

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Seattle Public Utilities	Cristofer Horbelt	Akshay Iyengar

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities or designee to acquire by negotiation or eminent domain (condemnation) two separate parcels of land in Seattle, for utility purposes identified as King County Parcel Number 270560-0010 located at 9740 8th Ave NW and King County Parcel Number 270560-0007 located at 711 NW 100th St. and to execute, accept, and record deeds, conveyance documents and agreements deemed by the General Manager/CEO to be necessary to these transaction on behalf of the City; placing the real properties under the jurisdiction of Seattle Public Utilities; authorizing payment of all other costs associated with the acquisition; and ratifying and confirming certain prior acts.

Summary and Background of the Legislation:

An SPU-owned storm drain that contains a segment of Pipers Creek crosses two privately owned properties. The storm drain is 67 years old and could fail or require repairs in the near future. The Washington Department of Fish and Wildlife will not allow SPU to repair or replace its storm drain unless it is made fish passable. If the property is not acquired now, the current property owners' development plans will make it much more expensive and difficult to make the storm drain fish passable. SPU determined the properties are also suitable for stormwater control facilities and a water treatment facility; the area needs additional stormwater drainage facilities to manage increased flows.

This legislation authorizes the General Manager/CEO of Seattle Public Utilities to acquire property rights necessary to make a storm drain fish passable and to acquire property for future storm control facilities and a water treatment facility through negotiation or condemnation. It also designates the property for utility or general municipal purposes and places it under the jurisdiction of Seattle Public Utilities ("SPU").

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 budgeted expenditure of \$9,100,000 from utility funds—specifically SPU's Drainage & Wastewater Fund—is included in the 2024 SPU Adopted Budget.

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.

This City will have a one-time cost of providing just compensation to the property owners to acquire the property necessary to make the storm drain fish passable and to be able to site stormwater control facilities and a water treatment facility. Costs and timeframes for these facilities and other site improvements will be established as part of the Shape Our Water implementation plan, which SPU is beginning to undertake.

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's Creek Culvert Replacement program has funds to absorb the legislation's costs.

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

If the City does not implement this legislation, it could be required by the State to condemn developed properties at a much greater financial cost once the City's storm drain replacement can no longer be delayed and needs to be made fish passable. The City always seeks to have a negotiated sale for property acquisitions and does not consider condemnation a preferred option.

4. OTHER IMPLICATIONS

a. Please describe how this legislation may affect any departments besides the originating department.

This legislation should not affect other departments. After SPU makes the storm drain fish passable and constructs its water treatment facilities, it can explore joint uses for any remaining property.

b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.

Yes. The City will be acquiring fee simple title to both pieces of property. Maps of the properties are attached.

c. 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.**

The Washington Department of Fish and Wildlife is requiring culverts be made fish passable as required under the tribes' treaties rights. Removing culverts to improve fish habitats is an important step to honoring the tribes' right of taking fish. One of the aforementioned properties has been proposed for redevelopment at different times over the past 25 years, however the presence of SPU's storm drain has curtailed those plans. The other property has speculative interest and is vacant land. As part of this legislation, two houses and a residence hall on the improved property will be demolished. The current property owner already had plans to demolish these structures. The structures are vacant except for a single tenant who watches out for the property in exchange for not paying rent; a relocation specialist has been hired to assist that tenant.

Until a replacement for the public storm drain conveying Piper's Creek is developed, both properties will remain in the same undeveloped condition following acquisition. This should have no impact on the community proximate to this property. This land will be added to the existing portfolio of DWW properties and will be managed through the existing property maintenance program already operating under the oversight of SPU.

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

N/A.

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

No direct additional public communications anticipated.

d. 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.**

This legislation would not materially increase or decrease carbon emissions.

- 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.**

This legislation will increase Seattle's resiliency by improving its ability to control storm water and to provide water treatment services.

- e. **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?**

This legislation does not include a new initiative or a major programmatic expansion.

5. CHECKLIST

- Is a public hearing required?**
- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
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.
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

6. ATTACHMENTS

Summary Attachments:

Summary Exhibit A – Maps of Properties to be Acquired