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Ordinance No. 122755

Council Bill No. 116271

AN ORDINANCE relating to the drainage system of Seattle Public Utilities ("SPU"); authorizing the acquisition by negotiation or condemnation of land and all improvements thereon or other property rights for properties in the vicinity of Interstate-5 north of the Boeing Access Road, for drainage system, other utility and general municipal purposes

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: Richard Conlin
Councilmember

Committee Action:

<u>Pass</u>	RC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	TB	<input checked="" type="checkbox"/>	
	RM	absent	

CF No. _____

Date Introduced:	<u>7.14.08</u>		
Date 1st Referred:	To:	Environment, Emergency Mgmt & Utilities (EEMU)	
Date Re - Referred:	To:	(committee)	
Date Re - Referred:	To:	(committee)	
Date of Final Passage:	Full Council Vote:	<u>7-0</u>	
Date Presented to Mayor:	Date Approved:	<u>7.30.08</u>	
Date Returned to City Clerk:	Date Published:	<u>4</u>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:		
Date Passed Over Veto:	Veto Sustained:		

7-28-08 Passed as amended 7-0
(Excused: Licata, McVey)

This file is complete and ready for presentation to Full Council. Committee: RC 7/22/08
(Initial/date)

Law Department

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

ORDINANCE 122755

AN ORDINANCE relating to the drainage system of Seattle Public Utilities (“SPU”);
authorizing the acquisition by negotiation or condemnation of land and all improvements
thereon and other property rights for properties in the vicinity of Interstate-5 north of the
Boeing Access Road, for drainage system, other utility and general municipal purposes.

WHEREAS, the existing Norfolk Martin Luther King Jr. Way drainage system, located in south
Seattle, consisting of pipes, ditches, culverts, stormwater ponds and wetlands that are
intended to discharge to the Duwamish Waterway, has significant deficiencies in the
conveyance system resulting in inefficient drainage capacity and backflow that is being
pumped to the Metro/King County sanitary sewer system; and

WHEREAS, the proposed drainage system and water quality improvement project requires
additional land and property rights to install a temporary pumping system to manage the
drainage backflow, to construct permanent improvements to the system and to undertake
required wetland mitigation due to alterations to a wetland in the project area; and

WHEREAS, to complete the project and for ongoing management, additional properties and
property rights are needed, including: 1) Temporary Pumping Easements for two years
across two properties; 2) Construction Easements for up to four months across four
properties to construct the permanent improvements; 3) Permanent Easements for use,
maintenance and access to the permanent improvements across three properties; and

WHEREAS, RCW 8.12.030 and 35.67.020 authorize the City to purchase or condemn property
for drainage system, other utility or general municipal purposes; and

WHEREAS, the City has provided adequate notice to the relevant property owners that the City
may take final action to authorize condemnation of the subject properties as required by
RCW 8.12 and 8.25; and



1 WHEREAS, the City has determined that the properties legally described in Attachment 1 are
2 necessary for the drainage system improvements and offsite wetland mitigation and that it
3 is in the public interest to acquire the properties or property rights for the purposes above.
4 NOW, THEREFORE,

5 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

6 Section 1. The public convenience and necessity require that the real property, described
7 in Attachment 1, situated in the City of Seattle, County of King, State of Washington, together
8 with all improvements thereon and rights, privileges and other property rights pertaining thereto
9 be acquired, and the same is hereby condemned, appropriated and taken for the public use,
10 namely for the Norfolk Martin Luther King Jr. Way Drainage Improvement Project and related
11 wetland mitigation and for other utility or general municipal purposes.
12

13 Section 2. The Director of SPU or his designee is authorized, on behalf of the City of
14 Seattle, to negotiate for and acquire the properties or property rights described herein at fair
15 market value, and to execute and accept deeds, easements or other necessary documents for those
16 properties or property rights or to take any other reasonable actions to effectuate this section.
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1 Section 3. The City Attorney is authorized to commence and prosecute proceedings in
2 the manner provided by law to condemn, take, damage, and appropriate the lands and other
3 properties or property rights described herein, provided said lands, rights, and privileges and
4 other properties or property rights are to be appropriated and taken only after just compensation
5 has been made or paid into court for the owners thereof, in the manner provided by law, to
6 stipulate for the purpose of minimizing damages and to take such related actions as deemed
7 necessary.
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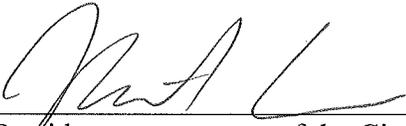
9 Section 4. The cost of acquiring the properties and property rights described herein, by
10 negotiation or condemnation, including without limitation relocation benefits, if any, has been
11 allocated in the 2008-2013 Capital Improvement Program for the drainage system and
12 appropriated in the 2008 Adopted Budget of the City. The properties or property rights acquired
13 under authority of this ordinance will be placed under the jurisdiction of Seattle Public Utilities.
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15 Section 5. Any act consistent with the authority of this ordinance that is taken after
16 passage of this ordinance, but prior to its effective date is hereby ratified and confirmed.
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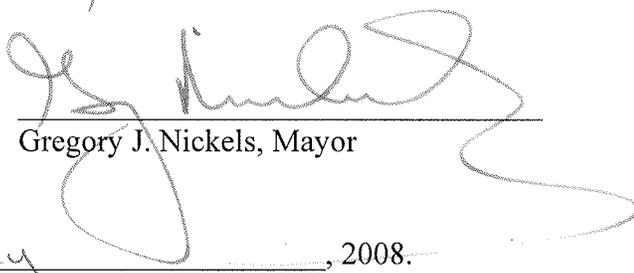


1 Section 6. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

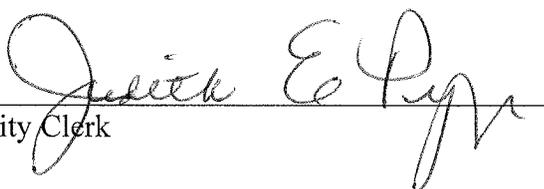
4 Passed by the City Council the 28th day of July, 2008, and
5 signed by me in open session in authentication of its passage this
6 28th day of July, 2008.

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11 President _____ of the City Council

12 Approved by me this 30th day of July, 2008.

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15 Gregory J. Nickels, Mayor

16 Filed by me this 30th day of July, 2008.

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20 City Clerk

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23 (Seal)

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26 Attachment 1: Legal Description of Properties



Norfolk-MLK Drainage C333205
Legal Descriptions

King County Assessor's Parcel 032304-9222
Pape Properties Inc. Construction and Permanent Easement

That portion of Parcel B of Short Plat 78-221 as recorded under Auditor's File No.7812190893, records of King County, Washington, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

Beginning at the SW corner of said Parcel B;

Thence N 26° 10' 02" W along the West line of said Parcel and the East margin of Interstate 5 a distance of 45.81 feet;

Thence S 86° 59' 55" E a distance of 84.94 feet;

Thence S 03° 00' 05" W a distance of 40.00 feet to the South line of said Parcel B;

Thence N 86° 59' 55"W along said South line a distance of 62.61 feet to the **Point of Beginning.**

Containing 2,951 square feet or 0.07 acres, more or less.

Norfolk-MLK Drainage C333205
Legal Descriptions

**King County Assessor's Parcel 032304-9202
Pape Properties Inc. Permanent Easement**

That portion of King County Assessor's Parcel 032304-9202, situate in Section 3, Township 23 North, Range 4 East, W.M., King County, Washington; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 86° 59' 55"W along the East-West Centerline of said Section 3 a distance of 421.06 to the East margin of Interstate 5;
Thence N 26° 10' 02" W along said East margin a distance of 217.59 feet;
to the Southwest corner of Parcel B of Short Plat 78-221 as recorded under King County Auditor's File No. 7812190893;
Thence S 86° 59' 55" E along the South line of said Parcel a distance of 327.26 feet;
Thence S 01° 31' 19"W a distance of 20.01 feet;
Thence N 86° 59' 55" W a distance of 246.37 feet;
Thence S 03° 00' 05"W a distance of 37.50 feet;
Thence S 15° 18' 32" E a distance of 120.61 feet;
Thence S 86° 59' 55" E a distance of 323.96 feet;
Thence N 03° 00' 05" E a distance of 21.00 feet;
Thence S 86° 59' 55" E a distance of 82.85 feet to the North-South centerline of said Section 3;
Thence S 01° 31' 19" W along said North-South centerline a distance of 39.01 feet to the **Point of Beginning**.

Containing 22,248 square feet or 0.51 acres, more or less.

Norfolk-MLK Drainage C333205
Legal Descriptions

**King County Assessor's Parcel 032304-9202
Pape Properties Inc. Construction Easement**

That portion of King County Assessor's Parcel 032304-9202, situate in Section 3, Township 23 North, Range 4 East, W.M., King County, Washington; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 86° 59' 55" W along the East-West Centerline of said Section 3 a distance of 421.06 to the East margin of Interstate 5;
Thence N 26° 10' 02" W along said East margin a distance of 217.59 feet to the Southwest corner of Parcel B of Short Plat 78-221 as recorded under King County Auditor's File No. 7812190893;
Thence S 86° 59' 55" E along the South line of said Parcel a distance of 463.26 feet;
Thence S 03° 00' 00" W a distance of 151.00 feet;
Thence S 86° 59' 55" E a distance of 26.97 feet;
Thence N 03° 00' 00" E a distance of 20.49 feet;
Thence S 86° 59' 55" E a distance of 35.34 feet to the North-South centerline of said Section 3;
Thence S 01° 31' 19" W along said North-South centerline a distance of 59.51 feet to the **Point of Beginning**.

Except the following described area: Commencing at the center of said Section 3;
Thence N 62° 45' 54" W a distance of 92.58 feet to the **Point of Beginning**;

Thence N 86° 59' 55" W a distance of 82.36 feet;
Thence S 03° 00' 05" W a distance of 20.00 feet;
Thence N 86° 59' 55" W a distance of 73.73 feet;
Thence N 03° 00' 05" E a distance of 20.00 feet;
Thence N 86° 59' 55" W a distance of 174.49 feet;
Thence N 15° 18' 32" W a distance of 99.54 feet;
Thence N 03° 00' 05" E a distance of 37.50 feet to a point that is 20.00 feet South of the South line of said Parcel B;
Thence S 86° 59' 55" E parallel with said South line a distance of 341.85 feet;
Thence S 41° 59' 58" E a distance of 28.29 feet;
Thence S 03° 00' 05" W a distance of 112.00 feet to the **Point of Beginning**.

Containing 33,584 square feet or 0.77 acres, more or less.

Norfolk-MLK Drainage C333205
Legal Descriptions

**King County Assessor's Parcel 032304-9202
Pape Properties Inc. Pumping Easement**

That portion of King County Assessor's Parcel 032304-9202, situate in Section 3, Township 23 North, Range 4 East, W.M., King County, Washington; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.;

Thence N 86° 59' 55"W along the East-West centerline of said Section 3 a distance of 421.06 feet to the East margin of Interstate 5;

Thence N 26° 10' 02" W along said East margin a distance of 6.87 feet;

Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 411.23 feet;

Thence N 03° 00' 00" E a distance of 20.83;

Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 12.49 feet to the North-South centerline of said Section 3;

Thence S 01° 31' 19"W along said North-South centerline a distance of 26.84 feet to the East-West centerline of said Section 3 and the **Point of Beginning**.

Containing 2,801 square feet or 0.06 acres, more or less.

Norfolk-MLK Drainage C333205
Legal Descriptions

King County Assessor's Parcel 032304-9224
Pape Properties Inc. Construction and Permanent Easement

That portion of King County Assessor's Parcel 032304-9224, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

The East 20.00 feet of the West 40.00 feet of said parcel 032304-9224 as described by deed recorded under Auditor's File No. 9403171621, records of King County, Washington. Being a portion of vacated 40th Avenue South, vacated by City of Seattle ordinance number 95900.

Containing 2,077 square feet or 0.05 acres, more or less.

Norfolk-MLK Drainage C333205
Legal Descriptions

**King County Assessor's Parcel 032304-9238
Surowecki Pumping Easement**

That portion of King County Assessor's Parcel 032304-9238, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 01° 31' 19" E along the North-South centerline of said Section 3 a distance of 26.83 feet;
Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 90.22 feet;
Thence S 03° 00' 05" W a distance of 26.82 to said East-West centerline;
Thence N 86° 59' 55" W along said East-West centerline a distance of 89.53 feet to the **Point of Beginning**.

Containing 2,411 square feet or 0.06 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

King County Assessor's Parcel 032304-9238
Surowecki Construction Easement

That portion of King County Assessor's Parcel 032304-9238, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

Beginning at the center of said Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 01° 31' 19" E along the North-South centerline of said Section 3 a distance of 59.54 feet;
Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 24.10 feet;
Thence S 03° 00' 05" W a distance of 20.49 feet;
Thence S 86° 59' 55" E a distance of 50.43 feet;
Thence S 03° 00' 05" W a distance of 9.00 feet;
Thence S 86° 59' 55" E a distance of 459.37 feet to the West margin of M. L. King Jr. Way South;
Thence S 00° 02' 29" E along said West margin a distance of 30.07 feet to said East-West centerline;
Thence N 86° 59' 55" W along said East-West centerline a distance of 533.96 feet to the **Point of Beginning**.

Containing 17,175 square feet or 0.39 acres, more or less.

Norfolk-MLK Drainage C333205
Legal Descriptions

**King County Assessor's Parcel 032304-9238
Surowecki Permanent Easement**

That portion of King County Assessor's Parcel 032304-9238, situate Section 3, Township 23 North, Range 4 East, W.M., King County, Washington, described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 01° 31' 19" E along the North-South centerline of said Section 3 a distance of 39.00 feet;
Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 74.00 feet;
Thence S 03° 00' 05" W a distance of 9.00 feet;
Thence S 86° 59' 55" E parallel with said East-West centerline a distance of 459.37 feet to the West margin of M. L. King Jr. Way South;
Thence S 00° 02' 29" E along said West margin a distance of 30.03 feet to said East-West centerline;
Thence N 86° 59' 55" W along said East-West centerline a distance of 533.96 feet to the **Point of Beginning**.

Containing 16,665 square feet or 0.38 acres, more or less.

Norfolk-MLK Drainage C333205
Legal Descriptions

**King County Assessor's Parcel 032304-9213
Lindal Cedar Homes, Inc. Construction Easement**

That portion of King County Assessor's Parcel 032304-9213, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.; Thence N 86° 59' 55" W parallel with the East-West centerline of said Section 3 a distance of 128.89 feet to the northwest corner of the parcel described in Auditor's File No. 20000921001129, records of King County, State of Washington and said Northwest corner being the **Point of Beginning**;

Thence S 03° 00' 05" W along the west line of said parcel a distance of 10.00 feet;
Thence N 86° 59' 55" W parallel with the East-West centerline of said Section 3 a distance of 292.72 feet;
Thence N 03° 00' 05" E a distance of 10.00 feet to said East-West centerline;
Thence S 86° 59' 55" E along said East-West centerline a distance of 292.72 feet to the **Point of Beginning**.

Containing 2927 square feet or 0.07 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

King County Assessor's Parcel 032304-9026
Sebco Inc. Construction Easement

That portion of King County Assessor's Parcel 032304-9026, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.; Thence S 01° 31' 19" W along the North-South centerline of said Section 3 a distance of 10.00 feet;
Thence N 86° 59' 55" W parallel with the East-West centerline of said Section 3 a distance of 129.15 feet to the west line of the parcel described in Auditor's File No. 20000921001129, records of King County, State of Washington;
Thence N 03° 00' 05" E along the west line of said parcel a distance of 10.00 feet;
Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 128.89 feet to the **Point of Beginning**.

Containing 1290 square feet or 0.03 acres, more or less.

Norfolk-MLK Drainage C333205
Legal Descriptions

**Construction and Permanent Easement
within Interstate 5 Right of Way**

That portion of Section 3, Township 23 North, Range 4 East, W.M, King County, Washington; described as follows:

Commencing at the center of Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 86° 59' 55" W along the East-West centerline of said Section 3 a distance of 421.06 feet to the East margin of Interstate 5 and the **Point of Beginning**;

Thence N 26°10' 02" W along the East margin of Interstate 5 a distance of 320.23 feet;
Thence S 63°49' 58" W a distance of 50.00 feet;
Thence S 26° 10' 02" E a distance of 292.32 feet to the East-West centerline of said Section 3;
Thence S 26°10' 02" E a distance of 129.30 feet;
Thence N 63°49' 58" E a distance of 30.00 feet to the East margin of Interstate 5;
Thence N 26° 10' 02" W along said East margin a distance of 112.55 feet to the East-West centerline of said Section 3;
Thence S 86° 59' 55" E along said East-West centerline a distance of 22.90 feet to the **Point of Beginning**.

Containing 18,942 square feet or 0.44 acres, more or less.



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Public Utilities	Arnel Valmonte 615-1438	John McCoy 615-0768

Legislation Title:

AN ORDINANCE relating to the drainage system of Seattle Public Utilities (“SPU”); authorizing the acquisition by negotiation or condemnation of land and all improvements thereon and other property rights for properties in the vicinity of Interstate-5 north of the Boeing Access Road, for drainage system, other utility and general municipal purposes.

Summary and background of the Legislation:

This legislation authorizes SPU to purchase property and acquire three types of easements (temporary, construction, and permanent) in the vicinity of Interstate-5, north of the Boeing Access Road, for stormwater management and other purposes.

The existing Norfolk Street/Martin Luther King Jr. Way storm drainage system was designed to convey stormwater to the Duwamish River. It has significant deficiencies which result in stormwater overflowing to the sanitary sewer system. SPU plans to correct these deficiencies by constructing: 1) temporary pumping and permanent conveyance improvements to alleviate stormwater overflows to the sanitary system; and 2) a water quality pond to treat stormwater prior to discharging it to the Duwamish River.

Purchasing the property and acquiring these easements would:

- provide permanent access to the project area for SPU and Seattle City Light (SCL)
- provide a temporary staging area during construction of the water quality pond
- serve as a permanent maintenance staging area and sediment management area for SPU and SCL
- provide a permanent easement across three properties for an existing drainage course

The budget for the property and easement acquisitions is in the 2008 Adopted CIP under two project/program numbers. The easement acquisition costs are part of project C333205 MLK Way/Norfolk Street Storm Improvement. The property purchase costs are budgeted within C3313 Best Management Practice Program. The two separate project numbers allow SPU to track water quality costs (associated with the property purchase) separate from the conveyance costs (associated with the easement acquisition).



Project Name:	Project I.D.	Project Location:	Start Date:	End Date
MLK Way / Norfolk Street Storm Improvement Project	C333205	Intersection of I-5 & Boeing Access Road	2003	2011
Best Management Practice Program	C3313	Intersection of I-5 & Boeing Access Road	2000	2013

- Please check any of the following that apply:

 This legislation creates, funds, or anticipates a new CIP Project. (Please note whether the current CIP is being amended through this ordinance, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)

 This legislation does not have any financial implications. (Stop here and delete the remainder of this document prior to saving and printing.)

 X **This legislation has financial implications.** (Please complete all relevant sections that follow.)

Appropriations: This table should reflect appropriations that are a direct result of this legislation. In the event that the projects associated with this ordinance have appropriations that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below. Finally, if this legislation does not directly change an appropriation, but results in budget authority being moved within a Budget Control Level, or to a Budget Control Level (up to 10%), please explain in the Notes section below.

Fund Name and Number	Department	Budget Control Level*	2008 Appropriation	2009 Anticipated Appropriation
TOTAL				

*See budget book to obtain the appropriate Budget Control Level for your department.

Notes:

Spending Plan and Future Appropriations for Capital Projects: Please list the timing of anticipated appropriation authority requests and expected spending plan. In addition, please identify your cost estimate methodology including inflation assumptions, the projected costs of meeting applicable LEED standards, and the percent for art and design as appropriate.



Spending Plan and Budget	2008	2009	2010	2011	2012	2013	Total
C333205 –MLK Way/Norfolk Street Storm Improvement							
Spending Plan	3,059	68	48	50	0	0	3,225
Current Year Appropriation	3,059						3,059
Future Appropriations		68	48	50	0	0	166
C3313-Best Management Practice Program							
Spending Plan	1,429	7,543	2,160	2,133	2,183	1,964	17,412
Current Year Appropriation	1,429						1,429
Future Appropriations		7,543	2,160	2,133	2183	1964	15,983
TOTAL	4,488	7,611	2,208	2,183	2,183	1,964	20,637

Notes: Figures above reflect the current 2008-2013 CIP. The easement costs are only a portion of the costs for project C333205. The property purchases are only portion of the costs for program C3313.

Funding source: Identify funding sources including revenue generated from the project and the expected level of funding from each source.

Funding Source (Fund Name and Number, if applicable)	2008	2009	2010	2011	2012	2013	Total
Drainage & Wastewater Fund (44010)	4,488	7,611	2,208	2,183	2,183	1,964	20,637

Bond Financing Required: If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount.

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
TOTAL					



Notes: The easement and property acquisition costs will be financed with a mixture of cash and long-term debt. Proceeds from the most recent DWF bond issue were received in April 2008.

Uses and Sources for Operation and Maintenance Costs for the Project: Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost.

O&M	2008	2009	2010	2011	2012	2013	Total
Uses							
Start Up							
On-going			14	14	14	14	56
Sources (itemize)							
Drainage & Wastewater Fund			14	14	14	14	56

Notes: Costs are for maintenance of open conveyance systems, water quality ponds, and a temporary pumping station.

Periodic Major Maintenance costs for the project: Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency.

Major Maintenance Item	Frequency	Cost	Likely Funding Source
TOTAL			

Funding sources for replacement of project: Identify possible and/or recommended method of financing the project replacement costs.

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Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE Impact: This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Position Title and Department*	Fund Name	Fund Number	Part-Time/ Full Time	2007 Positions	2007 FTE	2008 Positions**	2008 FTE**
TOTAL							



* *List each position separately*

** *2008 positions and FTE are total 2008 position changes resulting from this legislation, not incremental changes. Therefore, under 2008, please be sure to include any continuing positions from 2007.*

Notes:

• **Do positions sunset in the future?** *(If yes, identify sunset date):*

• **What is the financial cost of not implementing the legislation:** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):*

Without this legislation, businesses and residences along MLK Jr. Way would continue to be at risk for flooding and SPU would face continued liability. Additionally, the utility would continue paying King County approximately \$5,000 per month to process drainage flows to King County's system and pay a monthly maintenance fee of \$1,700 per month for a temporary pumping system.

• **What are the possible alternatives to the legislation that could achieve the same or similar objectives** *(Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):*

Because the current facility is completely deficient no alternative would achieve the desired level of service.

• **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future?)*

Yes.

• **Other Issues** *(including long-term implications of the legislation):*

Please list attachments to the fiscal note below:

None



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

June 24, 2008

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill, authorizing the acquisition of property and easements for improvements in the Norfolk Martin Luther King Jr. Way drainage system to allow Seattle Public Utilities (SPU) to make important drainage system changes and improve wetlands in the area.

The Norfolk Martin Luther King Jr. Way drainage system, which is located in south Seattle near Interstate-5 and the Boeing Access Road, discharges into the Duwamish Waterway. Passage of this legislation will authorize SPU to acquire property and property rights for a pump station, new stormwater conveyance pipes and a water quality pond to treat stormwater before discharging it to the Duwamish River. The drainage improvements made possible by this legislation will fix problems with the existing system that cause stormwater overflows to an adjacent sanitary sewer system, as well as periodic flooding on Martin Luther King Jr. Way.

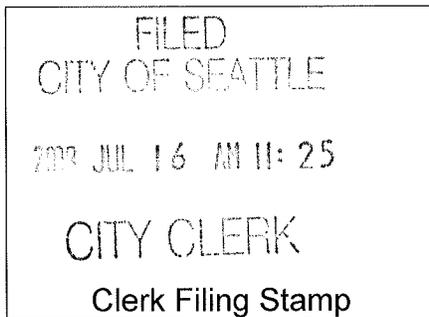
Thank you for your consideration of this legislation. Should you have questions, please contact Audrey Hansen at 684-5877.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels".

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
C.B. 116271**

I, Teri Hallauer, Senior Real Property Agent, hereby certify as follows:

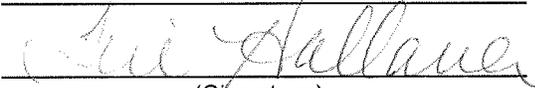
(Check all that apply below.)

1. On the 3rd day of July, 2008, I mailed via US Postal Service Certified Mail a
 notice of condemnation or
 other letter,
a true and correct representative copy of which is attached and designated as Attachment A, to those persons whose names and addresses appear on the attached list as Attachment B.
2. For condemnation legislation: The notice designated in Attachment A constitutes adequate notice to property owners, pursuant to RCW 8.12 and 8.25, that the City may take final action to authorize condemnation of the subject property.
3. The notices designated in Attachments C and D were published in the Seattle Times on June 28, 2008 and July 1, 2008 and the Daily Journal of Commerce on June 28, 2008 and July 1, 2008.
4. This Certificate of Mailing and Publication and complete Attachments A and B are hereby filed with the City Clerk of the City of Seattle.

Dated this 10th day of July, 2008.

The City of Seattle, Washington

Teri Hallauer


(Signature)

Senior Real Property Agent

Seattle Public Utilities

206-684-5971



City of Seattle

Gregory J. Nickels, Mayor

Seattle Public Utilities

Chuck Clarke, Director

Attachment A

COPY

July 3, 2008

John & Moira Farrell
8913 SE 44th Street
Mercer Island, WA 98040

Intent to Acquire Ownership - King County Tax Parcel No. 0323049124

Dear Mr. & Mrs. Farrell,

Seattle Public Utilities intends to acquire ownership of the above property located in Tukwila, Washington using its power of eminent domain (condemnation) for public use. The proposed ordinance authorizing this acquisition will be presented to the Seattle City Council as follows:

Tuesday 7/22/2008	2:00 pm	Environmental, Emergency Management & Utilities Committee (EEMU)
Monday 7/28/2008	2: 00 pm	City Council (adoption)

Both sessions are open to the public and held in Council Chambers in Seattle City Hall, 600 Fourth Avenue, Seattle on the second floor. Public comments are received by the Environment, Emergency Management & Utilities Committee (EEMU) at the start of the meeting and are generally limited to a total of 10 minutes of comments for each agenda item. If you have questions about the committee meeting format, the agenda for the meeting, or the public comment section, please contact Phyllis Shulman (EEMU Committee Staff) at (206) 684-8805, or visit the EEMU Committee's website at <http://www.seattle.gov/council/agendasc/environment.pdf>. The Council's chambers and

Seattle Municipal Tower, 700 Fifth Avenue, Suite 4900, P.O. Box 34018, Seattle, WA 98124-4018

Tel: (206) 684-5851, TTY/TDD: (206) 223-7241, Fax: (206) 684-4631, Internet Address: <http://www.seattle.gov/util/>

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

Farrell
July 3, 2008
Page 2

offices are physically accessible; print and communications access are provided on request. Call 206-684-8888 (TDD 206-233-0025) for further information.

The project for which this property is needed is Seattle Public Utilities' Norfolk/Martin Luther King Jr. Way Drainage Improvement Project. This project includes installation of higher capacity drainage pipes on certain properties on the east side of Interstate 5 and drainage facilities on the west side of Interstate 5 including a water quality pond to treat stormwater prior to being discharged into the Duwamish River. A vicinity map of the project is enclosed for your information. If you have any questions about the project, you may contact Arnel Valmonte at 206-615-1438.

If you have any questions about the acquisition process, please contact me at either 206-684-5971 or teri.hallauer@seattle.gov.

Sincerely yours,

A handwritten signature in cursive script that reads "Teri Hallauer".

Teri Hallauer
SPU Senior Real Property Agent

Enclosure



City of Seattle

Attachment A

Gregory J. Nickels, Mayor

Seattle Public Utilities

Chuck Clarke, Director

July 3, 2008

Matt Surowiecki, Jr.
Steeler Inc.
10023 Martin Luther King Jr. Way S.
Seattle, WA 98178

COPY

Intent to Acquire Easements - King County Tax Parcel No. 0323049238

Dear Mr. Surowiecki,

Seattle Public Utilities intends to acquire easements on the above property located in Seattle, Washington using its power of eminent domain (condemnation) for public use. The proposed ordinance authorizing this acquisition will be presented to the Seattle City Council as follows:

- Tuesday 7/22/2008 2:00 pm Environmental, Emergency Management & Utilities Committee (EEMU)
- Monday 7/28/2008 2: 00 pm City Council (adoption)

Both sessions are open to the public and held in Council Chambers in Seattle City Hall, 600 Fourth Avenue, Seattle on the second floor. Public comments are received by the Environmental, Emergency Management & Utilities Committee (EEMU) at the start of the meeting and are generally limited to a total of 10 minutes of comments for each agenda item. If you have questions about the committee meeting format, the agenda for the meeting, or the public comment section, please contact Phyllis Shulman (EEMU Committee Staff) at (206) 684-8805, or visit the EEMU Committee's website at <http://www.seattle.gov/council/agendasc/environment.pdf>. The Council's chambers and

Surowiecki Family LPI
July 3, 2008
Page 2

offices are physically accessible; print and communications access are provided on request. Call 206-684-8888 (TDD 206-233-0025) for further information.

The project for which this property is needed is Seattle Public Utilities' Norfolk/Martin Luther King Jr. Way Drainage Improvement Project. This project includes installation of higher capacity drainage pipes on certain properties on the east side of Interstate 5 and drainage facilities on the west side of Interstate 5 including a water quality pond to treat stormwater prior to being discharged into the Duwamish River. A vicinity map of the project is enclosed for your information. If you have any questions about the project, you may contact Arnel Valmonte at 206-615-1438.

If you have any questions about the acquisition process, please contact me at either 206-684-5971 or teri.hallauer@seattle.gov.

Sincerely yours,

A handwritten signature in cursive script that reads "Teri Hallauer".

Teri Hallauer
SPU Senior Real Property Agent

Enclosure



City of Seattle

Attachment A

Gregory J. Nickels, Mayor

Seattle Public Utilities

Chuck Clarke, Director

July 3, 2008

Kent Addis
Lindal Cedar Homes Inc.
10427 Martin Luther King Jr. Way
Seattle, WA 98178-2047

COPY

Intent to Acquire Easement - King County Tax Parcel No. 0323049213

Dear Mr. Addis,

Seattle Public Utilities intends to acquire an easement on the above property located in Seattle, Washington using its power of eminent domain (condemnation) for public use. The proposed ordinance authorizing this acquisition will be presented to the Seattle City Council as follows:

Tuesday 7/22/2008	2:00 pm	Environmental, Emergency Management & Utilities Committee (EEMU)
Monday 7/28/2008	2: 00 pm	City Council (adoption)

Both sessions are open to the public and held in Council Chambers in Seattle City Hall, 600 Fourth Avenue, Seattle on the second floor. Public comments are received by the Environment, Emergency Management & Utilities Committee (EEMU) at the start of the meeting and are generally limited to a total of 10 minutes of comments for each agenda item. If you have questions about the committee meeting format, the agenda for the meeting, or the public comment section, please contact Phyllis Shulman (EEMU Committee Staff) at (206) 684-8805, or visit the EEMU Committee's website at <http://www.seattle.gov/council/agendasc/environment.pdf>. The Council's chambers and

Seattle Municipal Tower, 700 Fifth Avenue, Suite 4900, P.O. Box 34018, Seattle, WA 98124-4018

Tel: (206) 684-5851, TTY/TDD: (206) 223-7241, Fax: (206) 684-4631, Internet Address: <http://www.seattle.gov/util/>

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Lindal Cedar Homes, Inc.

July 3, 2008

Page 2

offices are physically accessible; print and communications access are provided on request. Call 206-684-8888 (TDD 206-233-0025) for further information.

The project for which this property is needed is Seattle Public Utilities' Norfolk/Martin Luther King Jr. Way Drainage Improvement Project. This project includes installation of higher capacity drainage pipes on certain properties on the east side of Interstate 5 and drainage facilities on the west side of Interstate 5 including a water quality pond to treat stormwater prior to being discharged into the Duwamish River. A vicinity map of the project is enclosed for your information. If you have any questions about the project, you may contact Arnel Valmonte at 206-615-1438.

If you have any questions about the acquisition process, please contact me at either 206-684-5971 or teri.hallauer@seattle.gov.

Sincerely yours,



Teri Hallauer
SPU Senior Real Property Agent

Enclosure



City of Seattle

Gregory J. Nickels, Mayor

Seattle Public Utilities

Chuck Clarke, Director

Attachment A

July 3, 2008

Matt Arnold
Product Support Manager
Pape Properties, Inc.
9892 40th Ave. S.
Seattle, WA 98118

COPY

**Intent to Acquire Easements - King County Parcel Nos. 0323049224,
0323049222, & 0323049202**

Dear Mr. Arnold,

Seattle Public Utilities intends to acquire easement rights on the above property located in Seattle, Washington using its power of eminent domain (condemnation) for public use. The proposed ordinance authorizing this acquisition will be presented to the Seattle City Council as follows:

Tuesday 7/22/2008	2:00 pm	Environmental, Emergency Management & Utilities Committee (EEMU)
Monday 7/28/2008	2: 00 pm	City Council (adoption)

Both sessions are open to the public and held in Council Chambers in Seattle City Hall, 600 Fourth Avenue, Seattle on the second floor. Public comments are received by the Environment, Emergency Management & Utilities Committee (EEMU) at the start of the meeting and are generally limited to a total of 10 minutes of comments for each agenda item. If you have questions about the committee meeting format, the agenda for the meeting, or the public comment section, please contact Phyllis Shulman (EEMU Committee Staff) at (206) 684-8805, or visit the EEMU Committee's website at

Pape Properties Inc.
July 3, 2008
Page 2

<http://www.seattle.gov/council/agendasc/environment.pdf>. The Council's chambers and offices are physically accessible; print and communications access are provided on request. Call 206-684-8888 (TDD 206-233-0025) for further information.

The project for which this property is needed is Seattle Public Utilities' Norfolk/Martin Luther King Jr. Way Drainage Improvement Project. This project includes installation of higher capacity drainage pipes on certain properties on the east side of Interstate 5 and drainage facilities on the west side of Interstate 5 including a water quality pond to treat stormwater prior to being discharged into the Duwamish River. A vicinity map of the project is enclosed for your information. If you have any questions about the project, you may contact Arnel Valmonte at 206-615-1438.

If you have any questions about the acquisition process, please contact me at either 206-684-5971 or teri.hallauer@seattle.gov.

Sincerely yours,



Teri Hallauer
SPU Senior Real Property Agent

Enclosure



City of Seattle

Gregory J. Nickels, Mayor

Seattle Public Utilities

Chuck Clarke, Director

Attachment A

July 3, 2008

Jay Blasingame
Sebco Inc.
4020 East Madison St., Suite 320
Seattle, WA 98112

COPY

Intent to Acquire Easement - King County Tax Parcel No. 0323049026

Dear Mr. Blasingame,

Seattle Public Utilities intends to acquire an easement on the above property located in Seattle, Washington using its power of eminent domain (condemnation) for public use. The proposed ordinance authorizing this acquisition will be presented to the Seattle City Council as follows:

Tuesday 7/22/2008	2:00 pm	Environmental, Emergency Management & Utilities Committee (EEMU)
Monday 7/28/2008	2: 00 pm	City Council (adoption)

Both sessions are open to the public and held in Council Chambers in Seattle City Hall, 600 Fourth Avenue, Seattle on the second floor. Public comments are received by the Environment, Emergency Management & Utilities Committee (EEMU) at the start of the meeting and are generally limited to a total of 10 minutes of comments for each agenda item. If you have questions about the committee meeting format, the agenda for the meeting, or the public comment section, please contact Phyllis Shulman (EEMU Committee Staff) at (206) 684-8805, or visit the EEMU Committee's website at <http://www.seattle.gov/council/agendasc/environment.pdf>. The Council's chambers and

Seattle Municipal Tower, 700 Fifth Avenue, Suite 4900, P.O. Box 34018, Seattle, WA 98124-4018

Tel: (206) 684-5851, TTY/TDD: (206) 223-7241, Fax: (206) 684-4631, Internet Address: <http://www.seattle.gov/util/>

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Sebco Inc.
July 3, 2008
Page 2

<http://www.seattle.gov/council/agendasc/environment.pdf>. The Council's chambers and offices are physically accessible; print and communications access are provided on request. Call 206-684-8888 (TDD 206-233-0025) for further information.

The project for which this property is needed is Seattle Public Utilities' Norfolk/Martin Luther King Jr. Way Drainage Improvement Project. This project includes installation of higher capacity drainage pipes on certain properties on the east side of Interstate 5 and drainage facilities on the west side of Interstate 5 including a water quality pond to treat stormwater prior to being discharged into the Duwamish River. A vicinity map of the project is enclosed for your information. If you have any questions about the project, you may contact Arnel Valmonte at 206-615-1438.

If you have any questions about the acquisition process, please contact me at either 206-684-5971 or teri.hallauer@seattle.gov.

Sincerely yours,

A handwritten signature in cursive script that reads "Teri Hallauer".

Teri Hallauer
SPU Senior Real Property Agent

Enclosure

Attachment B
List of Owners that were sent Notification Letters

John & Moira Farrell
8913 SE 44th Street
Mercer Island, WA 98040

Kent Addis
Lindal Cedar Homes Inc.
10427 Martin Luther King Jr. Way
Seattle, WA 98178-2047

Matt Arnold
Product Support Manager
Pape Properties, Inc.
9892 40th Ave. S.
Seattle, WA 98118

Jay Blasingame
Sebco Inc.
4020 East Madison St., Suite 320
Seattle, WA 98112

Matt Surowiecki, Jr.
Steeler Inc.
10023 Martin Luther King Jr. Way S.
Seattle, WA 98178



REPRESENTING THE **Seattle Post-Intelligencer**
PO Box 70, Seattle, WA 98111

SEATTLE PUBLIC UTILITIES
PO BOX 34018
700 5TH AVE #4900
SEATTLE, WA 98124

Re: Advertiser Account #27692405
Ad #: 768764100

Affidavit of Publication

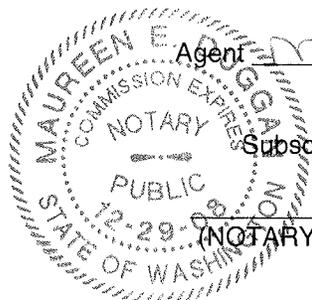
3932183 / 1

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times and representing the Seattle Post-Intelligencer, separate newspapers of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times and the Seattle Post-Intelligencer have been approved as legal newspapers by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper	Publication Date
The Seattle Times	06/28/08, 07/01/08
The Seattle Post-Intelligencer	06/28/08, 07/01/08



Agent

Mary Hiatt

Signature

Mary Hiatt

Subscribed and sworn to before me on

July 1, 2008

(DATE)

Maureen E. Duggan

(NOTARY SIGNATURE)

Notary Public in and for the State of Washington, residing at Seattle

The Seattle Times



REPRESENTING THE **Seattle Post-Intelligencer**

Re Advertiser Account #27692405

Ad # 768764100

Ad TEXT: Intent to purchase property

Intent to purchase property at the intersection of Interstate 5 and the Boeing Access Road (King County Tax Parcel No. 0323049214) and acquire easement rights in the vicinity of Martin Luther King Jr. Blvd South and Boeing Access Road, Seattle WA (King County Parcel Nos. 0323049214, 0323049238, 0323049222, 0323049224, 0323049202, 0323049213, and 0323049026).

Seattle Public Utilities intends to acquire a parcel in fee and easements on the above properties located in Tukwila and Seattle WA using its power of eminent domain (condemnation) for public use. The proposed ordinance authorizing this acquisition will be presented to the Seattle City Council, Council Chambers in City Hall, 600 Fourth Avenue, Seattle, 2nd floor, as follows:

Tuesday 07/22/08 2:00 pm
Environmental, Emergency
Management and Utilities
Committee

Monday 07/28/08 2:00 pm City
Council (adoption)

Both sessions are open to the public.
For further information, contact
Audrey Hansen,
206-664-5677

STATE OF WASHINGTON – KING COUNTY

--SS.

226148
SPU:ACCOUNTS PAYABLE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:NORFOLK PROP PURCHASE

was published on

06/27/08 07/01/08

The amount of the fee charged for the foregoing publication is the sum of \$ 84.30, which amount has been paid in full.

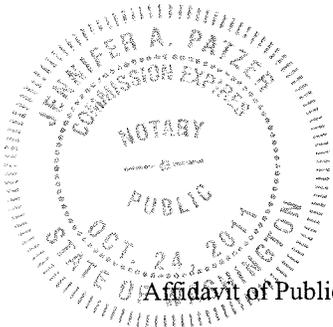
[Handwritten signature]

Subscribed and sworn to before me on

07/01/08

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle



Affidavit of Publication

State of Washington, King County

City of Seattle

Intent to Purchase Property

Intent to purchase property at the intersection of Interstate 5 and the Boeing Access Road (King County Tax Parcel No. 0323049214) and acquire easement rights in the vicinity of Martin Luther King Jr. Blvd South and Boeing Access Road, Seattle WA (King County Parcel Nos. 0323049214, 0323049238, 0323049222, 0323049224, 0323049202, 0323049213, and 0323049026).

Seattle Public Utilities intends to acquire a parcel in fee and easements on the above properties located in Tukwila and Seattle WA using its power of eminent domain (condemnation) for public use. The proposed ordinance authorizing this acquisition will be presented to the Seattle City Council, Council Chambers in City Hall, 600 Fourth Avenue, Seattle, 2nd floor, as follows:

Tuesday 07/22/08 2:00 pm Environmental, Emergency Management and Utilities Committee

Monday 07/28/08 2:00 pm City Council (adoption)

Both sessions are open to the public.

For further information, contact Audrey Hansen, 206-684-5877

Dates of publication in the Seattle Daily Journal of Commerce, June 27, July 1, 2008.

7/1(226148)

1
2 **ORDINANCE _____**

3
4 AN ORDINANCE relating to the drainage system of Seattle Public Utilities (“SPU”);
5 authorizing the acquisition by negotiation or condemnation of land and all improvements
6 thereon and other property rights for properties in the vicinity of Interstate-5 north of the
7 Boeing Access Road, for drainage system, other utility and general municipal purposes.

8 WHEREAS, the existing Norfolk Martin Luther King Jr. Way drainage system, located in south
9 Seattle, consisting of pipes, ditches, culverts, stormwater ponds and wetlands that are
10 intended to discharge to the Duwamish Waterway, has significant deficiencies in the
11 conveyance system resulting in inefficient drainage capacity and backflow that is being
12 pumped to the Metro/King County sanitary sewer system; and

13 WHEREAS, the proposed drainage system and water quality improvement project requires
14 additional land and property rights to install a temporary pumping system to manage the
15 drainage backflow, to construct permanent improvements to the system and to undertake
16 required wetland mitigation due to alterations to a wetland in the project area; and

17 WHEREAS, to complete the project and for ongoing management, additional properties and
18 property rights are needed, including: 1) Temporary Pumping Easements for two years
19 across two properties; 2) Construction Easements for up to four months across four
20 properties to construct the permanent improvements; 3) Permanent Easements for use,
21 maintenance and access to the permanent improvements across three properties; and, 4)
22 Fee Acquisition of one property for additional offsite wetland mitigation, construction
23 staging and ongoing sediment management; and

24 WHEREAS, RCW 8.12.030 and 35.67.020 authorize the City to purchase or condemn property
25 for drainage system, other utility or general municipal purposes; and

26 WHEREAS, the City has provided adequate notice to the relevant property owners that the City
27 may take final action to authorize condemnation of the subject properties as required by
28 RCW 8.12 and 8.25; and

WHEREAS, the City has determined that the properties legally described in Attachment 1 are
necessary for the drainage system improvements and offsite wetland mitigation and that it
is in the public interest to acquire the properties or property rights for the purposes above;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:



1 Section 1. Public convenience and necessity require that the real property, described in
2 Attachment 1, situated in the City of Seattle, County of King, State of Washington, together with
3 all improvements thereon and rights, privileges and other property rights pertaining thereto be
4 acquired, and the same is hereby condemned, appropriated and taken for the public use, namely
5 for the MLK Way/Norfolk Street Storm Improvement Project and related wetland mitigation and
6 for other utility or general municipal purposes.
7

8 Section 2. The Director of Seattle Public Utilities (SPU) or his designee is authorized, on
9 behalf of the City of Seattle, to negotiate for and acquire the properties or property rights
10 described herein at fair market value, and to execute and accept deeds, easements or other
11 necessary documents for those properties or property rights or to take any other reasonable
12 actions to effectuate this section.
13

14 Section 3. The City Attorney is authorized to commence and prosecute proceedings in
15 the manner provided by law to condemn, take, damage, and appropriate the lands and other
16 properties or property rights described herein, provided said lands, rights, and privileges and
17 other properties or property rights are to be appropriated and taken only after just compensation
18 has been made or paid into court for the owners thereof, in the manner provided by law, to
19 stipulate for the purpose of minimizing damages and to take such related actions as deemed
20 necessary.
21

22 Section 4. The cost of acquiring the properties and property rights described herein, by
23 negotiation or condemnation, including without limitation relocation benefits, if any, has been
24 allocated in the 2008-2013 Capital Improvement Program for the drainage system and
25
26
27



1 appropriated in the 2008 Adopted Budget of the City. The properties or property rights acquired
2 under authority of this ordinance will be placed under the jurisdiction of Seattle Public Utilities.

3 Section 5. Any act consistent with the authority of this ordinance that is taken after
4 passage of this ordinance, but prior to its effective date is hereby ratified and confirmed.

5 Section 6. This ordinance shall take effect and be in force thirty (30) days from and after
6 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
7 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

8 Passed by the City Council the ____ day of _____, 2008, and
9 signed by me in open session in authentication of its passage this
10 ____ day of _____, 2008.

11
12
13
14 _____
15 President _____ of the City Council

16 Approved by me this ____ day of _____, 2008.

17
18 _____
19 Gregory J. Nickels, Mayor

20 Filed by me this ____ day of _____, 2008.

21
22 _____
23 City Clerk

24
25 (Seal)

26 Attachment 1: Legal Description of Properties



Norfolk-MLK Drainage C333205
Legal Descriptions

King County Assessor's Parcel 032304-9222
Pape Properties Inc. Construction and Permanent Easement

That portion of Parcel B of Short Plat 78-221 as recorded under Auditor's File No. 7812190893, records of King County, Washington, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

Beginning at the SW corner of said Parcel B;

Thence N 26° 10' 02" W along the West line of said Parcel and the East margin of Interstate 5 a distance of 45.81 feet;

Thence S 86° 59' 55" E a distance of 84.94 feet;

Thence S 03° 00' 05" W a distance of 40.00 feet to the South line of said Parcel B;

Thence N 86° 59' 55" W along said South line a distance of 62.61 feet to the **Point of Beginning**.

Containing 2,951 square feet or 0.07 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

**King County Assessor's Parcel 032304-9202
Pape Properties Inc. Permanent Easement**

That portion of King County Assessor's Parcel 032304-9202, situate in Section 3, Township 23 North, Range 4 East, W.M., King County, Washington; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 86° 59' 55" W along the East-West Centerline of said Section 3 a distance of 421.06 to the East margin of Interstate 5;
Thence N 26° 10' 02" W along said East margin a distance of 217.59 feet;
to the Southwest corner of Parcel B of Short Plat 78-221 as recorded under King County Auditor's File No. 7812190893;
Thence S 86° 59' 55" E along the South line of said Parcel a distance of 327.26 feet;
Thence S 01° 31' 19" W a distance of 20.01 feet;
Thence N 86° 59' 55" W a distance of 246.37 feet;
Thence S 03° 00' 05" W a distance of 37.50 feet;
Thence S 15° 18' 32" E a distance of 120.61 feet;
Thence S 86° 59' 55" E a distance of 323.96 feet;
Thence N 03° 00' 05" E a distance of 21.00 feet;
Thence S 86° 59' 55" E a distance of 82.85 feet to the North-South centerline of said Section 3;
Thence S 01° 31' 19" W along said North-South centerline a distance of 39.01 feet to the **Point of Beginning.**

Containing 22,248 square feet or 0.51 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

**King County Assessor's Parcel 032304-9202
Pape Properties Inc. Construction Easement**

That portion of King County Assessor's Parcel 032304-9202, situate in Section 3, Township 23 North, Range 4 East, W.M., King County, Washington; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 86° 59' 55" W along the East-West Centerline of said Section 3 a distance of 421.06 to the East margin of Interstate 5;
Thence N 26° 10' 02" W along said East margin a distance of 217.59 feet to the Southwest corner of Parcel B of Short Plat 78-221 as recorded under King County Auditor's File No. 7812190893;
Thence S 86° 59' 55" E along the South line of said Parcel a distance of 463.26 feet;
Thence S 03° 00' 00" W a distance of 151.00 feet;
Thence S 86° 59' 55" E a distance of 26.97 feet;
Thence N 03° 00' 00" E a distance of 20.49 feet;
Thence S 86° 59' 55" E a distance of 35.34 feet to the North-South centerline of said Section 3;
Thence S 01° 31' 19" W along said North-South centerline a distance of 59.51 feet to the **Point of Beginning**.

Except the following described area: Commencing at the center of said Section 3;
Thence N 62° 45' 54" W a distance of 92.58 feet to the **Point of Beginning**;

Thence N 86° 59' 55" W a distance of 82.36 feet;
Thence S 03° 00' 05" W a distance of 20.00 feet;
Thence N 86° 59' 55" W a distance of 73.73 feet;
Thence N 03° 00' 05" E a distance of 20.00 feet;
Thence N 86° 59' 55" W a distance of 174.49 feet;
Thence N 15° 18' 32" W a distance of 99.54 feet;
Thence N 03° 00' 05" E a distance of 37.50 feet to a point that is 20.00 feet South of the South line of said Parcel B;
Thence S 86° 59' 55" E parallel with said South line a distance of 341.85 feet;
Thence S 41° 59' 58" E a distance of 28.29 feet;
Thence S 03° 00' 05" W a distance of 112.00 feet to the **Point of Beginning**.

Containing 33,584 square feet or 0.77 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

King County Assessor's Parcel 032304-9202
Pape Properties Inc. Pumping Easement

That portion of King County Assessor's Parcel 032304-9202, situate in Section 3, Township 23 North, Range 4 East, W.M., King County, Washington; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 86° 59' 55" W along the East-West centerline of said Section 3 a distance of 421.06 feet to the East margin of Interstate 5;
Thence N 26° 10' 02" W along said East margin a distance of 6.87 feet;
Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 411.23 feet;
Thence N 03° 00' 00" E a distance of 20.83;
Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 12.49 feet to the North-South centerline of said Section 3;
Thence S 01° 31' 19" W along said North-South centerline a distance of 26.84 feet to the East-West centerline of said Section 3 and the **Point of Beginning**.

Containing 2,801 square feet or 0.06 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

King County Assessor's Parcel 032304-9224
Pape Properties Inc. Construction and Permanent Easement

That portion of King County Assessor's Parcel 032304-9224, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

The East 20.00 feet of the West 40.00 feet of said parcel 032304-9224 as described by deed recorded under Auditor's File No. 9403171621, records of King County, Washington. Being a portion of vacated 40th Avenue South, vacated by City of Seattle ordinance number 95900.

Containing 2,077 square feet or 0.05 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

King County Assessor's Parcel 032304-9238
Surowecki Pumping Easement

That portion of King County Assessor's Parcel 032304-9238, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 01° 31' 19" E along the North-South centerline of said Section 3 a distance of 26.83 feet;
Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 90.22 feet;
Thence S 03° 00' 05" W a distance of 26.82 to said East-West centerline;
Thence N 86° 59' 55" W along said East-West centerline a distance of 89.53 feet to the **Point of Beginning**.

Containing 2,411 square feet or 0.06 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

King County Assessor's Parcel 032304-9238
Surowecki Construction Easement

That portion of King County Assessor's Parcel 032304-9238, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

Beginning at the center of said Section 3, Township 23 North, Range 4 East, W.M.;

Thence N 01° 31' 19" E along the North-South centerline of said Section 3 a distance of 59.54 feet;

Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 24.10 feet;

Thence S 03° 00' 05" W a distance of 20.49 feet;

Thence S 86° 59' 55" E a distance of 50.43 feet;

Thence S 03° 00' 05" W a distance of 9.00 feet;

Thence S 86° 59' 55" E a distance of 459.37 feet to the West margin of M. L. King Jr. Way South;

Thence S 00° 02' 29" E along said West margin a distance of 30.07 feet to said East-West centerline;

Thence N 86° 59' 55" W along said East-West centerline a distance of 533.96 feet to the **Point of Beginning**.

Containing 17,175 square feet or 0.39 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

King County Assessor's Parcel 032304-9238
Surowecki Permanent Easement

That portion of King County Assessor's Parcel 032304-9238, situate Section 3, Township 23 North, Range 4 East, W.M., King County, Washington, described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 01° 31' 19" E along the North-South centerline of said Section 3 a distance of 39.00 feet;
Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 74.00 feet;
Thence S 03° 00' 05" W a distance of 9.00 feet;
Thence S 86° 59' 55" E parallel with said East-West centerline a distance of 459.37 feet to the West margin of M. L. King Jr. Way South;
Thence S 00° 02' 29" E along said West margin a distance of 30.03 feet to said East-West centerline;
Thence N 86° 59' 55" W along said East-West centerline a distance of 533.96 feet to the **Point of Beginning**.

Containing 16,665 square feet or 0.38 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

**King County Assessor's Parcel 032304-9213
Lindal Cedar Homes, Inc. Construction Easement**

That portion of King County Assessor's Parcel 032304-9213, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.; Thence N 86° 59' 55" W parallel with the East-West centerline of said Section 3 a distance of 128.89 feet to the northwest corner of the parcel described in Auditor's File No. 20000921001129, records of King County, State of Washington and said Northwest corner being the **Point of Beginning**;

Thence S 03° 00' 05" W along the west line of said parcel a distance of 10.00 feet;
Thence N 86° 59' 55" W parallel with the East-West centerline of said Section 3 a distance of 292.72 feet;
Thence N 03° 00' 05" E a distance of 10.00 feet to said East-West centerline;
Thence S 86° 59' 55" E along said East-West centerline a distance of 292.72 feet to the **Point of Beginning**.

Containing 2927 square feet or 0.07 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

King County Assessor's Parcel 032304-9026
Sebco Inc. Construction Easement

That portion of King County Assessor's Parcel 032304-9026, situate in Section 3, Township 23 North, Range 4 East, W.M.; described as follows:

Beginning at the center of Section 3, Township 23 North, Range 4 East, W.M.; Thence S 01° 31' 19" W along the North-South centerline of said Section 3 a distance of 10.00 feet;
Thence N 86° 59' 55" W parallel with the East-West centerline of said Section 3 a distance of 129.15 feet to the west line of the parcel described in Auditor's File No. 20000921001129, records of King County, State of Washington;
Thence N 03° 00' 05" E along the west line of said parcel a distance of 10.00 feet;
Thence S 86° 59' 55" E parallel with the East-West centerline of said Section 3 a distance of 128.89 feet to the **Point of Beginning**.

Containing 1290 square feet or 0.03 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

**Construction and Permanent Easement
within Interstate 5 Right of Way**

That portion of Section 3, Township 23 North, Range 4 East, W.M, King County, Washington; described as follows:

Commencing at the center of Section 3, Township 23 North, Range 4 East, W.M.;
Thence N 86° 59' 55" W along the East-West centerline of said Section 3 a distance of 421.06 feet to the East margin of Interstate 5 and the **Point of Beginning**;

Thence N 26°10' 02" W along the East margin of Interstate 5 a distance of 320.23 feet;
Thence S 63°49' 58" W a distance of 50.00 feet;
Thence S 26° 10' 02" E a distance of 292.32 feet to the East-West centerline of said Section 3;
Thence S 26°10' 02" E a distance of 129.30 feet;
Thence N 63°49' 58" E a distance of 30.00 feet to the East margin of Interstate 5;
Thence N 26° 10' 02" W along said East margin a distance of 112.55 feet to the East-West centerline of said Section 3;
Thence S 86° 59' 55" E along said East-West centerline a distance of 22.90 feet to the **Point of Beginning**.

Containing 18,942 square feet or 0.44 acres, more or less.



Norfolk-MLK Drainage C333205
Legal Descriptions

**King County Assessor's Parcel 032304-9214
Cuba Club LLC Fee Acquisition**

That portion of the northeast quarter of the southwest quarter of Section 3, Township 23 North, Range 4 East, W.M., in King County, Washington, lying easterly of the Oregon-Washington Railroad & Navigation Company's Right of Way, and lying north and west of the right of way for SR 5 as shown on Washington State Highway No. 1, South 126th St. to Norfolk St., Sheet 4 of 10 sheets, latest Revision Date 12-4-69, and as taken by the State of Washington by judgment and decree of Appropriation entered October 9, 1962, under King County Superior Court Cause No. 507497.



STATE OF WASHINGTON – KING COUNTY

--SS.

227510
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

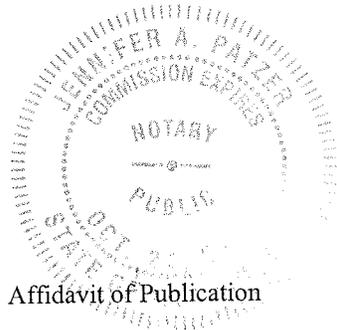
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122755 ORDINANCE

was published on

08/05/08

The amount of the fee charged for the foregoing publication is the sum of \$ 182.65, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

08/05/08

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 122755

AN ORDINANCE relating to the drainage system of Seattle Public Utilities ("SPU"); authorizing the acquisition by negotiation or condemnation of land and all improvements thereon and other property rights for properties in the vicinity of Interstate-5 north of the Boeing Access Road, for drainage system, other utility and general municipal purposes.

WHEREAS, the existing Norfolk Martin Luther King Jr. Way drainage system, located in south Seattle, consisting of pipes, ditches, culverts, stormwater ponds and wetlands that are intended to discharge to the Duwamish Waterway, has significant deficiencies in the conveyance system resulting in inefficient drainage capacity and backflow that is being pumped to the Metro/King County sanitary sewer system; and

WHEREAS, the proposed drainage system and water quality improvement project requires additional land and property rights to install a temporary pumping system to manage the drainage backflow, to construct permanent improvements to the system and to undertake required wetland mitigation due to alterations to a wetland in the project area; and

WHEREAS, to complete the project and for ongoing management, additional properties and property rights are needed, including: 1) Temporary Pumping Easements for two years across two properties; 2) Construction Easements for up to four months across four properties to construct the permanent improvements; 3) Permanent Easements for use, maintenance and access to the permanent improvements across three properties; and

WHEREAS, RCW 8.12.030 and 35.67.020 authorize the City to purchase or condemn property for drainage system, other utility or general municipal purposes; and

WHEREAS, the City has provided adequate notice to the relevant property owners that the City may take final action to authorize condemnation of the subject properties as required by RCW 8.12 and 8.25; and

WHEREAS, the City has determined that the properties legally described in Attachment 1 are necessary for the drainage system improvements and offsite wetland mitigation and that it is in the public interest to acquire the properties or property rights for the purposes above. NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The public convenience and necessity require that the real property, described in Attachment 1, situated in the City of Seattle, County of King, State of Washington, together with all improvements thereon and rights, privileges and other property rights pertaining thereto be acquired, and the same is hereby condemned, appropriated and taken for the public use, namely for the Norfolk Martin Luther King Jr. Way Drainage Improvement Project and related wetland mitigation and for other utility or general municipal purposes.

Section 2. The Director of SPU or his designee is authorized, on behalf of the City of Seattle, to negotiate for and acquire the properties or property rights described herein at fair market value, and to execute and accept deeds, easements or other necessary documents for those properties or property rights or to take any other reasonable actions to effectuate this section.

Section 3. The City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate the lands and other properties or property rights described herein, provided said lands, rights, and privileges and other properties or property rights are to be appropriated and taken only after

just compensation has been made or paid into court for the owners thereof, in the manner provided by law, to stipulate for the purpose of minimizing damages and to take such related actions as deemed necessary.

Section 4. The cost of acquiring the properties and property rights described herein, by negotiation or condemnation, including without limitation relocation benefits, if any, has been allocated in the 2008-2013 Capital Improvement Program for the drainage system and appropriated in the 2008 Adopted Budget of the City. The properties or property rights acquired under authority of this ordinance will be placed under the jurisdiction of Seattle Public Utilities.

Section 5. Any act consistent with the authority of this ordinance that is taken after passage of this ordinance, but prior to its effective date is hereby ratified and confirmed.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 28th day of July, 2008, and signed by me in open session in authentication of its passage this 28th day of July, 2008.

Richard Conlin

President of the City Council.

Approved by me this 30th day of July, 2008.

Gregory J. Nickels, Mayor

Filed by me this 30th day of July, 2008.

(Seal) Judith Pippin

City Clerk

Attachment 1: Legal Description of Properties

See City Clerk for Attachment

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, August 5, 2008.

8/5(227510)