

Ordinance No. 123269

Council Bill No. 116816

AN ORDINANCE relating to Seattle Public Utilities; authorizing the purchase of three properties, 10735 and 10745 Stone Avenue North and 10720 Midvale Avenue North, Seattle, for a storm drainage system and other utility and general municipal purposes, and ratifying and confirming certain prior acts; and amending the 2010 Adopted Budget, including the 2010-2015 Capital Improvement Program (CIP) by shifting existing appropriations and revising project allocations for certain projects in the 2010-2015 CIP.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: [Signature]

Councilmember

Committee Action:

3/23/10 PASS 3-0 (RC, BH, MO)

3-29-10 Passed 8-0 (Excused: Licata)

CF No. _____

Date Introduced:	<u>3.15.10</u>	
Date 1st Referred:	To: (committee) <u>Seattle Public Utilities + Neighborhoods</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>8-0</u>	
Date Presented to Mayor:	Date Approved: <u>4.8.10</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

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

Committee: [Signature] 3/24/10
(initial/date)

Law Department

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

ORDINANCE 123269

1
2 AN ORDINANCE relating to Seattle Public Utilities; authorizing the purchase of three
3 properties, 10735 and 10745 Stone Avenue North and 10720 Midvale Avenue North,
4 Seattle, for a storm drainage system and other utility and general municipal purposes, and
5 ratifying and confirming certain prior acts; and amending the 2010 Adopted Budget,
including the 2010-2015 Capital Improvement Program (CIP) by shifting existing
appropriations and revising project allocations for certain projects in the 2010-2015 CIP.

6 WHEREAS, Seattle Public Utilities' 2002 Densmore Basin Study investigated the frequent
7 flooding within the basin and recommended installation of a new and expanded storm
8 drain system to protect the Haller Lake, Bitter Lake, North College Park, and Greenwood
neighborhoods; and

9 WHEREAS, a storm in December 2007 flooded this area with approximately five feet of
10 stormwater; and

11 WHEREAS, Seattle Public Utilities has identified a new stormwater detention pond to be the
12 preferred alternative of the first phase of a new and expanded storm drain system for the
Densmore Basin; and

13 WHEREAS, Seattle Public Utilities has identified 10735, 10745 Stone Avenue North and 10720
14 Midvale Avenue North as the properties required for the stormwater detention pond; and

15 WHEREAS, the current owners of 10735, 10745 Stone Avenue North and 10720 Midvale
16 Avenue North are voluntarily selling these properties to the City of Seattle; and

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

19 WHEREAS, the City Council approved a project in the Adopted 2010-2015 CIP to address
20 flooding within the Densmore Basin; NOW THEREFORE,

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

22 Section 1. Public convenience and necessity require the properties situated in the City of
23 Seattle, County of King, State of Washington and described in Attachment 1, together with all
24 improvements thereon, all rights and privileges pertaining thereto (the "Property") be acquired
25 by the City for stormwater, drainage, other utility or general municipal purposes.
26



1 Section 2. The Director of Seattle Public Utilities or his designee is authorized, on behalf
 2 of the City of Seattle, to acquire the Property and all rights and privileges pertaining thereto in
 3 fee simple at fair market value, and to execute and accept deeds or other necessary documents
 4 for the acquisition of the Property or to take any other reasonable necessary action to effectuate
 5 this section.

6 Section 3. The Property acquired under authority of this ordinance shall be placed under
 7 the jurisdiction of Seattle Public Utilities.
 8

9 Section 4. Any act pursuant to and prior to the effective date of this ordinance is hereby
 10 ratified and confirmed.

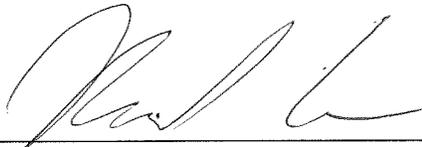
11 Section 5. Project allocations in the 2010-2015 Adopted Capital Improvement Program,
 12 as amended by ordinance, are modified as follows:
 13

Item	Fund	Budget Control Level	Change	Project Name	Allocation (in \$000's)
5.1	DWF (44010)	Flooding, Sewer Back-up, and Landslides (380B)	\$0	Densmore Basin Drainage Improvements (C3803)	\$2,621
				South Park Pump Station (C308011)	\$5,821
					\$9,081
		Net Change	\$0	\$5,881	

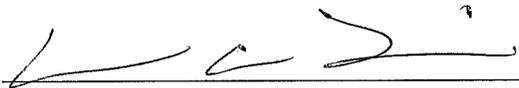


1 Section 6. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 29th day of March, 2010, and
5 signed by me in open session in authentication of its passage this
6 29th day of March, 2010.

7
8 
9 _____
10 President _____ of the City Council

11 Approved by me this 8th day of April, 2010

12
13 
14 _____
15 Michael McGinn, Mayor

16 Filed by me this 8th day of April, 2010.

17
18 
19 _____
20 City Clerk

21 (Seal)

22
23 Attachment 1 Legal descriptions of Property

24 Attachment 2 Map



LEGAL DESCRIPTIONS OF THE PROPERTY

The Property is located at 10735 Stone Avenue North, Seattle, WA and is referenced as King County Tax Parcel No. 6300000112:

Lots 4, 5, 6, 14, 15, 16 and 17, Block 2, Oak Lake Villa Tracts, according to the plat thereof recorded in Volume 18 of Plats, page 33, in King County, Washington;

TOGETHER WITH all of alley adjoining as vacated under City of Seattle Ordinance No. 86744.

The Property is located at 10745 Stone Avenue North, Seattle, WA and is referenced as King County Tax Parcel No. 6300000110:

Lots 3 and 18, Block 2, OAK LAKE VILLA TRACTS, according to the plat thereof recorded in Volume 18 of Plats, page 33, records of King County, Washington;

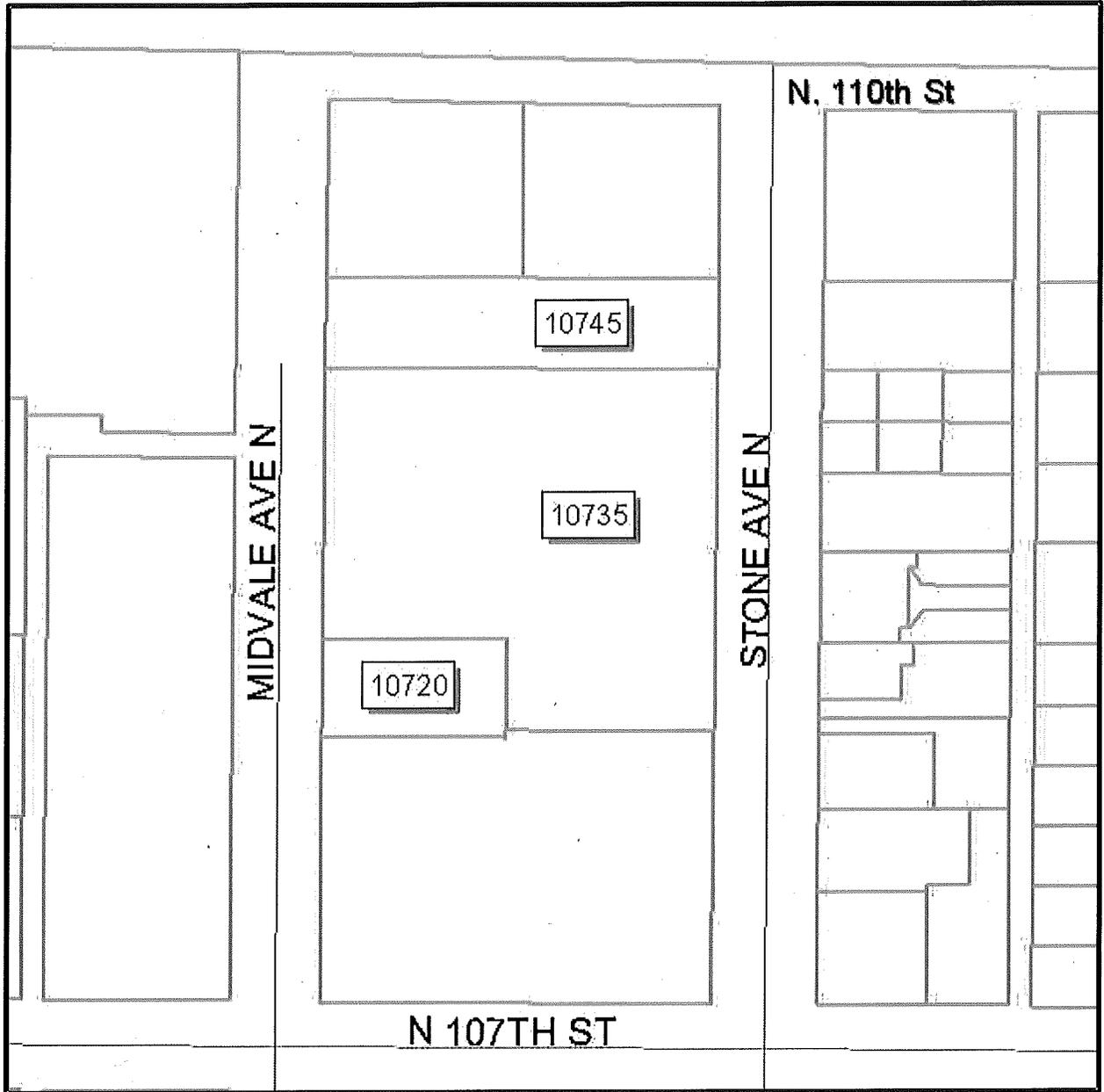
TOGETHER WITH that portion of the alley, vacated by Ordinance No. 86744 of the City of Seattle, adjoining said Lots, which upon vacation, attached thereto by operation of law.

SITUATE in the City of Seattle, County of King, State of Washington.

The Property is located at 10720 Midvale Avenue North, Seattle, WA and is referenced as King County Tax Parcel No. 6300000114:

Parcel A, City of Seattle Short Plat No. 77-171, recorded under Recording Number 8002220791, being Lot 7 and the north 5 feet of Lot 8, Block 2, Oak Lake Villa Tracts, according to the plat thereof recorded in Volume 18 of Plats, page 33, in King County, Washington.





FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Audrey Hansen 684-5877	John McCoy 685-0768

Legislation Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the purchase of three properties, 10735 and 10745 Stone Avenue North and 10720 Midvale Avenue North, Seattle, for a storm drainage system and other utility and general municipal purposes, and ratifying and confirming certain prior acts; and amending the 2010 Adopted Budget, including the 2010-2015 Capital Improvement Program (CIP) by shifting existing appropriations and revising project allocations for certain projects in the 2010-2015 CIP.

Summary and background of the Legislation:

Project Name:	Project I.D.	Project Location:	Start Date:	End Date
Densmore Basin Drainage Improvements	C3803	10745 Stone Ave N, Seattle, WA 98133	July 2009	August 2011

A 2002 Seattle Public Utilities (SPU) study recommended the installation of a new and expanded storm drain system to address frequent flooding within the Densmore Basin (Haller Lake, Bitter Lake, North College Park, and Greenwood neighborhoods). SPU subsequently identified a new stormwater detention pond as the preferred first phase alternative for the expanded storm drain system in this basin. This project requires the purchase of three adjacent properties identified by SPU (10745 Stone Avenue N, 10735 Stone Ave N and 10720 Midvale Ave N) as a potential location for the detention pond. This legislation authorizes the purchase of these properties. The owners of these properties are willing sellers. Property purchases are planned for 2010, allowing for the completion of construction in 2012.

This project is fully accounted for in current drainage rates, so there is no immediate rate impact. For illustrative purposes, if this project were to be simply added on top of current rates, it would represent approximately 3.4 percent of the drainage rate in 2010, falling to 2.3 percent in 2011.

- *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.)*

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

Appropriations: *This table should detail existing appropriations and reflect appropriations that*



are a direct result of this legislation. If this legislation does not directly change an appropriation, but has budget impacts, please explain in the notes section below:

Fund Name and Number	Department	Budget Control Level*	Existing 2010 Appropriation	New 2010 Appropriation (if any)	2011 Anticipated Appropriation
				--	
TOTAL				--	

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

Notes: No additional appropriations are required. Within the Flooding, Sewer Back-up, and Landslides BCL (C380), \$2.6 million is allocated to the Densmore Basin Drainage Improvements Project (C3803). Of this, \$2.4 million is available for the proposed detention pond project. This legislation transfers \$3.2 million of allocation from the South Park Pump Station (C308011) project to the Densmore project, raising the Densmore allocation to \$5.6 million. Budgets for 2011 and later will be addressed in future CIPs. The South Park Pump Station project is delayed for unrelated reasons, lowering its planned 2010 spending.

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	2010	2011	2012	2013	2014	2015	Total
Spending Plan	\$5.6M	\$3.9M		--	--	--	\$9.5 M
Current Year Appropriation	\$5.6M						
Future Appropriations		\$3.9M					\$3.9 M

Notes:

Funding source: *Identify funding sources including revenue generated from the project, and the expected level of funding from each source. When applicable, make a notation indicating the source of funds is paying for debt service.*

Funding Source (Fund Name and Number, if applicable)	2010	2011	2012	2013	2014	2015	Total
Drainage rates (44010 DWF)	\$5.6M	\$3.9 M					\$9.5 M
TOTAL	\$5.6M	\$3.9 M					\$9.5 M

Notes:

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
Fixed Rate	\$7.1 M	3.84%	30 year	12/2009	\$0.4 M
TOTAL	\$7.1 M				\$0.4 M

Notes: No specific bonds will be issued for this project. Rather, it will be financed with bonds already issued in December 2009, which are managed at the fund level. Amounts above are illustrative of this project's contribution to debt service. On average, 75 percent of drainage and wastewater project costs are financed with debt, with the remainder financed with cash.

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	2010	2011	2012	2013	2014	2015	Total
Uses							
Start Up							
On-going	0	0	\$10,000	\$10,000	\$10,000	\$8,000	\$38,000
Sources (itemize)							

Notes:

The above costs are for routine maintenance of the detention pond. Costs are slightly higher during the first three years after construction due to increased landscaping expense for plant establishment.

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
Remove accumulated sediment	1x / 50 yr	\$50,000	Drainage rates (44010-DWF)
TOTAL	50 year life	\$50,000	

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

Note: Not applicable.

Total Regular Positions Created, Modified, 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*	Position # for Existing Positions	Fund Name & #	PT/FT	2009 Positions	2009 FTE	2010 Positions **	2010 FTE **
TOTAL							

* List each position separately

** 2010 positions and FTE are total 2010 position changes resulting from this legislation, not incremental changes. Therefore, under 2010, please be sure to include any continuing positions from 2009.

Notes:

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

Not applicable.

- **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):

Alternative flooding solutions would be more costly, take longer to implement, or displace housing. Failure to undertake any alternative will most likely result in future flood related damages to property and threaten public safety.

- **Does this legislation affect any departments besides the originating department?** • If so, please list the affected department(s), the nature of the impact (financial, operational, etc.), and indicate which staff members in the other department(s) are aware of this Bill.

No.

- **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):

SPU could purchase residential property for the detention pond, rather than purchasing



commercial property that's currently for sale. SPU could rely on green solutions (roof gardens, rain gardens, pervious pavement) on public and private property to reduce flood volumes, but this would take decades to minimize the runoff from 1,200 acres of upstream drainage area.

- **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?)*

SPU plans to host a public meeting for residents, businesses and property owners in the project area during Q1 2010.

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

None.

- **List attachments to the fiscal note below:** *(Please include headers with version numbers on all attachments, as well footers with the document's name (e.g., DOF Property Tax Fisc Att A)*

No attachments.





City of Seattle

Michael McGinn, Mayor

Office of the Mayor

March 2, 2010

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

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill authorizing Seattle Public Utilities to buy three commercial properties to construct a stormwater detention facility in north Seattle. The project will reduce stormwater flooding for two dozen residences and businesses near Midvale Ave. N. and 107th St. NE.

The Densmore Basin, which includes the Haller Lake, Bitter Lake, North College Park and Greenwood neighborhoods, experiences frequent flooding during heavy rain events. SPU paid approximately \$580,000 in claims in this part of the city in the wake of severe flooding during a December 2007 storm. A 2002 SPU study recommended expanding the stormwater drainage system in the basin, and SPU determined that an 11 acre-foot stormwater detention facility should be the first phase of the expanded system. The detention facility will be constructed on the three properties purchased via this legislation. The legislation also reallocates budget in the 2010 Adopted Capital Improvement Program to move more work on this project into 2010. The total cost of the project is \$9.5 million.

One of the properties is being sold on a "short sale," so I hope the Council can give this matter prompt consideration to allow SPU to work with the bank. Thank you for your consideration of this legislation. Should you have questions, please contact Audrey Hansen at 684-5877.

Sincerely,


Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mike.mcgin@seattle.gov

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STATE OF WASHINGTON – KING COUNTY

--SS.

253550
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

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.

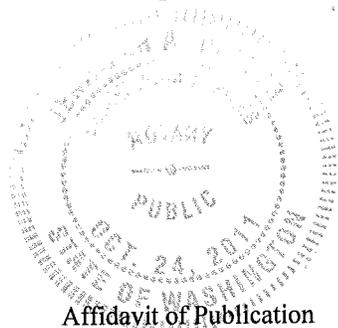
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123267,69,71

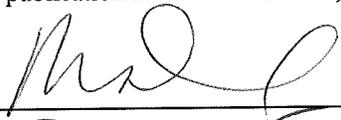
was published on

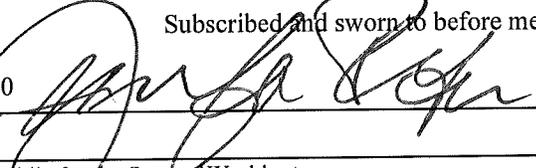
04/21/10

The amount of the fee charged for the foregoing publication is the sum of 54.60, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
04/21/10 

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on March 29, 2010, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344

ORDINANCE NO. 123267

AN ORDINANCE amending the Seattle Comprehensive Plan to incorporate changes proposed as part of the 2009 Comprehensive Plan annual amendment process.

ORDINANCE NO. 123269

AN ORDINANCE relating to Seattle Public Utilities; authorizing the purchase of three properties, 10735 and 10745 Stone Avenue North and 10720 Midvale Avenue North, Seattle, for a storm drainage system and other utility and general municipal purposes, and ratifying and confirming certain prior acts; and amending the 2010 Adopted Budget, including the 2010-2015 Capital Improvement Program (CIP) by shifting existing appropriations and revising project allocations for certain projects in the 2010-2015 CIP.

ORDINANCE NO. 123271

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, April 21, 2010.
4/21(253550)