

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Seattle Public Utilities	Bryan Solemsaas	Akshay Iyengar

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the acquisition of certain real property rights by negotiation or eminent domain (condemnation) of ten separate permanent easements located on parcels identified as King County Parcel Number 2487201221 located at 4500 & 4502 SW Wildwood Place, King County Parcel Number 2487201215 located at 4518 SW Wildwood Place, King County Parcel Number 2485500000 located at 9165 45th Avenue SW, King County Parcel Number 2487201365, King County Parcel Number 2488200480 located at 9144 45th Avenue SW, King County Parcel Number 3524039040 located at 9131 California Avenue SW, King County Parcel Number 2488200505, King County Parcel Number 2488200500, King County Parcel Number 2488200495, King County Parcel Number 2488200490; and authorizing the acquisition of temporary construction easements by negotiation or eminent domain (condemnation) located on eighteen separate parcels of land identified as King County Parcel Number 2487201221 located at 4502 SW Wildwood Place, King County Parcel Number 2346700000 located at 9212 45th Avenue SW, King County Parcel Number 2485500000 located at 9165 45th Avenue SW, King County Parcel Number 2487200035 located at 4402 SW Brace Point Drive, King County Parcel Number 2487200050 located at 4330 SW Brace Point Drive, King County Parcel Number 2487201210 located at 4604 SW Wildwood Place, King County Parcel Number 2487201215 located at 4518 SW Wildwood Place, King County Parcel Number 2487201365, King County Parcel Number 2488200480 located at 9144 45th Avenue SW, King County Parcel Number 3524039040 located at 9131 California Avenue SW, King County Parcel Number 2488200530, King County Parcel Number 2488200525, King County Parcel Number 2488200520, King County Parcel Number 2488200515 located at 4401 SW Director Street; King County Parcel Number 2488200505; King County Parcel Number 2488200500; King County Parcel Number 2488200495; and King County Parcel Number 2488200490; authorizing the General Manager and Chief Executive Officer of Seattle Public Utilities or designee to execute all documents and take other necessary actions to complete the Properties' permanent easement acquisitions and temporary construction easement acquisitions; authorizing payment of all costs associated with the acquisitions; and ratifying and confirming certain prior acts.

Summary and Background of the Legislation: SPU owns and maintains a 24-inch diameter, 220-foot-long, vitrified clay culvert conveying Fauntleroy Creek under 45th Ave SW in the Fauntleroy neighborhood. The culvert completely bars fish passage and is failing. SPU's 45th Ave SW Culvert Replacement Project would replace the culvert with a 14-foot-wide, 237-foot-long, three-sided, open-bottom culvert. The new culvert would meet State requirements for passage of fish and stream flows. Additionally, the project would restore wetland, riparian, and streambed habitat in areas up to 180 feet upstream and up to 80 feet downstream of the replacement culvert. The project also includes a public amenities area at street level and would include a stair system for worker access to the new culvert. This ordinance would authorize

Seattle Public Utilities to acquire, by negotiation or eminent domain, 10 permanent easements and 18 temporary easements required to construct the project.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?

☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City?

☒ Yes ☐ No

The project budget includes approximately \$1.2M for property acquisitions from SPU ratepayer funds. Actual payments will be subject to a fair market value determination.

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

No

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

SPU has budget authority to acquire easements from 18 parcels at fair market value from the Drainage and Wastewater Fund. Negotiations regarding the purchase price for the various easements are ongoing.

Please describe any financial costs or other impacts of *not* implementing the legislation.

If SPU is unable to negotiate the required property rights with property owners, the 45th Ave SW Culvert Replacement Project will not be able to move forward and replace the failing culvert infrastructure.

Please describe how this legislation may affect any City departments other than the originating department.

N/A

4. OTHER IMPLICATIONS

a. Is a public hearing required for this legislation?

No

b. Is publication of notice with The Daily Journal of Commerce and/or The Seattle Times required for this legislation?

Yes. Under RCW 8.25.290, the City is required to publish notice of this action in both the Daily Journal of Commerce and the Seattle Times newspaper.

c. Does this legislation affect a piece of property?

Yes, this legislation would authorize the City of Seattle to acquire easements on 18 parcels. See Exhibit A of this summary and fiscal note for a description of impacts to each property, Exhibit B for maps of parcels with permanent and temporary easement areas and Exhibit C for parcels with only temporary easement areas.

d. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response, please consider impacts within City government (employees, internal programs) as well as in the broader community.

Fauntleroy Creek is a salmon-bearing stream, and the 45th Ave SW culvert is a barrier for fish to access upstream spawning habitat. Replacing culverts that impede fish passage supports Tribal treaty rights. SPU is committed to restoring fish passage and supporting those treaty rights and regional salmon recovery and will replace the existing culvert with a structure that can support fish passage. SPU has met with and will continue to coordinate with local tribal representatives during the design phase of the Project.

The Project will also include improved maintenance access stairs, improving safety of SPU employees responsible for monitoring and maintaining the site.

ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.

See Exhibit D for the Fauntleroy Creek Culvert Project Racial Equity Toolkit.

iii. What is the Language Access Plan for any communications to the public?

The team will develop outreach materials to help serve individuals with limited English proficiency. Essential communications materials, project milestone updates, notices of community meetings, and other relevant documents will be translated into commonly spoken languages in the area.

The project team will use local interpretation services whenever possible to bridge language barriers.

e. Climate Change Implications

- i. **Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

Acquisition of these property rights is not likely to increase carbon emissions in a material way. Aside from normal construction traffic related to the construction of the culvert replacement on the easement areas, emissions are not anticipated to increase.

- ii. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

Acquisition of these property rights will increase Seattle's resiliency to climate change by removing an undersized and failing culvert asset, and replacing it with a large, fish passable structure that's sized for future climate-adjusted predicted flows.

- f. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

N/A

- g. **Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

No

5. ATTACHMENTS

Summary Attachments:

Summary Exhibit A – Easement Impacts

Summary Exhibit B – Parcels with Permanent and Temporary Easements

Summary Exhibit C – Parcels with Temporary Easements

Summary Exhibit D – SPU Racial Equity Toolkit Stakeholder Analysis