

Ordinance No. 121899

Council Bill No. 115345

AN ORDINANCE authorizing Seattle Public Utilities to acquire by negotiation or condemnation land and all improvements thereon situated on Lots 1,2,3,4,5 and 6 of Block 71 and Lots 6 and 7 of Block 62, all in the Lake Union Addition to Seattle, Washington and generally bordered by 34th Street North, 36th Street North, Carr Place North and Densmore Avenue North, for solid waste system and other utility and general municipal purposes.

CF No. \_\_\_\_\_

Date Introduced: <b>AUG - 8 2005</b>	<b>COMPTON</b>	
Date 1st Referred: <b>AUG - 8 2005</b>	To: (committee) <b>Utilities &amp; Technology</b>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <b>8-15-05</b>	Full Council Vote: <b>8-0</b>	
Date Presented to Mayor: <b>8-15-05</b>	Date Approved: <b>8/22/05</b>	
Date Returned to City Clerk: <b>8/23/05</b>	Date Published: <b>3018</b>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: COMPTON  
Councilmember

## Committee Action:

JC: Yes JD: ABSTAIN KL: Yes

8-15-05 Passed 8-0 (Absent: Urcata)

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_ (initial/date)

## LAW DEPARTMENT

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed
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ORDINANCE 121899

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AN ORDINANCE authorizing Seattle Public Utilities to acquire by negotiation or condemnation land and all improvements thereon situated on Lots 1,2,3,4,5 and 6 of Block 71 and Lots 6 and 7 of Block 62, all in the Lake Union Addition to Seattle, Washington and generally bordered by 34<sup>th</sup> Street North, 36<sup>th</sup> Street North, Carr Place North and Densmore Avenue North, for solid waste system and other utility and general municipal purposes.

WHEREAS, Resolution 30431 directed Seattle Public Utilities to develop a 20-year Solid Waste Facilities Master Plan to deliver cost-effective and environmentally beneficial solid waste reuse, recycling, collection and disposal services; and

WHEREAS, the draft Solid Waste Facilities Master Plan dated November, 2003 (the "Plan") concludes that the City's existing solid waste facilities are inadequate to meet those objectives; and

WHEREAS, the Plan further concludes that the City's North Recycling and Disposal Station (the "NRDS") suffers from a number of serious service constraints resulting in frequent lines of motor vehicles extending onto the public roadway, significant customer delays and insufficient space to improve recycling and reuse facilities; and

WHEREAS, to address service problems at the NRDS, the Plan recommends acquisition of approximately one and one-half acres of adjacent property for public drop-off space for reuse items and recyclables, employee facilities and other solid waste system uses; and

WHEREAS, acquisition of the adjacent property is consistent with the 1998 Solid Waste Plan, adopted by Resolution 29805, and with the 2004 amendment to that plan, adopted by Resolution 30750; and

WHEREAS, RCW 35.21.152 and RCW 8.12.030 authorize the City to purchase or condemn property for solid waste purposes; and

WHEREAS, the City has determined that the property legally described below is suitable for the expansion of the NRDS and that it is in the public interest to acquire the same for the purposes enumerated above; NOW, THEREFORE,

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



1 Section 1. The public convenience and necessity require that the following described  
2 real property, situated in the City of Seattle, County of King, State of Washington, together  
3 with all improvements thereon and rights, privileges and other property pertaining thereto be  
4 acquired, and the same is hereby condemned, appropriated and taken for the public use, namely  
5 for the expansion of the NRDS, and for other utility and general municipal purposes:  
6

7 Lots 1, 2, 3, 4, 5 and 6, Block 71, and Lots 6 and 7, Block 62, all in Lake Union  
8 Addition to the City of Seattle, according to the plat thereof recorded in Volume 1 of Plats,  
9 page 238, in King County, Washington.

10 Section 2. The Director of Seattle Public Utilities or his designee is authorized, on  
11 behalf of the City of Seattle, to negotiate for and acquire the property described herein in fee  
12 simple at fair market value, and to accept a deed to that property.  
13

14 Section 3. The City Attorney is authorized to commence and prosecute proceedings in  
15 the manner provided by law to condemn, take, damage, and appropriate in fee simple the lands  
16 and other property described herein, provided said lands, rights and privileges and other  
17 property are to be appropriated and taken only after just compensation has been made or paid  
18 into court for the owners thereof, in the manner provided by law, and to stipulate for the  
19 purpose of minimizing damages.  
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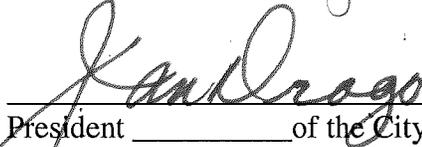
21 Section 4. The entire cost of acquiring the property described herein, by negotiation or  
22 condemnation, including without limitation relocation benefits, if any, has been allocated in the  
23 2005 – 2010 Capital Improvement Program for the solid waste system and appropriated in the  
24 2005 Adopted Budget of the City. The property acquired under authority of this ordinance  
25 shall be placed under the jurisdiction of Seattle Public Utilities.  
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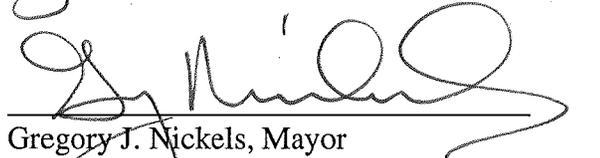
1 Section 5. Any act pursuant to and prior to the effective date of this ordinance is hereby  
2 ratified and confirmed.

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

6  
7 Passed by the City Council the 15<sup>th</sup> day of August, 2005, and signed by me  
8 in open session in authentication of its passage this 15<sup>th</sup> day of August, 2005.

9  
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11 \_\_\_\_\_  
12 President \_\_\_\_\_ of the City Council

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14 Approved by me this 22<sup>nd</sup> day of August, 2005.

15   
16 \_\_\_\_\_  
17 Gregory J. Nickels, Mayor

18  
19 Filed by me this 23<sup>rd</sup> day of August, 2005.

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21 \_\_\_\_\_  
22 City Clerk

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28 (Seal)



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Public Utilities	Bob Hennessey/5-0740	Aimee Strasko/6-4090

**Legislation Title:** AN ORDINANCE authorizing Seattle Public Utilities to acquire by negotiation or condemnation land and all improvements thereon situated on Lots 1,2,3,4,5 & 6 of Block 71 and Lots 6 & 7 of Block 62, all in the Lake Union Addition to Seattle, Washington, and generally bordered by 34<sup>th</sup> Street North, 36<sup>th</sup> Street North, Carr Place North and Densmore Avenue North, for solid waste system, other utility and general municipal purposes.

**Summary and background of the Legislation:**

In November of 2003, Seattle Public Utilities (SPU) completed a Draft Solid Waste Facilities Master Plan (Plan) to develop recommendations for capital improvements to meet Seattle's solid waste management requirements for the next 20 years. The Plan determined the North Recycling and Disposal Station (NRDS) suffers from a number of serious service constraints. The NRDS is used by residential solid waste collection trucks serving the City's Central Area and neighborhoods north of the Lake Washington Ship Canal and provides public drop-off place for both refuse and reuse items. Because of the limited amount of space at the site, lines of waiting motor vehicles frequently extend onto the public roadway, causing traffic congestion and significant customer delays.

To address these deficiencies, the Plan recommends that SPU acquire approximately one and one-half acres of property adjacent to the NRDS. One parcel is improved with a structure while the others are used for surface parking. With the addition of these parcels, SPU can create better traffic circulation about the site, reduce off-site traffic problems, and develop drop-off space for reuse items and recyclables and space for new education facilities. Once these parcels are acquired, SPU would petition for the vacation of the section of Carr Place North between the existing station and the property additions.

On October 14, 2004, an independent certified appraiser hired by the City valued the property at \$4.1 million based on its highest and best use. The appraisal assumed an environmentally clean site. An engineering analysis conducted for SPU determined it would cost \$443,000 to manage contaminated soils when developing the site to the highest and best use. Accordingly, on February 24, 2005, SPU transmitted a formal written offer to purchase the property for the sum of \$3,657,000. The City's offer was good for 45 days.

This ordinance authorizes the purchase of the subject property by agreement should the property owner agree, and authorizes the Seattle City Attorney, at the request of the Director of Seattle Public Utilities, to initiate condemnation proceedings for the described property in the manner provided by law.



Project Name:	Project I.D.	Project Location:	Start Date:	End Date
Facilities Master Plan Implementation	C204002	Multiple Locations	1 <sup>st</sup> Quarter 2004	4 <sup>th</sup> Quarter 2010

- Please check any of the following that apply:

       **This legislation creates, funds, or anticipates a new CIP Project.** (Please note whether the current CIP is being amended through this ordinance, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)

       **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

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

**Appropriations:** This table should reflect appropriations that are a direct result of this legislation. In the event that the projects associated with this ordinance have appropriations that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below. Finally, if this legislation does not directly change an appropriation, but results in budget authority being moved within a Budget Control Level, or to a Budget Control Level (up to 10%), please explain in the Notes section below.

Fund Name and Number	Department	Budget Control Level*	2005 Appropriation	2006 Anticipated Appropriation

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

**Notes:** No additional appropriation is being requested at this time. The payment for the property is already appropriated in the 2005-2010 Capital Improvement Program in the New Facilities budget control level under the Facilities Master Plan Implementation project (C204002).

**Spending Plan and Future Appropriations for Capital Projects:** Please list the timing of anticipated appropriation authority requests and expected spending plan. In addition, please identify your cost estimate methodology including inflation assumptions, the projected costs of meeting applicable LEED standards, and the percent for art and design as appropriate.



Spending Plan and Budget	2005	2006	2007	2008	2009	2010	Total
Spending Plan	\$4,000,000	\$900,000	0	0	0	0	\$4,900,000
Current Year Appropriation							
Future Appropriations							

**Notes:** Seattle Public Utilities has offered to pay “just compensation” in the amount of \$3,657,000 for the property. This figure was derived from deducting the anticipated cost of managing contaminated soils on the site from the appraised fair market value. The actual cost of acquiring the property will be determined in the course of negotiation or condemnation proceedings. Funds for the purchase of this property are included in the current 2005 and 2006 budget for the Facilities Master Plan Implementation project (C204002). The 2006 amount is for vacating the section of road (Carr Place North) between the existing station and the property addition.

**Funding source:** Identify funding sources including revenue generated from the project and the expected level of funding from each source.

Funding Source (Fund Name and Number, if applicable)	2005	2006	2007	2008	2009	2010	Total
Solid Waste Fund (45010)	\$4,000,000	\$900,000	0	0	0	0	\$4,900,000
<b>TOTAL</b>	\$4,000,000	\$900,000	0	0	0	0	\$4,900,000

**Notes:**

**Bond Financing Required:** If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount.

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
<b>TOTAL</b>					

**Notes:** SPU expects to use bond proceeds to pay for a portion of this property acquisition, but a specific bond sale for this project is not necessary because the costs have already been incorporated in the Solid Waste rates.

**Uses and Sources for Operation and Maintenance Costs for the Project:** Estimate cost of one-time startup, operating and maintaining the project over a six-year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver



standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost.

O&M	2005	2006	2007	2008	2009	2010	Total
Uses							
Start Up							
On-going		(\$132,000)	(\$132,000)				
Sources (itemize)							

**Notes:** SPU plans to use a property management firm to maintain the property until SPU is ready to develop the site for solid waste facility use. Property maintenance costs are expected to be about \$48,000 per year. Current annual rent for half the space is \$180,000; therefore, rent from current tenants is expected to exceed maintenance costs for a net revenue of \$132,000. Existing tenants will be given time to relocate their businesses. Future facility remodeling costs and O&M are included in the North Recycling and Disposal Station budget.

**Periodic Major Maintenance costs for the project:** Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency.

Major Maintenance Item	Frequency	Cost	Likely Funding Source
<b>TOTAL</b>			

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

Maintenance costs are included in the future O&M budget for North Recycling and Disposal Station (NRDS). Costs for maintaining the property additions is not called out separately in the O&M budget because it is part of the overall facility operation.

**Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE**

**Impact:** This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Position Title and Department*	Fund Name	Fund Number	Part-Time/Full Time	2005 Positions	2005 FTE	2006 Positions**	2006 FTE**
				0	0	0	0
<b>TOTAL</b>							

\* List each position separately

\*\* 2006 positions and FTE are total 2006 position changes resulting from this legislation, not incremental changes. Therefore, under 2006, please be sure to include any continuing positions from 2005.



*Notes: No staff changes are associated with this project until around 2008, when the property additions have been modified for station use.*

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

N/A

- **What is the financial cost of not implementing the legislation:** (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

If this legislation is not enacted, SPU will have to operate the NRDS as currently configured. The acquisition of these properties for the expansion of the NRDS represents the “least-cost” option for residential solid waste collection trucks serving the City’s Central Area and neighborhoods north of the Lake Washington Ship Canal. Alternatives to enacting this legislation include 1) doing nothing; 2) abandoning the NRDS and establishing a replacement facility in another neighborhood in North Seattle; and 3) abandoning the NRDS, leaving the City without a disposal and recycling facility in North Seattle. Each of these options conflicts with Seattle’s 1998 Solid Waste Plan, adopted by Resolution Number 29805 and the 2004 Plan Amendment adopted by Resolution Number 30750.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives** (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

The objective of this legislation is to remedy serious service limitations at the North Recycling and Disposal Station. These limitations have caused frequent lines of cars and trucks extending onto the public roadway, significant customer delays, and lack of space for employee facilities, parking, administrative office, and insufficient space to improve recycling and reuse facilities. The City could pursue other adjacent property that is less suitable for the City’s needs. The City also could attempt to secure the desired property by making new offers in the future. Since the property owner has repeatedly expressed an unwillingness to sell, however, it unlikely that either alternative would result in acquisition of the desired property in the near future.

- **Is the legislation subject to public hearing requirements:** (If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future?)

Bob Hennessey:  
April 27, 2005  
SPUnrdsPropertyOrd  
Version #7:

No public hearings are required. Public meetings were held in 1998 during preparation of the 1998 Solid Waste Plan Environmental Impact Statement that included plans for possible acquisition of property adjacent to the North Recycling and Disposal Station.

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

**Please list attachments to the fiscal note below:**





# City of Seattle

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Gregory J. Nickels, Mayor

## Office of the Mayor

May 24, 2005

Honorable Jan Drago  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

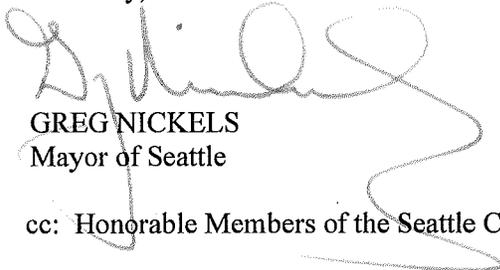
Dear Council President Drago:

I am transmitting to you the attached proposed Council Bill declaring that public use and necessity require acquisition of three properties adjacent to the North Recycling and Disposal Station (NRDS), and authorizing the acquisition of those properties by purchase or condemnation.

In December 2001, the Council adopted Resolution 30431 directing Seattle Public Utilities (SPU) to develop a 20-year Solid Waste Facilities Master Plan ("Plan") to deliver cost-effective and environmentally beneficial solid waste reuse, recycling, collection, and disposal services. The Plan concluded the NRDS suffers from significant service constraints resulting in frequent lines of motor vehicles that extend onto the public roadway, significant customer delays, lack of space for employee facilities and administrative offices, and insufficient space to improve recycling and reuse facilities. SPU has decided to initiate a formal process to acquire property adjacent to the NRDS at this time in order to address these concerns.

Thank you for your consideration of this legislation. Should you have questions, please contact Bob Hennessey at 615-0740.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON - KING COUNTY

--SS.

189424  
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 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:121892-121901

was published on

08/25/05

The amount of the fee charged for the foregoing publication is the sum of \$ 92.75, which amount has been paid in full.

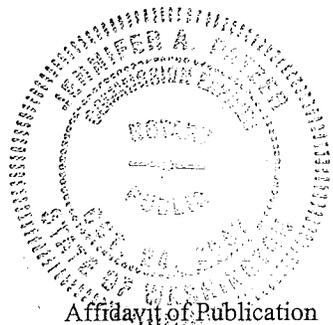
*Handwritten signature*

Subscribed and sworn to before me on

08/25/05

*Handwritten signature of Notary Public*

Notary public for the State of Washington,  
residing in Seattle



Affidavit of Publication

# State of Washington, King County

## City of Seattle

### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on August 15, 2005, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

#### ORDINANCE NO. 121901

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

#### ORDINANCE NO. 121899

AN ORDINANCE authorizing Seattle Public Utilities to acquire by negotiation or condemnation land and all improvements thereon situated on Lots 1,2,3,4,5 and 6 of Block 71 and Lots 6 and 7 of Block 62, all in the Lake Union Addition to Seattle, Washington and generally bordered by 34th Street North, 36th Street North, Carr Place North and Densmore Avenue North, for solid waste system and other utility and general municipal purposes.

#### ORDINANCE NO. 121898

AN ORDINANCE relating to the City Light Department; authorizing execution of Amendment One to the Power Purchase Agreement with the City of Klamath Falls, Oregon, allowing City Light to schedule operation of the project on a daily basis.

#### ORDINANCE NO. 121896

AN ORDINANCE relating to transferable development rights; authorizing the sale by the City of transferable development rights acquired from a low-income housing site to a developer of a project at 1400 6th Avenue; authorizing related agreements and deeds; and ratifying and confirming prior acts.

#### ORDINANCE NO. 121895

AN ORDINANCE relating to the City Light Department, removing a restriction that limits spending of its Purchased Power Budget Control Level appropriation in the 2005 Adopted Budget.

#### ORDINANCE NO. 121894

AN ORDINANCE relating to Seattle Department of Transportation; granting a non-exclusive easement over and across real property in King County, Washington, for the installation, operation, and maintenance of a railroad spur track in connection with the State Route 519 Phase I Project.

#### ORDINANCE NO. 121892

AN ORDINANCE relating to the Purchase and Sale Agreement (P&SA) between the City of Seattle and City Investors Inc. as authorized in Ordinance Number 120411 and authorizing the amendment of section 6.5 of said P&SA extending the deadline for development application.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, August 25, 2005.

8/25(189424)