 County, Washington.

18 Section 8. Any act consistent with the authority of this ordinance taken prior to its
19 effective date is ratified and confirmed.

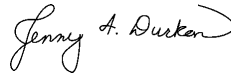
1 Section 9. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 7th day of _____ December _____, 2020,
5 and signed by me in open session in authentication of its passage this 7th day of
6 _____ December _____, 2020.



7 _____
8 President _____ of the City Council

9 Approved by me this 11th day of December, 2020.



10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this 11th day of December, 2020.



13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachments:
17 Attachment 1 – Legal Descriptions of Acquired Property Rights
18 Attachment 2 – List of Affected Properties
19 Attachment 3 – Map of Affected Properties

ATTACHMENT 1 – Legal Descriptions of Acquired Property Rights

1. Description of easement acquired by document No. DACW67-2-19-8. (SPU File Number 2014-016-030)

- a. Type: Easement
- b. Grantor: United States Department of the Army, acting through the Corps of Engineers
- c. Title in Instrument: Easement for Pipeline Right-of-Way
- d. Recording No. (not recorded, exists in an HYDR parcel)
- e. Recording Date: (not recorded)
- f. Legal Description:

That portion of the Lake Washington Ship Canal, as condemned by decree entered in King County Superior Court Cause No. 21942, and conveyed to the United States of America for a canal right of way by deed recorded under recording number 192544, records of King County, situated in the northeast quarter of the southeast quarter of Section 13, Township 25 North, Range 3 East, W.M.; described as follows:

Commencing at the southwest corner of Block 49 of Denny and Hoyt's Addition to the City of Seattle; thence along the northerly right of way margin of West Ewing Street, S 70° 22' 55" E a distance of 173.02 feet; thence leaving said right of way N 19° 37' 05" E a distance of 20.19 feet to the southerly right of way margin (State Harbor Line) of the Lake Washington Ship Canal and the **POINT OF BEGINNING**;

Thence along said right of way margin S 52° 10' 33" E a distance of 15.52 feet; thence leaving said right of way margin N 23° 00' 48" E a distance of 161.37 feet to the beginning of a 657.50 foot radius curve concave to northwest which radius point bears N 66° 59' 12" W; thence northeasterly along the arc of said curve, through a central angle of 13° 31' 59" a distance of 155.30 feet to the northerly right of way margin of the Lake Washington ship Canal; thence along said right of way margin N 52° 00' 33" a distance of 17.13 feet to the beginning of a non-tangent 642.50 foot radius curve concave to northwest which radius point bears N 81° 14' 57" W; thence leaving said right of way southwesterly along the arc of said curve, through a central angle of 14° 15' 44" a distance of 159.93 feet; thence S 23° 00' 48" W a distance of 157.40 feet to the southerly right of way margin of the Lake Washington Ship Canal, and the **POINT OF BEGINNING**.

Containing 4755 sq. ft., more or less

2. Description of permit acquired by document Permit No. NWS-2015-807-WRD. (SPU File Number 2014-016-031)

- a. Type: Permit
- b. Grantor: United States Department of the Army, acting through the Corps of Engineers
- c. Title in Instrument: Department of the Army Permit No NWS-2015-807-WRD
- d. Recording No. 20181226000674

- e. Recording Date: December 26, 2018
- f. Legal Description:

24th Avenue Pier in Salmon Bay (Lake Washington Ship Canal) at Seattle, King County, Washington

- 3. Description of temporary access easement acquired by document King County Recording Number 20190131000152 (SPU File Number 2014-016-029)
 - a. Type: Easement
 - b. Grantor: Fremont West Office LLC, a Washington limited liability company
 - c. Title in Instrument: Temporary Non-Exclusive Access Easement
 - d. Recording No. 20190131000152
 - e. Recording Date: January 31, 2019
 - f. Legal Description:

The Easterly 5 feet of Lot 12 and all of Lots 13 through 26, inclusive, Block 52, Denny and Hoyt's Addition to the City of Seattle, according to the Plat thereof recorded in Volume 2 of Plats, Page 136, in King County, Washington. Except the Northeasterly 12 feet thereof condemned under King County Superior Court Cause NO. 69865, as provided by City of Seattle Ordinance No. 21303.

- 4. Description of easement acquired by document King County Recording Number 20200921000048. (SPU File Number 2014-016-042)
 - a. Type: Temporary Construction Easement
 - b. Grantor: Mobile Properties LLC, a Washington limited liability company
 - c. Title in Instrument: Temporary Construction Easement
 - d. Recording No. 20200921000048
 - e. Recording Date: September 21, 2020

Legal Description:

BEGINNING AT THE NORTHEAST CORNER OF THE PROPERTY; THE EAST TWO FEET OF THE NORTH 100 FEET; TOGETHER WITH THE NORTH 5 FEET OF THE EAST 100 FEET OF THE FOLLOWING DESCRIBED PARCEL "A":

PARCEL "A"

GILMAN PARK ADD PORTION LOTS 9 TO 16 BLK 177 GILMAN PARK & OF LOTS 9 TO 12 BLK 3 BALLARD TIDE LANDS & OF WEST 44TH PLACE AS VACATED BY CITY OF SEATTLE ORD NO 57056 ADJOINING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT INTERSECTION OF SOUTH LINE WEST 45TH STREET WITH WEST LINE 11TH AVE NW, WHICH PT IS NE CORNER LOT 12 SD BLK 177;

THENCE SOUTH ALONG WEST LINE 11TH AVE NW 697.094 FT TO SELY CORNER SD BLK 3;

THENCE NWLY ALONG SWLY LINE SD BLK 3 DISTANCE OF 155.326 FT TO SWLY CORNER LOT 11 SD BLK 3;

THENCE NELY AT RIGHT ANGLES TO SWLY LINE SD BLK 3 DISTANCE OF 68.977 FT TO WEST LINE LOT 12 SD BLK 3;

THENCE NORTH ALONG SAID LOT LINE 190.199 FT TO PT 200 FT NELY FROM WHEN MEASURED AT RIGHT ANGLES TO SWLY LINE SAID BLK 3;

THENCE NWLY PARALLEL WITH SAID BLK LINE 164.036 FT TO PT 12.5 FT WEST OF EAST LINE LOT 9 SAID BLK 3;

THENCE NORTH PARALLEL WITH WEST LINE 11TH AVE NW 227.88 FT TO SOUTH LINE WEST 45TH ST;

THENCE EAST 170 FT TO BEGINNING LESS PORTION DESCRIBED AS FOLLOWS -BEGINNING ON EAST LINE SAID BLK 177 AT PT S 01-01-52 E ALONG SAID EAST LINE 226.00 FT FROM NE CORNER;

THENCE OF THE S 01-01-52 E 471.094 FT TO SELY CORNER SAID BLK 3;

THENCE NWLY ALONG SWLY LINE SAID BLK 3 155.326 FT TO SWLY CORNER LOT 11 SAID BLK 3;

THENCE NELY AT RIGHT ANGLES TO SW LINE SAID BLK 3 DISTANCE OF 68.977 FT TO WEST LINE LOT 12 IN SAID BLK 3;

THENCE NORTH ALONG SAID WEST LINE 190.199 FT TO PT 200 FT NELY FROM WHEN MEASURED AT RIGHT ANGLES, TO SWLY LINE SAID BLK 3;

THENCE NWLY PARALLEL WITH SAID SWLY LINE 164.036 FT TO PT 12.5 FT WEST OF EAST LINE LOT 9 SAID BLK 3;

THENCE N 1-01-52 W 1.88 FT TO PT ON LINE PARALLEL WITH & 226.00 FT SOUTH OF NORTH LINE SAID BLK 177

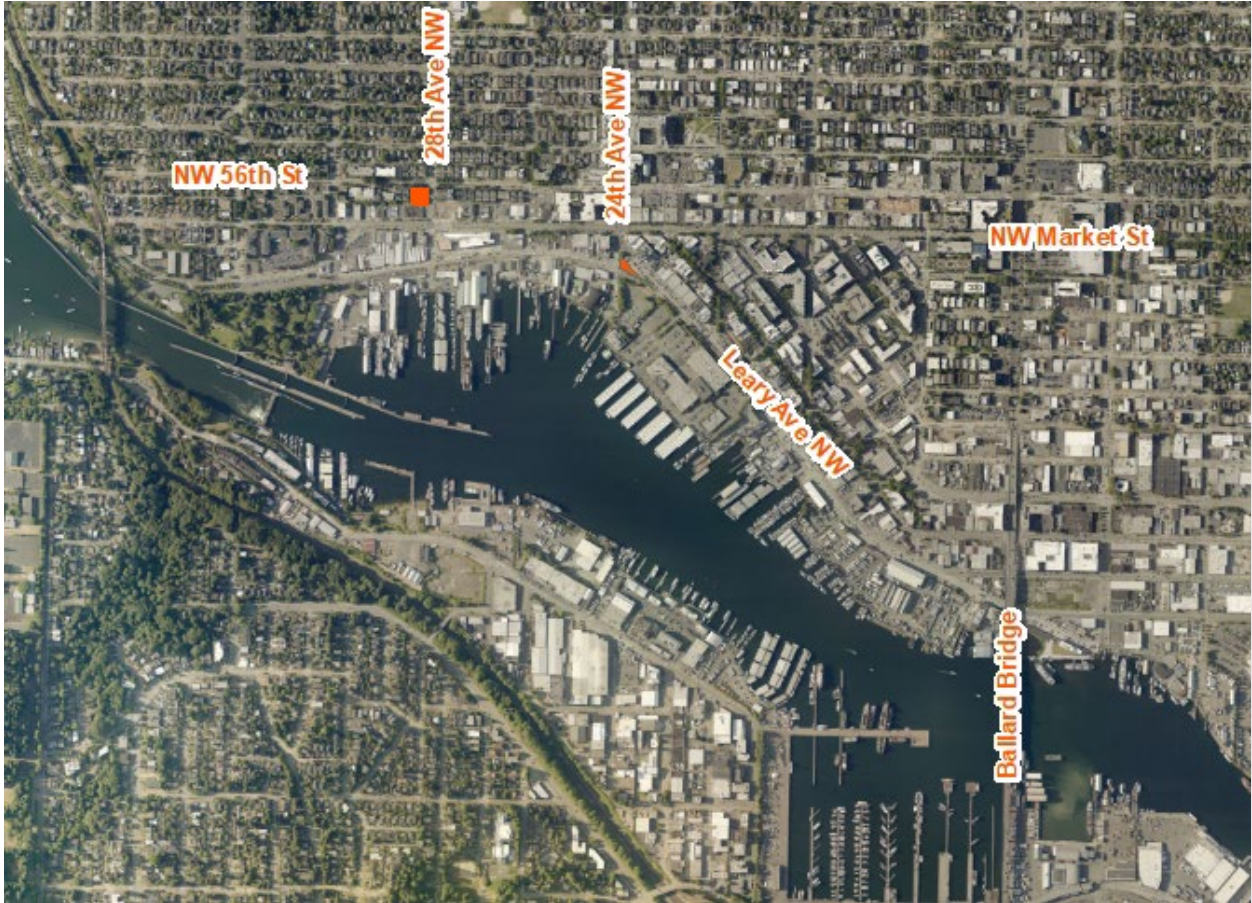
THENCE N 89-00-00 E ALONG SAID PARALLEL LINE 169.50 FT TO BEGINNING

ATTACHMENT 2 – List of Affected Properties

King County Tax ID. No.	Property Address	Taxpayer / Property Owner	Tax Payer's Address of Record if different from property address (Name included only if different than Property owner.)
112503-9027-05	5404 24th Ave NW	Pacific Fishermen Inc	5351 24th Ave NW, Seattle 98107
112503-9114-09	5515 A 28th Ave NW	Emmanuel J. Abellanosa	
112503-9115-08	5511 C 28th Ave NW	Daniel Lee Gross and Brian H. Payne	Noland LLC; 3600 Fremont Ave N, Seattle, WA 98103
112503-9116-07	5511 B 28th Ave NW	Naveen S. Advanapu and Tamuja Daman	
112503-9117-06	5511 A 28th Ave NW	Ian Scot Pihl	
112503-9118-05	5515 B 28th Ave NW	Kee Hyuk Park	
117500-0944-06	5521 28th Ave NW	Loretta Mallea	
117500-0949-01	5519 28th Ave NW	Rakesh Nambiar	
117500-0950-07	5517 28th Ave NW	Enri-Gisleno Vincenti	
117500-0951-06	2809 NW 56th St	Shannon Stamps	
117500-0952-06	2807 NW 56th St	Daniel G. Yin	
117500-0953-04	2805 NW 56th St	Deborah Diane Parsons and Jeffrey Todd Parsons	
197220-4350-06	123 NW 36th St	Fremont West Office LLC	
197220-4205-03	126 NW Canal St	126 Canal Centre LLC	

ATTACHMENT 3 – MAPS

Ballard Neighborhood



Properties Affected by Proposed Side Sewer Repair



Property Affected by Proposed Temporary Construction Easement



Properties Affected by the Electrical Vault

