Legislation Details (With Text)

File #:	CB 119446 **Version:** 1	**Name:**	CB 119446
Type:	Ordinance (Ord)	**Status:**	Passed
		In control:	City Clerk
On agenda:	1/28/2019		
Final Action:	2/8/2019	**Ord. No.**	Ord 125766

Title: AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of portions of park land and park boulevards within Discovery Park from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair, replacement, and operation of public water and sanitary sewer infrastructure, associated underground pipes, hydrants, and limited surface ancillary facilities; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

Sponsors: Debora Juarez

Indexes:

Attachments: 1. Att A – Water System Use Area and Legal Description, 2. Att B - Sanitary Sewer System Use Area and Legal Description for Sewer, 3. Summary and Fiscal Note, 4. Summary Att A - Map of Discovery Park, 5. Signed Ordinance 125766, 6. Affidavit of Publication

Date	Ver.	Action By	Action	Result
2/8/2019	1	City Clerk	attested by City Clerk	
2/8/2019	1	Mayor	returned	
2/8/2019	1	Mayor	Signed	
2/1/2019	1	City Clerk	submitted for Mayor's signature	
1/28/2019	1	City Council	passed	Pass
1/24/2019	1	Civic Development, Public Assets, and Native Communities Committee	pass	Pass
1/22/2019	1	City Council	referred	
12/21/2018	1	Council President's Office	sent for review	
12/18/2018	1	City Clerk	sent for review	
12/18/2018	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of portions of park land and park boulevards within Discovery Park from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair, replacement, and operation of public water and sanitary sewer infrastructure, associated underground pipes, hydrants, and limited surface ancillary facilities; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

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WHEREAS, Ordinance 122502 authorized the Mayor to acquire and accept deeds for surplus federal property, known as the former Capehart Naval Housing Area, as an addition to Discovery Park; and

WHEREAS, the City's Purchase and Sales Agreement for this property, as adopted by Resolution 27399, included utility corridors, infrastructure and associated easements across parkland, clarification of existing utility easements, and termination of private utility easements serving the former naval housing for the eventual conveyance of private residential in-holding properties within the historic district of Fort Lawton to private ownership, and to maintain and preserve the continued use of the water and sewer systems serving those properties ("System"); and

WHEREAS, Seattle's Department of Parks and Recreation (DPR) and Seattle Public Utilities (SPU) have determined that it would be to their mutual benefit to transfer partial jurisdiction of the area occupied by the System from DPR to SPU to facilitate efficient operation of the System by SPU; and

WHEREAS, the City Council held a public hearing in accordance with the requirements of Section 3 of Ordinance 118477; and

WHEREAS, consistent with Ordinance 118477, the City intends to grant a Partial Transfer of Jurisdiction to SPU of the areas depicted in Attachment A and Attachment B to this ordinance, for access on, under, and across DPR property to operate and maintain the System within the designated areas; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds that the transfer of limited and partial jurisdiction of portions of Discovery Park, as described in Section 2 of this ordinance, from the Department of Parks and Recreation (DPR) to Seattle Public Utilities (SPU) meets the requirements of Ordinance 118477, adopting Initiative 42, because: (A) the transfer of partial jurisdiction is necessary because there is no reasonable and practical alternative location for the water and sewer systems serving those properties ("System"); (B) transfer of partial jurisdiction for maintenance, repair, replacement, and operation of utility infrastructure is equivalent to a utility

easement, as permitted by Section 3 of Ordinance 118477; and (C) the transfer of partial jurisdiction is compatible with park use because the utility infrastructure is underground and surface access does not conflict with the current use of park and open space.

Section 2. The limited and partial jurisdiction of the real property described and depicted in Attachment A and Attachment B to this ordinance (collectively, "Use Area") is transferred from DPR to SPU on condition that:

A. DPR shall maintain the right to use the Use Area in any way not inconsistent with the rights transferred by this ordinance;

B. SPU shall have the right to enter the Use Area for maintenance, repair, replacement, and operation of utility infrastructure without incurring any liability other than the obligations set out in this ordinance, provided that SPU shall give DPR at least five business days' notice of intent to access the Use Area for routine maintenance, repair, or replacement, except in case of emergency, in which case SPU shall give 24 hours' notice and coordinate with DPR to avoid time periods when conflicting use of surrounding park area is anticipated;

C. After any maintenance, repair, or replacement, SPU will restore the Use Area at SPU's expense to at least the condition existing immediately prior to such maintenance and repair;

D. No building, fence, wall, rockery, trees, shrubbery, or obstruction of any kind shall be erected or planted within the boundaries of the Use Area without the permission of SPU, which shall not be unreasonably withheld; and

E. Except during SPU maintenance, repair, or replacement operations, no excavation shall be made within three feet of water and sewer pipelines within the Use Area, and earth cover over the water and sewer pipelines within the Use Area shall be maintained at not less than 36 inches nor more than 48 inches.

Section 3.

A. SPU shall have reasonable pedestrian access to and from the Use Area across the adjacent park land.

B. Vehicular access to and from the Use Area shall be across existing park roads and boulevards.

C. If SPU needs vehicle access across DPR land outside the Use Area or existing park roads and boulevards, or SPU requires the use of DPR land outside the Use Area to facilitate construction or maintenance within the Use Area, SPU shall first obtain written permission in the form of a Revocable Use Permit from DPR which shall not be unreasonably denied. In case of emergency, SPU may use DPR land outside the Use Area after giving DPR notice required by subsection 2.B of this ordinance without first receiving a Revocable Use Permit, provided that SPU applies for a Revocable Use Permit as soon as possible after beginning such emergency use. SPU will pay to DPR all fees and charges applicable under the fee schedule in effect at the time SPU applies for the Revocable Use Permit.

D. SPU shall restore at SPU's expense any DPR land, vegetation, or improvements damaged by SPU's use of or access through DPR land outside the Use Area as nearly as possible to the condition existing immediately prior to such maintenance and repair.

Section 4. Before SPU undertakes any restoration work pursuant to this ordinance, SPU and DPR shall confer to ensure that SPU and DPR share an understanding about the scope of work. All required restoration will comply with applicable City standards.

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 10 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 _____, 2019, and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

_____

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President _____ of the City Council

Approved by me this _____ day of _____, 2019.

_____

Jenny Durkan, Mayor

Filed by me this _____ day of _____, 2019.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment A - Water System Use Area and Legal Description for Water
Attachment B - Sanitary Sewer System Use Area and Legal Description for Sewer