



SEATTLE CITY COUNCIL

Legislative Summary

CB 118406

Record No.: CB 118406

Type: Ordinance (Ord)

Status: Passed

Version: 1

124791

In Control: City Clerk

File Created: 04/10/2015

Final Action: 06/26/2015

Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to acquire by negotiation land and all other necessary property rights in the Taylor Creek area at 10005 Rainier Avenue South, Seattle, Washington for sediment management and fish enhancement, and to execute, accept and record deeds and convenient documents and agreements deemed by the Director to be necessary to this transaction on behalf of the City; placing the conveyed real properties under the jurisdiction of Seattle Public Utilities; and ratifying and confirming prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Bagshaw

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	05/12/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council to the City Clerk Notes:						
1	City Clerk	05/12/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review to the Council President's Office Notes:						

- 1 Council President's Office 05/12/2015 sent for review Seattle Public Utilities and Neighborhoods Committee
Action Text: The Council Bill (CB) was sent for review to the Seattle Public Utilities and Neighborhoods Committee
Notes:
- 1 Full Council 05/26/2015 referred Seattle Public Utilities and Neighborhoods Committee
Action Text: The Council Bill (CB) was referred. to the Seattle Public Utilities and Neighborhoods Committee
Notes:
- 1 Seattle Public Utilities and Neighborhoods Committee 06/09/2015 pass Pass
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
In Favor: 2 Chair Bagshaw, Vice Chair Sawant
Opposed: 0
Absent(NV): 1 Member Harrell
- 1 Full Council 06/15/2015 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant
Opposed: 0
- 1 City Clerk 06/18/2015 submitted for Mayor
Mayor's signature
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:
- 1 Mayor 06/26/2015 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:
- 1 Mayor 06/26/2015 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:
- 1 City Clerk 06/26/2015 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
-

CITY OF SEATTLE
ORDINANCE 124791
COUNCIL BILL 118406

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to acquire by negotiation land and all other necessary property rights in the Taylor Creek area at 10005 Rainier Avenue South, Seattle, Washington for sediment management and fish enhancement, and to execute, accept and record deeds and convenient documents and agreements deemed by the Director to be necessary to this transaction on behalf of the City; placing the conveyed real properties under the jurisdiction of Seattle Public Utilities; and ratifying and confirming prior acts.

WHEREAS, Seattle Public Utilities completed a detailed study of the Taylor Creek drainage system that showed a need for improvements to control sediment and remove obstacles to fish passage; and

WHEREAS, Seattle Public Utilities examined alternative routes to accomplish such improvements and concluded the best route requires acquisition of certain real property adjacent to Taylor Creek; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Public Utilities is authorized to acquire, for and on behalf of the City of Seattle, the property legally described as:

Lots 2, 3 and portion of Lot 4, Block 4, Sturtevant's Rainier Beach Villa Tracts, according to the plat thereof recorded in Volume 16 of Plats, page 32, King County, Washington; subject to pending Boundary Line Adjustment applied for by Sellers.

(tax parcel #807300-0175-04) (the "Property") for a total purchase price of \$545,000.

Section 2. Upon delivery of a statutory warranty deed for the Property, satisfactory to the Director of Seattle Public Utilities or the Director's designee, the Director or the Director's designee is authorized to record the deed and accept it on behalf of the City of Seattle by

1 indicating the acceptance on the deed. The Property thus acquired shall be placed under the
2 jurisdiction of Seattle Public Utilities.

3 Section 3. Any act consistent with the authority of this ordinance that is taken after
4 passage of this ordinance but prior to its effective date is hereby ratified and confirmed.

5

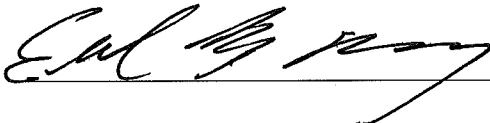
Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 15th day of June, 2015, and signed by me in open session in authentication of its passage this 15th day of June, 2015.



President _____ of the City Council

Approved by me this 26th day of June, 2015.



Edward B. Murray, Mayor

Filed by me this 26th day of June, 2015.



Monica Martinez Simmons, City Clerk

(Seal)

BILL SUMMARY & FISCAL NOTE

Department:	Contact Person/Phone:	Executive Contact/Phone:
Seattle Public Utilities	Rick Johnson /233-7861	Nancy Ahern /733-9191

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to acquire by negotiation land and all other necessary property rights in the Taylor Creek area at 10005 Rainier Avenue South, Seattle, Washington for sediment management and fish enhancement, and to execute, accept and record deeds and convenient documents and agreements deemed by the Director to be necessary to this transaction on behalf of the City; placing the conveyed real properties under the jurisdiction of Seattle Public Utilities; and ratifying and confirming prior acts.

Summary and background of the Legislation: The City's 1995 Comprehensive Drainage Plan Update calls for stream enhancement, storm water control, wetland and fish enhancement and drainage improvements on Taylor Creek in southeast Seattle. This proposed legislation would authorize Seattle Public Utilities (SPU) to acquire a property adjacent to Taylor Creek, as part of a project to open the creek to fish passage and manage sediment.

Purchasing this property would give SPU significantly greater flexibility in designing fish passage solutions and managing sediment. Rather than being forced to work with the creek in its existing alignment, the creek can be re-routed through the center of the parcel. The new creek route will allow SPU to adjust the grade, remove the upstream fish passage barrier, widen the riparian buffer and make smoother connections to the culvert under Rainier Avenue South.

2. SUMMARY OF FINANCIAL IMPLICATIONS

 x **This legislation has direct financial implications.**

Note: Property will be purchased for \$575,000. These funds are included in the existing budget, so no further appropriation action is necessary.

3. OTHER IMPLICATIONS

a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?

Yes. SPU would have obligations to maintain the constructed project features (re-aligned creek channel, rock and log weirs and vegetated riparian buffer) on property owned by the City to ensure compliance with permit regulations. These permit regulations require the structures be fish passable in perpetuity and that 80% of installed plants be alive at the end of the 3-year plant establishment period. Funds will be budgeted for maintenance and monitoring of the site for the 3-year plant establishment period.

Long-term commitments with financial obligations:

- SPU would be responsible for periodic inspections during the first three years to ensure the constructed features on SPU properties remain fish passable. The project is designed to function naturally, with as little active management as could be expected in an urban environment.
 - Year 1-3 following construction monitoring and maintenance costs are to be included in the project budget.
 - Beyond the 3 year plant establishment period, periodic inspections will be covered through field operations and maintenance budget.
- The project is being completed in partnership with the Seattle Parks and Recreation Department. Parks and SPU are in the early stages of discussing how long-term management of the project shall be completed. Either Parks or SPU will take long-term ownership and responsibility for this parcel.
- The party with long-term ownership will be responsible for ensuring the structures placed in stream remain fish-passable.
- It has not yet been determined whether SPU or SDOT will have jurisdictional responsibility for monitoring and maintenance of the bridge structure to ensure it is structurally sound and does not become a barrier to fish passage.

b) Is there financial cost or other impacts of not implementing the legislation?

Without this legislation, SPU's ability to manage the enhanced fish habitat and sediment control within this vicinity of Taylor Creek would be reduced. Not acquiring the property will reduce SPU's design flexibility, possibly requiring SPU to reroute the Taylor Creek through the adjacent Lakeridge Park play field. This could increase project cost by an estimated \$1 – \$1.5 million.

c) Does this legislation affect any departments besides the originating department?

Yes. As discussed in Section 2.a, the project is being completed in partnership with the Seattle Parks and Recreation Department. Parks and SPU are in the early stages discussing how long term management of the project shall be completed. Either Parks or SPU will take long term ownership and responsibility for this parcel.

d) Is a public hearing required for this legislation?

No

e) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

f) Does this legislation affect a piece of property?

Yes. See Exhibit A.

g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically

Rick Johnson
SPU Taylor Creek SUM
April 28, 2015
#4a

disadvantaged communities?

Yes. Residents of 10005 Rainier Avenue S. will need to permanently vacate their rental units when the project approaches the building tear down phase. This will result in the loss of four rental units, where renters currently pay approximately \$800 per month (for a two bedroom unit). A relocation assistance fund of \$25K per tenant is planned to be created for current residents to help offset their moving costs and probable increase in rent (rental units in 98178).

- h) If this legislation includes a new initiative or a major programmatic expansion:
What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.**

NA

- i) Other Issues:**

NA

List attachments below:

Exhibit A – Map of Taylor Creek Property

Rick Johnson
SPU Taylor Creek SUM EX A
April 1, 2015
Version #1

Exhibit A



STATE OF WASHINGTON -- KING COUNTY

--SS.

326330

No.

CITY OF SEATTLE, CLERKS OFFICE

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:124790-791 TITLE ONLY

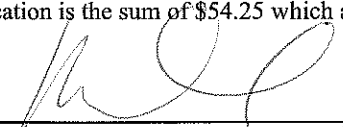
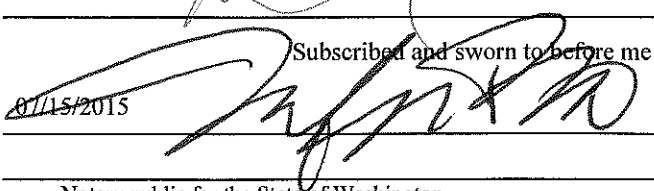
was published on

07/15/15

The amount of the fee charged for the foregoing publication is the sum of \$54.25 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on
07/15/2015

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on June 15, 2015, 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.

Ordinance 124790

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

Ordinance 124791

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to acquire by nego-

tiation land and all other necessary property rights in the Taylor Creek area at 10005 Rainier Avenue South, Seattle, Washington for sediment management and fish enhancement, and to execute, accept and record deeds and convenient documents and agreements deemed by the Director to be necessary to this transaction on behalf of the City; placing the conveyed real properties under the jurisdiction of Seattle Public Utilities; and ratifying and confirming prior acts.

Date of publication in the Seattle Daily Journal of Commerce, July 15, 2015.
7/15(326330)