

Ordinance No. 124119

Council Bill No. 117687

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of Lake Washington Boulevard located beneath, adjacent to, and across Lake Washington Boulevard South from a parking lot at 53<sup>rd</sup> Avenue South, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of a combined sewer overflow underground storage tank, associated underground pipes and electrical lines, and limited surface ancillary facilities; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

Related Legislation File:

Date Introduced and Referred: <u>1.7.13</u>	To: (committee): <u>Neighborhoods Parks + <del>Seattle Center</del></u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>2/26/13</u>	Date Presented to Mayor: <u>2/26/13</u>
Date Signed by Mayor: <u>3.4.13</u>	Date Returned to City Clerk: <u>3.5.13</u>
Published by Title Only <u>X</u>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: *S. Daphen*

Committee Action:

Date	Recommendation	Vote
<u>2.21.13</u>	<u>Passed as amended</u>	<u>3-0 JH, SP, TR</u>

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

Full Council Action:

Date	Decision	Vote
<u>Feb. 25, 2013</u>	<u>Passed</u>	<u>8-0 (excused: Rasmussen)</u>

*Law Department*

**CITY OF SEATTLE**  
**ORDINANCE** 124119  
**COUNCIL BILL** 117687

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of Lake Washington Boulevard located beneath, adjacent to, and across Lake Washington Boulevard South from a parking lot at 53<sup>rd</sup> Avenue South, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of a combined sewer overflow underground storage tank, associated underground pipes and electrical lines, and limited surface ancillary facilities; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

WHEREAS, by Washington State Session Laws, 1913, Chapter 183, portions of the shorelands and bed of Lake Washington were reserved for public uses and granted and donated to the City of Seattle for public park, parkway and boulevard purposes; and

WHEREAS, a parking lot near Lakewood Moorage (Parking Lot) and lands adjacent to and across Lake Washington Boulevard South to the west from the Parking Lot all exist within the boundaries of the park boulevard known as Lake Washington Boulevard near 53<sup>rd</sup> Avenue South; and

WHEREAS, the City of Seattle, operating through Seattle Public Utilities (SPU), owns and operates a combined sewer system that overflows during heavy rain events; and

WHEREAS, the combined sewer system overflows (CSOs) are governed by the State of Washington under the terms of a National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, based on the volume of overflows and their impact on water quality in Lake Washington, Basin 43, which is upland of the Parking Lot, has been identified in the NPDES permit as a priority for CSO reduction, including regulatory milestones for completion of a capital improvement project; and

WHEREAS, after nearly two years of study and discussions with residents and other interested stakeholders, SPU has determined that constructing an underground storage tank beneath the Parking Lot will address, in part, the reduction in CSOs required by the NPDES permit; and



1 WHEREAS, the Department of Parks and Recreation (DPR) and SPU have determined that a  
2 transfer of partial jurisdiction of the areas to be occupied by the underground storage  
3 tank, associated underground pipes and electrical lines, and limited surface ancillary  
4 facilities from DPR to SPU is appropriate because of the permanent nature of the tank  
and ancillary facilities and to facilitate efficient on-going maintenance, repair and  
operation of the underground storage tank and ancillary facilities by SPU; and

5 WHEREAS, DPR and SPU have communicated with or received correspondence from the State  
6 Attorney General's Office, the Washington State Recreation & Conservation Office and  
7 the National Park Service, and DPR and SPU are satisfied that they have taken all  
8 necessary steps to confirm that SPU's CSO reduction project does not violate applicable  
conditions and restrictions of the donation of the property and grant funding; and

9 WHEREAS, the City Council has held a public hearing in accordance with the requirements of  
10 Section 3 of Ordinance 118477, adopting Initiative 42; NOW, THEREFORE,

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

12 Section 1. The City Council hereby finds that the transfer of limited and partial  
13 jurisdiction of a portion of Lake Washington Boulevard, as described in Section 2 below, from  
14 the Department of Parks and Recreation (DPR) to Seattle Public Utilities (SPU) for the  
15 maintenance, repair, and operation of a combined sewer overflow underground storage tank,  
16 associated underground pipes and electrical lines, and limited surface ancillary facilities (CSO  
17 Facility) to reduce combined sewer system overflows into Lake Washington, meets the  
18 requirements of Ordinance 118477, adopting Initiative 42, as follows: (a) the proposed use is  
19 necessary because there is no reasonable and practical alternative location for the CSO Facility;  
20 (b) transfer of limited and partial jurisdiction for maintenance, repair, and operation of the CSO  
21 Facility is equivalent to a subsurface or utility easement, as permitted by Section 3 of Ordinance  
22 118477; and (c) the CSO Facility is compatible with park use because it is compatible with the  
23 current use of the property for parking and landscaping.



1           Section 2. Effective as of the date of completion of the CSO Facility (which shall be  
2 constructed pursuant to authorization and terms and conditions of a permit for non-park use of  
3 park property issued by DPR), such limited and partial jurisdiction of the real property legally  
4 described and depicted in Attachment 1, attached hereto and incorporated herein (Use Area) as  
5 shall be necessary for the maintenance, repair, and operation of the CSO Facility is transferred  
6 from the DPR to SPU on the conditions that (a) SPU shall give the DPR at least 5 days notice of  
7 intent to access the Use Area for maintenance and repair, except in case of emergency, and shall  
8 coordinate with DPR to avoid time periods when heavy use of public parking is anticipated; (b)  
9 after any maintenance and repair, SPU will restore the Use Area, at SPU's expense, to at least the  
10 condition existing immediately prior to such maintenance and repair; and (c) SPU shall not use  
11 any park land outside of the Use Area, except for access purposes permitted in Section 3 below,  
12 for such maintenance and/or repair without the prior written approval of the DPR. Both SPU and  
13 DPR understand that notwithstanding the legal descriptions in Attachment 1, all of the Use Area  
14 except that portion occupied by limited surface ancillary facilities is subsurface.

15           Section 3. In order to reach the Use Area, SPU shall have reasonable pedestrian access  
16 across the adjacent park land, or vehicular access if required for maintenance or repair, but only  
17 on the paved parking lot. SPU shall restore any park land, vegetation or improvements damaged  
18 by such access, at SPU's expense, to at least the condition existing immediately prior to such  
19 maintenance and repair.



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

4 Passed by the City Council the 25<sup>th</sup> day of February, 2013, and  
5 signed by me in open session in authentication of its passage this  
6 25<sup>th</sup> day of February, 2013.

7  
8   
9 President \_\_\_\_\_ of the City Council

10  
11 Approved by me this 4<sup>th</sup> day of March, 2013.

12  
13   
14 Michael McGinn, Mayor

15  
16 Filed by me this 5<sup>th</sup> day of March, 2013.

17  
18   
19 Monica Martinez Simmons, City Clerk

20 (Seal)

21  
22  
23  
24  
25 Attachment 1: Use Area



PARTIAL TRANSFER OF JURISDICTION  
FOR UNDERGROUND UTILITIES  
LAND DESCRIPTION

THAT PORTION OF THE SW QUARTER OF THE SW QUARTER OF SECTION 14, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M UNDER THE JURISDICTION OF THE SEATTLE DEPARTMENT OF PARKS AND RECREATION AS GRANTED TO THE CITY OF SEATTLE FOR PARK, PARKWAY AND BOULEVARD PURPOSES PURSUANT TO CHAPTER 183, SESSION LAWS OF 1913 AND CITY ORDINANCE 26273 DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE CENTERLINES OF SOUTH ALASKA STREET AND 53<sup>RD</sup> AVENUE SOUTH; THENCE N 00° 45' 48" E ALONG THE CENTERLINE OF 53RD AVENUE SOUTH A DISTANCE OF 257.54 FEET TO A CONCRETE MONUMENT AT THE CENTERLINE OF VACATED LAKESIDE AVENUE SOUTH; THENCE N 27° 22' 43" W A DISTANCE OF 26.34 FEET TO THE FACE OF A CONCRETE CURB AND THE POINT OF BEGINNING;

THENCE LEAVING THE FACE OF THE CONCRETE CURB N 64° 25' 42" W A DISTANCE OF 13.96 FEET;

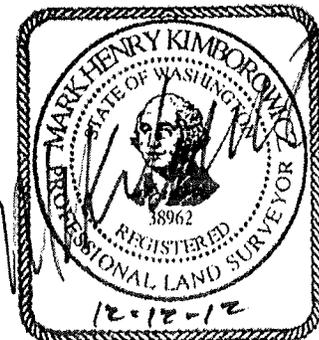
THENCE N 05° 43' 19" E A DISTANCE OF 39.82 FEET;

THENCE N 37° 51' 01" E A DISTANCE OF 14.06 FEET TO THE FACE OF A CONCRETE CURB AND THE BEGINNING OF A NON TANGENT 16.30 FOOT RADIUS CURVE WHICH RADIUS BEARS S 71° 26' 19" W;

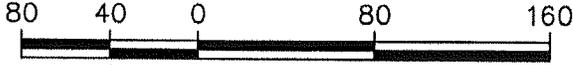
THENCE SOUTHERLY ALONG SAID CONCRETE CURB A DISTANCE OF 6.20 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 47' 01" TO THE END OF THE CURVE;

THENCE CONTINUING ALONG THE FACE OF SAID CONCRETE CURB S 00° 55' 52" W A DISTANCE OF 50.66 FEET TO THE POINT OF BEGINNING.

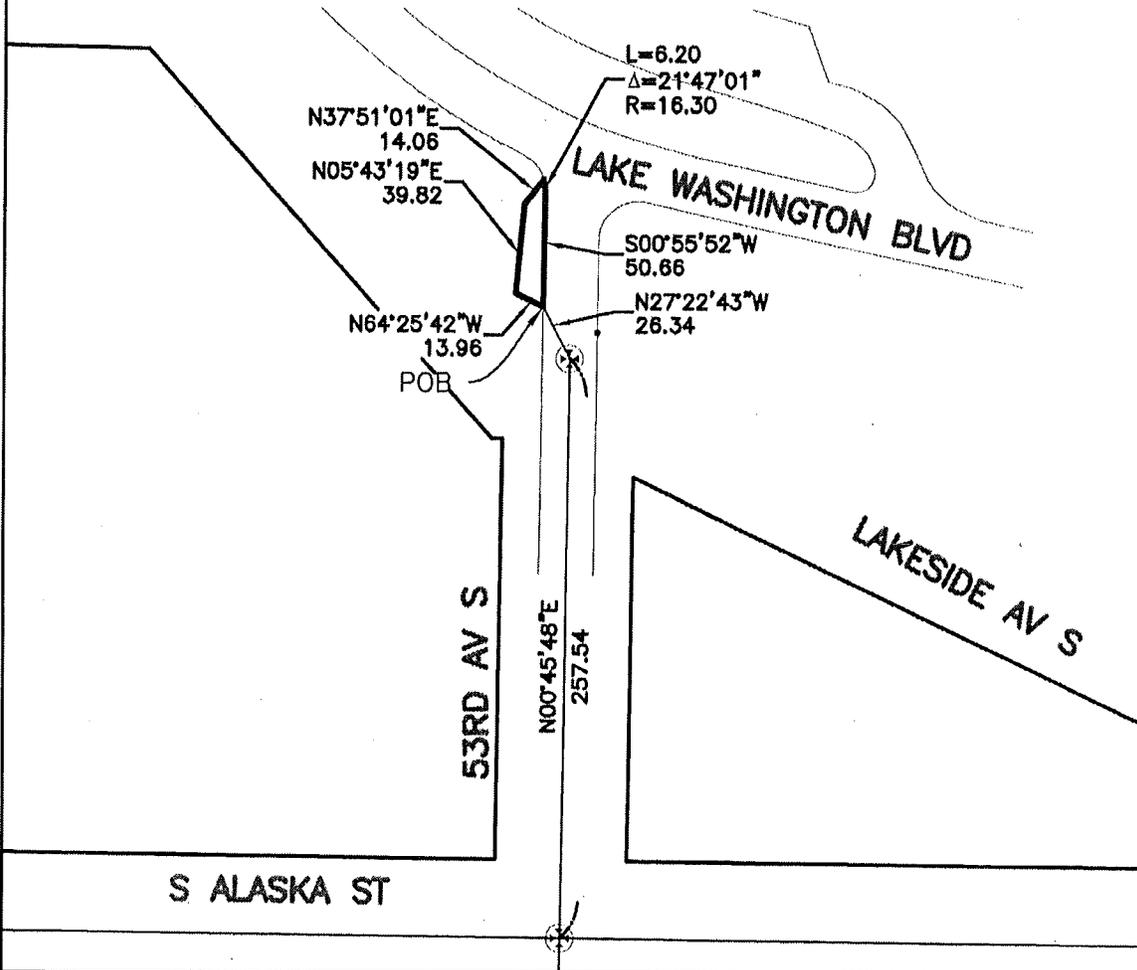
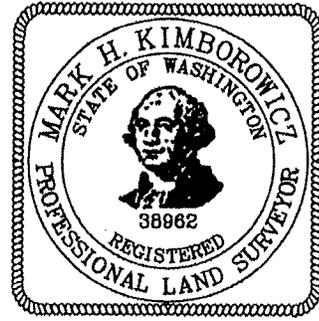
CONTAINING 531 SQ. FT., MORE OR LESS.



LAKE WASHINGTON BOULEVARD SOUTH  
 SW 1/4 SW 1/4 SEC. 14, TWP. 24 N., RGE. 4 E., W.M.



SCALE IN FEET



SPU
DRAWN: MHK
CHECKED: GMG
SCALE: 1"=80'



City of Seattle  
**Seattle Public Utilities**



PARTIAL TRANSFER OF JURISDICTION  
FOR UNDERGROUND UTILITIES  
LAND DESCRIPTION

THAT PORTION OF THE SW QUARTER OF THE SW QUARTER OF SECTION 14, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M. UNDER THE JURISDICTION OF THE SEATTLE DEPARTMENT OF PARKS AND RECREATION AS GRANTED TO THE CITY OF SEATTLE FOR PARK, PARKWAY AND BOULEVARD PURPOSES PURSUANT TO CHAPTER 183, SESSION LAWS OF 1913 AND CITY ORDINANCE 26273 DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE CENTERLINES OF SOUTH ALASKA STREET AND 53<sup>RD</sup> AVENUE SOUTH; THENCE N 00° 45' 48" E ALONG THE CENTERLINE OF 53<sup>RD</sup> AVENUE SOUTH A DISTANCE OF 257.54 FEET TO THE INTERSECTION WITH THE CENTERLINE OF VACATED LAKESIDE AVENUE SOUTH; THENCE N 33° 07' 12" E A DISTANCE OF 23.39 FEET TO THE FACE OF A CONCRETE CURB AND THE POINT OF BEGINNING;

THENCE LEAVING THE FACE OF CONCRETE CURB S 86° 47' 50" E A DISTANCE OF 11.92 FEET;

THENCE N 00° 48' 07" E A DISTANCE OF 16.62 FEET;

THENCE N 15° 26' 47" E A DISTANCE OF 35.68 FEET TO THE FACE OF A CONCRETE CURB AND THE BEGINNING OF A NON TANGENT 17.65 FOOT RADIUS CURVE WHICH RADIUS BEARS S 11° 59' 21" W;

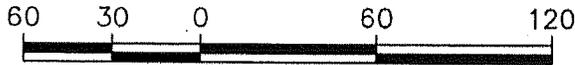
THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID CONCRETE CURB THROUGH A CENTRAL ANGLE OF 106° 53' 14" A DISTANCE OF 32.93 FEET TO THE END OF THE CURVE;

THENCE CONTINUING ALONG THE FACE OF THE CONCRETE CURB S 00° 42' 37" W A DISTANCE OF 31.58 FEET TO THE POINT OF BEGINNING.

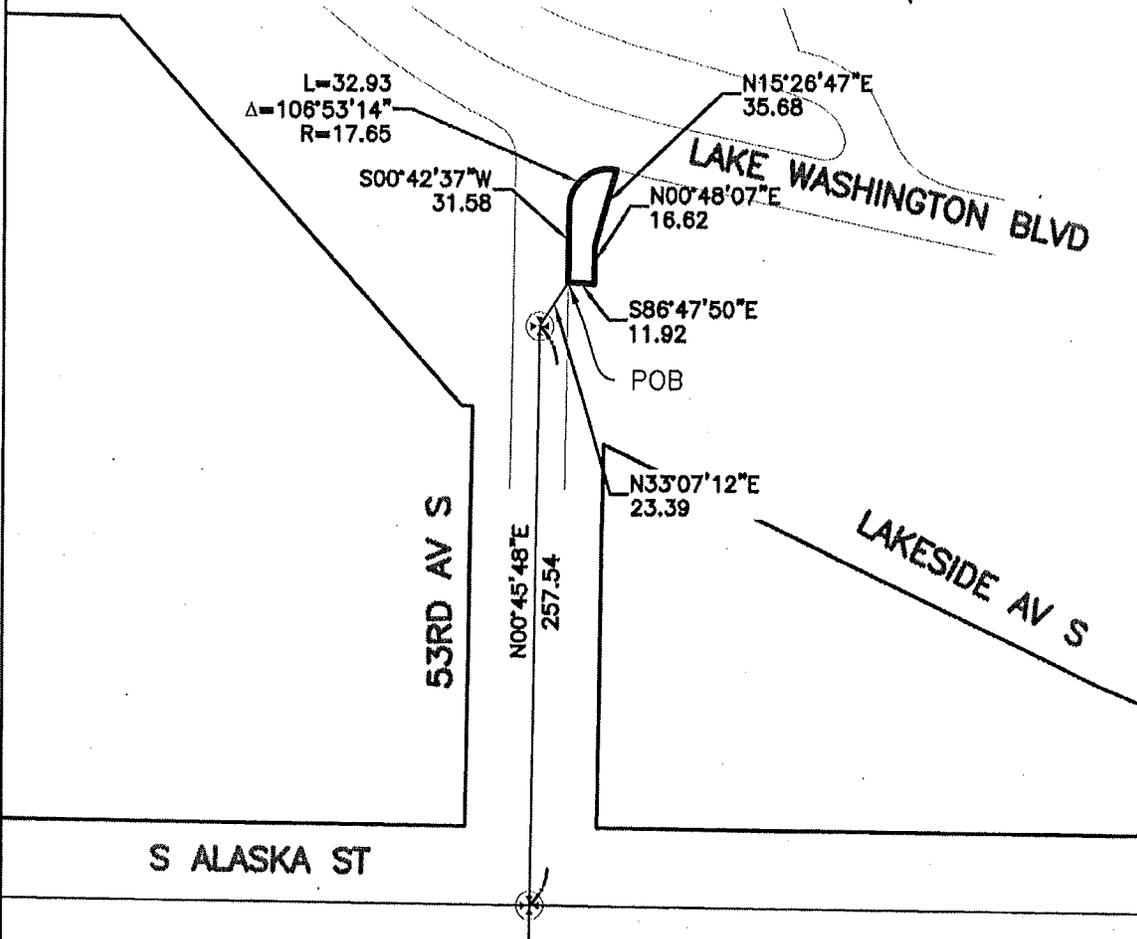
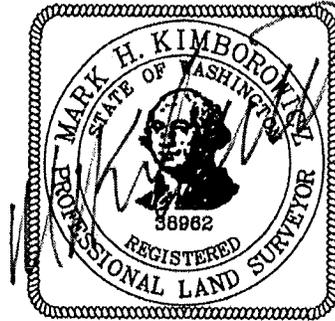
CONTAINING 705 SQ. FT., MORE OR LESS.



LAKE WASHINGTON BOULEVARD SOUTH  
 SW 1/4 SW 1/4 SEC. 14, TWP. 24 N., RGE. 4 E., W.M.



SCALE IN FEET



SPU
DRAWN: MHK
CHECKED: GMG
SCALE: 1"=60'



City of Seattle  
**Seattle Public Utilities**



PARTIAL TRANSFER OF JURISDICTION  
FOR UNDERGROUND AND ABOVE GROUND UTILITIES  
LAND DESCRIPTION

THAT PORTION OF THE SW QUARTER OF THE SW QUARTER OF SECTION 14,  
TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M. UNDER THE JURISDICTION OF THE  
SEATTLE DEPARTMENT OF PARKS AND RECREATION AS GRANTED TO THE  
CITY OF SEATTLE FOR PARK, PARKWAY AND BOULEVARD PURPOSES  
PURSUANT TO CHAPTER 183, SESSION LAWS OF 1913 AND CITY ORDINANCE  
26273 DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE  
CENTERLINES OF SOUTH ALASKA STREET AND 53<sup>RD</sup> AVENUE SOUTH; THENCE  
N 00° 45' 48" E ALONG THE CENTERLINE OF 53<sup>RD</sup> AVENUE SOUTH A DISTANCE  
OF 257.54 FEET TO THE INTERSECTION WITH THE CENTERLINE OF VACATED  
LAKESIDE AVENUE SOUTH; THENCE S 64° 35' 02" E A DISTANCE OF 13.80 FEET  
TO THE FACE OF A CONCRETE CURB AND THE POINT OF BEGINNING;

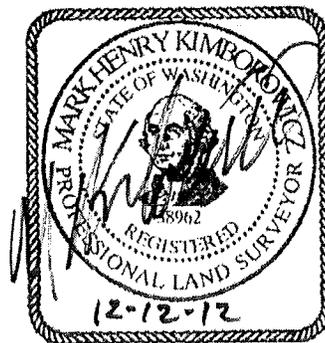
THENCE LEAVING THE FACE OF CONCRETE CURB S 64° 56' 01" E A DISTANCE  
OF 24.29 FEET;

THENCE N 00° 22' 24" E A DISTANCE OF 34.58 FEET;

THENCE N 86° 47' 50" W A DISTANCE OF 21.94 FEET TO THE FACE OF A  
CONCRETE CURB;

THENCE CONTINUING ALONG THE FACE OF THE CONCRETE CURB  
S 00° 42' 37" W A DISTANCE OF 25.52 FEET TO THE POINT OF BEGINNING.

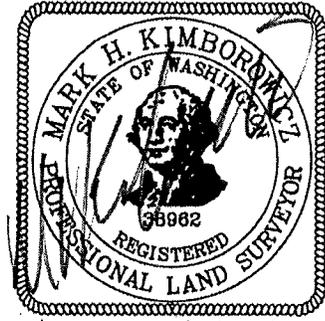
CONTAINING 661 SQ. FT., MORE OR LESS.



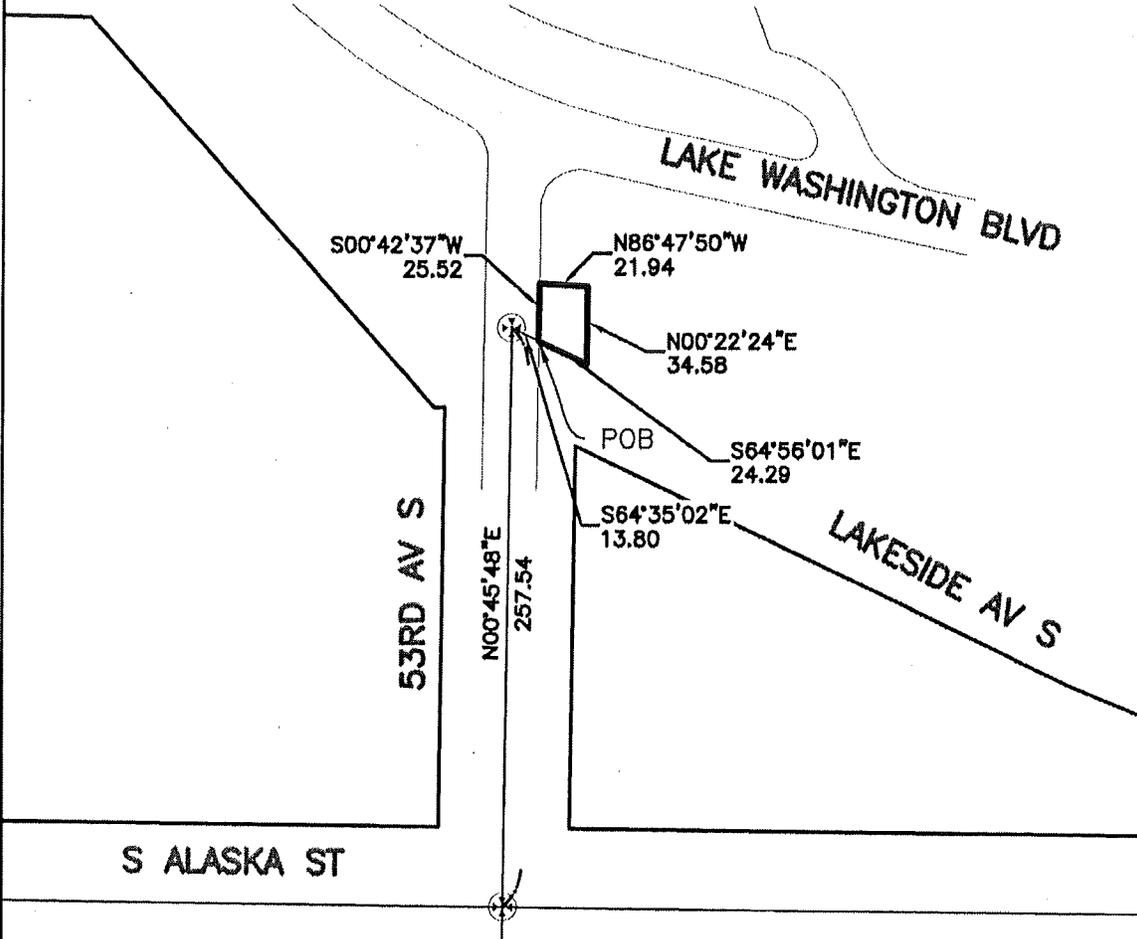
LAKE WASHINGTON BOULEVARD SOUTH  
 SW 1/4 SW 1/4 SEC. 14, TWP. 24 N., RGE. 4 E., W.M.



SCALE IN FEET



12-12-12



SPU
DRAWN: MHK
CHECKED: GMG
SCALE: 1"=60'



PARTIAL TRANSFER OF JURISDICTION  
FOR UNDERGROUND UTILITIES  
LAND DESCRIPTION

THAT PORTION OF THE SW QUARTER OF THE SW QUARTER OF SECTION 14, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., UNDER THE JURISDICTION OF THE SEATTLE DEPARTMENT OF PARKS AND RECREATION AS GRANTED TO THE CITY OF SEATTLE FOR PARK, PARKWAY AND BOULEVARD PURPOSES PURSUANT TO CHAPTER 183, SESSION LAWS OF 1913 AND CITY ORDINANCE 26273 DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT IN A CASE AT THE INTERSECTION OF THE CENTERLINES OF 51ST AVENUE SOUTH AND SOUTH SNOQUALMIE STREET; THENCE S 89° 15' 07" E ALONG THE CENTERLINE OF SOUTH SNOQUALMIE STREET A DISTANCE OF 310.03 FEET TO A CONCRETE MONUMENT AT THE INTERSECTION OF THE CENTERLINE OF 52<sup>ND</sup> AVENUE SOUTH; THENCE S 88° 54' 28" E A DISTANCE OF 118.99 FEET TO THE POINT OF BEGINNING;

THENCE S 08° 37' 36" E A DISTANCE OF 16.41 FEET;

THENCE S 43° 16' 27" E A DISTANCE OF 10.77 FEET;

THENCE N 55° 36' 34" E A DISTANCE OF 8.29 FEET;

THENCE N 12° 19' 37" W A DISTANCE OF 26.28 FEET;

THENCE N 30° 47' 10" W A DISTANCE OF 17.90 FEET;

THENCE S 82° 07' 20" E A DISTANCE OF 37.97 FEET;

THENCE N 53° 54' 47" E A DISTANCE OF 5.17 FEET TO THE FACE OF A CONCRETE CURB;

THENCE ALONG THE FACE OF THE CONCRETE CURB N 36° 14' 06" W A DISTANCE OF 12.01 FEET;

THENCE LEAVING THE FACE OF CONCRETE CURB N 82° 22' 45" W A DISTANCE OF 49.07 FEET; THENCE S 37° 21' 17" W A DISTANCE OF 7.77 FEET;



THENCE S 29° 33' 00" E A DISTANCE OF 33.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,274 SQ. FT., MORE OR LESS.



12-12-12

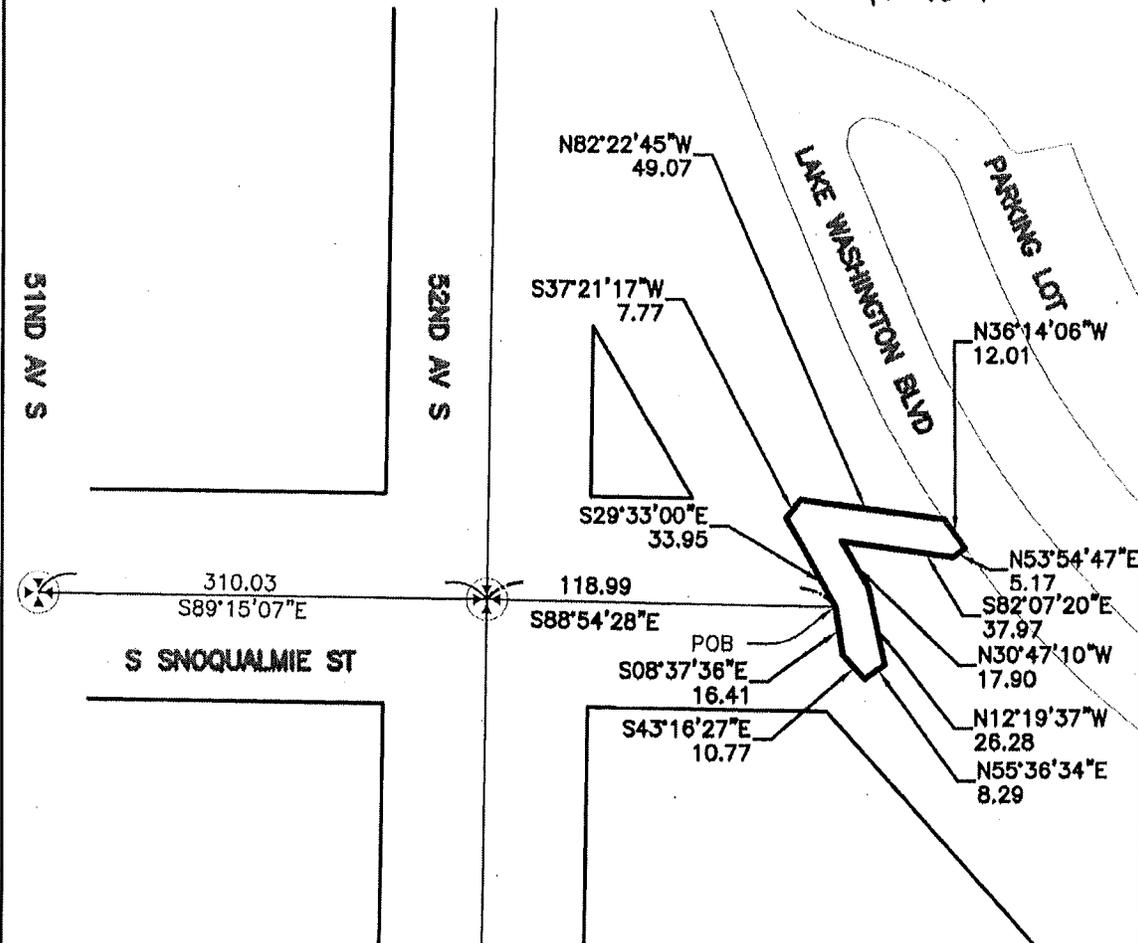
LAKE WASHINGTON BOULEVARD SOUTH  
 SW 1/4 SW 1/4 SEC. 14, TWP. 24 N., RGE. 4 E., W.M.



SCALE IN FEET



12-12-12



SPU
DRAWN: MHK
CHECKED: GMG
SCALE: 1"=60'



City of Seattle  
**Seattle Public Utilities**



PARTIAL TRANSFER OF JURISDICTION  
FOR UNDERGROUND UTILITIES  
LAND DESCRIPTION

THAT PORTION OF THE SW QUARTER OF THE SW QUARTER OF SECTION 14, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., UNDER THE JURISDICTION OF THE SEATTLE DEPARTMENT OF PARKS AND RECREATION AS GRANTED TO THE CITY OF SEATTLE FOR PARK, PARKWAY AND BOULEVARD PURPOSES PURSUANT TO CHAPTER 183, SESSION LAWS OF 1913 DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE CENTERLINES OF SOUTH ALASKA STREET AND 53<sup>RD</sup> AVENUE SOUTH; THENCE N 00° 45' 48" E ALONG THE CENTERLINE OF 53<sup>RD</sup> AVENUE SOUTH A DISTANCE OF 257.54 FEET TO A CONCRETE MONUMENT AT THE INTERSECTION OF THE CENTERLINE OF VACATED LAKESIDE AVENUE SOUTH; THENCE N 04° 09' 03" E A DISTANCE OF 105.66 FEET TO THE FACE OF A CONCRETE CURB AND THE POINT OF BEGINNING;

THENCE LEAVING THE FACE OF CURB N 37° 25' 59" E A DISTANCE OF 12.36 FEET;

THENCE N 20° 21' 31" W A DISTANCE OF 17.50 FEET;

THENCE N 54° 22' 32" W A DISTANCE OF 75.20 FEET;

THENCE N 47° 59' 27" W A DISTANCE OF 69.16 FEET;

THENCE S 54° 02' 07" W A DISTANCE OF 26.50 FEET TO THE FACE OF A CONCRETE CURB;

THENCE CONTINUING ALONG THE FACE OF THE CONCRETE CURB N 35° 28' 09" W A DISTANCE OF 11.94 FEET;

THENCE LEAVING THE FACE OF CONCRETE CURB N 53° 55' 07" E A DISTANCE OF 61.61 FEET;

THENCE S 53° 58' 42" E A DISTANCE OF 106.61 FEET;

THENCE S 73° 24' 52" E A DISTANCE OF 119.15 FEET;

THENCE S 15° 19' 20" W A DISTANCE OF 48.19 FEET;



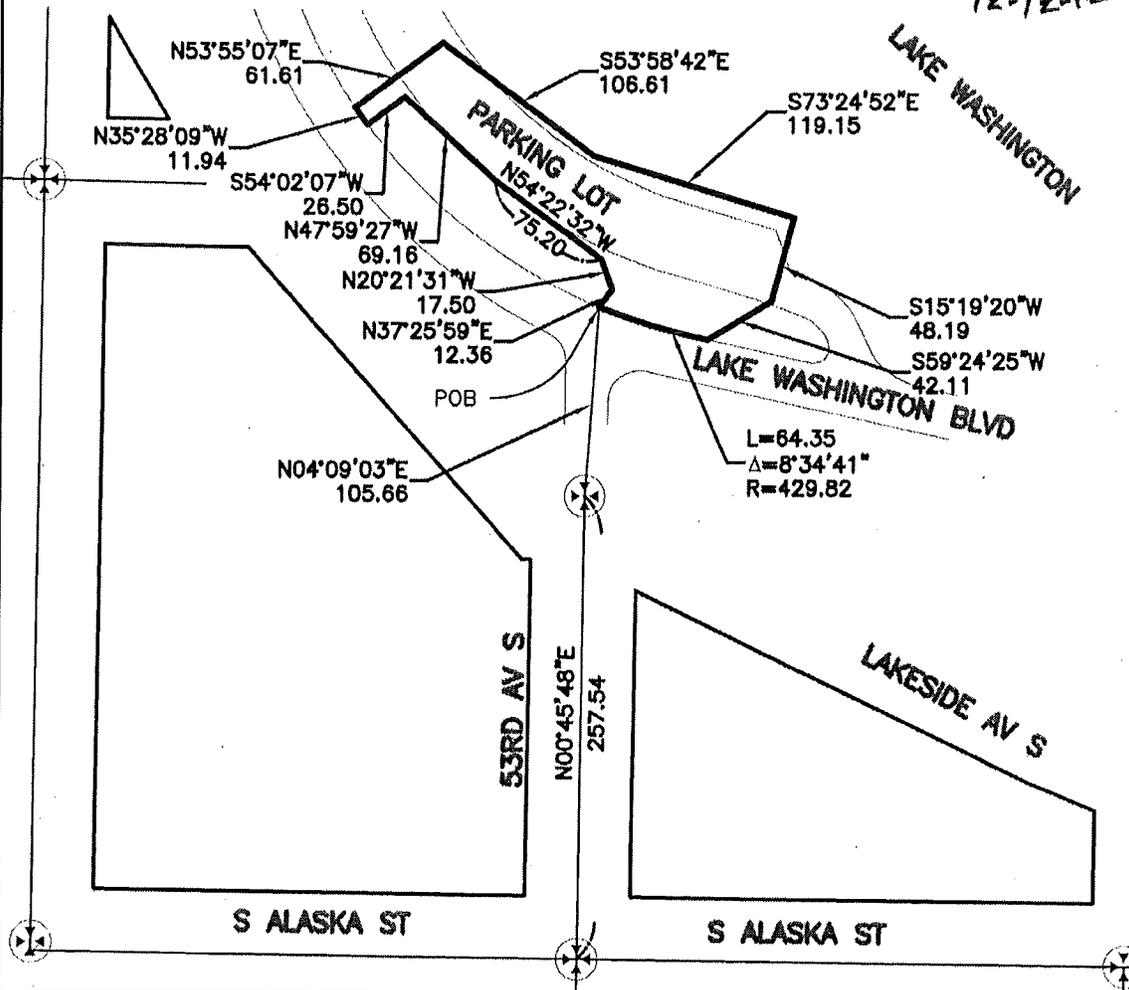
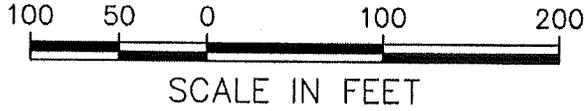
THENCE S 59° 24' 25" W A DISTANCE OF 42.11 FEET TO THE FACE OF A  
CONCRETE CURB AND THE BEGINNING OF A 429.82 FOOT RADIUS NON  
TANGENT CURVE WHICH RADIUS BEARS N 11° 50' 47" E;

THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL  
ANGLE OF 08° 34' 41" A DISTANCE OF 64.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 13,672 SQ. FT., MORE OR LESS.



LAKE WASHINGTON BOULEVARD SOUTH  
 SW 1/4 SW 1/4 SEC. 14, TWP. 24 N., RGE. 4 E., W.M.



SPU	
DRAWN:	MHK
CHECKED:	GMG
SCALE:	1"=100'



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle Public Utilities	Andrew Lee/6-9754 Donald Harris/4-8018	Karl Stickel/4-8085 Jeff Muhm/4-8049

**Legislation Title:**

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of Lake Washington Boulevard located beneath, adjacent to, and across Lake Washington Boulevard South from a parking lot at 53rd Avenue South, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of a combined sewer overflow underground storage tank, associated underground pipes and electrical lines, and limited surface ancillary facilities; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

**Summary of the Legislation:**

This legislation would transfer partial jurisdiction for the subsurface of part of a parking lot property at 53<sup>rd</sup> Avenue South and Lake Washington Boulevard South, as well as a small surface area and the subsurface of certain landscaped areas across Lake Washington Boulevard South to the west of the parking lot, within the boundaries of the park boulevard known as Lake Washington Boulevard, from the Department of Parks and Recreation (Parks) to Seattle Public Utilities (SPU). SPU needs to use the subsurface area to maintain, repair, and operate an underground sewage/stormwater storage tank and associated pipes and electrical lines, and a small surface area for limited surface ancillary facilities to comply with state and federal water quality regulations.

The legislation includes findings that the transfer of partial jurisdiction meets the requirements of Ordinance 118477 (Initiative 42). Specifically, (a) the proposed use is necessary because there is no reasonable and practical alternative location for the underground storage tank and associated facilities; (b) transfer of limited and partial jurisdiction for maintenance, repair, and operation of the tank and associated facilities is equivalent to a subsurface or utility easement, as permitted by Section 3 or Ordinance 118477; and (c) the tank, pipes, electrical lines, and limited surface ancillary facilities are compatible with park use because they are compatible with the current use of the property for parking and landscaping.

**Background:**

The City's combined sewer overflow (CSO) discharge permit from the Washington State Department of Ecology (Ecology) requires SPU construct facilities to reduce CSO discharges into Lake Washington. The State Department of Ecology identifies the Genesee Basin 43, which is upland of the parking lot, as a priority to construct a CSO reduction project by 2015. Through



a comprehensive siting analysis and public involvement process, SPU determined the only practical and reasonable alternative to reducing CSOs in this basin is to construct an underground storage tank in the parking lot located at 53rd Avenue South. This parking lot is within the boundaries of the park boulevard known as Lake Washington Boulevard.

Ordinance 118477 does not require replacement property for transfer or change of use for subsurface or utility easements compatible with park use. The proposed transfer of partial and limited jurisdiction is equivalent to a subsurface or utility easement and the installation of an underground tank, associated pipes and electrical lines, and limited surface ancillary facilities are compatible with park use because they are compatible with the current use of the property for parking and landscaping.

Please check one of the following:

**This legislation does not have any financial implications.**

**This legislation has financial implications.**

The capital project to construct the underground storage tank is included in the 2013-2018 Adopted Drainage and Wastewater Fund capital appropriations (S. Genesee Combined Sewer Overflow – Project C3608, within the Combined Sewer Overflows Budget Control Level (BCL) (C360B). There is no direct charge for the partial transfer of jurisdiction from Parks to SPU authorized under this legislation. SPU and Parks are negotiating the terms of a revocable use permit because of temporary construction impacts to the site. SPU has set aside approximately \$50,000 for the revocable use permit in the project's capital budget. No additional appropriations are being requested due to this legislation.

**Other Implications:**

**a) Does the legislation have indirect financial implications, or long-term implications?**

SPU and Parks are negotiating the terms of a revocable use permit, because of the temporary construction impacts to the parking lot site. SPU has set aside approximately \$50,000 for the revocable use permit in the project's budget, which is part of the adopted budget for the Drainage and Wastewater Fund, Combined Sewer Overflows BCL.

**b) What is the financial cost of not implementing the legislation?**

Limited alternatives exist for reducing CSOs in the Genesee Basin 43. Aside from the proposed alternative, SPU could implement one of the following alternatives: (1) violate the requirements of the NPDES permit and pay fines of up to \$10,000 per day; (2) construct an underground storage tank in an open green space at 54<sup>th</sup> Ave South and South Alaska Street (also part of Lake Washington Boulevard); or (3) purchase multiple private properties along Lake Washington Boulevard and constructing the underground storage tank on the private parcel.



**c) Does this legislation affect any departments besides the originating department?**

Yes. The legislation will have operational impacts on the Department of Parks & Recreation, since the parking lot site will be unavailable for use during the year long construction period of the underground tank. After construction is completed, Parks' operations will be minimally impacted.

**d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

There are no alternatives to the legislation.

**e) Is a public hearing required for this legislation?**

Yes, pursuant to Ordinance 118477 a public hearing is required. The target date for a public hearing regarding this legislation is January 17, 2013. The public hearing will be held at the City Council's Parks & Neighborhoods Committee meeting.

**f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes, notice of the legislation and the public hearing will be published in *The Daily Journal of Commerce* two weeks prior to the public hearing date.

**g) Does this legislation affect a piece of property?**

Yes, the legislation affects the parking lot at 53rd Avenue South and Lake Washington Boulevard South and land adjacent to and across the boulevard to the west of the parking lot, within the boundaries of the park boulevard known as Lake Washington Boulevard. A map of the project area is attached.

**h) Other Issues:**

The parking lot property was donated to the City of Seattle for park, parkway and boulevard purposes by the State of Washington in 1913. The grant prohibits "diversion of attempted diversion of such lands so donated from such purpose", or the property ownership will revert to the State. SPU and Parks are satisfied that they have taken all necessary steps to confirm that SPU's project does not violate applicable conditions and restrictions of the donation of the property.

The bike path running alongside the parking lot was the recipient of a State grant in 1969. Construction of the underground storage tank will impact the bike path and require temporary closure and/or rerouting of the bike path. The City received correspondence from the Washington State Recreation & Conservation Office (RCO) in May 2011, approving the project and its temporary impacts to the bike path.

The parking lot is protected by a federal Urban Park and Recreation Recovery (UPARR) grant from the Department of Interior in 1983. There are no additional requirements pertaining to the UPARR grant as long as (a) SPU does not construct above-ground



Andrew Lee  
SPU I-42 Genesee 43 ORD  
December 17, 2012  
Version #7

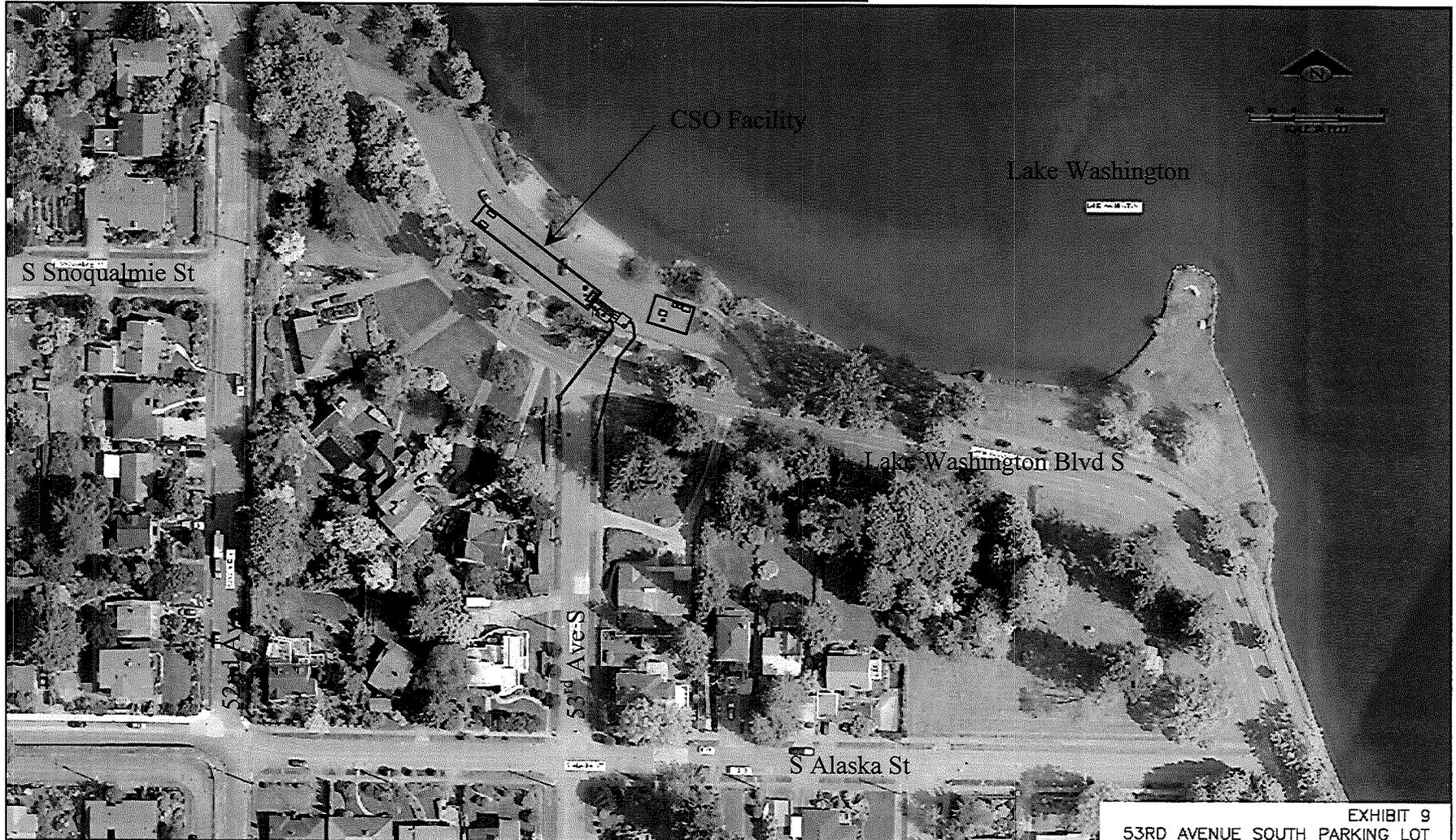
facilities within the UPARR protected area and (b) continuous closure of the parking lot is limited to one year. SPU plans to meet both of these conditions.

**List attachments to the fiscal note below:**

Exhibit A – Project Area Map



**Exhibit A: Project Area Map**



NOVEMBER 2011

EXHIBIT 9  
 53RD AVENUE SOUTH PARKING LOT  
 VICINITY

 HDR Engineering, Inc.		APPROVED FOR ADVERTISING NANCY LOCKE DEPARTMENT OF FINANCE & ADMINISTRATION SERVICES SEATTLE, WASHINGTON 20	NAME OF INITIALS AND DATE DESIGNED CHECKED	DETAILS AND DATE REVIEWED DATE CHECKED DATE	 City of Seattle Ray Hoffmann, Director	SEATTLE PUBLIC UTILITIES GENESSEE CSO REDUCTION PROJECT	PC C303103 R/W SHEET PLAN NO. SHEET 1 OF 3
		<small>ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF SEATTLE SPECIFICATIONS AND STANDARD SPECIFICATIONS FOR PUBLIC WORKS AND THE CITY OF SEATTLE STANDARD SPECIFICATIONS FOR PUBLIC WORKS.</small>	<small>DATE: 12-13-11</small>	<small>DATE: 12-13-11</small>	<small>DATE: 12-13-11</small>		



City of Seattle  
Office of the Mayor

December 26, 2012

Honorable Sally J. Clark  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill which would authorize the partial transfer of property jurisdiction from the Department of Parks and Recreation to Seattle Public Utilities for an underground sewage storage tank at a parking lot at 53rd Avenue South and Lake Washington Boulevard South.

During heavy rains, the City of Seattle's sewer system lacks the capacity to contain the large volumes of stormwater runoff and sanitary sewage, and as a result, millions of gallons of the combined sewage are discharged into Lake Washington each year. The City of Seattle, acting through Seattle Public Utilities, must reduce combined sewage overflows into Lake Washington in order to meet the terms of a National Pollutant Discharge Elimination System (NPDES) permit. The proposed underground storage tank will retain combined sewage until the downstream system empties and it can be sent to a King County treatment plant for processing.

This project will enable the City to improve its sewage system, reduce flows of diluted sewage into Lake Washington, and meet the terms of its NPDES permit. Thank you for your consideration of this legislation. Should you have questions, please contact Andrew Lee (Seattle Public Utilities) at 733-9066 or Don Harris (Seattle Parks & Recreation) at 684-8018.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



## ATTACHMENT 1

PARTIAL TRANSFER OF JURISDICTION  
FOR UNDERGROUND UTILITIES  
LAND DESCRIPTION

THAT PORTION OF THE SW QUARTER OF THE SW QUARTER OF SECTION 14, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M UNDER THE JURISDICTION OF THE SEATTLE DEPARTMENT OF PARKS AND RECREATION AS GRANTED TO THE CITY OF SEATTLE FOR PARK, PARKWAY AND BOULEVARD PURPOSES PURSUANT TO CHAPTER 183, SESSION LAWS OF 1913 AND CITY ORDINANCE 26273 DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT AT THE INTERSECTION OF THE CENTERLINES OF SOUTH ALASKA STREET AND 53<sup>RD</sup> AVENUE SOUTH; THENCE N 00° 45' 48" E ALONG THE CENTERLINE OF 53<sup>RD</sup> AVENUE SOUTH A DISTANCE OF 257.54 FEET TO A CONCRETE MONUMENT AT THE CENTERLINE OF VACATED LAKESIDE AVENUE SOUTH; THENCE N 27° 22' 43" W A DISTANCE OF 26.34 FEET TO THE FACE OF A CONCRETE CURB AND THE POINT OF BEGINNING;

THENCE LEAVING THE FACE OF THE CONCRETE CURB N 64° 25' 42" W A DISTANCE OF 13.96 FEET;

THENCE N 05° 43' 19" E A DISTANCE OF 39.82 FEET;

THENCE N 37° 51' 01" E A DISTANCE OF 14.06 FEET TO THE FACE OF A CONCRETE CURB AND THE BEGINNING OF A NON TANGENT 16.30 FOOT RADIUS CURVE WHICH RADIUS BEARS S 71° 26' 19" W;

THENCE SOUTHERLY ALONG SAID CONCRETE CURB A DISTANCE OF 6.20 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 47' 01" TO THE END OF THE CURVE;

THENCE CONTINUING ALONG THE FACE OF SAID CONCRETE CURB S 00° 55' 52" W A DISTANCE OF 50.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 531 SQ. FT., MORE OR LESS.



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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292972

No.

CITY OF SEATTLE, CLERKS OFFICE

**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 12<sup>th</sup> 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

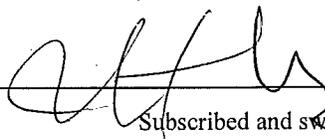
CT:PUBLIC HEARING NOTICE

was published on

01/24/13

The amount of the fee charged for the foregoing publication is the sum of \$186.78 which amount has been paid in full.

MELISSA M. DOWD  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
11-21-15



Subscribed and sworn to before me on

01/24/2013



Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication

# State of Washington, King County

## City of Seattle

### SEATTLE CITY COUNCIL PARKS AND NEIGHBORHOODS COMMITTEE

#### PUBLIC HEARING NOTICE

Thursday, February 7, 2013

9:30 a.m.

**NOTICE OF CITY COUNCIL  
PUBLIC HEARING ON TWO  
PROPOSED PARTIAL TRANSFERS  
OF JURISDICTION OF PROPERTY  
FROM DEPARTMENT OF PARKS &  
RECREATION TO SEATTLE PUBLIC  
UTILITIES ON LAKE WASHINGTON  
BOULEVARD FOR THE PURPOSE  
OF SITING COMBINED SEWER  
OVERFLOW UNDERGROUND TANKS.**

Council Bill (C.B.) 117687 and C.B. 117688 are two pieces of legislation proposed by Seattle Public Utilities that transfer partial jurisdiction of property on Lake Washington Boulevard from Department of Parks and Recreation to Seattle Public Utilities for the purpose of siting combined sewer overflow (CSO) tanks. City of Seattle Ordinance 118477, which adopted Initiative 42, mandates that all transfers from Department of Parks and Recreation be subject to a public hearing.

C.B. 117687 would transfer partial jurisdiction of a portion of Lake Washington Boulevard South located beneath, adjacent to, and across Lake Washington Boulevard from a parking lot at 53rd Avenue South, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair, and operation of a combined sewer overflow underground storage tank, associated underground pipes and electrical lines, and limited surface ancillary facilities; and finds that transfer of partial jurisdiction meets the requirement of Ordinance 118477, which adopted Initiative 42.

C.B. 117688 would transfer partial jurisdiction of a portion of Lake Washington Boulevard South located beneath and adjacent to a parking lot between 48th Avenue South and 49th Avenue South, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair, and operation of a combined sewer overflow underground storage tank, associated underground pipes and electrical lines, and limited surface ancillary facilities; and finds that transfer of partial jurisdiction meets the requirement of Ordinance 118477, which adopted Initiative 42.

#### PUBLIC HEARING

The City Council's Parks and Neighborhoods Committee will hold a public hearing on the proposals on Thursday, February 7, 2013, in City Council Chambers, Seattle City Hall, 600 Fourth Avenue, Floor 2. The public hearing is scheduled to begin at 9:30 a.m. For more information on the time of the hearing, please check the Committee agenda a few days prior to the meeting at [www.seattle.gov/council/com\\_assign.htm](http://www.seattle.gov/council/com_assign.htm)

For those who wish to provide public comment, a sign-up sheet will be available outside Council Chambers at 9:15 a.m. on the day of the hearing.

Questions concerning the public hearing may be directed to Jan Bultmann in Councilmember Sally Bagshaw's office at 206.684.8801 or [jan.bultmann@seattle.gov](mailto:jan.bultmann@seattle.gov).

#### WRITTEN COMMENTS

For those unable to attend the public hearing, written comments may be sent to:

**Councilmember Sally Bagshaw**

Legislative Department

600 Fourth Avenue, Floor 2

PO Box 34025

Seattle, WA 98124-4025

or by email to [sally.bagshaw@seattle.gov](mailto:sally.bagshaw@seattle.gov)

Written comments should be received by Wednesday, February 6, at 5:00 p.m.

#### VISITING CITY HALL

The entrances to City Hall are located on the west side of Fifth Avenue and the east side of Fourth Avenue, between James and Cherry Streets. Directions to City Hall, and information about transit access and parking, are available at <http://www.seattle.gov/council/visiting-city-hall.htm>.

Council Chambers are accessible. Print and communications access is provided on prior request. To request accommodations for a disability, please contact Jan Bultmann as soon as possible at 206.684.8801 or [jan.bultmann@seattle.gov](mailto:jan.bultmann@seattle.gov).

#### INFORMATION AVAILABLE

Copies of the proposals, C.B. 117687 and 117688, may be obtained from the City Clerk's

Office at 600 4th Avenue, Floor 3. The Clerk's Office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday, and may also be reached at 206.684.8344. You may also view the proposals online at <http://www.seattle.gov/leg/clerk/clerk.htm>. Search for Council Bill 117687 and Council Bill 117688.

Date of publication in the Seattle Daily

Received  
APR 04 2013  
City of Seattle  
Office of the City Clerk

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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295003  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

**Affidavit of Publication**

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CT:124115,119-124126

was published on

03/14/13

The amount of the fee charged for the foregoing publication is the sum of \$173.25 which amount has been paid in full.



Affidavit of Publication

*[Signature]*  
Subscribed and sworn to before me on  
03/14/2013 *[Signature]*  
\_\_\_\_\_  
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 February 25, 2013, 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. 124115

AN ORDINANCE related to a settlement agreement between the City of Seattle and Building 11 Investors, LLC; authorizing the Superintendent of Parks and Recreation to implement the terms of the settlement agreement; increasing appropriations in connection thereto; making a cash transfer between various city funds; and ratifying and confirming certain prior acts, all by a 3/4 vote of the City Council.

### ORDINANCE NO. 124119

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of Lake Washington Boulevard located beneath, adjacent to, and across Lake Washington Boulevard South from a parking lot at 53rd Avenue South, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of a combined sewer overflow underground storage tank, associated underground pipes and electrical lines, and limited surface ancillary facilities; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

### ORDINANCE NO. 124120

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of Lake Washington Boulevard South located beneath and adjacent to a parking lot between 48th Avenue South and 49th Avenue South, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair, and operation of a combined sewer overflow underground storage tank, associated underground pipes and electrical lines, and limited surface ancillary facilities; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

### ORDINANCE NO. 124121

AN ORDINANCE relating to the Central Waterfront Project, authorizing execution of a Memorandum of Understanding Concerning Renovation and Expansion of the Seattle Aquarium and Development of the Central Waterfront Project between the City of Seattle and the Seattle Aquarium Society.

### ORDINANCE NO. 124122

AN ORDINANCE relating to the Central Waterfront Project, authorizing execution of a Memorandum of Understanding Concerning Redevelopment of the PC-1 North Site within the Pike Place Market Historical District.

### ORDINANCE NO. 124123

AN ORDINANCE relating to the Pacific Place Garage; authorizing the loan of funds from the City's Consolidated (Residual) Cash Pool, or its participating funds, to the Downtown Parking Garage Fund; and providing for repayment.

### ORDINANCE NO. 124124

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of Finance and Administrative Services to execute a three-year extension to a lease agreement under which the City leases warehouse space at Federal Center South, 4735 East Marginal Way South in Seattle, from the U.S. General Services Administration.

### ORDINANCE NO. 124125

AN ORDINANCE relating to contracting indebtedness; authorizing and providing for the issuance and sale of unlimited tax general obligation bonds and bond anticipation notes, and authorizing the loan of funds from various City funds, to pay all or part of the costs of the design, construction, renovation, improvement and replacement of the Alaskan Way seawall and associated public infrastructure, as authorized at the November 6, 2012 election, and to pay the costs of issuing and selling the bonds and the notes; providing for terms and sale of the bonds and the notes; creating a project fund; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 124126

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

Date of publication in the Seattle Daily Journal of Commerce, March 14, 2013.

3/14(295003)