

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Seattle Public Utilities	Keith Ward/5-0734	Akshay Iyengar /684-0716

**1. BILL SUMMARY**

**Legislation Title:** 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 Seattle City Light; 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.

**Summary and background of the Legislation:**

The City of Seattle is required by federal Consent Decree, as authorized by Ordinance 123908 and amended by Ordinance 124129, and in accordance with State of Washington requirements, to control overflows from its combined sewer system to receiving waters by December 31, 2025. In 2016 Ordinance 125153 and in 2017 Ordinance 125390 the City Council authorized Seattle Public Utilities (“SPU”) to acquire specific rights necessary and convenient for the Ship Canal Water Quality Project (“Project”). This is a joint project between SPU as the lead agency and King County Department of Natural Resources – Wastewater Treatment Division. The Project consists of a 2.7-mile long storage tunnel that is being built between Ballard and Wallingford and connections to existing combined sewer systems in Ballard, North Queen Anne, Fremont and Wallingford. The proposed legislation would authorize the additional temporary and permanent property rights required to construct, operate, and maintain Project improvements.

Temporary agreements or easements are required to construct improvements planned for the Project, including side-sewer replacements, maintenance holes, and surface restoration. These property rights are necessary for the construction of the Ballard Conveyance portion of the Project and will connect existing infrastructure to the storage tunnel.

This legislation authorizes the acquisition of a permanent electrical vault easement for Seattle City Light. An electrical vault will be moved onto private property to create space for Project infrastructure.

SPU desires to acquire the temporary and permanent property rights through voluntary acquisitions. However, this legislation includes authorization for condemnation should efforts to conclude voluntary acquisitions not be successful.

This legislation also accepts easements and other property rights that have already been acquired and are necessary to construct, operate and maintain the Project and the 3<sup>rd</sup> Avenue West Water Main Replacement Project in Fremont. (A temporary access easement is shared by both projects).

Finally, this legislation requests authorization to terminate an obsolete 1908 Milwaukee Terminal Railway Co easement existing on property already acquired for the Project. The easement area does not contain any railroad infrastructure and is outside of current railroad corridors.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?      \_\_\_ Yes X No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?      \_\_\_ Yes X No

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

The following costs will be paid for using a previous appropriation.  
SPU will pay one affected property owner an estimated fair market value of up to \$5,000 total for the temporary use of their property during construction. The basis for the estimate assumes a construction duration on private property of 12 months for maintenance hole construction.

The Project's construction of new sewer lines in 28<sup>th</sup> Ave NW will interfere with a private side sewer's connection to the public sewer in 28<sup>th</sup> Ave NW. As a remedy, SPU will pay for the change in elevation of the side sewer so that it maintains its current connection to the public sewer in 28<sup>th</sup> Ave NW. These properties are included in this ordinance because SPU needs signed agreements from the owners for the side sewer work that includes temporary access to the property.

The Project's construction requires moving a Seattle City Light electrical vault onto private property and the acquisition of an easement. SPU will pay the affected property owners an estimated fair market value of \$10,000 to \$20,000 for the permanent easement and temporary

construction easement. The permanent easement obtained will be placed under the jurisdiction of Seattle City Light.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Yes. Changes to the sewer system in the public right-of-way around the intersection of NW 56<sup>th</sup> St and 28<sup>th</sup> Ave NW create an unavoidable impact to a side sewer on this street (due to changes in sewer main elevations). Work on private property is required to replace the side sewer and connect it to a new sewer main.

Not implementing this legislation would require SPU to build a second non-standard sewer main in 28<sup>th</sup> Ave NW (in addition to dry weather and wet weather mains) to avoid all work on private property during construction. All other construction impacts on 28<sup>th</sup> Ave NW would still occur. The current design of the system would require additional design and engineering costs as well as schedule delays that could impact Consent Decree deadlines, which could result in financial penalties to the City.

In order to construct a proposed maintenance hole on 24<sup>th</sup> Ave NW near NW 54<sup>th</sup> St, SPU's contractor would need temporary access on property for working space around the excavation. Without this property right, SPU's contractor would require additional time and specialized equipment to construct the maintenance hole, which would result in significant cost increases to construction.

Leaving the electrical vault in its current location would impede the construction of planned SCWQP infrastructure.

The above impacts are estimated to increase project costs by approximately \$700,000.

#### **4. OTHER IMPLICATIONS**

- a. Does this legislation affect any departments besides the originating department?**  
Yes. The electrical vault easement will be placed under Seattle City Light's jurisdiction.
- b. Is a public hearing required for this legislation?**  
No.
- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**  
No.
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
Yes.

**e. Does this legislation affect a piece of property?**

Yes. This legislation authorizes SPU to acquire temporary construction easements in Ballard and Fremont. See **Attachment 2** of the ordinance for a list of affected properties and **Attachment 3** of the ordinance for maps of the affected properties.

**f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation does not disproportionately negatively impact black, indigenous, people of color (BIPOC), disadvantaged, or distressed communities. Property owners impacted by the public's need for temporary property rights will be compensated fair market value, as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), a federal law to provide uniform, fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects.

SPU's policy is to translate outreach materials and provide interpretation services at public events when working in neighborhoods where over 5% of the population speaks a language other than English. For the Ship Canal project area we are below this threshold (See chart). However, in an effort to be as inclusive as possible, we include an interpretation services box (also see below) on all of our public outreach materials and website should a resident want to request a material in another language. Additionally, we have on-call interpretation services that can be provided if needed.

**g. 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)?**

N/A

**List attachments/exhibits below:** None.