File #: CB 121138, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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) a parcel of land in Seattle, for utility purposes identified as King County Parcel Number 152504-9010 located at 4000 NE 41st St. and to execute, accept, and record deeds, conveyance documents, and agreements deemed by the General Manager/CEO to be necessary to this transaction on behalf of the City; placing the real property under the jurisdiction of Seattle Public Utilities; authorizing payment of all other costs associated with the acquisition; amending Ordinance 127362, which adopted the 2026 Budget including the 2026-2031 Capital Improvement Program; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

WHEREAS, Seattle Public Utilities (SPU) owns, maintains, and operates a system of sanitary sewerage, stormwater and surface water drainage as part of its drainage and wastewater system; and

WHEREAS, under the Washington State Hydraulic Code, administered by the Washington Department of Fish and Wildlife (WDFW), certain types of streams, culverts, and pipe storm drains maintained by SPU must be made fish passable when they are repaired or replaced; and

WHEREAS, SPU owns a pipe storm drain (PSD) located on the privately-owned property that contains a segment of Yesler Creek which does not meet the established WDFW fish passage standard; and

WHEREAS, SPU determined it will need additional property rights to comply with WDFW fish passage requirements; and

WHEREAS, SPU also determined the fee acquisition of this privately-owned property is suitable for, and needed to, construct and operate stormwater control facilities and for other utility or general municipal purposes; and

WHEREAS, following the acquisition of the property, SPU will undertake capital projects to make the

stormwater pipe fish passable and to construct other on-site stormwater control facilities; and

WHEREAS, SPU will engage in a multi-year process to work with the community, Tribes, and resource agencies to determine the best way to daylight the creek, elongate its path through the property, and restore the 100-year floodplain and adjacent buffer areas; and

WHEREAS, SPU will coordinate with downstream property owners as it connects the creek to the downstream outlet at Yesler Swamp; and

WHEREAS, RCW 8.12.030, 35.67.020, and 35.92.020 authorize The City of Seattle to purchase or condemn property for utility or general municipal purposes; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Public convenience and necessity require the property identified in the records of the King County Assessor as Parcel Number 152504-9010, situated in the City of Seattle, County of King, State of Washington, together with all rights, privileges, and other property thereto, legally described and depicted in Attachment 1 of this ordinance to be acquired through negotiation or eminent domain (condemnation), for public utility purposes.

Section 2. The General Manager/CEO of Seattle Public Utilities or designee is authorized on behalf of the City to negotiate and to enter into agreements to acquire the real property in Section 1 of this ordinance and, upon payment of just compensation, to accept and record deeds and other necessary instruments on behalf of the City; to provide relocation assistance to the extent required by law to the occupants of the properties; and to enter into agreements with the existing owners and tenants as needed to facilitate the successful acquisition of the properties.

Section 3. The Seattle City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate in fee simple the real property or other property rights described in Section 1 of this ordinance, after just compensation has been made or paid into court for the owners thereof in the manner provided by law. The Seattle City Attorney is further authorized to

enter into a stipulation agreement for the purpose of minimizing damages.

Section 4. To pay for necessary capital costs and expenses incurred or to be incurred in 2026, but for which insufficient appropriations were made due to causes that could not reasonably have been foreseen at the time of making the 2026 Budget, appropriations in the 2026 Adopted Budget and project allocations in the 2026 -2031 Adopted Capital Improvement Program are increased as follows:

Item	Department	Fund	Budget Summary Level/BCL Code	CIP Project Name/ID	CIP Project Appropriation Change ($)
1.1	Seattle Public Utilities	Drainage & Wastewater Fund (44010)	Drainage and Wastewater Infrastructure (BC-SU-C390B)	Citywide Programs (MC-SU-C3901)	$9,200,000
Total					**$9,200,000**

Section 5. The real property, when acquired by the City, shall be placed under the jurisdiction of Seattle Public Utilities and designated for utility purposes.

Section 6. If Seattle Public Utilities determines, after completing its plans for making the segment of Yesler Creek fish passable, that any part of the real property in Section 1 of this ordinance is surplus, Seattle Public Utilities will first conduct a process to determine if the surplus property is needed for other City purposes. Seattle Public Utilities will provide public notice, conduct community outreach to nearby residents, property owners, and community groups. Seattle Public Utilities will also conduct public hearings pursuant to RCW 35.94.040.

Section 7. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 8. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by a 3/4 vote of all the members of the City Council the _____ day of _____, 2025, and signed by me in open session in authentication of its passage this

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_____ day of _____, 2025.

_____

President _____ of the City Council

Approved / returned unsigned / vetoed this ____day of _____, 2025.

_____

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

_____

Scheereen Dedman, City Clerk

(Seal)

Attachments:
Attachment 1 - Legal Description of Parcel Number 152504-9010

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