

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**  
**COUNCIL BILL \_\_\_\_\_**

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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 at 5300 24<sup>th</sup> 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

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; and

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

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

6 Section 1. Public convenience and necessity require the property identified in the records  
7 of the King County Assessor as Parcel Numbers 046700-0423 and 046700-0431 and commonly  
8 referred to as the former Yankee Grill site, situated in the City of Seattle, County of King, State  
9 of Washington, together with all rights, privileges and other property pertaining thereto,  
10 (hereinafter referred to as the "Yankee Grill Property") legally described in Attachment 2 and  
11 depicted in Attachments 1 and 3, be acquired through negotiation or condemnation, for public  
12 use; namely for drainage and wastewater purposes including, but not limited to, development of  
13 an independent CSO storage tank or shared CSO storage tunnel with King County, and for  
14 general municipal purposes.

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

20 Section 3. The Seattle City Attorney is authorized to commence and prosecute  
21 proceedings in the manner provided by law to condemn, take, damage, and appropriate in fee  
22 simple the real property or other property rights described in Section 1, after just compensation  
23 has been made or paid into court for the owners thereof in the manner provided by law. The  
24 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)	\$5,600,000

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9 Section 5. The Yankee Grill 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 Yankee Grill Property
- Attachment 3: Map of Yankee Grill Property