



Legislation Details (With Text)

File #: CB 120719 **Version:** 1 **Name:** CB 120719
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 12/12/2023
Final Action: 12/28/2023 **Ord. No.** Ord 126981

Title: AN ORDINANCE relating to Seattle Parks and Recreation; authorizing the Superintendent of Parks and Recreation to grant and convey utility easements under portions of Magnolia Park, Magnolia Boulevard, Ursula Judkins Viewpoint Park, and Smith Cove Park to the King County Wastewater Treatment Division for the purposes of operating a Combined Sewer Overflow pipeline, and to accept payment therefor; and finding that the grant of a permanent subsurface easement meets the requirements of Ordinance 118477, adopting Initiative 42.

Sponsors: Andrew Lewis

Indexes:

Attachments: 1. Att 1 - Utility Easement Agreement for Smith Cove Park, 2. Att 2 - Utility Easement Agreement for Magnolia Park, Ursula Judkins Viewpoint, and Magnolia Boulevard, 3. Summary and Fiscal Note, 4. Summary Att 1 - Exhibits A-E Smith Cove Park, 5. Summary Att 2 - Exhibits A-E Judkins and Magnolia, 6. Presentation, 7. Signed Ordinance 126981, 8. Affidavit of Publication

Date	Ver.	Action By	Action	Result
12/28/2023	1	City Clerk	attested by City Clerk	
12/28/2023	1	Mayor	returned	
12/28/2023	1	Mayor	Signed	
12/18/2023	1	City Clerk	submitted for Mayor's signature	
12/12/2023	1	City Council	passed	Pass
12/6/2023	1	Public Assets and Homelessness Committee	pass	Pass
11/21/2023	1	City Council	referred	
11/17/2023	1	Council President's Office	sent for review	
11/15/2023	1	City Clerk	sent for review	
11/15/2023	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to Seattle Parks and Recreation; authorizing the Superintendent of Parks and Recreation to grant and convey utility easements under portions of Magnolia Park, Magnolia Boulevard, Ursula Judkins Viewpoint Park, and Smith Cove Park to the King County Wastewater Treatment Division for the purposes of operating a Combined Sewer Overflow pipeline, and to accept payment therefor; and finding that the grant of a permanent subsurface easement meets the requirements of Ordinance 118477, adopting Initiative 42.

WHEREAS, Ordinance 124231 authorized the purchase of the West Smith Cove Yard from the Port of Seattle and the conveyance of easement rights for the operation of King County's Combined Sewer Overflow Project; and

WHEREAS, the City and King County Wastewater Treatment Division have agreed on the terms and conditions within the King County Magnolia Pipeline Easement Agreement and fair market value of the utility easement area, which accommodates a sewer line from the Smith Cove Combined Sewer Operation facility, which crosses multiple park and park boulevard properties, to King County's regional wastewater treatment facility at Discovery Park; and

WHEREAS, the City Council has held a public hearing in accordance with the requirements of Section 3 of Ordinance 118477, adopting Initiative 42; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds that the conveyance of permanent utility easements, under portions of Magnolia Park, Magnolia Boulevard, Ursula Judkins Viewpoint Park, and Smith Cove Park, to the King County Wastewater Treatment Division is necessary for the purposes of operating a Combined Sewer Overflow (CSO) pipeline that was installed in 2017. This was part of a multi-governmental agency agreement and Consent Decree to reduce combined sewer overflow events. The final agreement facilitated the purchase of Smith Cove Waterfront Park.

Section 2. The deep tunnel pipeline is public utility infrastructure that conveys wastewater for treatment and discharge. There is no reasonable and practical alternative to the pipeline's subterranean route across portions of park property. The easement is subsurface and is compatible with, and does not interfere with, public park usage and enjoyment, thereby meeting the requirements of Ordinance 118477.

Section 3. The Superintendent of Parks and Recreation, or the Superintendent's designee, is authorized on behalf of The City of Seattle to enter into utility easement agreements with the King County Wastewater Treatment Division, substantially in the form of Attachments 1 and 2 to this ordinance and incorporated by

reference as “Utility Easement Agreements,” concerning the real property described in each of the Utility Easement Agreements.

Section 4. Consideration for the Utility Easement Agreements paid by King County Wastewater Treatment Division, as provided by an independent appraisal dated November 17, 2021, is \$329,858 and shall be deposited into the Parks and Recreation Fund (10200). King County and Seattle Parks and Recreation have reviewed the existing appraisal and agreed upon fair market value based upon the results.

Section 5. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

Attachments:

Attachment 1 - King County Magnolia Pipeline Utility Easement Agreement for Smith Cove Park

Attachment 2 - King County Magnolia Pipeline Utility Easement Agreement for Magnolia Park, Ursula Judkins
Viewpoint and Magnolia Boulevard