

Ordinance No. 102766

AN ORDINANCE relating to the Engineering Department and to the West Seattle Freeway, Phase I, as contemplated by findings adopted by Ordinance 102374, authorizing the completion of plans, preparation of cost estimates and specifications, acquisition of the necessary right of way, employment of consultants, and thereafter the construction of Phase I; and making a partially reimbursable appropriation from the Arterial City Street Fund therefor.

C.F. 276399
(ENGROSSED BILL)

Council Bill No. 94334

INTRODUCED: 9/17/73	BY: HILL
REFERRED: 9/17/73	TO: Transportation Finance
REFERRED: 11/5/73	Transportation Finance
REPORTED: NOV 12 1973	SECOND READING: NOV 12 1973
THIRD READING: NOV 12 1973	SIGNED: NOV 12 1973
PRESENTED TO MAYOR: NOV 12 1973	APPROVED: NOV 12 1973
RETD. TO CITY CLERK: NOV 13 1973	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL..... PAGE.....	

102786 - RE. TO PUBLIC TRANSIT, ETC.

- ORD 102952 - PROVIDES FOR SUBMISSION TO VOTERS BY CHARTER REFERENDUM AT A SPECIAL ELECTION REQUESTED TO BE HELD MAR 26, 1974 OF A PROPOSITION FOR RATIFICATION OR REJECTION OF ORD. 102766; PROVIDES FOR CERTIFICATION TO DIRECTOR OF DEPT OF RECORDS & ELECTIONS OF KING COUNTY & PRESCRIBING THE BALLOT TITLE THEREFOR.
- RES 24509 - REAFFIRMING THE NECESSITY FOR ESTABLISHING A LIMITED ACCESS AIR CORRIDOR AND CONSTRUCTION OF A HIGH LEVEL BRIDGE TO WEST SEATTLE PROVIDING TWO EXCLUSIVE LANES FOR TRANSIT & RESPONDING TO CONCERNS EXPRESSED IN THE METROPOLITAN COUNCIL.
- ORD 103292 - AUTH EXECUTION & ACCEPTANCE OF A R/W AGREEMENT FROM STATE DEPT OF NATURAL RESOURCES FOR CONSTRUCTION, OPERATION, ETC. OF A BRIDGE UPON, OVER & ACROSS THE WEST WATERWAY OF THE DUWAMISH RIVER.

FOR
RECORD
FILED
MAY 10 1974
CITY OF SEATTLE
CLERK

JD:rp
11/8/73

ORDINANCE 102766

AN ORDINANCE relating to the Engineering Department and to the West Seattle Freeway, Phase I, as contemplated by findings adopted by Ordinance 102374, authorizing the completion of plans, preparation of cost estimates and specifications, acquisition of the necessary right of way, employment of consultants, and thereafter the construction of Phase I; and making a partially reimbursable appropriation from the Arterial City Street Fund therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That in accordance with the findings of the City Council Committee of the Whole in the matter of

" . . . the establishment of a limited access air corridor and the designation of certain portions of Delridge Way Southwest, 22nd Avenue Southwest, 21st Avenue Southwest, 20th Avenue Southwest, 19th Avenue Southwest, 18th Avenue Southwest, 17th Avenue Southwest, Southwest Spokane Street, Marginal Place Southwest, Southwest Charlestown Street, Iowa Avenue Southwest, Duwamish Avenue South, South Spokane Street and all or certain portions of the real property abutting upon each such street or air corridor as part of a limited access highway facility (West Seattle Freeway in the vicinity of the West Waterway of the Duwamish River) and providing for notice thereof."

adopted pursuant to Ordinance 102374, the City Engineer is authorized to complete plans, cost estimates, and specifications; to employ consultants and such other experts as may in the discretion of the City Engineer be required; to negotiate for and acquire on behalf of the City the necessary right of way; and thereafter proceed under the direction of the Board of Public Works with construction of the West Seattle Freeway, Phase I, which improvement may be effected by the awarding of a contract or contracts therefor, or the same or any part thereof may be effected by day labor in the discretion of said Board, provided that during a period of eight (8) months from the effective date of this ordinance, the City Engineer shall direct his attention to the construction of those portions of said West Seattle Freeway, Phase I, which are consistent with any improvements which may be developed within said eight (8) month period and thereafter adopted by the City for making greater use of said facility by public transit; and for such purpose the sum of Thirty-two Million Seven Hundred Nine Thousand Five Hundred Dollars (\$32,709,500) or so much thereof as may be necessary is hereby appropriated from the Arterial City Street Fund, and such funds shall not be used to further or facilitate construction of West Seattle Freeway, Phase II, except as portions of said Phase II may be shown on plans prepared for West

Seattle Freeway, Phase I, and such funds shall be partially reimbursed as follows: (1) from the Urban Arterial Trust Account to the extent that funds (approximately \$17,505,000) become available for reimbursement of the appropriation from the Arterial City Street Fund hereinbefore made, and for reimbursement of prior appropriations from the Arterial City Street Fund pursuant to Ordinance 98503 (employ design consultants and prepare design report) and 101114 (prepare contract plans, specifications and estimates); (2) from the Arterial Development Fund \$16,321,000, all as requested by the City Engineer and recommended by the Mayor in C.F. 276399; and the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants and make the necessary transfers.

(To be used for all Ordinances except Emergency.)

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 12 day of November, 1973, and signed by me in open session in authentication of its passage this 12 day of November, 1973.

Phyllis Lamphere
President Pro Tem of the City Council.

Approved by me this 13th day of November, 1973.

[Signature]
Acting Mayor.

Filed by me this 13 day of November, 1973.

Attest: [Signature]
City Comptroller and City Clerk.

(SEAL)

Published.....

By [Signature]
Deputy Clerk.

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on TRANSPORTATION and FINANCE

to which was referred C.B. 94334.

relating to the Engineering Department and to the West Seattle Freeway, Phase I, as contemplated by findings adopted by Ordinance 102374, authorizing the completion of plans, preparation of cost estimates and specifications, acquisition of the necessary right of way, employment of consultants, and thereafter the construction of Phase I; and making a partially reimbursable appropriation from the Arterial City Street Fund therefor.

TRANS.		FIN.	
RECOMMENDS THAT THE SAME DO NOT PASS.	RECOMMENDS THAT THE SAME DO PASS AS AMENDED.	RECOMMENDS THAT THE SAME DO NOT PASS.	RECOMMENDS THAT THE SAME DO PASS AS AMENDED.
<i>G. Hill</i> Chairman	<i>[Signature]</i>	<i>G. Hill</i>	<i>George E. Cook</i> Chairman
	<i>[Signature]</i>		<i>[Signature]</i>
			<i>[Signature]</i>
			<i>[Signature]</i>

JD:PG:rp 11/8/73

NOV 12 1973
ADOPTED

NOV 12 1973
ADOPTED

VV16
CB 94334

Ordinance No. _____

AN ORDINANCE relating to the Engineering Department and to the West Seattle Freeway, Phase I, as contemplated by findings adopted by Ordinance 102374, authorizing the completion of plans, preparation of cost estimates and specifications, acquisition of the necessary right of way, employment of consultants, and thereafter the construction of Phase I; and making a partially reimbursable appropriation from the Arterial City Street Fund therefor.

11-7-73 ~~Pass as amended~~ Divided Report
 11-8-73 Divided Report

COMPTROLLER
 FILE NUMBER 276 399
 SEE CB 94502

ORIGINAL
Council Bill No. 94334

INTRODUCED: SEP 17 1973	BY: HILL
REFERRED: SEP 17 1973	TO: TRANSPORTATION Finance
REFERRED: NOV 5 1973	TRANSPORTATION Finance
REFERRED:	
REPORTED:	SECOND READING:
THIRD READING:	SIGNED:
PRESENTED TO MAYOR:	APPROVED:
RETD. TO CITY CLERK:	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VEYO:	VETO SUSTAINED:

CSS 8.1.97

Plc

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

_____ Jim Hill _____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: TEALUP _____
JUSTICE _____

120'd 9-13 9:58 am

LIEM E. TUAI Tuai
PRESIDENT'S SIGNATURE

C S. 20.28

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The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on TRANSPORTATION and FINANCE

to which was referred C.B. 94334,

relating to the Engineering Department and to the West Seattle Freeway, Phase I, etc.

TRANS.

FIN.

RECOMMENDS THAT THE
SAME DO PASS.

RECOMMENDS THAT THE
SAME DO PASS AS
AMENDED, with a design
hearing to be held
forthwith

RECOMMENDS THAT THE
SAME DO PASS.

RECOMMENDS THAT THE
SAME DO PASS AS
AMENDED.

Shyrellis Lamphier
Shyrellis Lamphier

[Signature]
Chairman
[Signature]
[Signature]

George Sobey
Chairman
Shyrellis Lamphier
[Signature]

Arnold Amundson
[Signature]
[Signature]

JD:rp

11/1/73

For the record I do not support passage of this appropriation ordinance. I believe the entire project should be reviewed with the aim of allocating the available funds to best solution of the transportation problem in the Spokane Street Corridor

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(To be used for all Ordinances except Emergency.)

Arterial Trust Account to the extent that funds (approximately \$17,505,000) become available for reimbursement of the appropriation from the Arterial City Street Fund hereinbefore made, and for reimbursement of prior appropriations from the Arterial City Street Fund pursuant to Ordinance 98503 (employ design consultants and prepare design report) and 101114 (prepare contract plans, specifications and estimates); (2) from the Arterial Development Fund \$15,321,000, all as requested by the City Engineer and recommended by the Mayor in C.F. 276399; and the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants and make the necessary transfers.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the day of, 19 .. , and signed by me in open session in authentication of its passage this day of, 19 .. .

President of the City Council.

Approved by me this day of, 19 .. .

Mayor.

Filed by me this day of, 19 .. .

Attest: City Comptroller and City Clerk.

(SEAL)

Published.....

By Deputy Clerk.

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DRAFT

ORDINANCE _____

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DRAFT

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part thereof may be effected by day labor in the discretion of said Board, provided that during a period of eight (8) months from the effective date of this ordinance, the City Engineer shall direct his attention to the construction of those portions of said West Seattle Freeway, Phase I, common to the plans, specifications and estimates adopted by Ordinance 102374 and any plans, specifications and estimates which may be developed and adopted within said eight (8) month period for making greater use of said Phase I facility by public transit; and for such purpose the sum of Thirty-two Million Seven Hundred Nine Thousand Five Hundred Dollars (\$32,709,500) or so much thereof as may be necessary is hereby appropriated from the Arterial City Street Fund, and such funds shall not be used to further or facilitate construction of West Seattle Freeway, Phase II, except as portions of said Phase II may be shown on plans prepared for West Seattle Freeway, Phase I, and such funds shall be partially reimbursed as follows: (1) from the Urban Arterial Trust Account to the extent that funds (approximately \$17,505,000) become available for reimbursement of the appropriation from the Arterial City Street Fund hereinbefore made, and for reimbursement of prior appropriations from the Arterial City Street Fund pursuant to Ordinance 98503 (employ design consultants and prepare design report) and 101114 (prepare contract plans, specifications and estimates); (2) from the Arterial Development Fund \$16,321,000, all as requested by the City Engineer and recommended by the Mayor in C.F. 276399; and the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants and make the necessary transfers.

Section 2. (30 day ending)

DRAFT


-2-

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MEMORANDUM

November 5, 1973

TO: City Council,
The City of Seattle

FROM: Donald H. Stout, 
Assistant Corporation Counsel

RE: C.B. 94334 - Appropriation for West Seattle Freeway, Phase I.

By letter dated November 1, 1973 you have confirmed an oral request of that date that I examine the legal implications and give an opinion regarding certain proposed amendments to C.B. 94334, the same being proposed legislation authorizing the City Engineer to complete plans, specifications and estimates and appropriating moneys for and authorizing construction of West Seattle Freeway Phase I.

Specifically, regarding the following proposed amendments to said C.B.:

- "1) That no funds appropriated in this ordinance will be used in any way to further or facilitate construction of the Phase 2 high level bridge, except those shown on Phase 1 construction documents; and
- "2) That within eight months of the effective date of this ordinance, the City Engineer, after consultation with Metro, the State Highway Department, and the U. S. Environmental Protection Agency, shall present to the City Council a lane configuration on the first phase bridge that includes two adjoining lanes for exclusive use of transit, or an alternative configuration maximizing transit use acceptable to Metro; and
- "3) That acquisition, design or construction undertaken during the above eight month period shall in no way preclude or make more expensive the eventual construction of the design recommended pursuant to the second amendment above."

you ask:

- "1. What are the legal implications of incorporating the amendments in C.B. 94334, especially as they may precipitate future court action?

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LAW DEPARTMENT--THE CITY OF SEATTLE

City Council
Seattle
November 5, 1973

"2. Are the amendments appropriate to be included in the Appropriation Ordinance? If not, what means would you suggest for the Council to make an authoritative statement of commitment to Transit in the West Seattle Freeway development?"

Because of the limited time available to me to respond to your request, I am responding brief memorandum listing recommendations to effectuate the goals of your Honorable Body with brief discussion of the reasons therefor.

Both in the materials you have supplied and in conversations with several members of your body and the City Engineer, it has been indicated that early passage of the proposed appropriation ordinance and the necessity to avoid delay due to future court action were primary considerations.

An initial consideration is that the Council Bill presently before you not be altered in such a substantial manner as to change its present purpose thereby necessitating a rewriting of the title and perhaps reintroduction. Somewhat narrowly stated, the purpose of such legislation is to provide the moneys to accomplish a project the plans for which have already been approved by the City Council in accordance with procedures established in state law. Thus, amendments to such bill which in no way alter the intent of the proposed legislation and clearly fall within the ambit of the title as drafted will not impede the progress of the bill in the legislative processes.

The first of the proposed amendments, as quoted hereinabove, does not change the authority granted or the appropriation made in Council Bill 94334 as originally drafted; in fact, such amendment is redundant because the appropriation to be made by C.B. 94334 when enacted is only for West Seattle Freeway, Phase I, and no more. Therefore, while from the point of view of verbal economy, I would advise against such addition there is nothing in such amendment which would alter the intent of said C.B.

Likewise, proposed amendment 3 does not alter the intent or the purpose of C.B. 94334 as presently drafted and does little more than prescribe a certain priority for construction during the first eight months of construction of the project. Such addition does not expand upon the authority stated in the title.

Draft legislation embodying such changes as set forth in proposed amendments 1 and 3 is forwarded herewith for your further

City Council
Seattle
November 5, 1973

consideration.

Regarding proposed amendment 2, there is a possibility that the same may be interpreted as expanding upon the authority granted in the proposed legislation requiring a redrafting of the title. Further, there is also a possibility that the same may be interpreted as containing another subject thereby violating the so-called unity-of-subject rule embodied in Article IV, Section 7 of the City Charter, which requires that "[e]very ordinance . . . shall contain but one subject, . . ." Such interpretation is a scant possibility; however, you have indicated orally and in the materials supplied to us that the utmost caution is advisable with respect to the project in question particularly as regards the funds allocated to the City from other governmental agencies.

Therefore, there is submitted herewith a form of draft ordinance, separate from C.B. 94334, which authorizes the City Engineer to proceed with studies to learn whether the lane configuration as set forth in said amendment 2 is feasible.

There are other factors which entered into my considerations and led to the separate ordinances and the manner in which they were drafted. Such considerations chiefly involve RCW Chapter 47.52 and the State Environmental Police Act. The former cited law relates to the procedures followed by governmental authority in adopting designs for limited access facilities. However, constraints of time prevent complete discussion thereof in this memorandum.

DHS:ph

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