



Legislation Text

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File #: CB 119052, Version: 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO 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 24<sup>th</sup> Avenue NW and Shilshole Avenue NW in Ballard and Interlake Avenue North and North 35<sup>th</sup> Street in Wallingford and property abutting the 24<sup>th</sup> Avenue NW pier in Ballard, that are necessary or convenient to construct, operate, and maintain the Ship Canal Water Quality Project and 3<sup>rd</sup> Avenue West Water Main Replacement Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of Seattle Public Utilities and designating the property rights acquired for utility and general municipal purposes; authorizing payment of all other costs associated with acquisition; and ratifying and confirming certain prior acts.

WHEREAS, The City of Seattle owns and operates a combined sewer system that in some locations 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 required by federal Consent Decree, as authorized by Ordinance 123908 and amended by Ordinance 124129, to construct control measures to limit untreated combined sewer overflows in accordance with State of Washington requirements by December 31, 2025; and

WHEREAS, Seattle Public Utilities and King County have been working together to evaluate possible joint projects to reduce both City and County CSOs, and have agreed to jointly fund and build a 2.7-mile underground storage tunnel designed to temporarily store more than 15 million gallons of combined

stormwater and sewage in order to reduce CSOs and partially fulfill the objectives of the City's and County's NPDES permits and Consent Decrees; and

WHEREAS, in 2015 the City Council pursuant to Ordinance 124966 authorized Seattle Public Utilities to enter into a Joint Project Agreement with King County to design, construct, operate, and maintain the Ship Canal Water Quality Project to reduce combined sewer overflows; and

WHEREAS, while the tunnel and its ancillary structures will be built primarily within street right-of-way, temporary and permanent property rights will be necessary to construct, maintain, and operate portions of the Ship Canal Water Quality Project; and

WHEREAS, Seattle Public Utilities' 3<sup>rd</sup> Avenue West Water Main Replacement Project will share the use of a temporary construction easement with the Ship Canal Water Quality Project; NOW, THEREFORE,

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

Section 1. Public convenience and necessity require that real property interests described in Sections 2, 3, and 4 of this ordinance, as described and shown on Attachments 1 and 2 attached hereto and incorporated by reference into this ordinance, and such other property as may be necessary or convenient for purposes of the Ship Canal Water Quality Project and the 3<sup>rd</sup> Avenue West Water Main Replacement Project ("Projects"), located in the City of Seattle, County of King; together with all rights and privileges and other property interests pertaining to the real property interests, be acquired for utility and general municipal purposes through negotiations and use of eminent domain (condemnation), if necessary, in connection with the Projects.

Section 2. The General Manager/CEO of Seattle Public Utilities is authorized to acquire by negotiation or use of eminent domain (condemnation), for and on behalf of The City of Seattle, a multi-year temporary construction easement or property use agreement over the property legally described as:

Lots 3, 4, 5, 6, 7, 11 and 12, Block 1, Denny and Hoyt's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 136, in King County Washington;

Except portion thereof heretofore condemned in King County Superior Court Cause No. 69865 for Leary Way as provided by Ordinance No. 21303 of the City of Seattle.

Situate in the County of King, State of Washington.

(Tax Parcel Number: 197220-0015-01)

The acquisition costs, including purchase price and transaction costs, together with relocation benefits to the extent required by law, shall be paid from the funds appropriated, or to be appropriated, for such purposes in connection with the Ship Canal Water Quality Project and the 3<sup>rd</sup> Avenue West Water Main Replacement Project.

Section 3. The General Manager/CEO of Seattle Public Utilities is authorized to acquire by negotiation or use of eminent domain (condemnation), for and on behalf of The City of Seattle, a multi-year temporary construction easement or agreement for the use of C. D. Stimson Company's "O" Dock marina adjacent to and extending past the 24<sup>th</sup> Avenue NW pier in Salmon Bay, on property legally described as:

Parcel Z, City of Seattle Short Subdivision No. 3008464, Recording No. 20090716900015, King County; and

That portion of Ballard Tide Lands and unplatted tidelands of First Class owned by State of Washington situate in front of and abutting Parcel Z, City of Seattle Short Subdivision No. 3008464, Recording No. 20090716900015, King County

(Portion of Tax Parcel Numbers 046700-0426-02, 046700-0422-06 and 112503-HYDR)

The acquisition costs, including purchase price and transaction costs, together with relocation benefits to the extent required by law, shall be paid from the funds appropriated, or to be appropriated, for such purposes in connection with the Ship Canal Water Quality Project.

Section 4. The General Manager/CEO of Seattle Public Utilities is authorized to acquire by negotiation or use of eminent domain (condemnation), for and on behalf of The City of Seattle, permanent and temporary easements over the property legally described as:

Lots 32, 33 and 34, Block 70, Gilman Park, according to the plat thereof, recorded in Volume 3 of Plats, Pages 40 and 41, in King County, Washington.

Except that portion of said Lot 32, lying southeasterly of a line parallel to and 25 feet distant southeasterly from a line between Lots 32 and 33, said Block 70, heretofore condemned in King County Superior Court Cause No. 49157 for street purposes as provided under Ordinance No. 955 of the City of

Ballard.

(Tax Parcel Numbers: 276770-2460-03, 276770-2470-01, 276770-2471-00)

The acquisition costs, including purchase price and transaction costs, together with relocation benefits to the extent required by law, shall be paid from the funds appropriated, or to be appropriated, for such purposes in connection with the Ship Canal Water Quality Project.

Section 5. The General Manager/CEO of Seattle Public Utilities is authorized to: determine the portions and interests of the properties described in Sections 2, 3, and 4 of this ordinance that are necessary or convenient for the Projects, and any other property interests that may be necessary or convenient for the Projects; negotiate and enter into written agreements for and acquire, after paying just compensation, the real property interests that are necessary or convenient for the Projects, including temporary or permanent rights, in easement form; and accept and record easements and other written instruments on behalf of the City by attaching to the instrument the General Manager/CEO's written acceptance and recording the easement or other written instrument.

Section 6. The City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate easements or other property interests determined by the General Manager/CEO of Seattle Public Utilities or the General Manager/CEO's designee to be necessary or convenient to the Projects; provided the lands, rights, privileges, and other property are to be appropriated and taken only after just compensation has been made or paid into court for the owners in the manner provided by law; and to stipulate for the purpose of minimizing damages.

Section 7. The real property interests referenced above include, but are not limited to, easements and temporary construction easements that when recorded shall be placed under the jurisdiction of Seattle Public Utilities and designated for utility and general municipal purposes.

Section 8. Any act taken after passage but prior to the effective date of this ordinance and consistent with its authority is hereby ratified and confirmed.

Section 9. 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 \_\_\_\_\_, 2017, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Monica Martinez Simmons, City Clerk

(Seal)

Attachments:  
Attachment 1 - List of Affected Properties  
Attachment 2 - Maps of Affected Properties