

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Betsy Lyons/3-3511	Aaron Blumenthal/3-2656

Legislation Title:

AN ORDINANCE relating to drainage, flood and habitat improvements being implemented through the Thornton Creek at 35th Ave NE project by Seattle Public Utilities along Thornton Creek on private and public lands; declaring easement rights related to Thornton Creek at 10706 35th Avenue Northeast surplus to the City’s utility needs; authorizing relinquishment of the surplus easement; authorizing Seattle Department of Transportation to acquire, accept, and record, on behalf of the City of Seattle a permanent bridge maintenance easement from Seattle School District #1; placing such easement under the Seattle Department of Transportation’s jurisdiction; transferring partial jurisdiction of a portion of property in the Southwest Quarter of Section 27, Township 26 North, Range 4 East, W.M., from Seattle Public Utilities to the Seattle Department of Transportation for bridge footings and maintenance; approving a five year Memorandum of Agreement between the Seattle School District and Seattle Public Utilities for activities on school lands; and ratifying and confirming certain prior acts.

Summary and background of the Legislation:

To address drainage and localized flooding needs in the Thornton Creek watershed, SPU is replacing a culvert, re-aligning a section of Thornton Creek and creating additional floodplain habitat for the purpose of flood storage. The project is being coordinated with the Seattle Department of Transportation and is located on lands owned by the City and under the jurisdiction of SPU. This legislation relates to several property agreements required for project implementation. Due to permit requirements related to work in the creek, project construction had to occur during a narrow window of time which was completed under the terms of a temporary construction easement.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:
Thornton Confluence Improvement	C3811 (C408023)	Nathan Hale High School; private property (parcel # 272604-9058); SPU property (parcel #2726049064)	June 2014	November 2014

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.

Appropriations:

Fund Name and Number	Department	Budget Control Level*	Existing 2014 Appropriation	New 2014 Appropriation (if any)	2015 Anticipated Appropriation
Drainage & Wastewater Fund 44010	SPU- USM	C380	\$4,085,000	\$0	\$530,000
TOTAL					

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

Appropriations Notes:

Spending Plan and Future Appropriations for Capital Projects:

Spending Plan and Budget	2014	2015	2016	2017	2018	2019	Total
Spending Plan	\$4,291,000						
Current Year Appropriation	\$4,085,000						
Future Appropriations		\$530,000					

Spending Plan and Budget Notes: Figures are from the 2014-2019 Adopted Capital Improvement Program. The proposed project to replace the existing culvert under 35th Ave. NE with a bridge and re-align the stream is included in the 2013-18 Adopted Drainage and Wastewater Fund capital appropriations (35th Ave. NE culvert C408023), within the Flooding, Sewer Backup & Landslides BCL (C380).

SPU will make a payment of \$24,960 to the Seattle School District (SSD) for changes to the amount and location of buildable lands on site resulting from changes in the creek extent and alignment. SSD has provided SPU with temporary construction easements which will cover the terms and conditions of the construction period of the project. SSD has also provided the City a permanent bridge maintenance easement and a Memorandum of Agreement which are associated with this legislation. The MOA defines the respective monitoring and maintenance obligations of SSD and SPU, and the financial compensation to be provided to SSD.

The consideration for the Partial Transfer of Jurisdiction between SDOT and SPU for the small area for bridge footings and maintenance is mutual and off-setting benefits to SPU, including facilitating the creek realignment project and reduced design costs associated with the location of the footings.

Funding Source:

Funding Source (Fund Name and Number, if applicable)	2014	2015	2016	2017	2018	2019	Total
DWF 44010	\$4,085,000	\$530,000					
TOTAL							

**Total Regular Positions Created, Modified, or Abrogated through this Legislation,
 Including FTE Impact: None**

Other Implications:

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

The MOA identifies SPU obligations for maintaining the constructed project features (re-aligned creek channel, rock and log weirs, large woody material and vegetated riparian buffer) on property owned by the SSD to ensure compliance with permit regulations. Permit regulations (Hydraulic Permit Approval from WA Department of Fish and Wildlife) require the structures be fish passable in perpetuity and that there is 80% of installed plants alive at the end of the 3-year plant establishment period. Funds have been budgeted for maintenance and monitoring of the site for the 3-year plant establishment period.

Long-term commitments with financial obligations:

- SPU is responsible for periodic inspections during the first 3 years to ensure the constructed features on SSD and SPU properties remain fish passable. The project is designed function naturally, with as minimal, active management as can be expected in an urban environment.
 - Year 1-3 following construction monitoring and maintenance costs are included in the project budget.
 - Beyond the 3 year plant establishment period, periodic inspections will be covered through SPU’s field operations and maintenance budget.
- SPU is responsible for ensuring the structures placed in stream including log and rock weirs remain fish-passable. Should such structures become future fish passage impediments, SPU would be required to fix to ensure fish passage.
- SDOT is responsible for permanent monitoring and maintenance of the bridge structure to ensure it is structurally sound and does not become a barrier to fish passage.

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

Replacing or repairing the culvert under 35th Ave. NE is necessary due to a likelihood of failure and risk associated with failure of the culvert. The costs to the City for replacing and maintaining the bridge structure are therefore unavoidable and significantly less than the costs for emergency repair due to a road failure.

The improvements on SSD property increase the amount of flood storage area available making the system more resilience and capable of better handling dynamic conditions.

- c) **Does this legislation affect any departments besides the originating department?**
The project is done in partnership with Seattle Department of Transportation, which will take on responsibility for bridge maintenance.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
SPU considered multiple alternatives over multiple years and determined this design and approach is the best alternative. The culvert is failing and needs to be replaced. The current design maximizes the area of flood storage which is intended to reduce flooding impacts and will make the site more resilient to a wider range of future conditions (e.g. altered patterns and volume of precipitation due to climate change).
- e) **Is a public hearing required for this legislation?**
Yes
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle* required for this legislation?**
No
- g) **Does this legislation affect a piece of property?**
Yes. See Exhibit A attached.
- h) **Other Issues:**

List attachments to the fiscal note below:

Exhibit A – 35th Ave. NE./Thornton Confluence Project Area Map

Exhibit A

