Clayton Antieau
SPU 1054 Elmgrove ORD
April 8, 2013
Version #1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117803

AN ORDINANCE relating to Seattle Public Utilities; authorizing the purchase of approximately 1,972 square feet of real property commonly called the Wood Property located at 1054 South Elmgrove Street; and authorizing the Director of Seattle Public Utilities to execute any necessary documents and agreements, accept or deliver any necessary deeds, and take any other actions reasonably necessary on behalf of the City.

WHEREAS, the City, acting through and by Seattle Public Utilities (SPU), is planning and designing its South Park Pump Station and Water Quality Project (Project) to resolve localized flooding and water quality issues and intends to construct said Project in the vicinity of the intersection of 7th Avenue South and South Riverside Drive in the South Park neighborhood of the City of Seattle; and

WHEREAS, Ann R. Wood owns approximately 1,972 square feet of developed real property commonly called the Wood Property, located at 1054 South Elmgrove Street within unincorporated King County in close proximity to the Project location, and desires to sell that Property; and

WHEREAS, the Project requires vacation of a designated Shoreline Street End, an action triggering the loss of and subsequent required replacement of certain public benefits; and

WHEREAS, SPU has determined the Wood Property is suitable to achieving SPU's goal of replacing those lost public benefits; and

WHEREAS, SPU and Ann R. Wood have agreed to a Purchase and Sale Agreement that is satisfactory to both parties, setting forth such terms in detail and including various documents required to implement the purchase and sale pursuant to the agreed terms; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. SPU is hereby authorized to purchase approximately 1,972 square feet of developed real property located at 1054 South Elmgrove Street and commonly called the Wood property, in the northeast quarter of Section 32, Township 24 North, Range 4 East, W.M. in King County, Washington, King County Parcel Identification Number 3224049037, and legally

DAS CITY CLERK

described in Attachment 1 and depicted in Attachments 2 and 3, for $180,000 and other costs required for the City to obtain title and rights to the Property in the amount of approximately $40,000. The appropriation shall be paid out of SPU's Drainage Fund under the existing CIP (South Park Pump Station and Water Quality Project, Project Identification No. C308011).

Section 2. The Director of Seattle Public Utilities, or his designee (the Director), is authorized to execute any necessary documents and agreements, accept, deliver, and record on behalf of the City any necessary deeds, and take any other actions reasonably necessary to effectuate this ordinance.

Section 3. The Property thus acquired shall be placed under the jurisdiction of Seattle Public Utilities.

CITY CLERK

Section 4. 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 _____, 2013, and signed by me in open session in authentication of its passage this

_____ day of _____, 2013.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2013.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1 – Real Property Description – 1054 South Elmgrove Property Acquisition
Attachment 2 – Vicinity Map – 1054 South Elmgrove Property Acquisition
Attachment 3 – Parcel Map – 1054 South Elmgrove Property Acquisition

DPS CITY CLERK

Attachment 1

Legal Description:

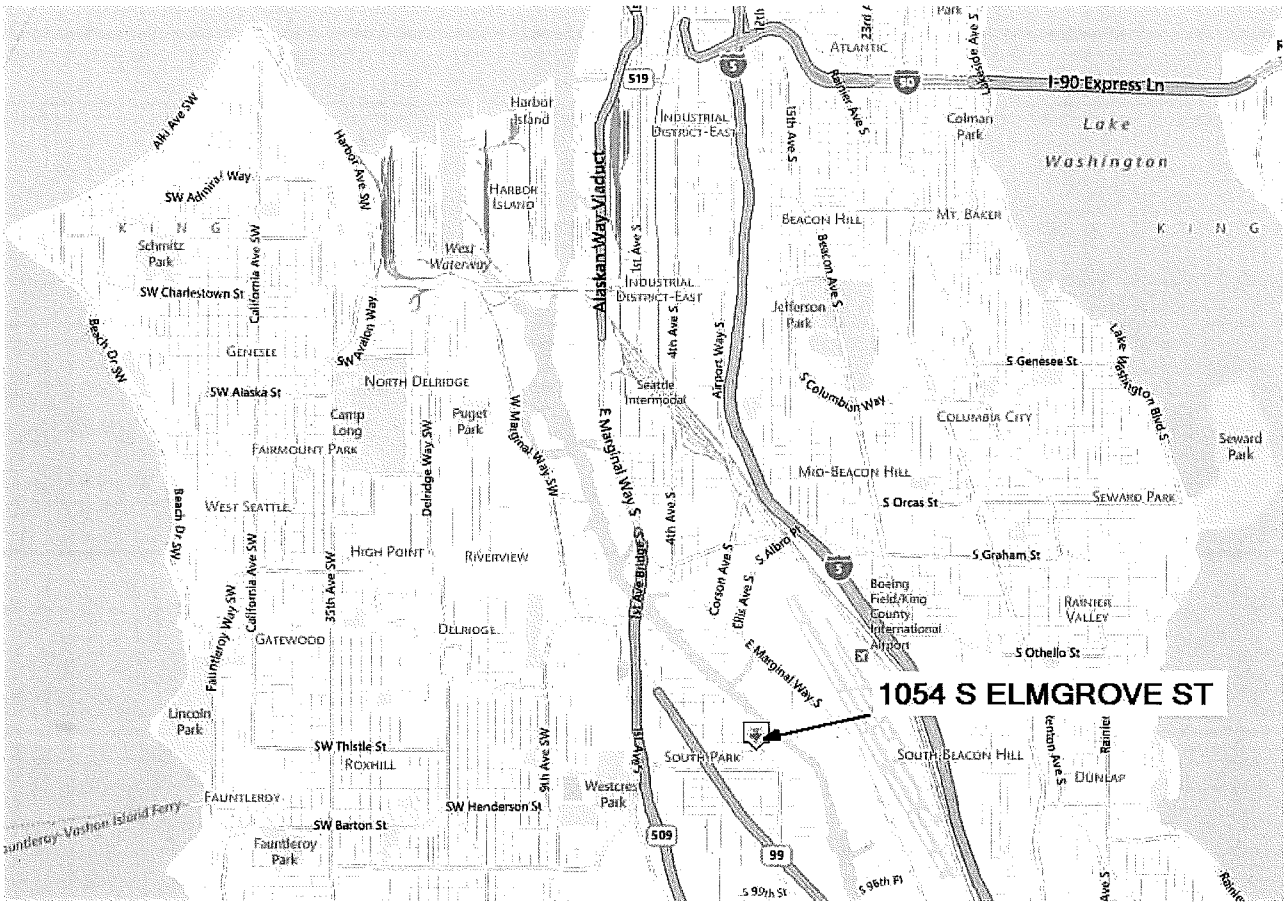
PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 24 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNGY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF RIGHT OF WAY OF COMMERCIAL WATERWAY DISTRICT NO 1 AND THE CENTERLIN OF ELMGROVE STREET AS PLATTED IN EAST SOUTH PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 14 OF PLATS, PAGE 13 IN KING COUNTY, WASHINGTON, PRODCED, SAID POINT BEING 44.199 FEET WEST OF THE INTERSECTION OF SAID CENTERLINE WITH THE CENTERLINE OF 12TH AVENUE SOUTH AS PLATTED IN SAID EAST SOUTH PARK; THENCE NORTH 89°23' WEST ALONG SAID CENTERLIN OF ELMGROVE STREET PRODUCED 55.801 FEET,
THENCE NORTH 0°30'34"EAST 47.462 FEET TO THE SOUTHWESTERLY LINE OF SAID COMERCIAL WATERWAY DISTRICT NO 1 RIGHT OF WAY;
THENCE SOUTH 49° EAST 73.256 FEET ALONG SAID RIGHT OF WAY LINE TO POINT OF BEGINNING;

ALSO BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1, THENCE SOUTH 0°39'34" WEST ALONG THE WEST LINE OF SAID GOVERNMENT LOT, 490 FEET; THENCE SOUTH 89°23' EAST 112.75 FEET TO THE TRUE POINT OF BEGINNING; CONTINUING THENCE SOUTH 89°23' EAST 12.25 FEET,
THENCE NORTH PARALLEL TO THE WEST LINE OF SAID GOVERNMENT LOT 46.66 FEET TO THE SOUTHWESTERLY LINE OF COMMERCIAL WATERWAY DISTRICT NO.1, THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 49° WEST 16.07 FEET, THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID GOVERNMENT LOT 57.79 FEET TO THE TRUE POINT BEGINNING

DES CITY CLERK

Attachment 2



THIS CITY CLERK

Attachment 3

2013 CITY CLERK

Form revised: December 12, 2012

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities (SPU)	Clayton Antieau/3-3711	Craig Stampher/4-0535

Legislation Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the purchase of approximately 1,972 square feet of real property commonly called the Wood Property located at 1054 South Elmgrove Street; and authorizing the Director of Seattle Public Utilities to execute any necessary documents and agreements, accept or deliver any necessary deeds, and take any other actions reasonably necessary on behalf of the City.

Summary and Background of the Legislation: This ordinance authorizes purchase of the Wood Property as mitigation for the loss of public access and other public benefits associated with the future proposed vacation of a portion of 7th Avenue South Shoreline Street End. That vacation would support the siting and construction of SPU's South Park Pump Station and Water Quality Project adjacent to the Duwamish Waterway. SPU's formal petition-to-vacate is expected to be presented to the City Council in late 2013.

The 7th Avenue South drainage basin in the South Park neighborhood experiences chronic flooding caused by a storm drain trunk system that is unable to function when the Duwamish Waterway elevation is high (the Waterway is influenced by tides in Elliott Bay). In addition, part of the Duwamish Waterway (the receiving water for the 7th Avenue South drainage basin) was listed as a Superfund site in 1999 due to elevated levels of numerous contaminants in Waterway sediments. The City of Seattle has cost liability for the Superfund site cleanup. The lower part of the 7th Avenue South drainage basin is an industrial area that contributes to pollutant loading in the Waterway. To resolve these flooding issues and assist in improving water quality in the basin's stormwater discharges, SPU is planning and designing its South Park Pump Station and Water Quality Project (Project).

SPU's Project will eventually construct a pump station and stormwater treatment facility that allows the storm drain trunk to function properly under varying tidal conditions while reducing pollutant loading to the Duwamish Waterway. Construction of the Project would occur on SPU-owned parcels and improved street right-of-way near the intersection of 7th Avenue South and South Riverside Drive, and requires vacation of the 7th Avenue South Shoreline Street End. That vacation would result in the loss of certain public benefits such as open space, views, and public access (related to the shoreline of the Duwamish Waterway) that must be replaced according to the City's street vacation policies. The vacation of a street or portion of a street that abuts a body of water is regulated by RCW 35.79.035 and SMC 15.62.080 and must be consistent with the City's Comprehensive Plan, Shoreline Master Program, and other applicable policies or codes. The City of Seattle's Street Vacation Policies are contained in Clerk File Number 310078. The City's street vacation process is managed by the Seattle Department of Transportation. City Council approval is needed for all street and alley vacations.

DOS CITY CLERK

Acquisition of the Wood Property is integral to SPU's strategy for replacing those lost public benefits. This property acquisition will allow SPU to proceed with its future petition to vacate the 7th Avenue South Shoreline Street End—a goal that would be critical to eventual construction of the Project. Once the property is acquired, SPU would demolish the single family residential structure on the property; fill, regrade, and landscape the site; and add basic public amenities such as benches. The property would subsequently be managed by SPU for public use and access. This property acquisition and subsequent demolition and site improvement activity are fully accounted for in current drainage rates.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:
South Park Pump Station and Water Quality Project	C3806	7th Avenue South and South Riverside Drive	January 2006	December 2016

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.**

_X_ **This legislation has financial implications.**

Appropriations:

Appropriations Notes: This legislation does not directly change an appropriation. The budget for this proposed property acquisition is $370,000, which is included in the adopted budget. The negotiated purchase price for this property is $180,000, with up to an additional $40,000 in related expenses (title costs, escrow costs, etc.) and $150,000 for building demolition and site improvements. City departments do not pay for their share of vacated right-of-way, but are still required to mitigate for lost public benefit. This property acquisition can be accomplished within existing budget control level (BCL) appropriations. The specific activity is the existing South Park Pump Station and Water Quality Project in the Drainage and Wastewater Fund's Flooding, Sewer Back-up, and Landslides BCL.

Spending Plan and Future Appropriations for Capital Projects:

Spending Plan and Budget	2013	2014	2015	2016	2017	2018	Total
Spending Plan	$4,500,001	0	0	0	0	0	**$4,500,001**
Current Year Appropriation	$4,500,001	$3,800,000					**$8,300,000**
Future Appropriations		0	0	0	0	0	**0**

2013 CITY CLERK

Funding Source:

Funding Source (Fund Name and Number, if applicable)	2013	2014	2015	2016	2017	2018	Total
Drainage & Wastewater 44010	$370,000						$370,000
TOTAL	$370,000						$370,000

Funding Source Notes: This project is funded by the Drainage and Wastewater Fund with all costs allocated to the Drainage LOB and is not expected to generate revenue.

Bond Financing Required:

Bond Notes: No bonds will be issued for this project. It will be financed with bonds issued in June 2012, which are managed at the Fund level.

Uses and Sources for Operation and Maintenance Costs for the Project:

O&M	2013	2014	2015	2016	2017	2018	Total
Uses							
Start Up	$150,000	0	0	0	0	0	**$150,000 (CIP)**
On-going	0	$5,000	$5,000	$5,000	$5,000	$5,000	**$25,000 (O&M)**
Sources (itemize)	CIP	O&M	O&M	O&M	O&M	O&M	

Operation and Maintenance Notes: Once the property is acquired, a 980 square foot single family residential structure would be demolished. The site would then be filled, graded, and landscaped. Basic public amenities such as benches would be added. Those post-acquisition costs are estimated to be $150,000 (included in appropriation). After building demolition and site development, the parcel would be maintained by SPU's landscape maintenance crew or delegated others. Maintenance activity is expected to include periodic lawn mowing and litter control. Maintenance costs are estimated to be approximately $5,000 per year.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?** This legislation would place a privately owned parcel into public ownership, resulting in the permanent loss of property tax dollars to King County. The property's 2013 tax liability is $1,935.71 (of which the City of Seattle would receive approximately one third). Also, SPU would be responsible for perpetual maintenance and liability associated with providing for public access and use because of the property's future designation as mitigation for lost public benefits caused by a street vacation

THE CITY CLERK

b) **What is the financial cost of not implementing the legislation?** Estimating the financial cost of not implementing this legislation would be highly speculative. This legislation approves acquisition of a property that is currently considered essential to the successful vacation of a Shoreline Street End. That vacation is essential to the construction of an important drainage and water quality project that would resolve localized flooding and water quality issues. Failure to construct that project would result in continued flooding, which would reasonably be expected to result in property damage and risk to human life that in turn would result in claims for damages and/or negligence. The financial costs of that undesirable situation are difficult to estimate.

c) **Does this legislation affect any departments besides the originating department?** No other City Departments would be affected by this Legislation. The acquired property will be used to replace lost public benefits caused by the future vacation of the 7th Avenue South Shoreline Street End. The vacation process is administered by the Seattle Department of Transportation and requires City Council review and approval.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** There appear to be no other alternatives to this property acquisition.

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?**
Yes. This legislation authorizes acquisition of real property from a private owner. See Attachments 2 and 3 to the Ordinance.

h) **Other Issues: None**

List attachments to the fiscal note below: None

DIS CITY CLERK

City of Seattle
Office of the Mayor

May 21, 2013

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 authorizing the Director of Seattle Public Utilities (SPU) to purchase a 1,972 square foot property, commonly called the Wood Property, located at 1054 South Elmgrove Street in South Park. The property is near SPU's' planned South Park Pump Station and Water Quality Project. This acquisition would be used to replace lost public benefits caused by the Project's required vacation of a designated shoreline street end.

The 7th Avenue South drainage basin experiences chronic flooding from a storm drain trunk system that does not function properly when the Duwamish River elevation is high (the waterway is influenced by tides in Elliott Bay). In addition, part of the Duwamish (the receiving water for the 7th Avenue South drainage basin) is listed as a Superfund site due to elevated levels of numerous contaminants in waterway sediments. The City has part of the cost liability for the Superfund site cleanup. The lower part of the 7th Avenue South drainage basin is an industrial area that contributes to pollutant loading in the waterway.

SPU's plan is to build a pump station and stormwater treatment facility that will allow the storm drain trunk line to function properly under varying tidal conditions while reducing pollutant loading to the Duwamish. Construction of the project requires vacation of the 7th Avenue South shoreline street end. That vacation would cause the loss of public benefits that must be replaced under the City's street vacation policies. SPU identified the Wood Property as being important to SPU's strategy for replacing those lost public benefits. This property acquisition will allow SPU to proceed with its petition to vacate the 7th Avenue South Shoreline Street End—a goal that is critical to eventual construction of the South Park Pump Station and Water Quality Project.

Thank you for considering this legislation and supporting the improvement of localized flooding and water quality issues in the South Park neighborhood. If you have questions, please contact Clayton Antieau at 233-3711.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcginn@seattle.gov

BAS CITY CLERK