

Ordinance No. 66447

Authorizing the dredging of deposits from the Connecticut Street Trunk Sewer Outfall, appropriating money therefor and declaring the emergency making necessary such appropriation.

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Council Bill No. 57435

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REPORTED: JUL 6 1936	VETO:
SECOND READING: JUL 6 1936	PUBLISHED:
THIRD READING: JUL 6 1936	VETO SUSTAINED:
SIGNED: JUL 6 1936	PASSED OVER VETO:
PRESENTED TO MAYOR: JUL 7 1936	APPROVED: JUL 7 1936
FILED: JUL 7 1936	PUBLISHED:
ENGROSSED: VOL. <i>9-2</i> PAGE <i>159</i>	BY: <i>B. D. H.</i>
COMPARED BY:	AND

ORDINANCE NO. 66447

AN ORDINANCE authorizing the dredging of deposits from the Connecticut Street Trunk Sewer Outfall, appropriating money therefor, and declaring the emergency making necessary such appropriation.

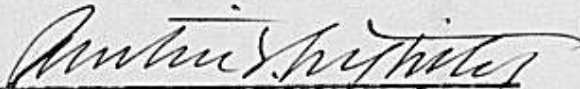
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the Board of Public Works be and it is hereby authorized and directed to incur an indebtedness against the Emergency Fund not to exceed the sum of Five Thousand Two Hundred Fifty Dollars (\$5,250.00) for the purpose of dredging the deposits from the Connecticut Street Trunk Sewer Outfall, and that the sum of Five Thousand Two Hundred Fifty Dollars (\$5,250.00), or so much thereof as may be necessary, be and the same is hereby appropriated from the Emergency Fund for such purpose.


Section 2. WHEREAS, the above appropriation is to meet actual necessary expenditures of the City Engineer's Department for which no appropriation has been made, due to causes which could not reasonably have been foreseen at the time of making the 1936 Budget, Now, Therefore,

Section 3. In accordance with the provisions of Rem. Rev. Stat. Sections 9000-19, by reason of the facts set forth in this ordinance and the emergency which is hereby declared to exist, this ordinance shall become effective immediately upon approval or signing of the same by the Mayor, or the passage of the same over his veto as provided by the Charter of the City.

Passed by unanimous vote of the City Council the 6 day of JULY, 1936, and signed by me in open session in authentication of its passage this 6 day of JULY, 1936.

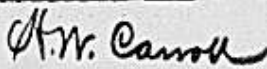

President _____ of the City Council.

Approved by me this 7 day of JULY, 1936



Mayor.

Filed by me this 7 day of JULY, 1936.

Attest:


City Comptroller and ex-officio
City Clerk.

(SEAL)

By 
Deputy Clerk.

Published _____

ASSISTANT CORPORATION COUNSEL

J. AMBLER NEWTON
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SECRETARY
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LAW CLERK
C. V. HOARD
CLAIM AGENT
JOHN F. COOPER

THE CITY OF SEATTLE
LAW DEPARTMENT

A. C. VAN SOELEN, CORPORATION COUNSEL

July 1, 1936

Re: Removal of deposits in
Connecticut Street Water-
way caused by sewer outfall.

Mr. David E. Lockwood, Chairman,
Finance Committee, City Council,
Seattle, Washington.

Dear Sir:

You request to be advised if the City is legally bound to dredge at the sewer outfall in Connecticut Street, and, if so, whether the City may be compelled to dredge to any specific depth.

From the letter of the City Engineer accompanying your request and additional information obtained from the Engineering Department, we learn that the sewer outfall is located at the end of a pier, almost at the outer harbor line, and is carried to that point on piling supports of the pier abutting the street and waterway. The waterway and tideland street furnish access to the piers for vessels from the waters of Puget Sound. The piers are owned by the Port of Seattle, which is now asking that the City do this dredging. From soundings made by the Engineering Department, the street and waterway are filled to a certain extent, the point of filling not being indicated, but presumably it is at the entrance to the waterway and for some distance on each side of the entrance. In any event, it seems to be of such a nature that the access to the waterway and tideland street and abutting piers is impaired thereby. It likewise seems to be assumed that the discharge from the sewer is responsible in some manner for the accumulated deposits.

If it is a fact that discharge from the City sewer is responsible for the deposits and that they impede and interfere with entrance to and use of the piers, there is no question but that the City can be held legally responsible therefor to one showing special damage or injury thereby. A ruling to that effect was made by a former Corporation Counsel in a similar case relating to the sewer discharge at the foot of Lander Street (Op. 293, Feb. 20, 1918). That opinion states:

Mr. David E. Lockwood --- 2.

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"The authorities are to the effect that a city is liable for damages arising on account of the deposits from its sewer system if such deposits are permitted to accumulate in quantities sufficient to obstruct navigation, thereby impairing the use of docks, provided the injury sustained is peculiar to the party claiming damages, * * *."

We believe that this correctly states the law, and we also believe that the owner of the pier to which water ingress or egress is impaired suffers an injury not common to the public using the waterway, and therefore may require the City to do the dredging or respond in damages for failure to do so.

As to the depth of the dredging operation, undoubtedly it should be of such depth as will place the channel in condition to be used by vessels of such draft as are likely to seek access to the piers.

We return herewith letter of the City Engineer of June 24, 1936, and letter of the General Manager and Chief Engineer of the Port of Seattle, of May 2, 1936, which accompanied your request.

Yours very truly,

A. C. VAN SOELEN
Corporation Counsel

By

Jno. A. Homer
JNO. A. HOMER
Assistant

J.H:ML

Enc.

6-24-36.
A.C. for open

DEPARTMENT OF PUBLIC WORKS OF
THE CITY OF SEATTLE

OFFICE OF CITY ENGINEER

-THOMAS R. BEEMAN, CITY ENGINEER

June 24, 1936.

IN RE: Request of Port of Seattle,
W.C. Bickford Manager & Chief
Engineer, that City dredge
area affected by trunk Sewer.

Honorable Streets & Sewers Committee
and
Honorable Finance Committee
of the City Council,
Seattle, Washington

Gentlemen:

Under date of May 2, 1936, there was submitted to the City Engineer a letter from the Port of Seattle calling attention to the fact that the deposits from the Connecticut Street sewer have filled in the slip on the south side of the Connecticut St. pier, and requesting that the City dredge out this material.

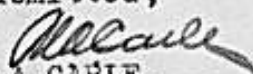
This request of the Port of Seattle is based on the fact that they have leased this pier to the Coast Guard and find that the depth of water has been so materially decreased, due to deposits from the trunk sewer, that the Coast Guard finds it impossible to berth their boats at this location.

This trunk sewer was built originally in 1909, before any material improvements existed on this property. In 1912, the City did some reconstruction work on this trunk sewer and in 1913 the then owners (The Seattle Construction & Dry Dock Co.) requested the City to do some dredging, as the deposits from the sewer were interfering with the operation of the wharf. Again in December 1926, an additional amount was appropriated by the City for dredging and repair work. The Port of Seattle, the present owners, are now asking that the City redredge the areas adjacent to the pier on account of the large amount of deposit resulting from the discharge of the sewer.

In studying this request, the City Engineer has had the necessary soundings made and proper computations to indicate the amount of material that it will be necessary to remove. The amount of material so indicated shows that 15,000 cu. yds. will have to be removed in order to restore the waterway to its previous depth. The best information that we can obtain on the cost of this work is that it will cost not less than 35¢ per cu. yd., which would make a total sum of \$5,250.00 necessary to appropriate.

We therefore recommend that the City Council arrange to provide this sum as early as practicable. The Port authorities are insistent that action be taken.

Respectfully submitted,


N.A. CARLE,
City Engineer.

cap.
OAP D

Return to City Eng

Port of Seattle Seattle

Cable Address
"SEAPORT"

Commission
HORACE P. CHAPMAN, President
SMITH M. WILSON, Vice President
J. A. EARLEY, Secretary

United States of America

May 2, 1936



Mr. Thos. R. Beeman
City Engineer
County-City Building
Seattle, Washington

Dear Sir:

Attention: Mr. E. French Chase,
Sanitary Engineer

Regarding your letter of April 17, 1936 in which you acknowledge receipt of our letter of April 1, 1936, calling to your attention the fact that the deposits from the Connecticut Street sewer have filled in the slip on the south side of Connecticut Street pier to such an extent that it is no longer possible for the Coast Guard to berth boats on that side.

We have been informed by Mr. Chase that you have sounded this slip and now have a complete set of soundings along this berth. Mr. Chase asked that we determine to what depth this material should be removed. Our first thought in this matter was that if the material were removed down to a depth of -37, City Datum, that would allow approximately 20 ft. of water at low tide, which would be ample for the Coast Guard boats. However, the Coast Guard arrangement may or may not be temporary and possibly in the near future we would be wanting to berth the regular boats that ply in and out of Atlantic St. Terminal along the edge of that pier. We now ask that the City dredge this slip to the point where we will have 30 feet of water at low tide, or to -47, City Datum.

Very truly yours,

W. C. Bickford
W. C. Bickford
General Manager and
Chief Engineer

GTT:J