SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104

Legislation Details (With Text)

File #:	CB 120014	**Version:**	1	**Name:**	CB 120014
Type:	Ordinance (Ord)			**Status:**	Passed
				In control:	City Clerk
On agenda:	4/12/2021				
Final Action:	4/16/2021			**Ord. No.**	Ord 126306
Title:	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.				
Sponsors:	Alex Pedersen				
Indexes:					
Attachments:	1. Att 1 – Use Area, 2. Summary and Fiscal Note, 3. Summary Att 1 – Diagram of Vicinity, 4. Presentation, 5. Signed Ordinance 126306, 6. Affidavit of Publication				

Date	Ver.	Action By	Action	Result
4/16/2021	1	City Clerk	attested by City Clerk	
4/16/2021	1	Mayor	returned	
4/16/2021	1	Mayor	Signed	
4/15/2021	1	City Clerk	submitted for Mayor's signature	
4/12/2021	1	City Council	passed	Pass
4/7/2021	1	Transportation and Utilities Committee	pass	Pass
3/15/2021	1	City Council	referred	
3/3/2021	1	Council President's Office	sent for review	
2/23/2021	1	City Clerk	sent for review	
2/22/2021	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

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

A. 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 SCL at least five business days' notice of intent to access the Use Area for non-routine maintenance, repair, or replacement and will negotiate mutually-agreed access to minimize disruption to public use of the property, except in case of emergency, in which case SPU shall give 24 hours' notice and coordinate with SCL to avoid time periods when conflicting use of the surrounding property is anticipated;

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

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

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

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

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

G. In the event that either SCL or SPU have identified a need to repair or modify the Storm Drain and/or the surrounding SCL land in a manner that may impact the other, both parties shall work together to discuss and agree upon the scope, timeframes, as well as cost, process and permitting responsibilities related to these

repairs and modifications. All required restoration will comply with applicable Construction Standards.

Section 3. 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 _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

_____

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

_____

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment 1 - Use Area