

CITY OF SEATTLE
ORDINANCE 126306
COUNCIL BILL 120014

AN ORDINANCE relating to the City Light Department and Seattle Public Utilities; transferring partial jurisdiction of a portion of City Light’s Georgetown Steam Plant flume property to Seattle Public Utilities for maintenance, repair, replacement, and operation of public stormwater drainage infrastructure.

WHEREAS, in 2009, the City Light Department (SCL) and Seattle Public Utilities (SPU) collaborated on an environmental cleanup of a portion of the Georgetown Steam Plant flume property to eliminate a possible source of pollution to the Lower Duwamish Waterway, removing the historic Steam Plant open flume and replacing it with an underground storm drainage pipe; and

WHEREAS, while the storm drainage pipe is still a functioning part of SPU’s drainage infrastructure, SCL and SPU have not, to date, implemented a partial transfer of jurisdiction from SCL to SPU to allow for the continued presence, maintenance, inspection, testing, repair, replacement, operation, and access to this storm drainage pipe by SPU; and

WHEREAS, SPU and the Seattle Department of Parks and Recreation (SPR) agree that it would be mutually beneficial to clarify and define jurisdiction of the departments over a portion of the Georgetown Steam Plant flume property for purposes of ownership, operation, maintenance, and access to the storm drainage pipe; and

WHEREAS, SCL plans to request City Council approval of the transfer of jurisdiction of a part of the Georgetown Steam Plant flume property and all rights and obligations pertaining thereto from SCL to both SPR and to the Seattle Department of Transportation (SDOT)

1 as public benefit conditions for an off-leash area and pedestrian/bicycle trail in
2 connection with SCL’s petition to vacate a portion of Diagonal Avenue South; and

3 WHEREAS, SCL and SPU agree that it is preferable to clarify SPU’s jurisdiction over the storm
4 drainage pipe prior to the transfer of jurisdiction of a portion of the Georgetown Steam
5 Plant flume property to SPR and SDOT; NOW, THEREFORE,

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

7 Section 1. The City Council hereby authorizes the transfer of limited and partial
8 jurisdiction of a portion of the City Light Department (SCL)’s fee-owned property between S.
9 Myrtle St. and East Marginal Way S., as described in Attachment 1 to this ordinance, from SCL
10 to Seattle Public Utilities (SPU), for the purpose of maintenance, repair, replacement, and
11 operations of SPU’s existing 24-inch storm drainage pipe (“Storm Drain”).

12 Section 2. The limited and partial jurisdiction of the real property described and depicted
13 in Attachment 1 to this ordinance (collectively, “Use Area”) is transferred from SCL to SPU and
14 is subject to the following conditions:

15 A. SPU shall have the right to enter the Use Area for maintenance, repair, replacement,
16 and operation of utility infrastructure without incurring any liability other than the obligations set
17 out in this ordinance, provided that SPU shall give SCL at least five business days’ notice of
18 intent to access the Use Area for non-routine maintenance, repair, or replacement and will
19 negotiate mutually-agreed access to minimize disruption to public use of the property, except in
20 case of emergency, in which case SPU shall give 24 hours’ notice and coordinate with SCL to
21 avoid time periods when conflicting use of the surrounding property is anticipated;

22 B. After any access to the Use Area, SPU will restore the Use Area, at SPU’s expense, to
23 at least the condition existing immediately prior to such access;

1 C. SPU shall not use any SCL land outside of the Use Area, except for access to the Use
2 Area, without the prior written approval of SCL;

3 D. No building or structure shall be erected by SCL within the boundaries of the Use
4 Area without permission of SPU, which shall not be unreasonably withheld;

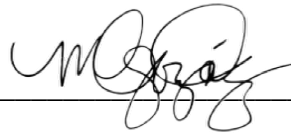
5 E. Where construction work is adjacent to the Storm Drain within the Use Area, SCL
6 must protect the Storm Drain as specified in the current edition of the City of Seattle Standard
7 Specifications for Road, Bridge, and Municipal Construction, and Standard Plans for Municipal
8 Construction (“Construction Standards”). Any damage to the storm drain must be repaired as
9 specified in the Construction Standards;

10 F. Future work on the Storm Drain is subject to authorization and terms and conditions of
11 a Revocable Use Permit issued by SCL at no charge; and

12 G. In the event that either SCL or SPU have identified a need to repair or modify the
13 Storm Drain and/or the surrounding SCL land in a manner that may impact the other, both
14 parties shall work together to discuss and agree upon the scope, timeframes, as well as cost,
15 process and permitting responsibilities related to these repairs and modifications. All required
16 restoration will comply with applicable Construction Standards.

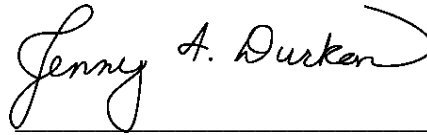
1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 12th day of April, 2021,
5 and signed by me in open session in authentication of its passage this 12th day of
6 April, 2021.

7 

8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this 16th day of April, 2021.

10 

11 Jenny A. Durkan, Mayor

12 Filed by me this 16th day of April, 2021.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachments:
17 Attachment 1 – Use Area

Attachment 1 – Use Area

A 20 foot wide strip of land, being a portion of the northerly and westerly half of the filled bed of the Duwamish River in Sections 28 and 29, Township 24 North, Range 4 East, W.M., being 10 feet on each side of the following described centerline:

Commencing at the intersection of the center lines of Ellis Ave S and S Myrtle St; Thence along the center line of said S Myrtle St $88^{\circ}49' 53''$ E a distance of 317.92 feet; Thence $S 01^{\circ}10' 07''$ W a distance of 40.00 feet to the Point of Beginning;

Thence $S 10^{\circ} 39' 38''$ W a distance of 118.66 feet to a point hereinafter referred to as point “A”; Thence continuing $S 10^{\circ} 39' 38''$ W a distance of 53.68 feet; Thence $S 01^{\circ} 29' 03''$ E a distance of 174.48 feet; Thence $S 17^{\circ} 32' 54''$ E a distance of 172.10 feet;

Thence $S 47^{\circ} 51' 41''$ E a distance of 42.54 feet to the terminus of said 20 foot wide strip of land at the east line of said westerly half of the filled bed of the Duwamish River in Sections 28 and 29, Township 24 North, Range 4 East, W.M., from which the southeasterly corner of said westerly half bears $S 05^{\circ} 53' 30''$ E a distance of 35.7 feet.

The southerly sidelines of said strip to be extended or shortened to terminate at said easterly line.

Together with a 20.00 foot wide strip of land, being 10 feet on each side of the following described centerline:

Commencing at said point “A”; Thence $N 79^{\circ} 20' 22''$ W a distance of 10.00 feet to the point of beginning; Thence continuing $N 79^{\circ} 20' 22''$ W a distance of 5.00 feet to the terminus of said line.

Containing 11,329 square feet or 0.26 acres, more or less.