

Ordinance No. 123998

Council Bill No. 117579 [117579]

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of existing drainage facilities.

Related Legislation File:

Date Introduced and Referred: <u>Sept. 10, 2012</u>	To: (committee): <u>Parks and Neighborhoods</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9.24.12</u>	Date Presented to Mayor: <u>9.26.12</u>
Date Signed by Mayor: <u>Oct 1, 2012</u>	Date Returned to City Clerk: <u>Oct. 2, 2012</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text <input type="checkbox"/>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

The City of Seattle – Legislative Department City Engineer

Council Bill/Ordinance sponsored by: _____

Committee Action:

Date	Recommendation	Vote
<u>9.20.12</u>	<u>Approve</u>	<u>3-0</u> <u>SB, JG, RL</u>

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

Full Council Action:

Date	Decision	Vote
<u>9.24.12</u>	<u>Passed</u>	<u>8-0</u> <u>excused: TR</u>

CITY OF SEATTLE
ORDINANCE 123998
COUNCIL BILL 117579

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4 AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public
5 Utilities; transferring partial jurisdiction of a portion of the property formerly known as
6 the Sound Way Property, in the West Duwamish Greenbelt, from the Department of
7 Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of
8 existing drainage facilities.

9 WHEREAS, by Ordinance 123516 (January 2011) portions of streets, alleys and blocks known
10 as the Sound Way Property, located in the West Duwamish Greenbelt, were vacated and
11 placed under the jurisdiction of the Department of Parks and Recreation (DPR); and

12 WHEREAS, in 1972 the Seattle Engineering Department constructed a drainage collection and
13 conveyance system composed of approximately 250 linear feet of 18-inch to 30-inch
14 diameter pipe, three maintenance holes, concrete headwall diversion structure, overflow
15 basin, and rock lined open drainage channel to improve an existing drainage asset located
16 in this same area (drainage facilities). These drainage facilities collect and convey an
17 unnamed natural water course following a southeasterly direction from the Riverview
18 Playfield; and

19 WHEREAS, in 1997, after the merger of the Seattle Engineering and Seattle Water Departments,
20 ownership, operation and maintenance of the drainage facilities became the responsibility
21 of Seattle Public Utilities (SPU); and

22 WHEREAS, as a condition of the Sound Way street vacation, DPR pledged to work
23 cooperatively with SPU on the previously installed drainage facilities; and

24 WHEREAS, DPR and SPU have determined that it would be to their mutual benefit to transfer
25 partial jurisdiction of the area occupied by the drainage facilities from DPR to SPU to
26 facilitate efficient maintenance, repair and operation of the drainage facilities by SPU;
27 and

28 WHEREAS, because the drainage facilities existed long before Sound Way was vacated and the
street vacation was subject to the continuing operation and maintenance of the drainage
facilities, the requirements of Ordinance 118477 (Initiative 42) are not applicable; NOW,
THEREFORE,



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

2 Section 1. Such limited and partial jurisdiction of the following described real property
3 (Use Area) as shall be necessary for the continued use, operation, maintenance and repair of
4 existing drainage facilities, including approximately 250 linear feet of 18-inch to 30-inch
5 diameter pipe, three maintenance holes, concrete headwall diversion structure, overflow basin,
6 and rock lined open drainage channel, is hereby transferred from the Department of Parks and
7 Recreation to Seattle Public Utilities on the conditions that (a) Seattle Public Utilities shall give
8 the Department of Parks and Recreation at least 72 hours notice of intent to access the Use Area
9 for maintenance and repair, except in case of emergency; (b) after any maintenance and repair of
10 all or any portion of the drainage facilities, Seattle Public Utilities will restore the Use Area as
11 nearly as possible to the condition existing immediately prior to such maintenance and repair at
12 Seattle Public Utilities' expense; and (c) Seattle Public Utilities shall not use any park land
13 outside of the Use Area, except for access purposes permitted in Section 2 below, for such
14 maintenance and/or repair without the prior written approval of the Department of Parks and
15 Recreation:

16
17 PTJO TO SPU FOR STORM DRAIN MAINTENANCE ON DO 82854 & Park Parcel AFN
18 3024049108

19 That portion of the NE ¼ of Section 30, Township 24 North, Range 4 East, Willamette Meridian,
in the City of Seattle, King County, Washington as follows:

20 Commencing at the intersection of the centerline of Southwest Michigan Street and the
21 centerline tangent of West Marginal Way Southwest, being marked by a concrete monument in
22 steel case; thence South 86°02'47" West along the centerline of Southwest Michigan Street a
23 distance of 146.20 feet to the intersection with the centerline of Detroit Avenue Southwest, being
24 marked by a concrete monument in steel case; thence continuing South 86°02'47" West along the
25 centerline of Southwest Michigan Street a distance of 42.48 feet to an intersection with the
26 westerly margin of Detroit Avenue Southwest extended from the north; thence North 23°37'41"
West along said extension of the westerly margin of Detroit Avenue Southwest a distance of
47.79 feet to an intersection with the northerly margin of Southwest Michigan Street; thence
continuing North 23°37'41" West along said westerly margin a distance of 63.31 feet to an
intersection with the centerline of a 24 inch storm drain pipe as depicted on City of Seattle Vault



1 Plan 774-11 and the True Point of Beginning of a 20 foot wide parcel description lying 10 feet
2 on either side of the following line:

3 Thence South $82^{\circ}58'51''$ West along said 24 inch drain pipe a distance of 209.56 feet to MH 2,
4 as designated on said Vault Plan 774-11; Thence South $74^{\circ}24'40''$ West continuing along said 24
5 inch drain pipe a distance of 42.06 feet to an intersection with a line that is parallel with and 35
6 feet distant from the westerly line of a parcel of land described in City of Seattle Deed Ordinance
82854, said point being the terminus of the 20 foot wide parcel description is designated herein
as Point "A"; (containing 5032.4 sf)

7 TOGETHER WITH:

8 Commencing at Point "A"; Thence South $30^{\circ}01'47''$ East along said parallel line a distance of
9 83.22 feet more or less to the northerly margin of Highland Park Way Southwest as established
10 in City of Seattle Condemnation Ordinance 82492; Thence South $85^{\circ}38'34''$ West a distance of
11 23.56 feet to an angle point in the northerly margin of Highland Park Way Southwest;
12 Thence South $66^{\circ}23'54''$ West along said northerly margin a distance of 13.85 feet to an
13 intersection with the westerly line of a parcel of land described in City of Seattle Deed Ordinance
82854 and is designated herein as Point "B"; Thence North $30^{\circ}01'47''$ West along the westerly
line of said parcel of land a distance of 135.07 feet; Thence leaving said westerly line North
 $66^{\circ}23'54''$ East a distance of 35.22 feet to an intersection with a line parallel with and 35 feet
distant northeasterly of said westerly line; Thence South $30^{\circ}01'47''$ East along said parallel line a
distance of 59.67 feet to Point "A". (containing 4810.6 sf)

14 TOGETHER WITH:

15 Commencing at Point "B"; Thence South $66^{\circ}23'54''$ West along the northerly margin of
16 Highland Park Way Southwest as established in City of Seattle Condemnation Ordinance 82492
a distance of 90.00 feet; Thence leaving said northerly margin North $23^{\circ}36'06''$ West a distance
17 of 134.22 feet; Thence North $66^{\circ}23'54''$ East a distance of 74.88 feet to the westerly line of a
18 parcel of land described in City of Seattle Deed Ordinance 82854; Thence South $30^{\circ}01'47''$ East
along said westerly line a distance of 135.07 feet to Point "B". (containing 11065.3 sf)

19 (Side lines of the 20 foot wide linear portion of the parcel description to be extended or
20 shortened to close on the beginning and ending boundary lines.

21 Total Area = 20908.3 sf

22 Section 2: In order to reach the Use Area, Seattle Public Utilities shall have reasonable
23 pedestrian access across the adjacent park land, or vehicular access if required for maintenance
24 or repair, but only on surfaces capable of supporting the weight of the vehicles, so as not to
25 damage park land, vegetation or improvements. Seattle Public Utilities shall restore any park
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1 land, vegetation or improvements damaged by such access as nearly as possible to the condition
2 existing immediately prior to such maintenance and repair at Seattle Public Utilities' expense.

3 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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7 Passed by the City Council the 24th day of September, 2012, and
8 signed by me in open session in authentication of its passage this
9 24th day of September, 2012.

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12 President _____ of the City Council

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14 Approved by me this 1st day of October, 2012.

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17 Michael McGinn, Mayor

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19 Filed by me this 2nd day of October, 2012.

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21 

22 Monica Martinez Simmons, City Clerk

23 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Parks and Recreation	Donald Harris/ 684-8018	Amy Williams/233-2651

Legislation Title: AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of existing drainage facilities.

Summary of the Legislation:

The proposed legislation transfers partial jurisdiction of a small portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt in West Seattle, from the Department of Parks and Recreation (DPR) to Seattle Public Utilities (SPU) for the purpose of operation, maintenance and repair of SPU drainage facilities.

Background:

This proposed legislation transfers partial jurisdiction of certain property located within the former Sound Way property in the West Duwamish Greenbelt. The Sound Way property was an undeveloped street right-of-way until January 2011, when Ordinance 123516 vacated the street and added the property to the West Duwamish Greenbelt under the jurisdiction of DPR. The street right-of-way was vacated subject to several conditions, including DPR's agreement to cooperate with SPU's operation and maintenance of drainage facilities. Both DPR and SPU recommend that transfer of partial jurisdiction, with conditions, is the best means of complying with the street vacation condition to allow SPU's operation and maintenance of its subsurface and surface drainage facilities in the greenbelt. The transfer will have no effect on the look and feel of the area, but will facilitate efficient maintenance, repair and operation of the drainage facilities by SPU.

Because the drainage facilities existed long before Sound Way was vacated and the street vacation was subject to the continuing operation and maintenance of the drainage facilities, the requirements of Ordinance 118477 (Initiative 42) are not applicable.

X This legislation does not have any financial implications.

Other Implications:

- a) Does the legislation have indirect financial implications, or long-term implications?
No



- b) What is the financial cost of not implementing the legislation?**
Maintenance of the drainage system is critical to the safety of Highland Park Way. In the winter of 2010 a malfunction of the system dumped dirt and gravel on Highland Park Way. SPU has the expertise to maintain and repair the drainage facilities and needs a partial transfer of jurisdiction to do so.
- c) Does this legislation affect any departments besides the originating department?**
Yes, Seattle Public Utilities.
- d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?** There are no viable alternatives.
- e) Is a public hearing required for this legislation?**
No
- f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No
- g) Does this legislation affect a piece of property?**
This legislation affects a piece of property in West Seattle. A map of the property is attached to this fiscal note.
- h) Other Issues:** N/A

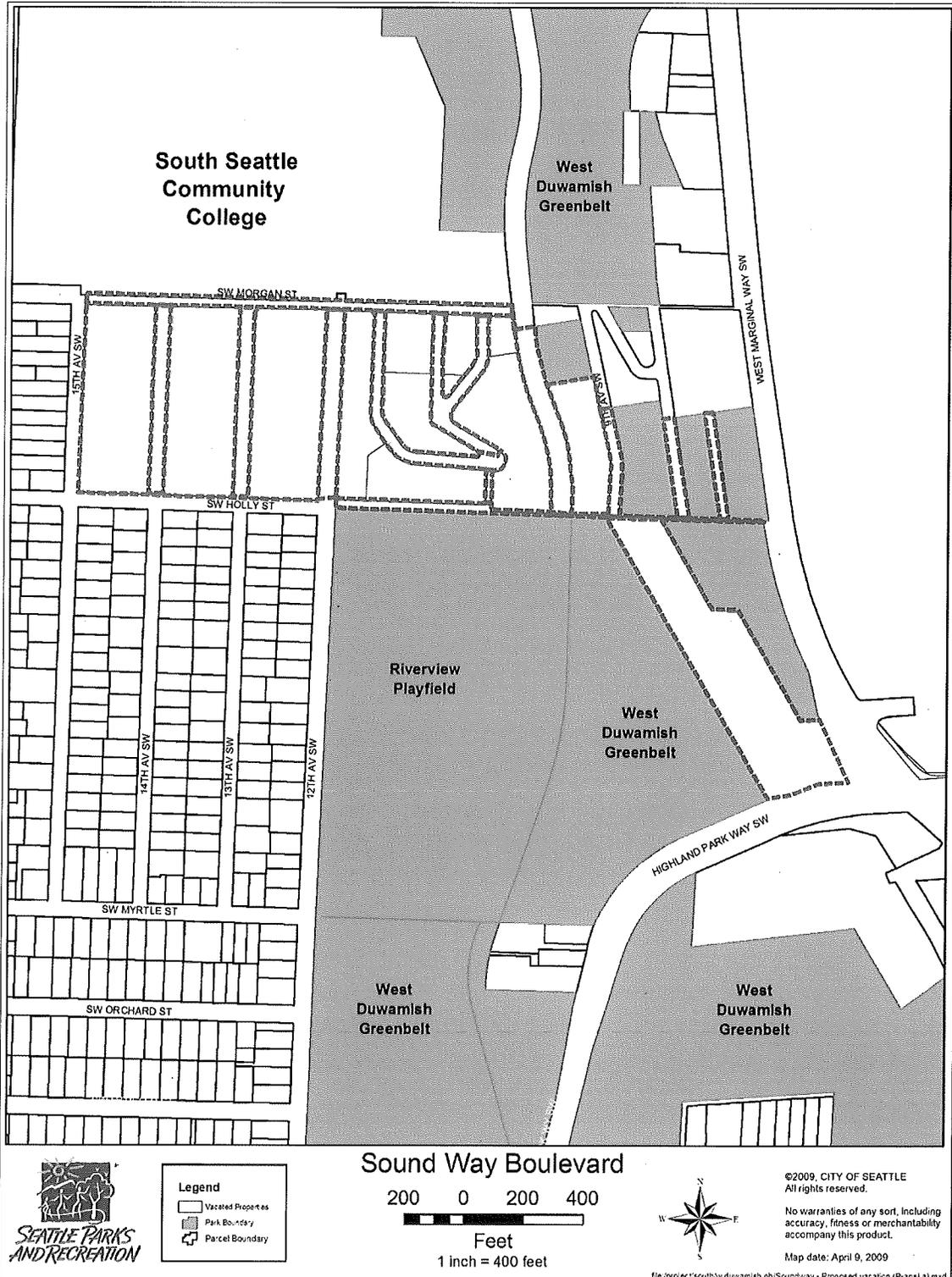
List attachments to the fiscal note below:

Attachment A: Map of the Sound Way property

Attachment B: Map of Location of Drainage Facilities



ATTACHMENT A: Map of Sound Way Property



This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation





City of Seattle
Office of the Mayor

August 28, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill transferring jurisdiction of a portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt, from the Department of Parks and Recreation (DPR) to Seattle Public Utilities (SPU) for maintenance, repair and operation of existing drainage facilities.

The Sound Way Property was an undeveloped street right-of-way until January 2011 when Ordinance 123516 vacated the street and added the property to the West Duwamish Greenbelt under the jurisdiction of DPR. SPU operated the existing drainage facilities within the former Sound Way Property for many years. As a condition of the vacation of the property, DPR pledged to work cooperatively with SPU regarding maintenance of the drainage facilities.

Both DPR and SPU now recommend that transfer of partial jurisdiction of a portion of the former Sound Way Property, with conditions, is the best means of complying with the street vacation condition to allow SPU's operation and maintenance of its subsurface and surface drainage facilities in the greenbelt. The transfer will have no effect on the look and feel of the area, but will facilitate efficient maintenance, repair and operation of the drainage facilities by SPU.

Thank you for your consideration of this legislation. Should you have any questions, please contact Donald Harris at 684-8018.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGinn".

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

289250
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:123979-81,995-124010

was published on

10/11/12

The amount of the fee charged for the foregoing publication is the sum of \$265.05 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

10/11/2012

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on September 24, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123979

AN ORDINANCE relating to a new multi-purpose sports and entertainment facility; authorizing the Mayor to execute a memorandum of understanding with King County and ArenaCo; and to execute an interlocal agreement with the County.

ORDINANCE NO. 123980

AN ORDINANCE relating to certain City-owned property located at 1620 12th Avenue East, commonly known as the East Precinct Parking Facility; authorizing the Director of Finance and Administrative Services to execute and record certain documents, including a Condominium Declaration, Survey Map and Plans, a Purchase and Sale Agreement, a Quit Claim Deed, a Ground Lease, a Sublease, and other agreements and documents in consideration of the development by Capitol Hill Housing Improvement Program of a six-story mixed-use facility with underground parking for the Seattle Police Department, commercial, retail and arts space, as well as affordable housing; and increasing appropriations in the 2012 Adopted Budget for certain activities of the Finance and Administrative Services Budget; all by a three-fourths vote of the City Council.

ORDINANCE NO. 123981

AN ORDINANCE relating to economic and community development; authorizing a loan of federal Section 108 loan proceeds to finance development of the 12th Avenue Arts project at 12th Avenue and E. Pine Street; authorizing loan documents, amendments, replacements and related documents and actions; authorizing amendments to the City's 2009-2012 Consolidated Plan to reflect the transactions contemplated by this ordinance; designating the Pike/Pine neighborhood as a local economic zone for New Markets Tax Credit investments; and ratifying and confirming prior acts.

ORDINANCE NO. 123995

AN ORDINANCE relating to the University District Parking and Business Improvement Area; increasing the assessment rates; and amending Ordinance 118412, as previously amended by Ordinance 120304 and by Ordinance 122212, in accordance therewith.

ORDINANCE NO. 123996

AN ORDINANCE authorizing the Director of Finance and Administrative Services to execute a seven-year lease agreement between the City and Fu Quan, LLC, a Washington limited liability company, for a portion of the property located at 800 Maynard Avenue South, commonly known as the RDA Building.

ORDINANCE NO. 123997

AN ORDINANCE relating to the regulation of the tow industry; revising tow industry regulations; repealing Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060, 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140, 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code; adding new sections to chapter 6.214; and amending the 2012 budget, Ordinance 123758, to appropriate funds and create a new position; all by a three-fourths vote of the City Council.

ORDINANCE NO. 123998

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of existing drainage facilities.

ORDINANCE NO. 123999

AN ORDINANCE relating to Seattle Public Utilities; authorizing the sale of certain real property at the North Transfer Station and ratifying and confirming certain prior acts.

ORDINANCE NO. 124000

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 6311 California Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and authorizing acquisition by condemnation.

ORDINANCE NO. 124001

AN ORDINANCE authorizing Seattle Public Utilities and Seattle Parks and Recreation to enter into a Settlement, Release and Cost Allocation Agreement with Puget Sound Energy, Inc. (PSE) for remediation of the combined Gas Works Park uplands and North Lake Union sediments; to enter into an Agreed Order or Consent Decree with the Washington State Department of Ecology or U.S. Environmental Protection Agency and PSE to undertake additional work at the Site consistent with the Agreement; and to seek and accept state Remedial Action Grants for cleanup work related to the Site.

ORDINANCE NO. 124002

AN ORDINANCE relating to Seattle Public Utilities; authorizing the sale of approximately 148 acres located in Section 36, Township 23 North, Range 7 East W.M., in King County to the State of Washington Department of Natural Resources and the acceptance of a conservation easement on the same property; and declaring said property to be surplus to the City's needs and not required for continued utility needs.

ORDINANCE NO. 124003

AN ORDINANCE relating to City employment; amending Sections 4.20.300, 4.21.040, 4.24.010, 4.24.030, 4.24.035, and 4.24.040 of the Seattle Municipal Code; authorizing a memorandum of understanding between the City of Seattle and City labor unions; and ratifying and confirming prior acts.

ORDINANCE NO. 124004

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement between the City of Seattle and the International Association of Fire Fighters, Local 27 to be effective January 1, 2012 through December 31, 2014; providing payment therefor; and ratifying and confirming prior acts.

ORDINANCE NO. 124005

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement between the City of Seattle and the Washington State Council of County and City Employees, Local 21C to be effective January 1, 2011 through January 31, 2014; providing payment therefor; and ratifying and confirming prior acts.

ORDINANCE NO. 124006

AN ORDINANCE authorizing the Director of Finance and Administrative Services to execute and deliver a building separation easement and restrictive covenant agreement granting an air rights easement over portions of the West Precinct / 911 Communication Center, and to accept payment therefor.

ORDINANCE NO. 124007

AN ORDINANCE relating to certain appointments; directing the City Clerk to establish and manage a registry of appointments to certain City positions and constituent committees; directing the Clerk to monitor and make public the status of all such appointments; and directing the Clerk to notify the Mayor and Council of pending and actual expirations of such appointments.

ORDINANCE NO. 124008

AN ORDINANCE relating to the filing of consultant contracts; amending Section 20.50.070 of the Seattle Municipal Code to establish a date by which contracts must be filed with the City Clerk.

ORDINANCE NO. 124009

AN ORDINANCE related to cable television; amending Ordinance 123954, which approved the transfer of the controlling interest in WaveDivision Holdings, LLC to Oak Hill Capital Partners III, L.P., to correct clerical errors in that legislation.

ORDINANCE NO. 124010

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

Date of publication in the Seattle Daily Journal of Commerce, October 11, 2012.

10/11(289250)