



SEATTLE CITY COUNCIL

Legislative Summary

CB 118510

Record No.: CB 118510

Type: Ordinance (Ord)

Status: Passed

Version: 1

124937

In Control: City Clerk

File Created: 08/26/2015

Final Action: 12/04/2015

Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to lease or acquire by negotiation or condemnation land and all other necessary property rights located at 4500 West Marginal Way Southwest, 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; and ratifying and confirming certain prior acts.

Notes:

Date
Filed with City Clerk: 12/4/2015

Mayor's Signature: 12/4/2015

Sponsors: Bagshaw

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 2 - Regional Setting, Att 3 - Map of Horizon Coach Line Property

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: Yes No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/15/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text:		The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk				
	Notes:						
1	City Clerk	09/15/2015	sent for review	Council President's Office			
	Action Text:		The Council Bill (CB) was sent for review. to the Council President's Office				
	Notes:						

- 1 Council President's Office 09/16/2015 sent for review Seattle Public Utilities and Neighborhoods Committee
Action Text: The Council Bill (CB) was sent for review. to the Seattle Public Utilities and Neighborhoods Committee
Notes:
- 1 Full Council 09/21/2015 referred Seattle Public Utilities and Neighborhoods Committee
Action Text: The Council Bill (CB) was referred. to the Seattle Public Utilities and Neighborhoods Committee
Notes:
- 1 Seattle Public Utilities and Neighborhoods Committee 11/19/2015 pass Pass
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:
In Favor: 2 Chair Bagshaw, Vice Chair Sawant
Opposed: 0
- 1 Full Council 11/30/2015 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
Notes:
In Favor: 8 Council President Burgess, Councilmember Bagshaw, Councilmember Godden, Councilmember Gonzalez, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Rasmussen
Opposed: 0
- 1 City Clerk 12/02/2015 submitted for Mayor's signature Mayor
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:
- 1 Mayor 12/04/2015 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:
- 1 Mayor 12/04/2015 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:
- 1 City Clerk 12/04/2015 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
-

CITY OF SEATTLE
ORDINANCE 124937
COUNCIL BILL 118510

1
2
3
4
5 AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public
6 Utilities to lease or acquire by negotiation or condemnation land and all other necessary
7 property rights located at 4500 West Marginal Way Southwest, Seattle, Washington for
8 public drainage, wastewater, and general municipal purposes, and to execute, accept and
9 record deeds and convenient documents and agreements deemed by the Director to be
10 necessary to this transaction on behalf of the City; placing the conveyed real properties
11 under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain
12 prior acts.
13

14
15 WHEREAS, since 1997 Seattle Public Utilities (“SPU”) has leased the location for its South
16 Drainage and Wastewater Operations Center at 714 South Charles Street; and
17

18
19 WHEREAS, SPU has evaluated its requirements for water system, drainage, maintenance and
20 repair facilities and other utility needs south of the Lake Washington Ship Canal; and

21 WHEREAS, SPU has worked directly with Finance and Administrative Services’ Real Estate
22 Services in analyzing Drainage and Wastewater space requirements and determined that
23 the Charles Street space allocation is inadequate to meet its operational business needs
24 for its customers and employees; and

25 WHEREAS, SPU has determined the current location of its South Drainage and Wastewater
26 Operations Center is unsuitable for long-term use to provide service to its customers
27 south of the Lake Washington Ship Canal and it is in the public interest to acquire the
28 property for that purpose; and

29 WHEREAS, RCW 8.12.030, 35.67.020, and 35.92.020 authorize The City of Seattle (the “City”)
30 to purchase or condemn property for utility or general municipal purposes; and

1 WHEREAS, the City has provided adequate notice to the relevant property owners that the City
2 may take final action to authorize condemnation of the subject property as required by
3 chapters 8.12 and 8.25 RCW; and

4 WHEREAS, the City Council has determined that the property legally described below best
5 meets SPU's needs for a site for a South Drainage and Wastewater Operations Center;

6 WHEREAS, the City approved a project in the Adopted 2015-2020 Capital Improvement
7 Program Budget to address acquisition of a South Drainage and Wastewater Operations
8 Center; NOW, THEREFORE,

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

10 Section 1. Public convenience and necessity require the property identified in the records
11 of the King County Assessor as Parcel Number 766670-3680 and commonly referred to as the
12 Horizon Coach Line site, situated in the City of Seattle, County of King, State of Washington,
13 together with all rights, privileges and other property pertaining thereto, (hereinafter referred to
14 as the "Horizon Coach Line Property") legally described in Attachment 1 and depicted in
15 Attachments 2 and 3, be leased or acquired through negotiation or condemnation, for public use;
16 namely for drainage and wastewater purposes including, but not limited to, a South Drainage and
17 Wastewater Operations Center, and for general municipal purposes.

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

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


6 Section 4. The cost of the acquisition provided for in this ordinance shall be paid from
7 funds originally authorized by Ordinance 124349 in the 2015 Adopted Budget.

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


11 Section 6. Any act consistent with the authority of this ordinance taken after its passage
12 but prior to its effective date is hereby ratified and confirmed.

1 Section 7. 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.

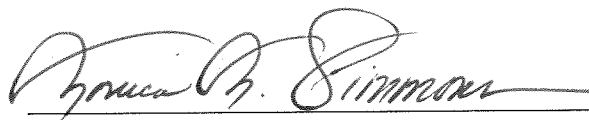
4 Passed by the City Council the 30th day of NOVEMBER, 2015, and
5 signed by me in open session in authentication of its passage this
6 30th day of NOVEMBER, 2015.

7
8 
9 President _____ of the City Council

10
11 Approved by me this 4th day of December, 2015.

12
13 
14 Edward B. Murray, Mayor

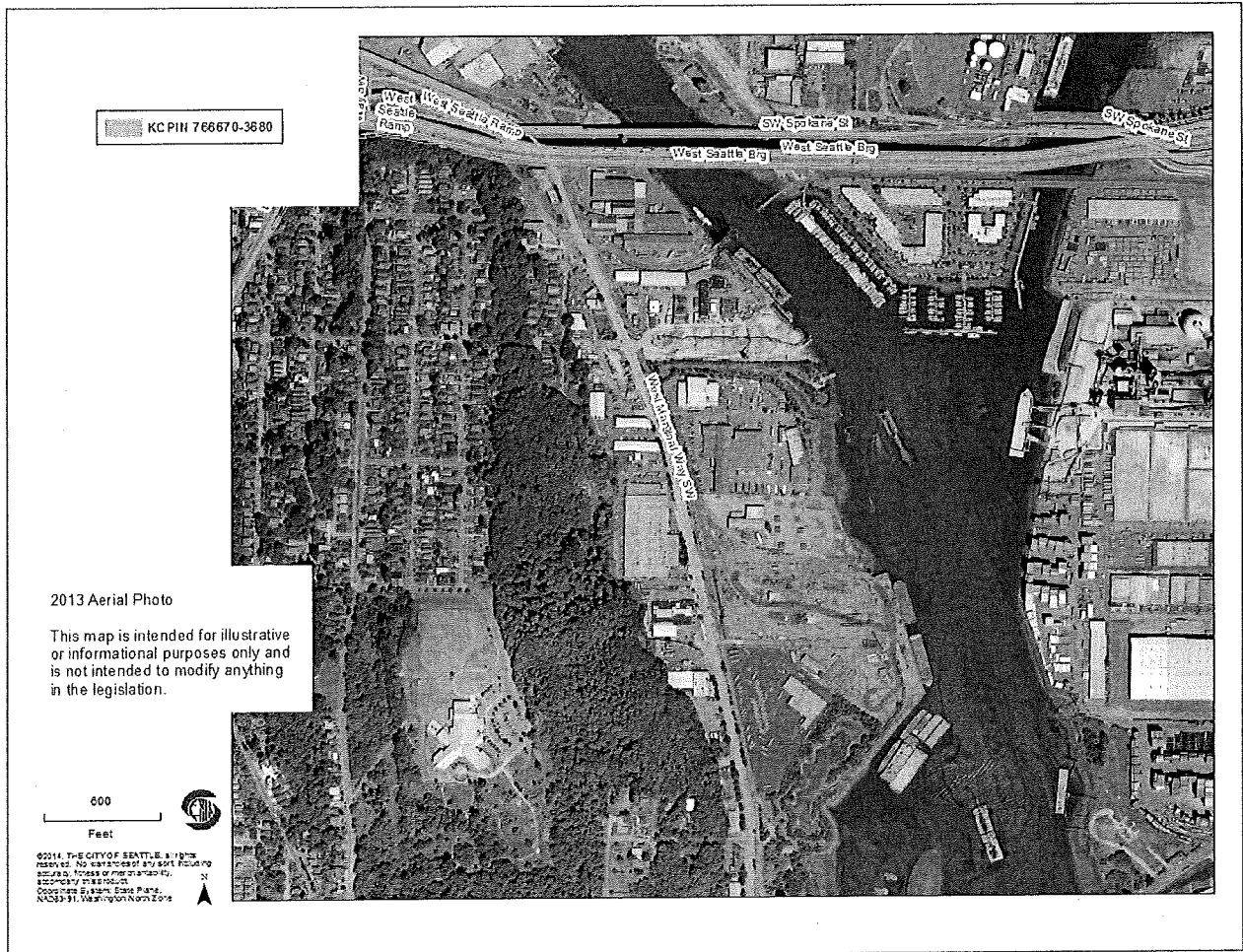
15
16 Filed by me this 4th day of December, 2015.

17
18 
19 Monica Martinez Simmons, City Clerk

20
21 (Seal)

22
23
24 Attachment 1: Legal Description for Horizon Coach Line Property
25 Attachment 2: Regional Setting
26 Attachment 3: Map of Horizon Coach Line Property

Attachment 3: Map of Horizon Coach Line Property
4500 West Marginal Way SW
Seattle, Washington



Attachment 1: Legal Description for Horizon Coach Line Property

That portion of the Southwest Quarter of Section 18, Township 24 North, Range 4 East, Willamette Meridian, in King County, Washington, described as follows:

Commencing at the intersection of the north line of Block 417, Seattle Tide Lands, as shown on the record of survey on file with said County in Volume 65 of Surveys, Pages 278 and 278A, under Recording No. 8905039002, with the easterly margin of West Marginal Way Southwest, as established by Ordinance 38205 of the City of Seattle; thence South 13° 10' 51" East, along said easterly margin as shown on said survey, 1198.27 feet to the True Point of Beginning of the herein described tract; thence North 76° 49' 09" East 130.00 feet; thence North 19° 15' 25" East 111.65 feet; thence North 31° 38' 46" East 458.30 feet, more or less, to that certain boundary line described in quit claim deeds recorded under recording No. 9101041050 and 9101041051 records of King County; thence northwesterly, along said boundary line, the following courses and distances; North 54° 12' 04" West 243.25 feet; North 13° 12' 15" West 104.48 feet; North 89° 06' 01" West 363.63 feet; North 42° 53' 11" West 1.16 feet to the easterly margin of said West Marginal Way Southwest; thence South 13° 10' 51" East, along said easterly margin 796.76 feet to the True Point of Beginning.

Together with all of the Grantor's assignable right, title and interest, if any, in and to a perpetual nonexclusive easement to install, construct, operate, maintain, repair, reconstruct, inspect, and use a road and necessary appurtenances thereto, for access across, along in, under and upon, the following described property:

That portion of the Southwest ¼ of Section 18, Township 24 North, Range 4 East Willamette Meridian, in King County, Washington, described as follows:

Beginning at the intersection of the north line of Block 417 of Seattle Tideland, as per plat recorded in Volume 65 of Plats, Pages 278 and 278A, under Recording No. 8905039002, with the easterly margin of West Marginal Way Southwest, as established by Ordinance 38205 of the City of Seattle; thence South 13° 10' 51" East, along said easterly margin as shown on said survey, 1198.27 feet to the True Point of Beginning of the herein described tract;
Thence North 76° 49' 09" East 130.00 feet;
Thence South 13° 10' 51" East 30.00 feet;
Thence South 76° 49' 09" West 130.00 feet to the easterly margin of said West Marginal Way Southwest;
Thence North 13° 10' 51" West, along said easterly margin, 30.00 feet to the True Point of Beginning.

And together with all of the Grantor's assignable right, title and interest, if any, in and to a perpetual nonexclusive easement to install, construct, operate, maintain, repair, reconstruct, inspect, use and remove a storm water sewer line, with all connections, manholes and underground appurtenances, across, along in, under and upon the following described property:

A strip of land lying five (5) feet on each side of the following described centerline:

That portion of the Southwest ¼ of Section 18, Township 24 North, Range 4 East Willamette Meridian, in King County, Washington, described as follows:

Beginning at the intersection of the north line of Block 417 of Seattle Tidelands, as per plat recorded in Volume 65 of Plats, Pages 278 and 278A, under Recording No. 8905039002, with the easterly margin of West Marginal Way Southwest, as established by Ordinance 38205 of the City of Seattle;

Thence South 13° 10' 51" East, along said easterly margin as shown on said survey, 1198.27 feet;

Thence North 76° 49' 09" East 130.00 feet;

Thence North 19° 15' 25" East 80.53 feet to the True Point of Beginning of the herein described tract;

Thence continuing North 19° 15' 25" East 10.95 feet;

Thence South 46° 44' 35" East 250 feet, more or less, to the shore of the Duwamish River;

Thence Southerly along said shore to a point which bears South 46° 44' 35" East from the True Point of Beginning;

Thence North 46° 44' 35" West to the True point of Beginning.

And together with all of the Grantor's assignable right, title and interest, if any, in and to a perpetual nonexclusive easement to install, construct, operate, maintain, repair, reconstruct, inspect, use and remove a storm water sewer line, with all connections, manholes and underground appurtenances, across, along in, under and upon the following described property:

A strip of land lying five (5) feet on each side of the following described centerline:

That portion of the Southwest ¼ of Section 18, Township 24 North, Range 4 East Willamette Meridian, in King County, Washington, described as follows:

Beginning at the intersection of the north line of Block 417 of Seattle Tidelands, as per plat recorded in Volume 65 of Plats, Pages 278 and 278A, under Recording No. 8905039002, with the easterly margin of West Marginal Way Southwest, as established by Ordinance 38205 of the City of Seattle;

Thence South 13° 10' 51" East, along said easterly margin as shown on that survey, 1198.27 feet;

Thence North 76° 49' 09" East 130.00 feet;

Thence North 19° 15' 25" East 111.65 feet;

Thence North 31° 38' 46" East 393.29 feet to the True Point of Beginning of the herein described tract;

Thence continuing North 31° 38' 46" East 10.02 feet;

Thence South 54° 21' 14" East 231.61 feet to the westerly margin of 10.00 foot wide sanitary sewer easement conveyed to the City of Seattle by instrument recorded under King County Recording No. 7410110431;

Thence South 37° 01' 22" West along said westerly margin, 10.00 feet to a point which bears South 54° 21' 14" East from the True Point of Beginning;

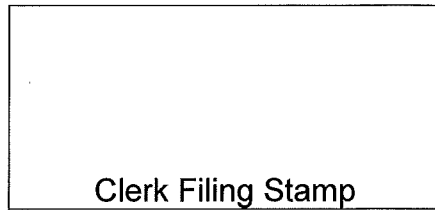
Thence North 54° 21' 14" West 230.67 feet to the True Point of Beginning.

Att 1 – Legal Description for Horizon Coach Line Property
VI

Situate in the City of Seattle, County of King, State of Washington.

Tax Parcel Number: 766670-3680-06

Situs Address: 4500 West Marginal Way SW, Seattle, Washington 98106



FILED
CITY OF SEATTLE
2015 DEC -9 PM 1:48
CITY CLERK

**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
CB 118510**

I, Judith Cross, Director of Facilities and Real Property, hereby certify as follows:

(Check all that apply below.)

- 1. On the 26 day of October, 2015, I mailed via US Postal Service Certified Mail a notice of condemnation or other _____, a true and correct representative copy of which is attached and designated as Attachment A, to those persons whose names and addresses appear on the attached list as Attachment B.
- 2. For condemnation legislation: The notice designated in Attachment A constitutes adequate notice to property owners, pursuant to RCW 8.12 and 8.25, that the City may take final action to authorize condemnation of the subject property.
- 3. The notice designated in Attachment A was published in the Seattle Times on 11/4/2015 and 11/12/2015 and the Daily Journal of Commerce on 11/03/2015 and 11/13/2015.
- 4. This Certificate of Mailing and Publication and complete Attachments A and B are hereby filed with the City Clerk of the City of Seattle.

Dated this 09 day of December, 2015.

The City of Seattle, Washington

Judith Cross

(Signature)

Director, Facilities and Real Property

Seattle Public Utilities

206-386-1814

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.485
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.735

Sent To: Mr. Nate Rexroth, Exec VP
 Street, Apt. No.: CenterPoint Property Trust, 1808 Swift Dr
 City, State, ZIP+4: Oak Brook, IL 60523

PS Form 3800, August 2005 See Reverse for Instructions

6291 2266 0000 9977 7623
 0121 ET02

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>L. L. Cox</i></p> <p>B. Received by (Printed Name) <i>L. L. Cox</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Mr. Nate Rexroth, Executive VP CenterPoint Property Trust 1808 Swift Drive Oak Brook, IL 60523</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, July 2011: 7013 1710 0000 9977 7623</p>	



City of Seattle
Seattle Public Utilities

Date: October 26, 2015

Name: Mr. Nate Rexroth, Executive Vice President
Address: CenterPoint Property Trust
1808 Swift Drive
Oak Brook, IL 60523

**Notice of Seattle City Council Final Action to Adopt an Ordinance Authorizing
Condemnation (Eminent Domain) of real property located at 4500 West Marginal
Way SW, Seattle, WA 98106 (King County Tax Parcel 7666703680) in the City of
Seattle, Washington**

Dear Mr. Rexroth:

The purpose of this Notice is to inform you that the City of Seattle City Council is expected to vote on an ordinance, which, if approved, will authorize the acquisition of your real property located at 4500 West Marginal Way SW in the City of Seattle, Washington. A copy of the proposed ordinance and a map depicting the project location are enclosed for your information.

This ordinance, if adopted, will contain authorization for the City to acquire your property through negotiation or, if necessary, condemnation, as part of the Seattle Public Utilities' Drainage & Wastewater Operations Complex Project.

You are identified by the tax rolls of King County as an owner of property of record whose property may be affected by this legislation. The City is required by RCW 8.25.290 to provide each property owner of record for each property potentially affected by the ordinance with formal written notice 15 days before the City takes final action authorizing condemnation of property. The time, date, and place of the final action on the ordinance are described below.

The City will take public comment and discuss the ordinance at the Seattle City Council Seattle Public Utilities and Neighborhoods Committee as a regular part of the committee meeting beginning at 2:00 p.m. on Thursday, November 19, 2015, in the City Council Chambers, located at 600 4th Avenue, 2nd Floor, Seattle, WA 98104. The Council's chambers and offices are physically accessible and print and communications access is provided on request. Call 206-684-8888 (TDD: 206-233-0025) for further information.

Ray Hoffman, Director
Seattle Public Utilities
700 5th Avenue, Suite 4900
PO Box 34018
Seattle, WA 98124-4018

Tel (206) 684-5851
Fax (206) 684-4631
TDD (206) 233-7241
ray.hoffman@seattle.gov
<http://www.seattle.gov/util>

The Seattle Times

Seattle Public Utilities
Josh Campbell
700 5th Ave
Seattle Municipal Tower Ste 4900
Seattle, WA 98124-4018

Re: Advertiser Account # 146957

Agency Account #: 0

Ad #: 594487

Agency Name:

Affidavit of Publication

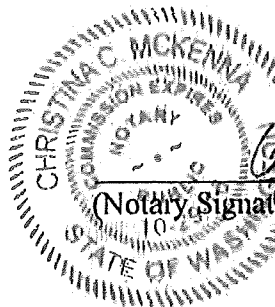
STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	11/04/15
Seattle Times	11/12/15

Agent **Steve Olen** Signature Steve Olen



Subscribed and sworn to before me on Dec 8, 2015

DATE

Christina C. McKenna **Christina C. McKenna**
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

The Seattle Times

Re: Advertiser Account # 146957

Ad #: 594487

Agency Account #: 0

Agency Name:

AD TEXT

SEATTLE PUBLIC UTILITIES

Intent to Acquire Ownership of 4500 West Marginal Way, SW, Seattle, Washington 98106 (King County Parcel Number 7666703680)

The City of Seattle intends to acquire ownership of the above property located in Seattle, WA through negotiation or the power of eminent domain (condemnation) for public use. The proposed ordinance authorizing this acquisition will be presented to the Seattle City Council, Council Chambers in City Hall, 600 Fourth Avenue, Seattle, 2nd floor, as follows:

Seattle Public Utilities and Neighborhoods Committee

Public Hearing and Committee Discussion:
Thursday, November 19, 2015 at 2:00p.m.

Committee Vote:
Thursday, November 19, 2015 at 2:00p.m.

City Council (final action; adoption)
Monday, November 30, 2015 at 2:00p.m.

All sessions are open to the public.

For further information, contact:
Thomas A. Fawthrop
SPU Facilities and Real Property Services
Thomas.Fawthrop@seattle.gov
Voice: 206.233-7265 Fax: 206.615-1215

STATE OF WASHINGTON -- KING COUNTY

--SS.

330111

No. 4500 W MARGINAL WAY S

SPU:ACCOUNTS PAYABLE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

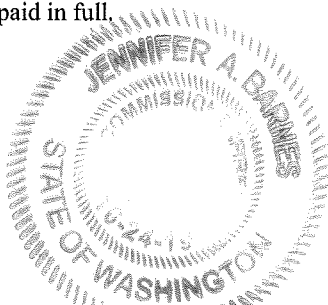
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ACQUIRE OWNERSHIP

was published on

11/03/15 11/13/15

The amount of the fee charged for the foregoing publication is the sum of \$124.00 which amount has been paid in full.



Affidavit of Publication

[Handwritten Signature]

Subscribed and sworn to before me on
11/13/2015
[Handwritten Signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Intent to Acquire Ownership of
4500 West Marginal Way, SW, Seattle,
Washington 98106 (King County Parcel
Number 7666703680)

The City of Seattle intends to acquire ownership of the above property located in Seattle, WA through negotiation or the power of eminent domain (condemnation) for public use. The proposed ordinance authorizing this acquisition will be presented to the Seattle City Council, Council Chambers in City Hall, 600 Fourth Avenue, Seattle, 2nd floor, as follows:

Seattle Public Utilities and Neighborhoods Committee

Public Hearing and Committee
Discussion:

Thursday, November 19, 2015 at 2:00p.m.

Committee Vote:

Thursday, November 19, 2015 at 2:00p.m.

City Council (final action; adoption)

Monday, November 30, 2015 at 2:00p.m.

All sessions are open to the public.

For further information, contact:

Thomas A. Fawthrop

SPU Facilities and Real Property
Services

Thomas.Fawthrop@seattle.gov

Voice: 206.233-7265 Fax: 206.615-1215

Dates of publication in the Seattle Daily
Journal of Commerce, November 3 and 13,
2015.

11/13(330111)

Attachment B

Mr. Nate Rexroth, Executive VP

CenterPoint Property Trust

1808 Swift Drive

Oak Brook, IL 60523