#25

Chip Nevins
DPR SPU PTJO 12 ORD
August 20, 2012
Version #5

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117579

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of existing drainage facilities.

WHEREAS, by Ordinance 123516 (January 2011) portions of streets, alleys and blocks known as the Sound Way Property, located in the West Duwamish Greenbelt, were vacated and placed under the jurisdiction of the Department of Parks and Recreation (DPR); and

WHEREAS, in 1972 the Seattle Engineering Department constructed a drainage collection and conveyance system composed of approximately 250 linear feet of 18-inch to 30-inch diameter pipe, three maintenance holes, concrete headwall diversion structure, overflow basin, and rock lined open drainage channel to improve an existing drainage asset located in this same area (drainage facilities). These drainage facilities collect and convey an unnamed natural water course following a southeasterly direction from the Riverview Playfield; and

WHEREAS, in 1997, after the merger of the Seattle Engineering and Seattle Water Departments, ownership, operation and maintenance of the drainage facilities became the responsibility of Seattle Public Utilities (SPU); and

WHEREAS, as a condition of the Sound Way street vacation, DPR pledged to work cooperatively with SPU on the previously installed drainage facilities; and

WHEREAS, DPR and SPU have determined that it would be to their mutual benefit to transfer partial jurisdiction of the area occupied by the drainage facilities from DPR to SPU to facilitate efficient maintenance, repair and operation of the drainage facilities by SPU; and

WHEREAS, because the drainage facilities existed long before Sound Way was vacated and the street vacation was subject to the continuing operation and maintenance of the drainage facilities, the requirements of Ordinance 118477 (Initiative 42) are not applicable; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Such limited and partial jurisdiction of the following described real property (Use Area) as shall be necessary for the continued use, operation, maintenance and repair of existing drainage facilities, including approximately 250 linnear feet of 18-inch to 30-inch diameter pipe, three maintenance holes, concrete headwall diversion structure, overflow basin, and rock lined open drainage channel, is hereby transferred from the Department of Parks and Recreation to Seattle Public Utilities on the conditions that (a) Seattle Public Utilities shall give the Department of Parks and Recreation at least 72 hours notice of intent to access the Use Area for maintenance and repair, except in case of emergency; (b) after any maintenance and repair of all or any portion of the drainage facilities, Seattle Public Utilities will restore the Use Area as nearly as possible to the condition existing immediately prior to such maintenance and repair at Seattle Public Utilities' expense; and (c) Seattle Public Utilities shall not use any park land outside of the Use Area, except for access purposes permitted in Section 2 below, for such maintenance and/or repair without the prior written approval of the Department of Parks and Recreation:

<u>PTJO TO SPU FOR STORM DRAIN MAINTENANCE ON DO 82854 & Park Parcel AFN 3024049108</u>

That portion of the NE ¼ of Section 30, Township 24 North, Range 4 East, Willamette Meridian, in the City of Seattle, King County, Washington as follows:

Commencing at the intersection of the centerline of Southwest Michigan Street and the centerline tangent of West Marginal Way Southwest, being marked by a concrete monument in steel case; thence South 86°02'47" West along the centerline of Southwest Michigan Street a distance of 146.20 feet to the intersection with the centerline of Detroit Avenue Southwest, being marked by a concrete monument in steel case; thence continuing South 86°02'47 West along the centerline of Southwest Michigan Street a distance of 42.48 feet to an intersection with the westerly margin of Detroit Avenue Southwest extended from the north; thence North 23°37'41" West along said extension of the westerly margin of Detroit Avenue Southwest a distance of 47.79 feet to an intersection with the northerly margin of Southwest Michigan Street; thence continuing North 23°37'41" West along said westerly margin a distance of 63.31 feet to an intersection with the centerline of a 24 inch storm drain pipe as depicted on City of Seattle Vault

Plan 774-11 and the True Point of Beginning of a 20 foot wide parcel description lying 10 feet on either side of the following line:

Thence South 82°58'51" West along said 24 inch drain pipe a distance of 209.56 feet to MH 2, as designated on said Vault Plan 774-11; Thence South 74°24'40" West continuing along said 24 inch drain pipe a distance of 42.06 feet to an intersection with a line that is parallel with and 35 feet distant from the westerly line of a parcel of land described in City of Seattle Deed Ordinance 82854, said point being the terminus of the 20 foot wide parcel description is designated herein as Point "A"; (containing 5032.4 sf)

TOGETHER WITH:
Commencing at Point "A"; Thence South 30°01'47" East along said parallel line a distance of 83.22 feet more or less to the northerly margin of Highland Park Way Southwest as established in City of Seattle Condemnation Ordinance 82492; Thence South 85°38'34" West a distance of 23.56 feet to an angle point in the northerly margin of Highland Park Way Southwest; Thence South 66°23'54" West along said northerly margin a distance of 13.85 feet to an intersection with the westerly line of a parcel of land described in City of Seattle Deed Ordinance 82854 and is designated herein as Point "B"; Thence North 30°01'47" West along the westerly line of said parcel of land a distance of 135.07 feet; Thence leaving said westerly line North 66°23'54" East a distance of 35.22 feet to an intersection with a line parallel with and 35 feet distant northeasterly of said westerly line; Thence South 30°01'47" East along said parallel line a distance of 59.67 feet to Point "A". (containing 4810.6 sf)

TOGETHER WITH:
Commencing at Point "B"; Thence South 66°23'54" West along the northerly margin of Highland Park Way Southwest as established in City of Seattle Condemnation Ordinance 82492 a distance of 90.00 feet; Thence leaving said northerly margin North 23°36'06" West a distance of 134.22 feet; Thence North 66°23'54" East a distance of 74.88 feet to the westerly line of a parcel of land described in City of Seattle Deed Ordinance 82854; Thence South 30°01'47" East along said westerly line a distance of 135.07 feet to Point "B". (containing 11065.3 sf)

(Side lines of the 20 foot wide linear portion of the parcel description to be extended or shortened to close on the beginning and ending boundary lines.
Total Area = 20908.3 sf)

Section 2: In order to reach the Use Area, Seattle Public Utilities shall have reasonable pedestrian access across the adjacent park land, or vehicular access if required for maintenance or repair, but only on surfaces capable of supporting the weight of the vehicles, so as not to damage park land, vegetation or improvements. Seattle Public Utilities shall restore any park

land, vegetation or improvements damaged by such access as nearly as possible to the condition existing immediately prior to such maintenance and repair at Seattle Public Utilities' expense.

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

Passed by the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this _____ day of _____, 2012.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2012.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Form revised: December 6, 2011

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Parks and Recreation	Donald Harris/ 684-8018	Amy Williams/233-2651

Legislation Title: AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of existing drainage facilities.

Summary of the Legislation:
The proposed legislation transfers partial jurisdiction of a small portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt in West Seattle, from the Department of Parks and Recreation (DPR) to Seattle Public Utilities (SPU) for the purpose of operation, maintenance and repair of SPU drainage facilities.

Background:
This proposed legislation transfers partial jurisdiction of certain property located within the former Sound Way property in the West Duwamish Greenbelt. The Sound Way property was an undeveloped street right-of-way until January 2011, when Ordinance 123516 vacated the street and added the property to the West Duwamish Greenbelt under the jurisdiction of DPR. The street right-of-way was vacated subject to several conditions, including DPR's agreement to cooperate with SPU's operation and maintenance of drainage facilities. Both DPR and SPU recommend that transfer of partial jurisdiction, with conditions, is the best means of complying with the street vacation condition to allow SPU's operation and maintenance of its subsurface and surface drainage facilities in the greenbelt. The transfer will have no effect on the look and feel of the area, but will facilitate efficient maintenance, repair and operation of the drainage facilities by SPU.

Because the drainage facilities existed long before Sound Way was vacated and the street vacation was subject to the continuing operation and maintenance of the drainage facilities, the requirements of Ordinance 118477 (Initiative 42) are not applicable.

_X_ This legislation does not have any financial implications.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
No

b) **What is the financial cost of not implementing the legislation?**
Maintenance of the drainage system is critical to the safety of Highland Park Way. In the winter of 2010 a malfunction of the system dumped dirt and gravel on Highland Park Way. SPU has the expertise to maintain and repair the drainage facilities and needs a partial transfer of jurisdiction to do so.

c) **Does this legislation affect any departments besides the originating department?**
Yes, Seattle Public Utilities.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** There are no viable alternatives.

e) **Is a public hearing required for this legislation?**
No

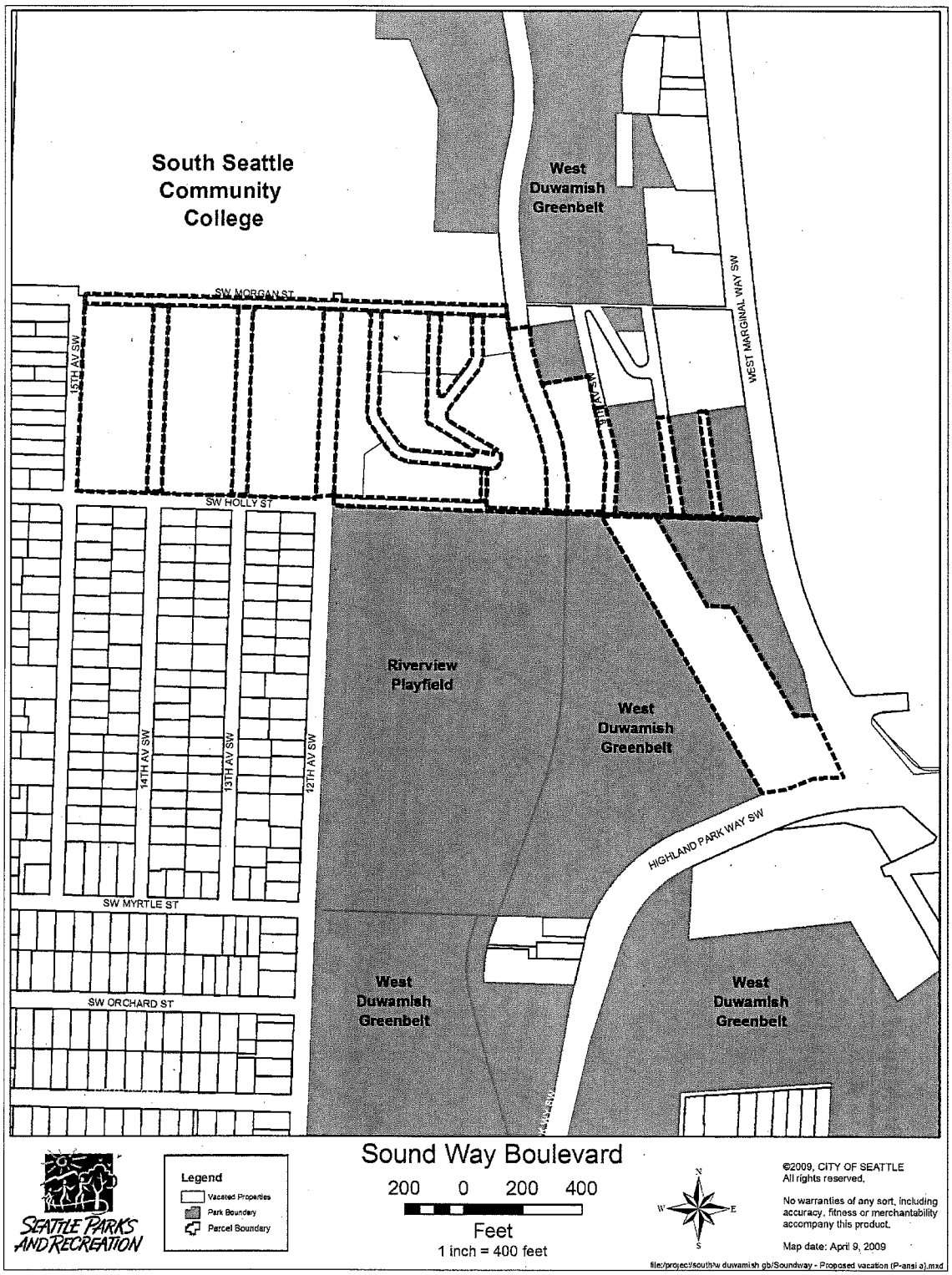
f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No

g) **Does this legislation affect a piece of property?**
This legislation affects a piece of property in West Seattle. A map of the property is attached to this fiscal note.

h) **Other Issues:** N/A

List attachments to the fiscal note below:
Attachment A: Map of the Sound Way property
Attachment B: Map of Location of Drainage Facilities

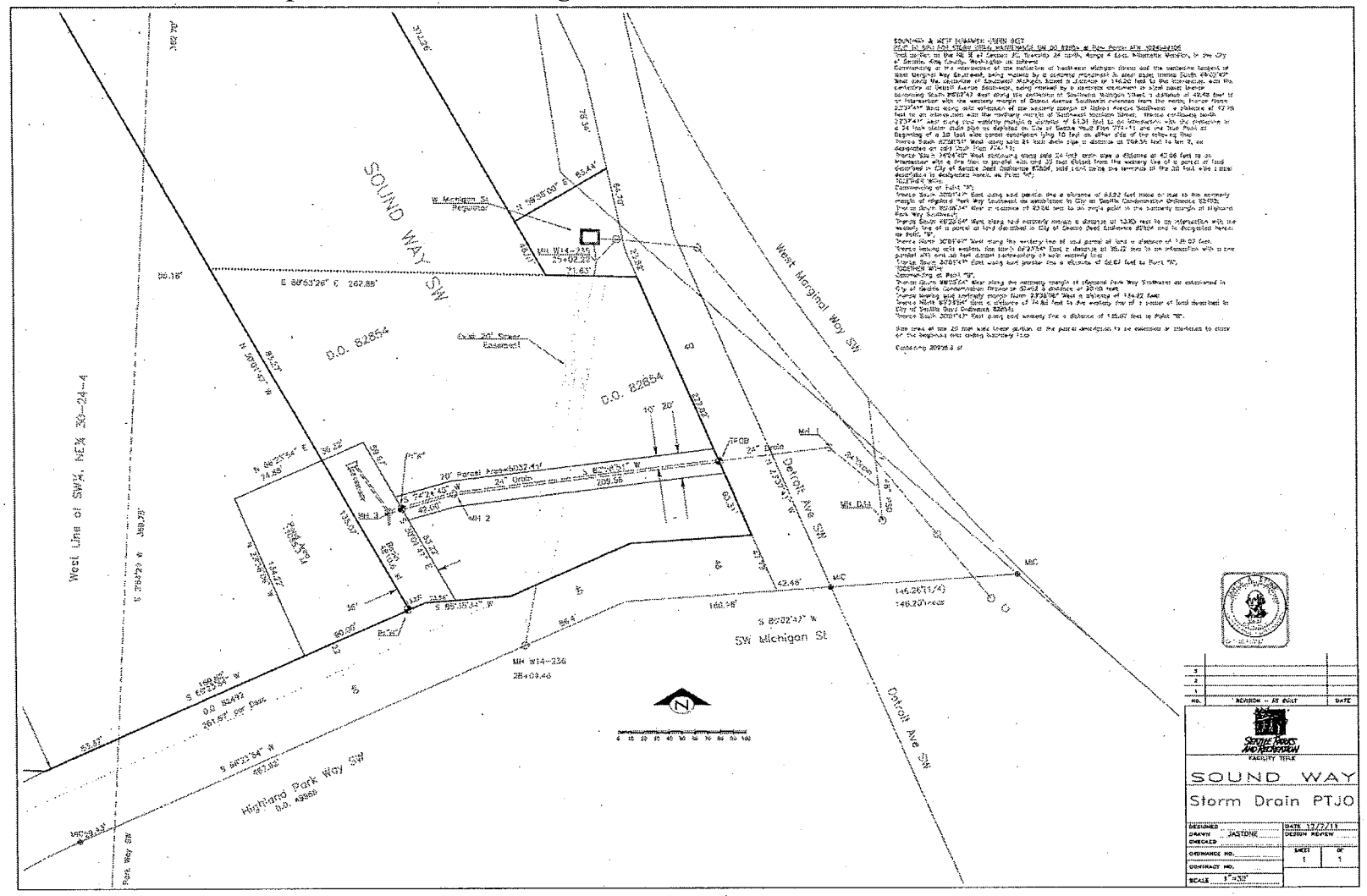
ATTACHMENT A: Map of Sound Way Property



This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation

Chip Nevins
DPR SPU PTJO 12 FISC ATT B
August 20, 2012
Version #1

ATTACHMENT B: Map of Location of Drainage Facilities



This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation

City of Seattle
Office of the Mayor

August 28, 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 Bill transferring jurisdiction of a portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt, from the Department of Parks and Recreation (DPR) to Seattle Public Utilities (SPU) for maintenance, repair and operation of existing drainage facilities.

The Sound Way Property was an undeveloped street right-of-way until January 2011 when Ordinance 123516 vacated the street and added the property to the West Duwamish Greenbelt under the jurisdiction of DPR. SPU operated the existing drainage facilities within the former Sound Way Property for many years. As a condition of the vacation of the property, DPR pledged to work cooperatively with SPU regarding maintenance of the drainage facilities.

Both DPR and SPU now recommend that transfer of partial jurisdiction of a portion of the former Sound Way Property, with conditions, is the best means of complying with the street vacation condition to allow SPU's operation and maintenance of its subsurface and surface drainage facilities in the greenbelt. The transfer will have no effect on the look and feel of the area, but will facilitate efficient maintenance, repair and operation of the drainage facilities by SPU.

Thank you for your consideration of this legislation. Should you have any questions, please contact Donald Harris at 684-8018.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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