

Clerk File No. 309694

The City of Seattle – Legislative Department

Clerk File sponsored by: _____

Clerk File No. 309694
Initiative Measure No. 99, prohibiting use of city property for a tunnel to replace the Alaskan Way Viaduct.

Committee Action:

Date	Recommendation	Vote

Related Legislation File: _____

Date Introduced and Referred:	To: (committee):
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action:	Disposition: Filed

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote

Jan. 13, 2008
Date Filed with City Clerk
Emilie M. Sanchez
By

Law Department



January 21, 2009

CERTIFIED MAIL AND E-MAIL

Ms. Elizabeth Campbell
3213 W. Wheeler Street, #271
Seattle, WA 98113-0149

RE: PROPOSED INITIATIVE NO. 99

Dear Ms. Campbell:

I have reviewed your proposed petition proposing an ordinance prohibiting use of city property in connection with a tunnel replacement for the Alaskan Way Viaduct.

The petition form presented via email this date is approved. A copy of the approved petition form is attached.

The initiative process is defined in Article IV Section 1 of the City Charter, Seattle Municipal Code Section 2.08, and Washington State Code (RCW) 29:27.050. If you would like copies of these reference materials, please let me know.

The signed petitions for Initiative No. 99 must be filed with the City Clerk within 180 days from the date of this letter. The 180th day is Monday, July 20, 2009. If at least 17,968 signatures on petitions for Initiative No. 99 have been filed on or before that date, they will then be transmitted to King County Elections Department for signature verification. A total of at least 17,968 valid Seattle resident registered voter signatures will be required to validate the initiative before transmittal to the City Council.

Please do not hesitate to contact me if you have questions. You can reach me at (206) 684-8361.

Very truly yours,


Judith E. Pippin, City Clerk

attachment

cc: Mayor Gregory J. Nickels
City Councilmembers
Wayne Barnett, Executive Director, Ethics and Elections Commission
Grace Crunican, Director Seattle DOT

COMPLETE TEXT OF INITIATIVE NO. 99

AN ORDINANCE to prohibit the use of public right-of-way(s), wherever situated, above or below the ground, for the construction of and/or operation of a tunnel, and/or tunnel related facilities, that replaces that portion of SR 99 and/or Alaskan Way commonly known as the Alaskan Way Viaduct; said tunnel to be located between the South terminus of the Battery Street Tunnel/Republican Street and South Holgate Street.

WHEREAS, the City of Seattle, King County and Washington State executives have declared their intention to support and take all necessary acts within their powers to cause a deep-bored tunnel to be built between the South terminus of the Battery Street Tunnel and South Holgate Street as a replacement for the Alaskan Way Viaduct (hereinafter "Viaduct"); and

WHEREAS, the proposed tunnel will likely cause a significant expenditure of the public's funds, double the amount for two alternative options selected through the Alaskan Way Stakeholders Advisory Committee process; and

WHEREAS, public transportation tunnel projects invariably, and significantly exceed in dollars and time their original estimates and budgets; and

WHEREAS, the proposed tunnel project, if it is built, will likely cause significant inconvenience and loss, in time and money to thousands of present and future Viaduct users, over several years due to a lengthy construction time and/or because of likely construction delays, and/or due to the loss of the through capacity of the present Viaduct; and

WHEREAS, the proposed tunnel will cause a significant disruption of and impacts to the scenic vistas now available to and/or enjoyed by the thousands of daily users of the Viaduct; and

WHEREAS, it is not reasonable or practical to mitigate these impacts if the construction of deep-bore tunnel to replace the Viaduct is allowed to occur in the public right-of-way, or on public property, including those in the subterranean zones;

NOW, THEREFORE, be it ordained by the City of Seattle as follows:

Section 1. A NEW Section 15.55 of the Seattle Municipal Code is added to read as follows:

SMC 15.55. Use of Public Right-of-Way or Property for a tunnel to replace the Alaskan Way Viaduct Prohibited.

From and after the effective date of this enactment, the construction, operation or use of City right-of-way or City owned property wherever situated, for any tunnel to replace the Alaskan Way Viaduct ("Viaduct"), and/or any tunnel related facility is prohibited. Any approval, referendum, ordinance, agreement, contract, permit, license, grant or other authorization or support for use of City right-of-way or City property wherever situated for an Alaskan Way Viaduct replacement tunnel and/or any related tunnel facilities that would replace the Viaduct and/or connect with the terminuses to the Viaduct, shall be revoked and/or declared null and void.

Section 2. All ordinances and/or parts of ordinances in conflict with the provisions of this initiative are hereby repealed.

Section 3. If any provision of this ordinance or its application to any person or circumstances is declared illegal, the remainder of the ordinance or its application to other persons or circumstances shall not be affected thereby. The City Attorney is directed to fully defend against any challenge to this ordinance and/or its application to any person, property or circumstance.

Please return this petition AS SOON AS POSSIBLE to:

Yes Viaduct!

3213 W. Wheeler St. #271

Seattle, WA 98199

206-283-2692 Phone 206-283-6300 Fax

www.yesviaduct.com

Send e-mail inquiries to: info2@yesviaduct.com

I-99 THE NO TUNNEL INITIATIVE

To the City Council of The City of Seattle: We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. 99 entitled:

City of Seattle Initiative Measure 99 concerns preventing any tunnel replacement for the Alaskan Way Viaduct. If enacted, the measure would prohibit the construction, operation or use of any City rights-of-way or City-owned property for a tunnel to replace the Alaskan Way Viaduct, or for any facility related to that tunnel. It would also revoke any authorization or support for using City rights-of-way or City-owned property for the tunnel, or for any related tunnel facilities that would replace the Viaduct or connect to the ends of the Viaduct. The measure also would repeal any conflicting ordinances; a full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five (45) days from the time of receipt hereof by the City Council, then to be submitted to the qualified electors of The City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says:

I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington, and my residence address is correctly stated.


(* Only Registered Seattle Voters Can Sign This Petition *)

PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
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DATE:	EMAIL ADDRESS:	CONTACT PHONE:
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DATE:	EMAIL ADDRESS:	CONTACT PHONE:
10 PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
DATE:	EMAIL ADDRESS:	CONTACT PHONE:

WARNING: Ordinance 94289 provides as follows: Section 1. It is unlawful for any person: 1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or 2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or 3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or 4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle. Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

MEMORANDUM

FILED
CITY OF SEATTLE
09 JAN 21 PM 2:01
CITY CLERK

TO: Judith Pippin, City Clerk
FROM: Gary Smith, Assistant City Attorney 
SUBJECT: Ballot Title for Initiative 99 (Clerk File 309694)
DATE: January 21, 2009

Via e-mail and hand-delivered

In response to your transmittal of January 13, 2009 regarding proposed Initiative Measure 99, this office has established the following ballot title:

City of Seattle Initiative Measure 99 concerns preventing any tunnel replacement for the Alaskan Way Viaduct.

If enacted, the measure would prohibit the construction, operation or use of any City rights-of-way or City-owned property for a tunnel to replace the Alaskan Way Viaduct, or for any facility related to that tunnel. It would also revoke any authorization or support for using City rights-of-way or City-owned property for the tunnel, or for any related tunnel facilities that would replace the Viaduct or connect to the ends of the Viaduct. The measure also would repeal any conflicting ordinances.

Should this measure be enacted into law?

Yes.....
No.....

If you have any questions, please contact me at 733-9318.



**Legislative Department
Office of City Clerk
Memorandum**

Date: January 13, 2009

To: The Honorable Thomas Carr
City Attorney

From: Judith E. Pippin, City Clerk

I am forwarding with this memo Clerk File No. 309694, which contains Initiative Measure No. 99, a proposed ordinance to amend the SMC to prohibit use of City rights-of-way or public property for purposes related to a tunnel to replace the Alaskan Way Viaduct.

The proposed initiative was filed with the Office of the City Clerk on Tuesday, January 13, 2009 at 8:44 a.m. and is submitted pursuant to Article IV, Section 1B of the City Charter, and Seattle Municipal Code 2.08. The coordinating organization for the initiative is Yes Viaduct! and the contact person is Ms. Elizabeth Campbell, 3213 W. Wheeler Street, #271, Seattle, WA 98199.

The title of the Clerk File (CF) is:

"Initiative Measure No. 99, prohibiting use of city property for a tunnel to replace the Alaskan Way Viaduct."

The file is transmitted to you for preparation of a ballot title.

attachment (CF 309694)

cc: Governor Christine Gregoire
King County Executive Ron Sims
Mayor Gregory J. Nickels
City Councilmembers
Grace Crunican, Director Seattle DOT
Executive Director Seattle Ethics and Elections Commission
Ms. Elizabeth Campbell

FILED
CITY OF SEATTLE

2009 JAN 13 AM 8:44

Tuesday, January 13, 2009

CITY CLERK

City of Seattle
Office of the City Clerk
600 4th Avenue, Floor 3
Seattle, Washington 98124-4728

Please find attached a proposed initiative petition. The following person will be the contact person:

Elizabeth A. Campbell
3213 W. Wheeler St. #271
Seattle, WA 98199
206-283-4900
email: campbell.elizabeth@comcast.com

Thank you very much for your time and consideration of this petition.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth A. Campbell". The signature is written in a cursive style with a long, sweeping underline.

Elizabeth A. Campbell

THE NO TUNNEL INITIATIVE

To the City Council of The City of Seattle: We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. _____ entitled:

Initiative Measure Number _____ concerns prohibiting use of City property for a tunnel which replaces the Alaskan Way Viaduct. If enacted, this measure would prohibit the City from allowing City rights-of-way or City-owned property to be used for construction of a tunnel that would replace the Alaskan Way Viaduct, or any facilities related to a tunnel that would replace the Alaskan Way Viaduct. Any authorization or support for use of City rights-of-way or City-owned property for such a tunnel or its related facilities would be revoked, and any ordinances that conflicted with the measure would be repealed. A full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five (45) days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of The City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says:

I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington, and my residence address is correctly stated. **(Seattle Voters Only)**

PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER	DATE
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WARNING: Ordinance 942891 provides as follows: Section 1. It is unlawful for any person:

1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or
2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or
3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or
4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle. Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

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Yes Viaduct!
3213 W. Wheeler St. #271
Seattle, WA 98199
206-283-6300 Fax

www.yesviaduct.com

send e-mail inquiries to: info@yesviaduct.com

CITY CLERK

JAN 13 AM 8:44

CITY OF SEATTLE
FILED