

A Resolution relating to Seattle Public Utilities, authorizing application to the Washington State Department of Natural Resources, Recreation and Conservation Office, for an Aquatic Lands Enhancement Account grant to fund fish habitat protection and restoration in the lower Cedar River.

[Handwritten initials/signature]

4/24/12 Adopt - Mike O'Brien, Sally Clark, Nick Licata

| | |
|----------------------------------|--|
| Introduced: <u>4.23.12</u> | By: |
| Referred: | To: Titu |
| Referred: | To: Titu Energy + Environment |
| Reported: | |
| Passed: <u>April 30, 2012</u> | Signed: <u>April 30, 2012</u> |
| Filed: <u>5.8.12</u> | Published: <u>Titu</u> |

April 30, 2012 Full Council Adopted 8-0 (excused: Conlin)

US5171

Law Department

RESOLUTION 31372

A RESOLUTION relating to Seattle Public Utilities, authorizing application to the Washington State Department of Natural Resources, Recreation and Conservation Office, for an Aquatic Lands Enhancement Account grant to fund fish habitat protection and restoration in the lower Cedar River.

WHEREAS, under the provisions of the Aquatic Lands Enhancement Account (ALEA), state grant assistance is made available to aid in financing the cost of land acquisition and restoration; and

WHEREAS, the Seattle City Council considers it in the best public interest to complete the project described in the application; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. The Director of Seattle Public Utilities (SPU) is authorized to make formal application to the Recreation and Conservation Office for grant assistance.

Section 2. Any grant assistance received will be used for direct costs associated with implementation of the Belmondo Reach Property Acquisition and Restoration project, which includes acquisition of the parcels identified in Exhibit A attached hereto, and restoration of these parcels for the benefit of fish habitat.

Section 3. The Seattle City Council hereby certifies that the City's matching share of project costs will be funded from SPU's Water Fund appropriations and that SPU will be responsible for supporting all non-cash commitments to this project should they not materialize.

Section 4. Seattle City Council acknowledges that the grant assistance, if approved, will be paid on a reimbursement basis, meaning SPU will only request payment from the Recreation and Conservation Office after eligible and allowable costs have been incurred and payment remitted to SPU vendors, and that the Recreation and Conservation Office will hold retainage until the project is deemed complete.

Section 5. Seattle City Council acknowledges that any property acquired or restored and/or facility developed through grant assistance from the Recreation and Conservation



1 Funding Board must be reasonably maintained and made available to the general public unless
2 other restrictions have been agreed to by the Recreation and Conservation Office Director or the
3 Recreation and Conservation Funding Board.

4 Section 6. Seattle City Council acknowledges that any property acquired or restored
5 and/or facility developed with grant assistance from the Recreation and Conservation Funding
6 Board must be dedicated for public purposes and be retained and maintained for perpetuity
7 unless otherwise provided and agreed to by our organization and the Recreation and
8 Conservation Funding Board.


9 Section 7. Seattle City Council acknowledges that any property acquired for future
10 development using Recreation and Conservation Funding Board assistance must be developed
11 within five years of the completion of the acquisition project.



1 Section 8. This resolution becomes part of a formal application to the Recreation and
2 Conservation Office for grant assistance.

3 Section 9. The City has provided appropriate opportunity for public comment on this
4 application.

5
6 Adopted by the City Council the 30th day of April, 2012, and
7 signed by me in open session in authentication of its adoption this 30th day
8 of April, 2012.

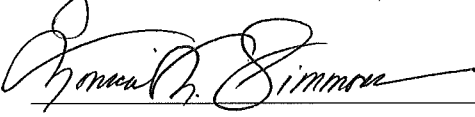
9 
10 President _____ of the City Council

11
12 THE MAYOR CONCURRING:

13 
14 _____

15 Michael McGinn, Mayor

16
17 Filed by me this 8ⁿ day of May, 2012.

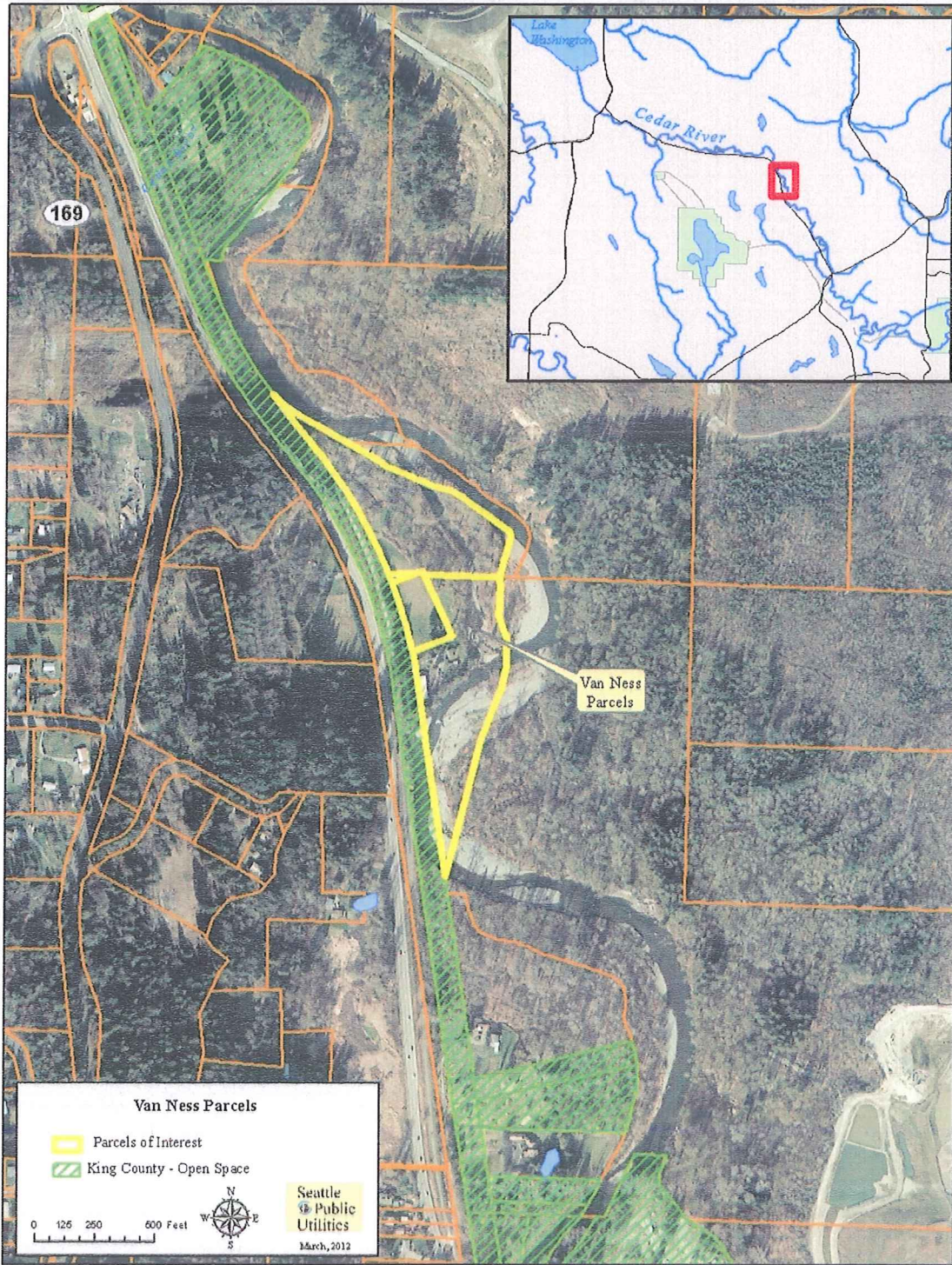
18 
19 _____
20 Monica Martinez Simmons, City Clerk

21
22 (Seal)

23
24
25
26
27 Exhibit A – Property Legal Descriptions



ATTACHMENT 1



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

| Department: | Contact Person/Phone: | CBO Analyst/Phone: |
|--------------------------|------------------------------|---------------------------|
| Seattle Public Utilities | Cyndy Holtz/6-1990 | Karen Grove/4-5805 |

Legislation Title: A RESOLUTION relating to Seattle Public Utilities, authorizing application to the Washington State Department of Natural Resources, Recreation and Conservation Office, for an Aquatic Lands Enhancement Account grant to fund fish habitat protection and restoration in the lower Cedar River.

Summary and background of the Legislation: The proposed resolution would authorize the Director of Seattle Public Utilities to apply for \$325,000 in state Aquatic Lands Enhancement Account (ALEA) grant funding to purchase and restore property on the lower Cedar River under the Cedar River Watershed Habitat Conservation Plan (HCP). The City committed in the HCP to expend \$5.5 million to protect and restore fish habitat along the lower Cedar River below its municipal watershed ownership boundary. SPU has secured grant funding to leverage the HCP financial commitment in the lower Cedar River to spread its commitment dollars further and increase the effectiveness of its habitat protection and restoration efforts, without increasing the burden to Seattle's drinking water customers.

The Belmondo Reach parcels, which total 12.65 acres, are a high priority for salmon habitat protection and restoration, and are included in the Watershed Resource Inventory Area 8 (WRIA 8) Chinook Salmon Conservation Plan's Start List. If this proposal is successful, the grant would fund fifty percent of acquisition and restoration costs. The preliminary cost estimate for acquisition and restoration is \$650,000 (\$500,000 acquisition, \$150,000 restoration).

| Project Name: | Project I.D.: | Project Location: | Start Date: | End Date: |
|--------------------------|----------------------|---|--------------------|-------------------|
| Downstream Fish Habitat* | C1607 | Township 23 North, Range 6 East, Section 29 | April 1, 2012 | December 31, 2013 |

*The Belmondo Reach Acquisition project is part of the 2012 Adopted CIP allocation for Downstream Fish Habitat. Dates refer to the Belmondo Reach Acquisition only.

Please check any of the following that apply:

- This legislation creates, funds, or anticipates a new CIP Project.**
- This legislation does not have any financial implications.**
- This legislation has financial implications.**

If awarded, this grant from the state Aquatic Lands Enhancement Account would provide \$325,000, or half of the total cost estimate of \$650,000, for the implementation of the Belmondo Reach Property Acquisition and Restoration project. The project includes acquisition of the



property and restoration of these parcels for the benefit of fish habitat. The remaining funding would come from the adopted 2012 allocation for the Downstream Fish Habitat project (C1607) within the Habitat Conservation Program BCL (C160B) in SPU's Water Fund (Fund 43000). SPU is currently seeking federal grant monies that, if received, could appropriately be used to fund the City's \$325,000 match.

The Aquatic Lands Enhancement Account grant assistance would allow SPU greater flexibility in its overall HCP commitment and increase the effectiveness of its habitat and restoration efforts. The grant will be paid on a reimbursement basis, meaning Seattle Public Utilities will only request payment from the Recreation and Conservation Office after eligible and allowable costs have been incurred and payment remitted to our vendors, and that the Recreation and Conservation Office will hold retainage until the project is deemed complete.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
SPU will be required to maintain the property. The incremental costs of maintaining the Belmondo Reach property are very modest, however. The City has a long-term contract through 2050 with Forterra (formerly Cascade Land Conservancy) to provide ongoing stewardship and maintenance for all HCP-protected property. The contract includes reasonable annual inflators and provides certainty about the maintenance costs over the next several decades. The 2012 amount the City would pay Forterra for maintenance of the Belmondo Reach property is \$3,727.
- b) **What is the financial cost of not implementing the legislation?**
Without the legislation, SPU cannot apply for the ALEA grant, and therefore will not have the opportunity to leverage HCP commitment dollars. The HCP commits SPU to expend a specified dollar amount for each HCP activity. Without grant dollars to supplement HCP commitment dollars, SPU would implement a reduced scope of restoration and protection.
- c) **Does this legislation affect any departments besides the originating department?**
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
SPU could apply for grants that do not require an authorizing resolution. SPU is applying for a Salmon Recovery Funding Board (SRFB) grant for the same project in order to improve the probability of receiving grant funding.
- e) **Is a public hearing required for this legislation?**
Yes, and will occur during the Council Committee meeting.
- 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?

Yes, this resolution relates to acquisition of three parcels totaling 12.65 acres on the lower Cedar River in unincorporated King County. See attached map.

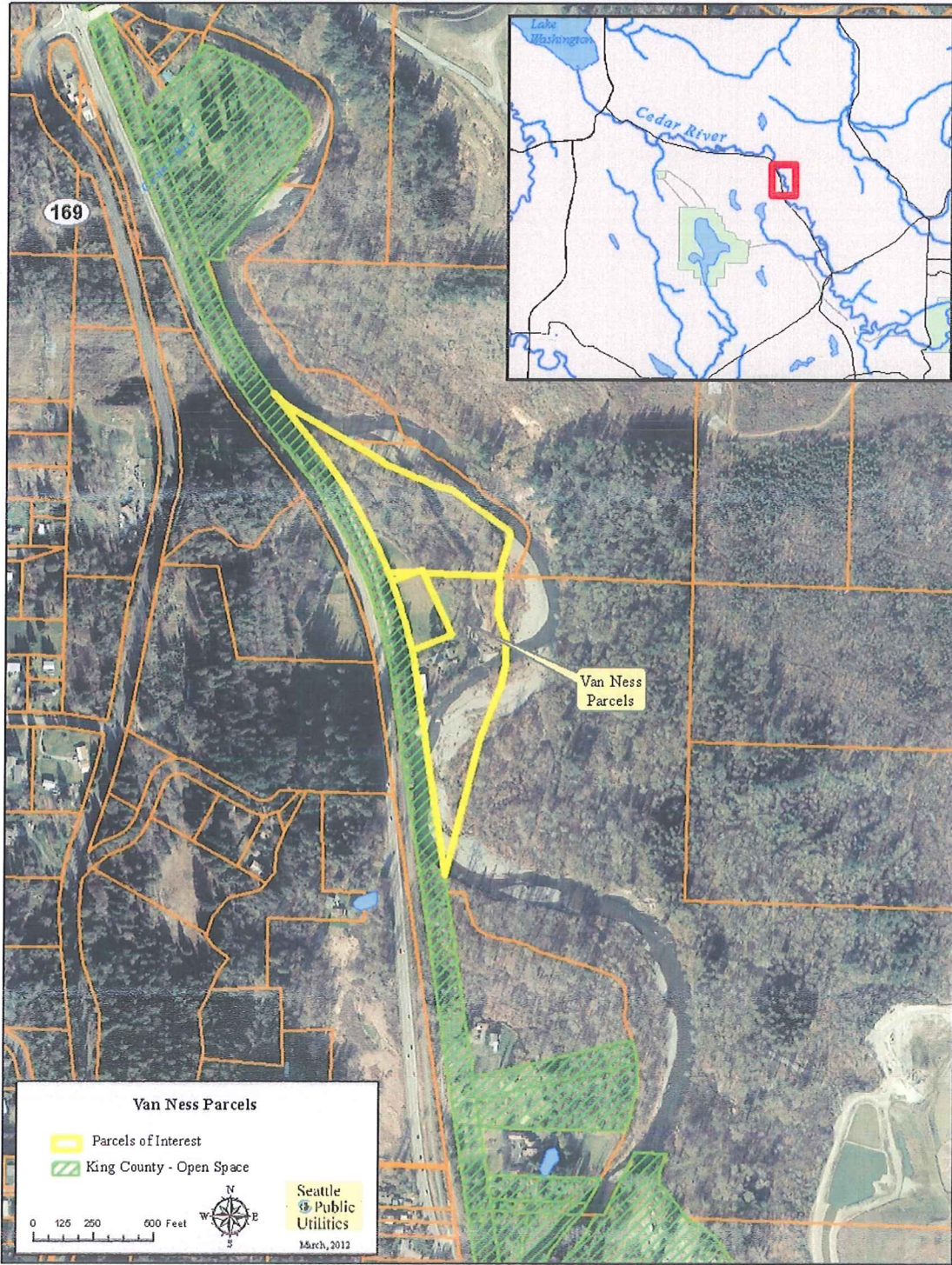
h) Other Issues:

List attachments to the fiscal note below:

Attachment 1 – Vicinity Map

Cyndy Holtz
SPU ALEA Grant ATT 1
March 27, 2012
Version #1

ATTACHMENT 1



Form No. 1068-2
ALTA Plain Language Commitment

Commitment No.: **4209-1836628**
Page 12 of 12

Cindy Holtz
SPU ALEA Grant RES
March 26, 2012
Version #1

FIRST AMERICAN TITLE INSURANCE COMPANY
Exhibit "A"

Vested Owner: William G. Van Ness, as his sole and separate property

Real property in the County of King, State of Washington, described as follows:

THAT PORTION OF GOVERNMENT LOTS 3, 6 AND 7, SECTION 29, TOWNSHIP 23 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING EAST OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC COAST RAILROAD RIGHT OF WAY.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

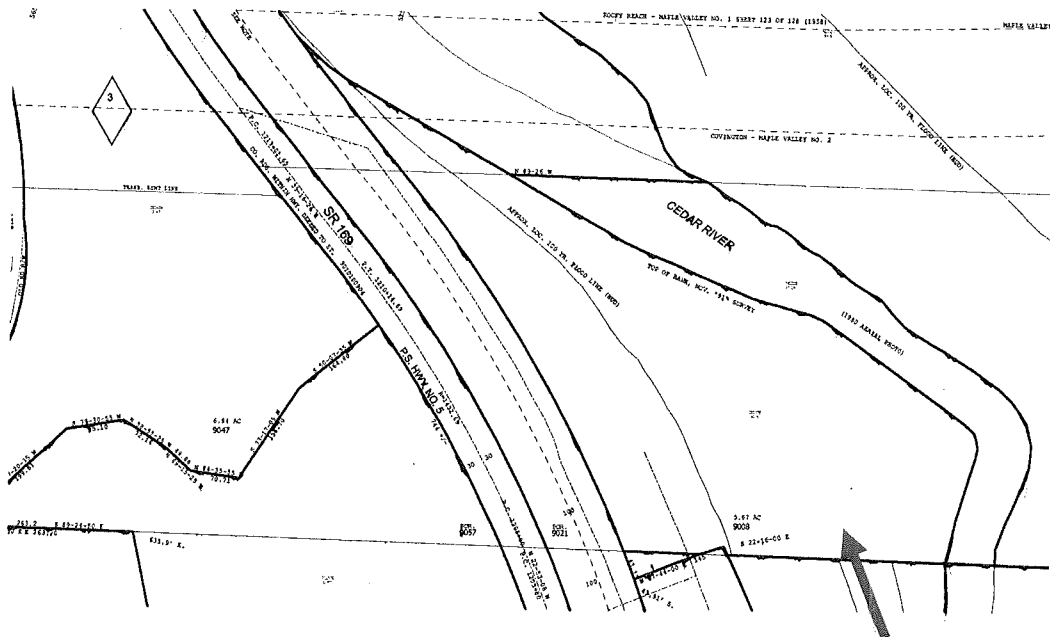
Tax Parcel Number: 292306-9008-07, 292306-9013-00 and 292306-9071-09

Situs Address: 16919 Renton-Maple Valley Road S.E., Maple Valley, WA 98038



2. Map-Customer Map

Cindy Holtz
SPU ALEA Grant RES
March 26, 2012
Version #1



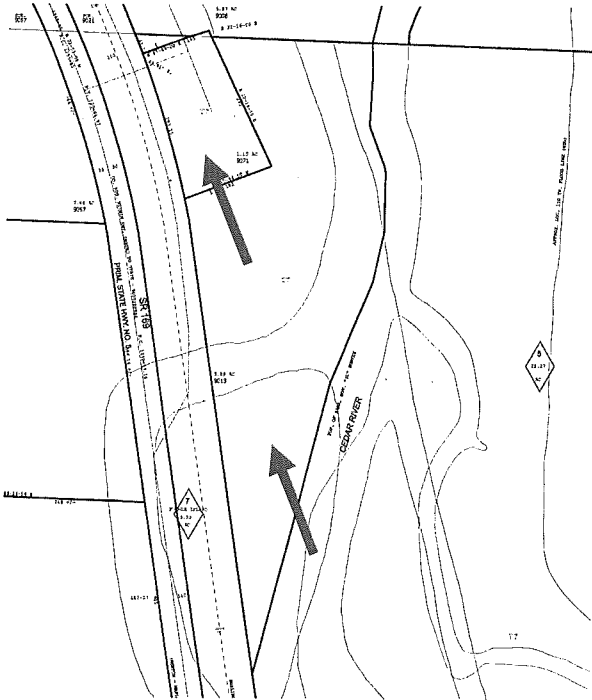
Order No. **1836628**

IMPORTANT: This is not a Plat of Survey. It is furnished as a convenience to locate the land indicated hereon with reference to streets and other land. No liability is assumed by reason of reliance hereon.

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Cindy Holtz
SPU ALEA Grant RES
March 26, 2012
Version #1



N

Order No. **1836628**

IMPORTANT: This is not a Plat of Survey. It is furnished as a convenience to locate the land indicated hereon with reference to streets and other land. No liability is assumed by reason of reliance hereon.





City of Seattle
Office of the Mayor

April 3, 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 Resolution that would authorize Seattle Public Utilities to apply for a \$325,000 grant from the state Aquatic Lands Enhancement Account (ALEA).

These grant funds would provide a 50 percent match for the acquisition and restoration of 12.65 acres of riparian lands on the lower Cedar River. This project is part of the City of Seattle's Cedar River Watershed Habitat Conservation Plan (HCP). The grant would supplement HCP expenditures and expand the scope of the restoration possible under this program.

SPU has acquired and restored more than 36 acres of habitat along the lower Cedar River to benefit fish species dependent on healthy riverine, riparian and upland ecosystems. The utility's financial commitment under the HCP for lower Cedar River protection and restoration of \$5.5 million has already been leveraged by \$3.2 million in outside grant funding. SPU hopes to continue this successful track record by securing ALEA grant funds in the upcoming grant cycle.

Thank you for your consideration of this legislation. Should you have questions, please contact Cyndy Holtz at 386-1990.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

284150
CITY OF SEATTLE, CLERKS OFFICE

No. 31371,31372,31374 , 31369

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: TITLE ONLY RESOLUTION

was published on

05/15/12

The amount of the fee charged for the foregoing publication is the sum of \$ 69.75, which amount has been paid in full.



Affidavit of Publication

A handwritten signature in blue ink, appearing to be "Michael".

Subscribed and sworn to before me on

05/15/12

A large handwritten signature in blue ink, appearing to be "Jennifer Borrero".

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Resolutions

The full text of the following legislation, passed by the City Council on April 30, 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.

RESOLUTION NO. 31369

A RESOLUTION granting conceptual approval to construct, maintain, and operate a rooftop photovoltaic array over the sidewalk area of East Madison Street, 15th Avenue East, and East Pike Street, and to the centerline of the alley between East Madison Street and East Pike Street, as part of the construction of the new Bullitt Center at 1501 East Madison Street, as proposed by CCSDC, LLC.

RESOLUTION NO. 31371

A RESOLUTION relating to public safety and protection of the Central Waterfront, the downtown business district, major transportation facilities, and related public infrastructure,

which are essential to the local and regional economy, expressing the City Council's intent to place an Elliott Bay Seawall Replacement bond measure on the November 6, 2012 general election ballot, and establishing the process the Council will use to determine the final amount and scope of this measure.

RESOLUTION NO. 31372

A RESOLUTION relating to Seattle Public Utilities, authorizing application to the Washington State Department of Natural Resources, Recreation and Conservation Office, for an Aquatic Lands Enhancement Account grant to fund fish habitat protection and restoration in the lower Cedar River.

RESOLUTION NO. 31374

A RESOLUTION initiating a proceeding for the vacation of a portion of Broad Street between Harrison Street and 6th Avenue North pursuant to Chapter 35.79 Revised Code of Washington (RCW) and Seattle Municipal Code (SMC) Chapter 15.62.

Date of publication in the Seattle Daily Journal of Commerce, May 15, 2012.

5/15(284150)