



SEATTLE CITY COUNCIL

Legislative Summary

CB 118760

Record No.: CB 118760

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125153

In Control: City Clerk

File Created: 07/21/2016

Final Action: 10/07/2016

Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to acquire, accept, and record on behalf of the City of Seattle both temporary and permanent property rights from abutting property owners located along the alignment of the planned combined sewage storage tunnel between 24th Avenue NW and Shilshole Avenue NW and Interlake Avenue North and North 35th Street that are necessary or convenient to construct, operate and maintain the Ship Canal Water Quality Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of the Seattle Public Utilities and designating the property rights acquired for utility and general municipal purposes; authorizing payment of all other costs associated with acquisition; and ratifying and confirming certain prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att 1 – Construction Corridor Maps, Att 2 – Affected Properties v2

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	08/02/2016	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	08/02/2016	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 | 08/05/2016 | sent for review | Civil Rights,
Utilities, Economic
Development, and
Arts Committee |
|---|----------------------------|------------|-----------------|--|

Action Text: The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee

Notes:

- | | | | | |
|---|--------------|------------|----------|--|
| 1 | Full Council | 08/15/2016 | referred | Civil Rights,
Utilities, Economic
Development, and
Arts Committee |
|---|--------------|------------|----------|--|

- | | | | | |
|---|---|------------|-----------------|------|
| 1 | Civil Rights, Utilities,
Economic Development,
and Arts Committee | 09/23/2016 | pass as amended | Pass |
|---|---|------------|-----------------|------|

Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).

In Favor: 1 Chair Herbold

Opposed: 0

Absent(NV): 1 Vice Chair Sawant

- | | | | | |
|---|--------------|------------|--------|------|
| 1 | Full Council | 10/03/2016 | passed | Pass |
|---|--------------|------------|--------|------|

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien

Opposed: 0

- | | | | | |
|---|------------|------------|------------------------------------|------------|
| 2 | City Clerk | 10/05/2016 | submitted for
Mayor's signature | Mayor |
| 2 | Mayor | 10/07/2016 | Signed | |
| 2 | Mayor | 10/07/2016 | returned | City Clerk |
| 2 | City Clerk | 10/07/2016 | attested by City
Clerk | |

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125153

COUNCIL BILL 118760

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to acquire, accept, and record on behalf of the City of Seattle both temporary and permanent property rights from abutting property owners located along the alignment of the planned combined sewage storage tunnel between 24th Avenue NW and Shilshole Avenue NW and Interlake Avenue North and North 35th Street that are necessary or convenient to construct, operate and maintain the Ship Canal Water Quality Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of the Seattle Public Utilities and designating the property rights acquired for utility and general municipal purposes; authorizing payment of all other costs associated with acquisition; and ratifying and confirming certain prior acts.

WHEREAS, the City of Seattle owns and operates a combined sewer system that in some locations overflows during heavy rain events; and

WHEREAS, the combined sewer system overflows (CSOs) are governed by the State of Washington under the terms of a National Pollutant Discharge Elimination System (NPDES) permit; and

WHEREAS, the terms of the NPDES permit mandate the City of Seattle limit untreated overflows at each CSO outfall to an average of no more than one per year; and

WHEREAS, the City of Seattle is required by federal Consent Decree, as authorized by Ordinance 123908 and amended by Ordinance 124129, to construct control measures to limit untreated combined sewer overflows in accordance with State of Washington requirements by December 31, 2025; and

WHEREAS, Seattle Public Utilities and King County have been working together to evaluate possible joint projects to reduce both City and County CSOs, and have agreed to jointly fund and build a 2.7 mile underground storage tunnel designed to temporarily store more than 15 million gallons of combined stormwater and sewage in order to reduce CSOs and

1 partially fulfill the objectives of the City's and County's NPDES permits and Consent

2 Decrees; and

3 WHEREAS, in 2015 the City Council pursuant to Ordinance 124966 authorized Seattle Public

4 Utilities to enter into a Joint Project Agreement with King County to design, construct,

5 operate, and maintain the Ship Canal Water Quality Project to reduce combined sewer

6 overflows; and

7 WHEREAS, while the tunnel and its ancillary structures will be built primarily within street

8 right-of-way, temporary and permanent property rights will be necessary to construct,

9 maintain, and operate portions of the Project; NOW, THEREFORE,

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

11 Section 1. Public convenience and necessity require that real property interests generally
12 shown on Attachments 1 and 2 of this ordinance, and such other property as may be necessary or
13 convenient for the Ship Canal Water Quality Project (the "Project") located in the City of Seattle,
14 County of King, State of Washington; together with all rights, privileges and other property
15 interests pertaining to the real property interests, be acquired for utility and general municipal
16 purposes through negotiations and use of eminent domain (condemnation), if necessary, in
17 connection with the Project.

18 Section 2. The Director is authorized to: determine the portions and interests of the
19 properties shown on Attachments 1 and 2 that are necessary or convenient for the Project, and
20 any other property interests that may be necessary or convenient for the Project, negotiate and
21 enter into written agreements for and acquire, after paying just compensation, the real property
22 interests that are necessary or convenient for the Project, including temporary or permanent
23 rights, in fee or easement form; and accept and record deeds and other written instruments on

1 behalf of the City by attaching to the instrument the Director's written acceptance and recording
2 the deed or other written instrument. The acquisition costs, including purchase price and
3 transaction costs, together with relocation benefits to the extent required by law, shall be paid
4 from the funds appropriated, or to be appropriated, for such purposes in connection with the
5 Project.

6 Section 3. The City Attorney is authorized to commence and prosecute proceedings in
7 the manner provided by law to condemn, take, damage, and appropriate in fee simple or other
8 property interests determined by the Director of Seattle Public Utilities or his designee to be
9 necessary or convenient to the Project; provided the lands, rights, and privileges, and other
10 property are to be appropriated and taken only after just compensation has been made or paid
11 into court for the owners in the manner provided by law; and to stipulate for the purpose of
12 minimizing damages.

13 Section 4. The real property interests referenced above include, but are not limited to
14 deeds, easements, and temporary construction easements that, when recorded shall be placed
15 under the jurisdiction of the Seattle Public Utilities and designated for utility and general
16 municipal purposes.

17 Section 5. Any act taken after passage but prior to the effective date of this ordinance
18 and consistent with its authority is hereby ratified and confirmed.
19

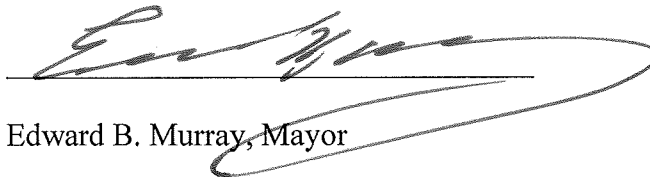
Section 6. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 3rd day of October, 2016, and signed by me in open session in authentication of its passage this 3rd day of October, 2016.



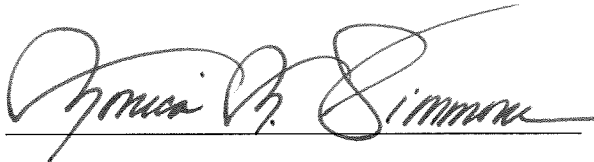
President _____ of the City Council

Approved by me this 7th day of October, 2016.



Edward B. Murray, Mayor

Filed by me this 7th day of OCTOBER, 2016.



Monica Martinez Simmons, City Clerk

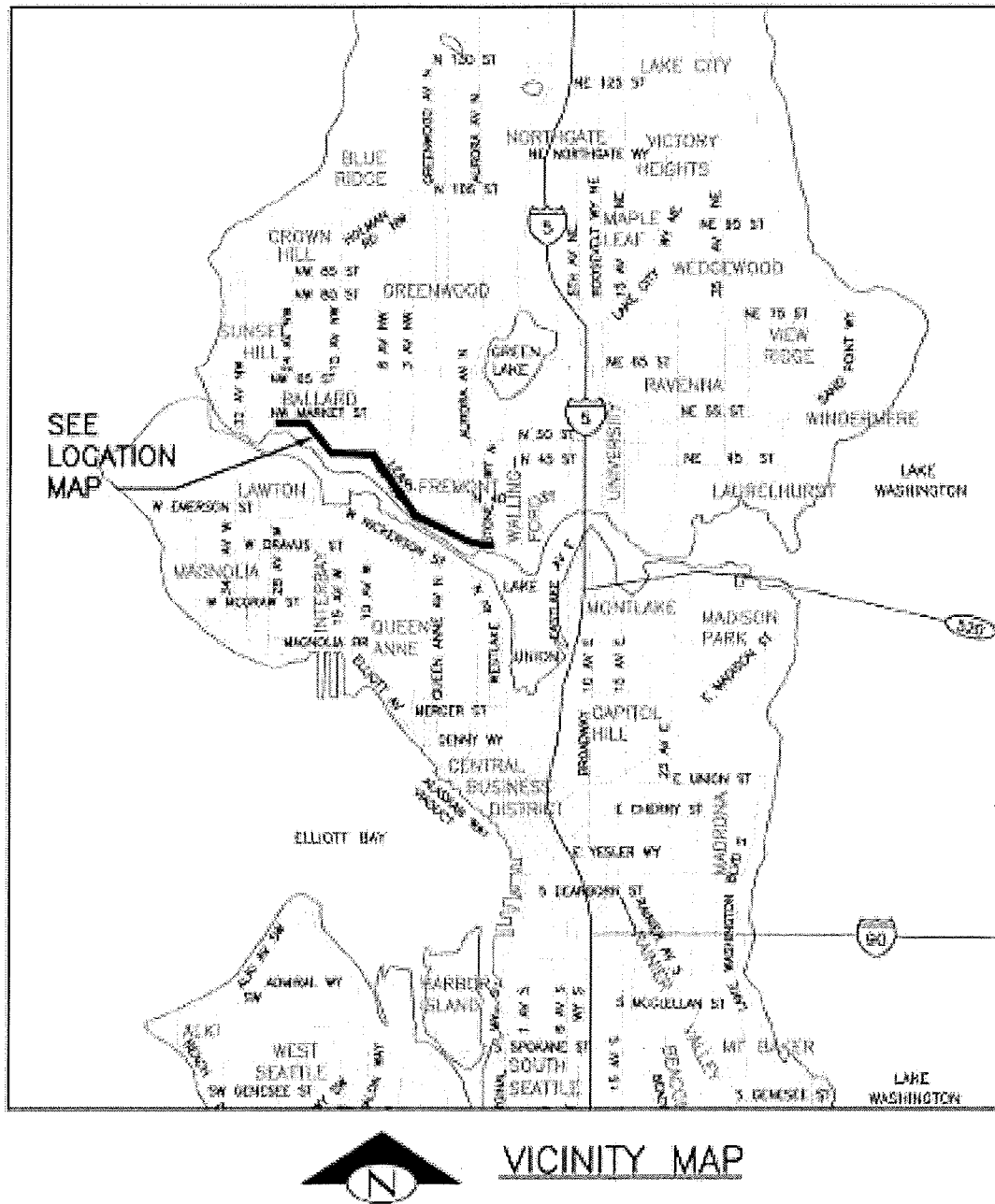
(Seal)

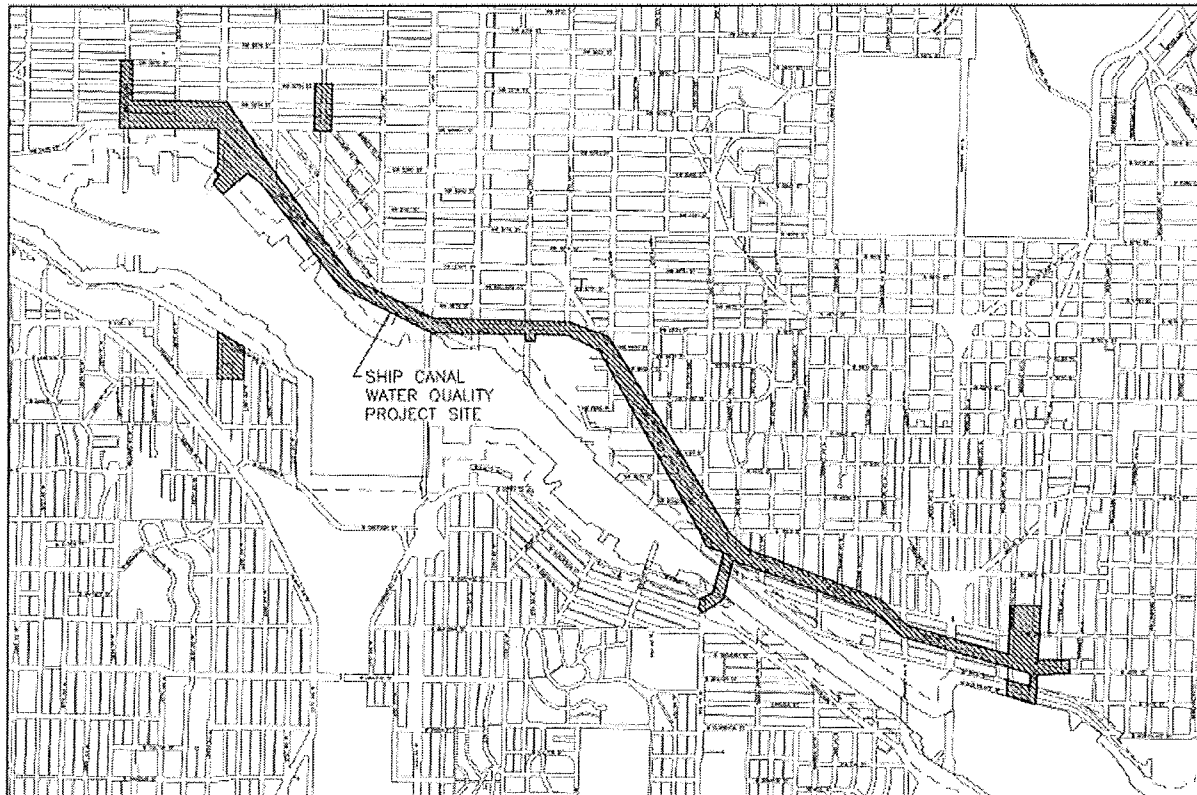
Attachments:

Attachment 1 – Construction Corridor Maps

Attachment 2 – Affected Properties

Attachment 1 – Construction Corridor Maps

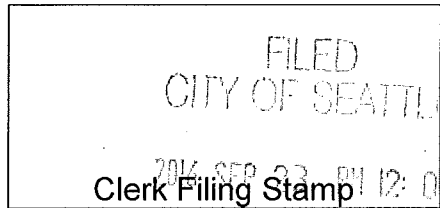




LOCATION MAP

Attachment 2 –Affected Properties

Project Parcel No.	King County Tax ID. No.	Property Address	Property Owner	Tax Payer's Address of Record (Name included only if different than Property owner.)
2	0467000418	5423 Shilshole Ave NW, Seattle, WA 98107	C. D. Stimson Company	1411 4th Ave Suite 730, Seattle, WA 98101
3	1982202070	915 NW 45th St, Seattle, WA 98107	Fred Meyer Stores, Inc, a Delaware Corp	Fred Meyer Stores Inc., c/o Nickel & Company, 1014 Vine St 7th Floor, Cincinnati, OH 45202
4	1972204281	215 NW 36th St, Seattle, WA 98107	King County - Wastewater	201 S Jackson St #512, Seattle, WA 98104
9	2768303520	4501 9th Ave NW, Seattle, WA 98107	United States Postal Service	USPS Seattle Post Office, Attn: Postmaster, PO Box 3998, Seattle, WA 98124
11	1982202075	837 NW 45th St, Seattle, WA 98107	Missing Link Real Estate, LLC	PO Box 31516, Seattle, WA 98103
12	1982202080	4415 Leary Way NW, Seattle, WA 98107	Frelard Properties LLC	Olson Fuel Co, 4415 Leary Way NW, Seattle, WA 98107
20	1825049130	1320 N 35th St, Seattle, WA 98103	1320 N 35th St LLC	PO Box 398, Poulsbo, WA 98370
21	2264501095	1320 N 35th St, Seattle, WA 98103	1320 N 35th St LLC	PO Box 398, Poulsbo, WA 98370



**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Council Bill 118760**

I, Judith L. Cross, Division Director, hereby certify as follows:

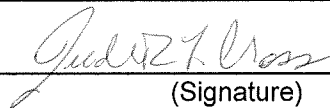
(Check all that apply below.)

- ☒ 1. On the 29th day of August, 2016, I mailed via US Postal Service Certified Mail a
☒ notice of condemnation or
☐ other _____,
a true and correct representative copy of which is attached and designated as
Attachment A, to those persons whose names and addresses appear on the
attached list as Attachment B.
- ☒ 2. For condemnation legislation: The notice designated in Attachment A constitutes
adequate notice to property owners, pursuant to RCW 8.12 and 8.25, that the
City may take final action to authorize condemnation of the subject property.
- ☒ 3. The notice designated in Attachment A was published in the Seattle Times on
September 8 and 12 and the Daily Journal of Commerce on September 9 and
13, 2016.
- ☒ 4. This Certificate of Mailing and Publication and complete Attachments A and B
are hereby filed with the City Clerk of the City of Seattle.

Dated this 23rd day of September, 2016.

The City of Seattle, Washington

Judith L. Cross


(Signature)

Division Director, Facilities & Real
Property Services

Seattle Public Utilities

206-386-1814



City of Seattle
Seattle Public Utilities

August 29, 2016

Thomas S. Bayley
President
C. D. Stimson Company
1411 4th Ave Suite 730
Seattle, WA 98101

VIA CERTIFIED MAIL

RE: City of Seattle Ship Canal Water Quality Project

Notice of Seattle City Council Civil Rights, Utilities, Economic Development & Arts
Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property
for Public Purposes through Negotiation and the Exercise of Eminent Domain
(Condemnation)

Tax Parcel No. 046700-0418
Address: 5423 Shilshole Ave NW, Seattle, WA 98107

Dear Mr. Bayley:

The purpose of this notice is to inform you that the Seattle City Council is expected to vote on an ordinance that, if approved, will authorize Seattle Public Utilities (SPU) to acquire property rights needed for the construction of an underground storage tunnel project. You have been identified as a property owner from whom property rights may be needed, including but not limited to an easement under a portion of your property for the Ship Canal Water Quality Project (Project). A map indicating the proposed Project alignment is enclosed for your information. The final City Council action on this ordinance and Council approval will authorize SPU to acquire temporary or permanent rights, in fee or easement form through negotiations with property owners and the possible use of eminent domain (condemnation), if necessary. Property owners will be paid just compensation for SPU's acquisition of any property rights and interests.

SPU and King County are working together on this Project to build an underground storage tunnel for stormwater and sewage. During storms, this tunnel will hold polluted water from Ballard, Fremont, Wallingford, and north Queen Anne, preventing it from overflowing into the Lake Washington Ship Canal. The 2.7-mile tunnel will be able to capture and temporarily hold more than 15 million gallons of stormwater and sewage that currently overflows during heavy rains. When the storm passes, flows will be sent to the existing King County West Point Wastewater Treatment Plant in Magnolia.

The City of Seattle (City) is required by RCW 8.25.290 to provide you with formal written notice before the City takes final action authorizing the condemnation of property. The City ordinance authorizing property acquisition through negotiation or condemnation will be on the agenda of

Melina Thung, Interim Director
Seattle Public Utilities
PO Box 34018
Seattle, WA 98124-4018

Tel (206) 684-5851
Fax (206) 684-4631
TDD (206) 233-7241
<http://www.seattle.gov/util>

the Seattle City Council Civil Rights, Utilities, Economic Development & Arts Committee for discussion and possible vote. The Committee will take public comment as a regular part of the meeting beginning at 9:30 a.m. on Friday, September 23, 2016.

This Seattle City Council committee meeting will be held in the City Council Chambers at 600 4th Avenue, 2nd Floor, Seattle, WA. The Council Chambers and offices are physically accessible; print and communications access are provided on request. Call 206-684-8888 (TDD: 206-233-0025) for further information.

You will have the opportunity to express your views on the ordinance during the public comment section of the meeting. Public comments are received by the Committee at the start of the meeting and are generally limited to a total of 10 minutes of comments for each agenda item. If you have questions about the committee meeting format, agenda for the meeting, or the public comment section, please contact Alex Clardy, Legislative Assistant to Councilmember Herbold (Chair of Seattle City Council Civil Rights, Utilities, Economic Development & Arts Committee) at 206-386-1856 or visit the Seattle City Council Civil Rights, Utilities, Economic Development & Arts Committee's website at the following address:
<http://www.seattle.gov/council/committees/utilities/default.htm>.

If the Committee approves the ordinance, it will then be scheduled for final City Council action. Final action on the ordinance by the City Council is expected on Monday, September 26, 2016, at 2:00 p.m.; in the City Council Chambers located at 600 4th Avenue, 2nd Floor, Seattle, WA. If the full City Council approves the ordinance, the City of Seattle may purchase property rights for the Project from you through negotiation, or may use its powers of eminent domain to condemn your property. In either case, the City will pay just compensation for any property rights or interests it acquires for the tunnel project.

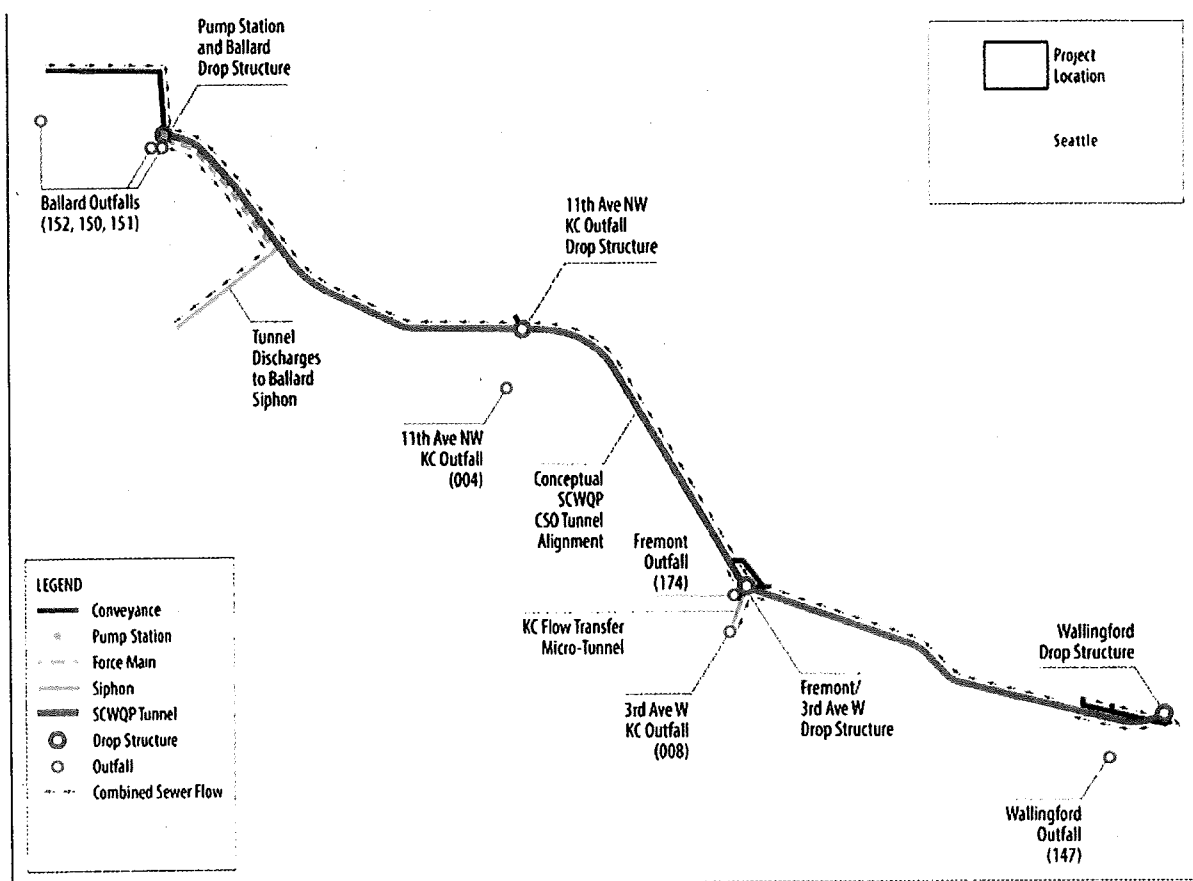
SPU staff will call you in the next several days to follow up on this letter. General information about the Project can be found on the City's website at the following address:
www.seattle.gov/util/shipcanalproject. Please contact Dan Enrico, Project Manager, at 206-684-7413 or daniel.enrico@seattle.gov if you have questions about this Project. Please contact me at 206-386-9754 or pree.carpenter@seattle.gov if you have questions about this letter.

Thank you,


Pree Carpenter
Senior Real Property Agent
Seattle Public Utilities
PO Box 34018
Seattle, WA 98124-4018
206-386-9754
pree.carpenter@seattle.gov

Enclosure: Map

Proposed Project Alignment





City of Seattle
Seattle Public Utilities

August 29, 2016

Fred Meyer Stores Inc
c/o Nickel & Company
1014 Vine St 7th Floor
Cincinnati OH 45202

VIA CERTIFIED MAIL

RE: City of Seattle Ship Canal Water Quality Project

Notice of Seattle City Council Civil Rights, Utilities, Economic Development & Arts
Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property
for Public Purposes through Negotiation and the Exercise of Eminent Domain
(Condemnation)

Tax Parcel No. 198220-2070
Address: 915 NW 45th St, Seattle, WA 98107

Dear Property Owner:

The purpose of this notice is to inform you that the Seattle City Council is expected to vote on an ordinance that, if approved, will authorize Seattle Public Utilities (SPU) to acquire property rights needed for the construction of an underground storage tunnel project. You have been identified as a property owner from whom property rights may be needed. A map indicating the proposed Ship Canal Water Quality Project (Project) alignment is enclosed for your information. The final City Council action on this ordinance and Council approval will authorize SPU to acquire temporary or permanent rights, in fee or easement form through negotiations with property owners and the possible use of eminent domain (condemnation), if necessary. Property owners will be paid just compensation for SPU's acquisition of any property rights and interests.

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<http://www.seattle.gov/council/committees/utilities/default.htm>.

If the Committee approves the ordinance, it will then be scheduled for final City Council action. Final action on the ordinance by the City Council is expected on Monday, September 26, 2016, at 2:00 p.m., in the City Council Chambers located at 600 4th Avenue, 2nd Floor, Seattle, WA. If the full City Council approves the ordinance, the City of Seattle may purchase property rights for the Project from you through negotiation, or may use its powers of eminent domain to condemn your property. In either case, the City will pay just compensation for any property rights or interests it acquires for the tunnel project.

SPU staff will call Mr. Hansen (cc'd) in the next several days to follow up on this letter. General information about the Project can be found on the City's website at the following address: www.seattle.gov/util/shipcanalproject. Please contact Dan Enrico, Project Manager, at 206-684-7413 or daniel.enrico@seattle.gov if you have questions about this Project. Please contact me at 206-386-9754 or pree.carpenter@seattle.gov if you have questions about this letter.

Thank you,

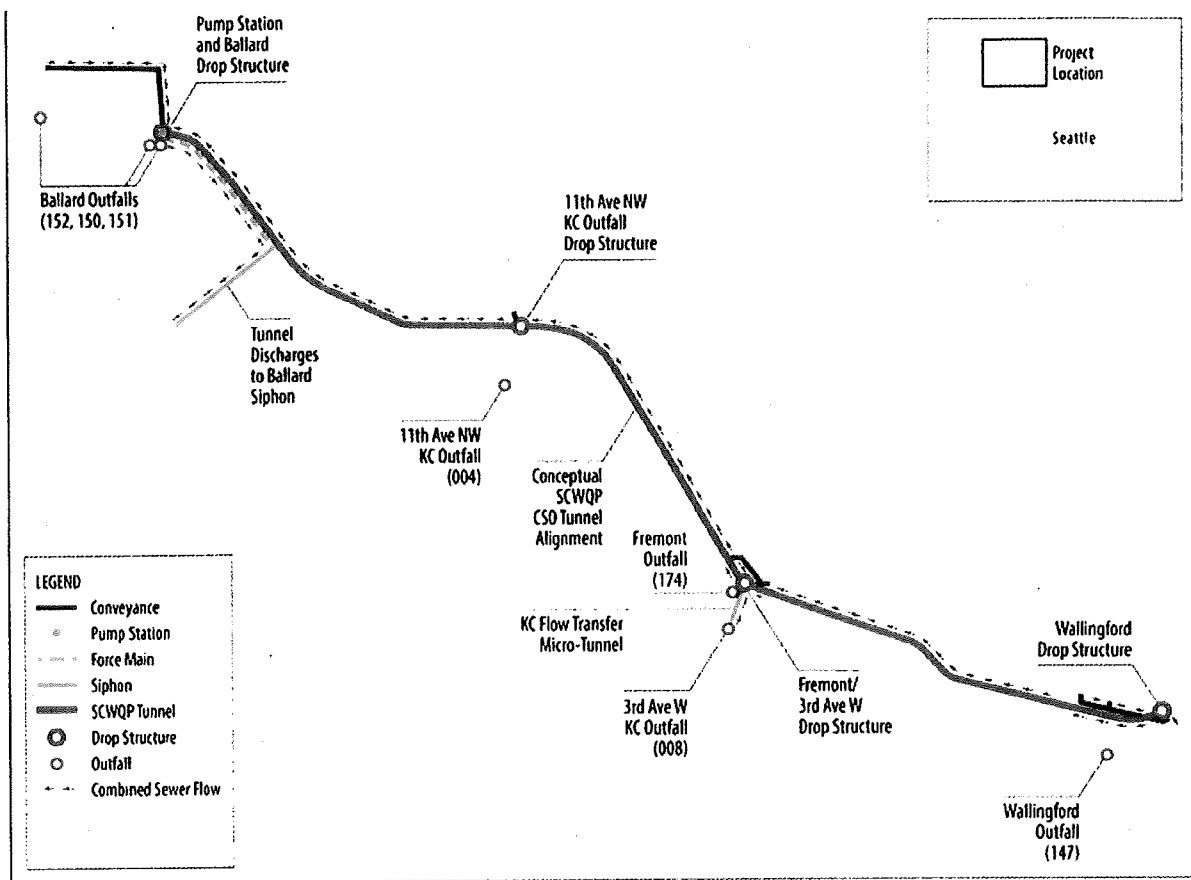


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Enclosure: Map

cc: Tim Hansen, Kroger Real Estate, Bellevue, WA

Proposed Project Alignment





City of Seattle
Seattle Public Utilities

August 29, 2016

King County – Wastewater
201 S Jackson St #505
Seattle WA 98104

VIA CERTIFIED MAIL

RE: City of Seattle Ship Canal Water Quality Project

Notice of Seattle City Council Civil Rights, Utilities, Economic Development & Arts
Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property
for Public Purposes through Negotiation and the Exercise of Eminent Domain
(Condemnation)

Tax Parcel No. 197220-4281
Address: 215 NW 36th St, Seattle, WA 98107

Dear Property Owner:

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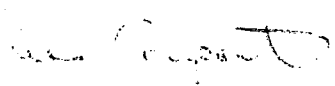
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SPU staff will call Ms. Christian (cc'd) in the next several days to follow up on this letter. General information about the Project can be found on the City's website at the following address:

www.seattle.gov/util/shipcanalproject. Please contact Dan Enrico, Project Manager, at 206-684-7413 or daniel.enrico@seattle.gov if you have questions about this Project. Please contact me at 206-386-9754 or pree.carpenter@seattle.gov if you have questions about this letter.

Thank you,

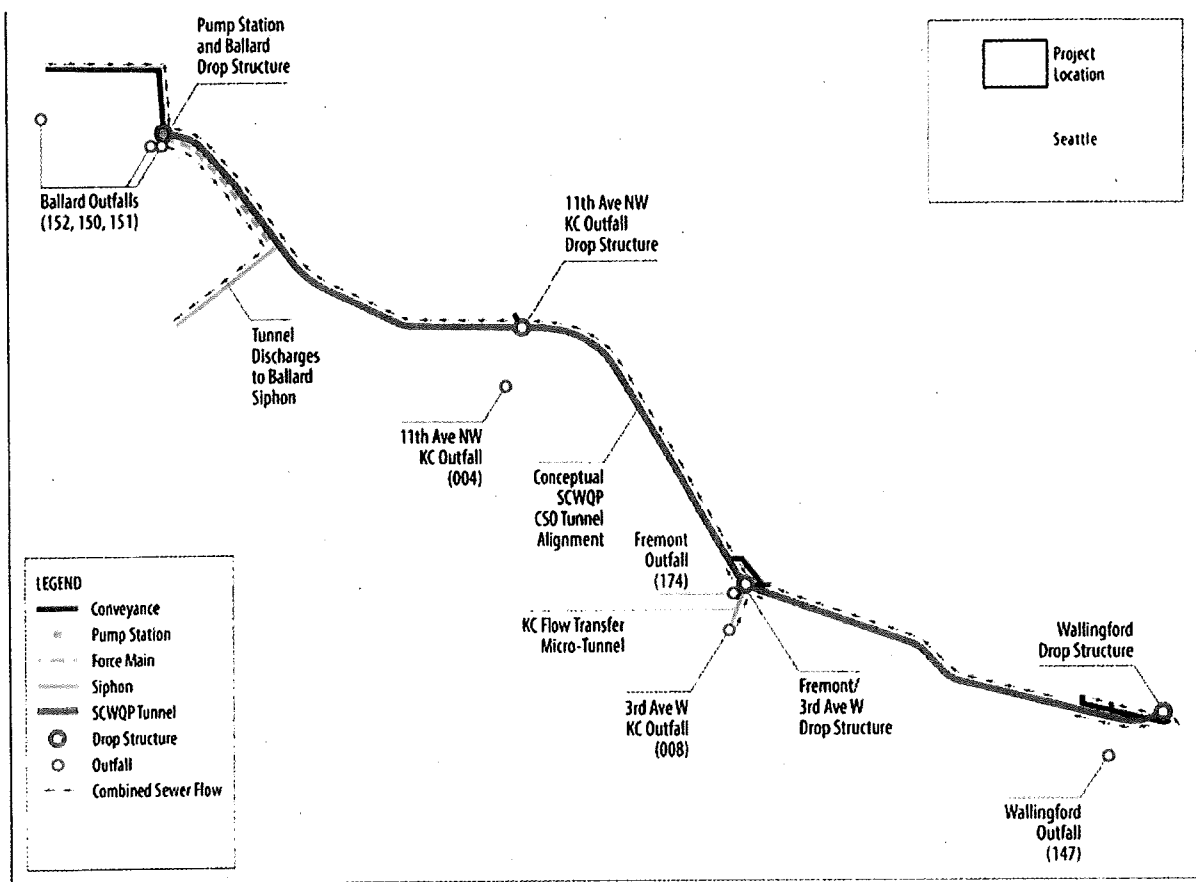


Pree Carpenter
Senior Real Property Agent
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PO Box 34018
Seattle, WA 98124-4018
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Enclosure: Map

cc: Claire Christian, King County (via email)
Alton Gaskill, King County (via email)

Proposed Project Alignment





City of Seattle
Seattle Public Utilities

August 29, 2016

Postmaster
USPS Seattle Post Office
PO Box 3998
Seattle WA 98124

VIA CERTIFIED MAIL

RE: City of Seattle Ship Canal Water Quality Project

Notice of Seattle City Council Civil Rights, Utilities, Economic Development & Arts
Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property
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(Condemnation)

Tax Parcel No. 198220-2075
Address: 837 NW 45th St, Seattle, WA 98107

Dear Postmaster:

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Melina Thung, Interim Director
Seattle Public Utilities
PO Box 34018
Seattle, WA 98124-4018

Tel (206) 684-5851
Fax (206) 684-4631
TDD (206) 233-7241
<http://www.seattle.gov/util>

authorizing property acquisition through negotiation or condemnation will be on the agenda of the Seattle City Council Civil Rights, Utilities, Economic Development & Arts Committee for discussion and possible vote. The Committee will take public comment as a regular part of the meeting beginning at 9:30 a.m. on Friday, September 23, 2016.

This Seattle City Council committee meeting will be held in the City Council Chambers at 600 4th Avenue, 2nd Floor, Seattle, WA. The Council Chambers and offices are physically accessible; print and communications access are provided on request. Call 206-684-8888 (TDD: 206-233-0025) for further information.

You will have the opportunity to express your views on the ordinance during the public comment section of the meeting. Public comments are received by the Committee at the start of the meeting and are generally limited to a total of 10 minutes of comments for each agenda item. If you have questions about the committee meeting format, agenda for the meeting, or the public comment section, please contact Alex Clardy, Legislative Assistant to Councilmember Herbold (Chair of Seattle City Council Civil Rights, Utilities, Economic Development & Arts Committee) at 206-386-1856 or visit the Seattle City Council Civil Rights, Utilities, Economic Development & Arts Committee's website at the following address:

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If the Committee approves the ordinance, it will then be scheduled for final City Council action. Final action on the ordinance by the City Council is expected on Monday, September 26, 2016, at 2:00 p.m., in the City Council Chambers located at 600 4th Avenue, 2nd Floor, Seattle, WA. If the full City Council approves the ordinance, the City of Seattle may purchase property rights for the Project from you through negotiation, or may use its powers of eminent domain to condemn your property. In either case, the City will pay just compensation for any property rights or interests it acquires for the tunnel project.

SPU staff will call you in the next several days to follow up on this letter. General information about the Project can be found on the City's website at the following address: www.seattle.gov/util/shipcanalproject. Please contact Dan Enrico, Project Manager, at 206-684-7413 or daniel.enrico@seattle.gov if you have questions about this Project. Please contact me at 206-386-9754 or pree.carpenter@seattle.gov if you have questions about this letter.

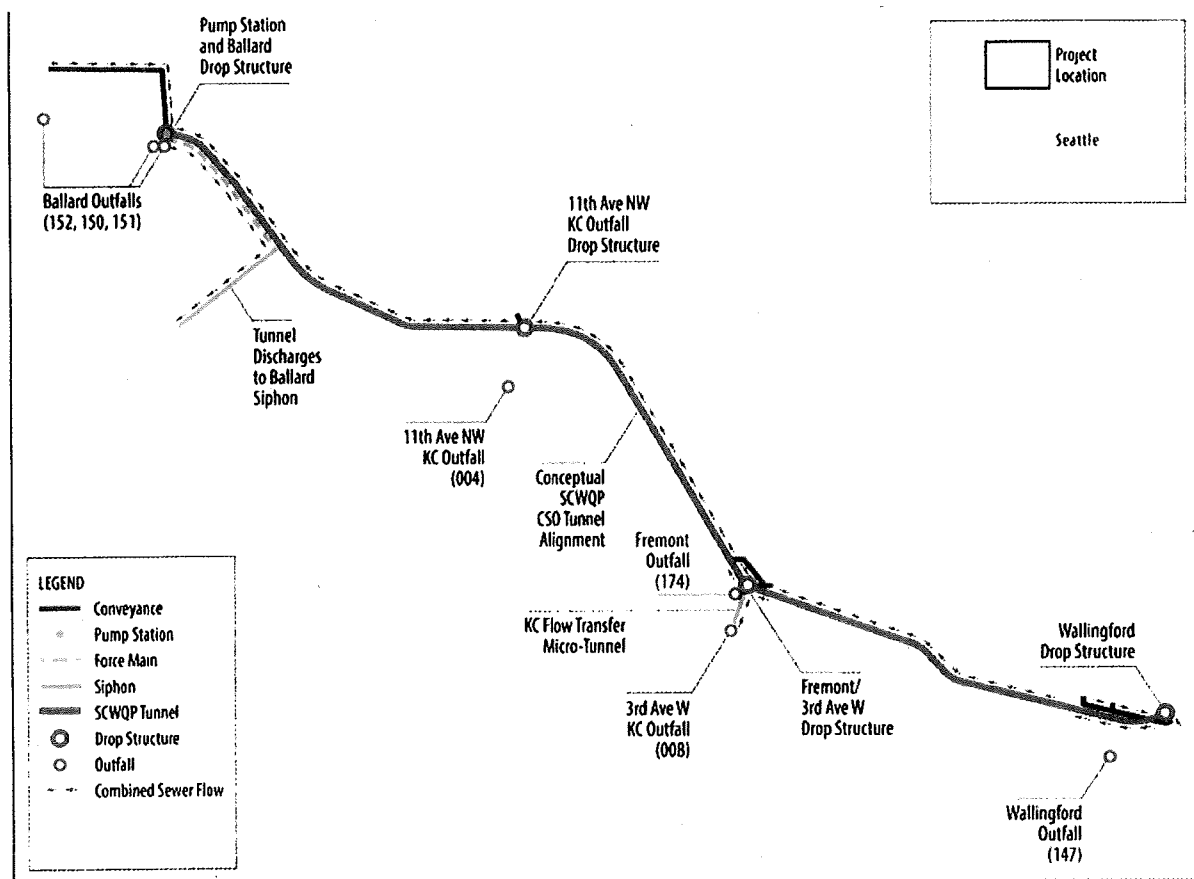
Thank you,



Pree Carpenter
Senior Real Property Agent
Seattle Public Utilities
PO Box 34018
Seattle, WA 98124-4018
206-386-9754
pree.carpenter@seattle.gov

Enclosure: Map

Proposed Project Alignment





City of Seattle
Seattle Public Utilities

August 29, 2016

Allan Bommer
Manager
Leary Triangle LLC
611 NW 41st St
Seattle, WA 98107

VIA CERTIFIED MAIL

RE: City of Seattle Ship Canal Water Quality Project

Notice of Seattle City Council Civil Rights, Utilities, Economic Development & Arts
Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property
for Public Purposes through Negotiation and the Exercise of Eminent Domain
(Condemnation)

Tax Parcel No. 197220-0015
Address: 3623 Leary Way NW, Seattle, WA 98107

Dear Mr. Bommer:

The purpose of this notice is to inform you that the Seattle City Council is expected to vote on an ordinance that, if approved, will authorize Seattle Public Utilities (SPU) to acquire property rights needed for the construction of an underground storage tunnel project. You have been identified as a property owner from whom property rights may be needed, including but not limited to an easement under a portion of your property for the Ship Canal Water Quality Project (Project). A map indicating the proposed Project alignment is enclosed for your information. The final City Council action on this ordinance and Council approval will authorize SPU to acquire temporary or permanent rights, in fee or easement form through negotiations with property owners and the possible use of eminent domain (condemnation), if necessary. Property owners will be paid just compensation for SPU's acquisition of any property rights and interests.

SPU and King County are working together on this Project to build an underground storage tunnel for stormwater and sewage. During storms, this tunnel will hold polluted water from Ballard, Fremont, Wallingford, and north Queen Anne, preventing it from overflowing into the Lake Washington Ship Canal. The 2.7-mile tunnel will be able to capture and temporarily hold more than 15 million gallons of stormwater and sewage that currently overflows during heavy rains. When the storm passes, flows will be sent to the existing King County West Point Wastewater Treatment Plant in Magnolia.

The City of Seattle (City) is required by RCW 8.25.290 to provide you with formal written notice before the City takes final action authorizing the condemnation of property. The City ordinance authorizing property acquisition through negotiation or condemnation will be on the agenda of

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the Seattle City Council Civil Rights, Utilities, Economic Development & Arts Committee for discussion and possible vote. The Committee will take public comment as a regular part of the meeting beginning at 9:30 a.m. on Friday, September 23, 2016.

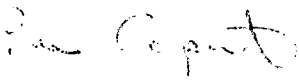
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SPU staff will call you in the next several days to follow up on this letter. General information about the Project can be found on the City's website at the following address:
www.seattle.gov/util/shipcanalproject. Please contact Dan Enrico, Project Manager, at 206-684-7413 or daniel.enrico@seattle.gov if you have questions about this Project. Please contact me at 206-386-9754 or pree.carpenter@seattle.gov if you have questions about this letter.

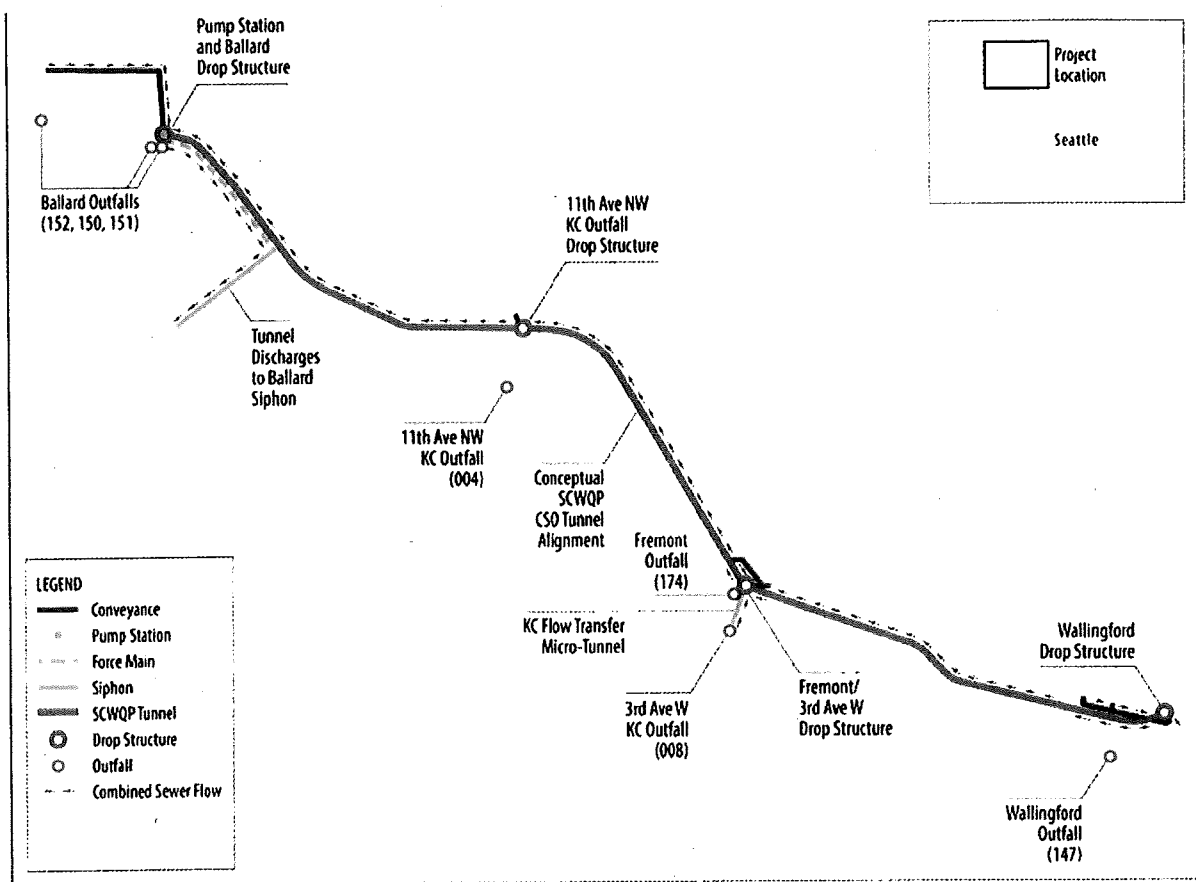
Thank you,



Pree Carpenter
Senior Real Property Agent
Seattle Public Utilities
PO Box 34018
Seattle, WA 98124-4018
206-386-9754
pree.carpenter@seattle.gov

Enclosure: Map

Proposed Project Alignment





City of Seattle
Seattle Public Utilities

August 29, 2016

Bryce Phillips
Manager,
1320 N 35th St LLC
PO Box 398
Poulsbo, WA 98370

VIA CERTIFIED MAIL

RE: City of Seattle Ship Canal Water Quality Project

Notice of Seattle City Council Civil Rights, Utilities, Economic Development & Arts
Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property
for Public Purposes through Negotiation and the Exercise of Eminent Domain
(Condemnation)

Tax Parcel Nos. 182504-9130, 226450-1095
Address: 1320 N 35th St, Seattle, WA 98103

Dear Mr. Phillips:

The purpose of this notice is to inform you that the Seattle City Council is expected to vote on an ordinance that, if approved, will authorize Seattle Public Utilities (SPU) to acquire property rights needed for the construction of an underground storage tunnel project. You have been identified as a property owner from whom property rights may be needed, including but not limited to an easement under a portion of your property for the Ship Canal Water Quality Project (Project). A map indicating the proposed Project alignment is enclosed for your information. The final City Council action on this ordinance and Council approval will authorize SPU to acquire temporary or permanent rights, in fee or easement form through negotiations with property owners and the possible use of eminent domain (condemnation), if necessary. Property owners will be paid just compensation for SPU's acquisition of any property rights and interests.

SPU and King County are working together on this Project to build an underground storage tunnel for stormwater and sewage. During storms, this tunnel will hold polluted water from Ballard, Fremont, Wallingford, and north Queen Anne, preventing it from overflowing into the Lake Washington Ship Canal. The 2.7-mile tunnel will be able to capture and temporarily hold more than 15 million gallons of stormwater and sewage that currently overflows during heavy rains. When the storm passes, flows will be sent to the existing King County West Point Wastewater Treatment Plant in Magnolia.

The City of Seattle (City) is required by RCW 8.25.290 to provide you with formal written notice before the City takes final action authorizing the condemnation of property. The City ordinance authorizing property acquisition through negotiation or condemnation will be on the agenda of

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the Seattle City Council Civil Rights, Utilities, Economic Development & Arts Committee for discussion and possible vote. The Committee will take public comment as a regular part of the meeting beginning at 9:30 a.m. on Friday, September 23, 2016.

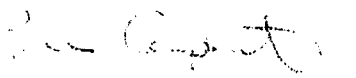
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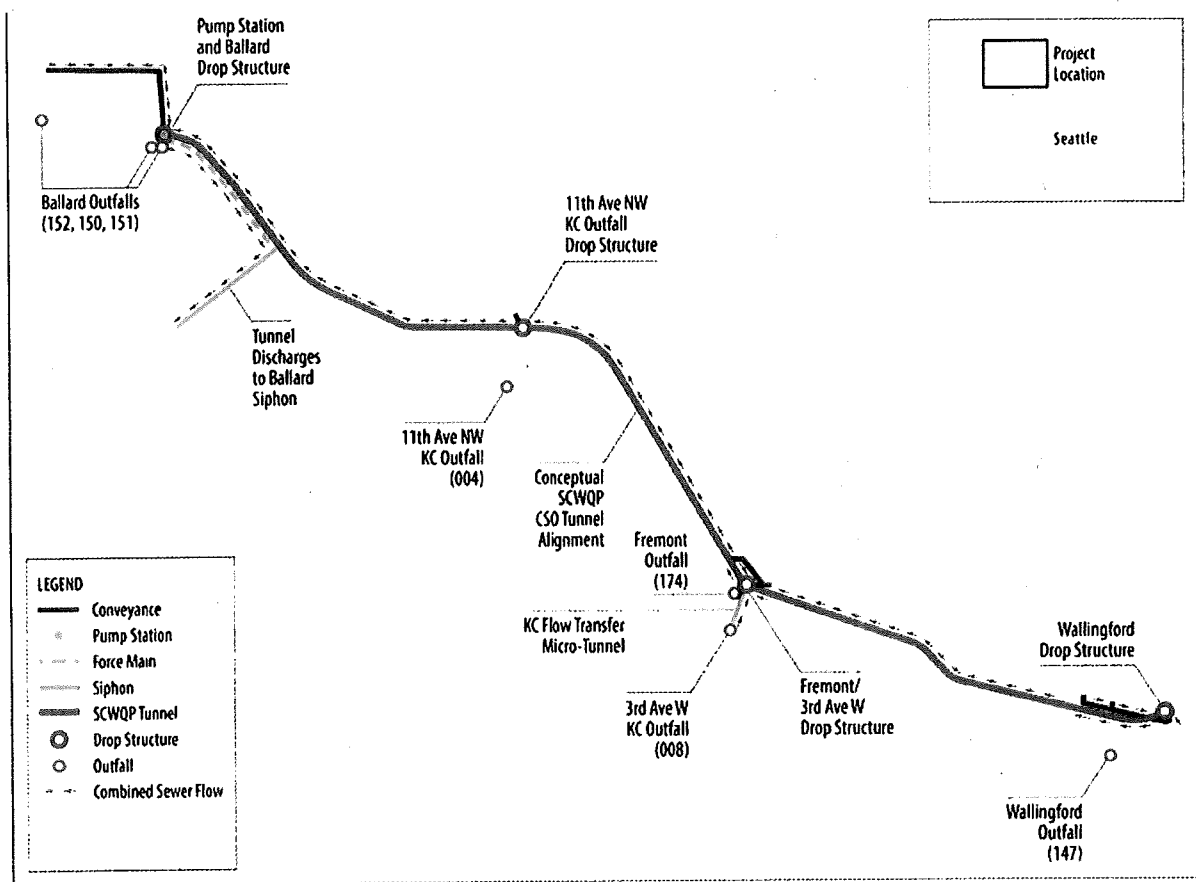
Thank you,



Pree Carpenter
Senior Real Property Agent
Seattle Public Utilities
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Seattle, WA 98124-4018
206-386-9754
pree.carpenter@seattle.gov

Enclosure: Map

Proposed Project Alignment





City of Seattle
Seattle Public Utilities

August 29, 2016

Phil Suetens
Manager
Frelard Properties, LLC
PO Box 31516
Seattle WA 98103

VIA CERTIFIED MAIL

RE: City of Seattle Ship Canal Water Quality Project

Notice of Seattle City Council Civil Rights, Utilities, Economic Development & Arts
Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property
for Public Purposes through Negotiation and the Exercise of Eminent Domain
(Condemnation)

Tax Parcel No. 198220-2080
Address: 4415 Leary Way NW, Seattle, WA 98107

Dear Mr. Suetens:

The purpose of this notice is to inform you that the Seattle City Council is expected to vote on an ordinance that, if approved, will authorize Seattle Public Utilities (SPU) to acquire property rights needed for the construction of an underground storage tunnel project. You have been identified as a property owner from whom property rights may be needed, including but not limited to an easement under a portion of your property for the Ship Canal Water Quality Project (Project). A map indicating the proposed Project alignment is enclosed for your information. The final City Council action on this ordinance and Council approval will authorize SPU to acquire temporary or permanent rights, in fee or easement form through negotiations with property owners and the possible use of eminent domain (condemnation), if necessary. Property owners will be paid just compensation for SPU's acquisition of any property rights and interests.

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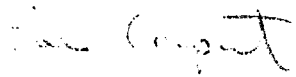
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Thank you,

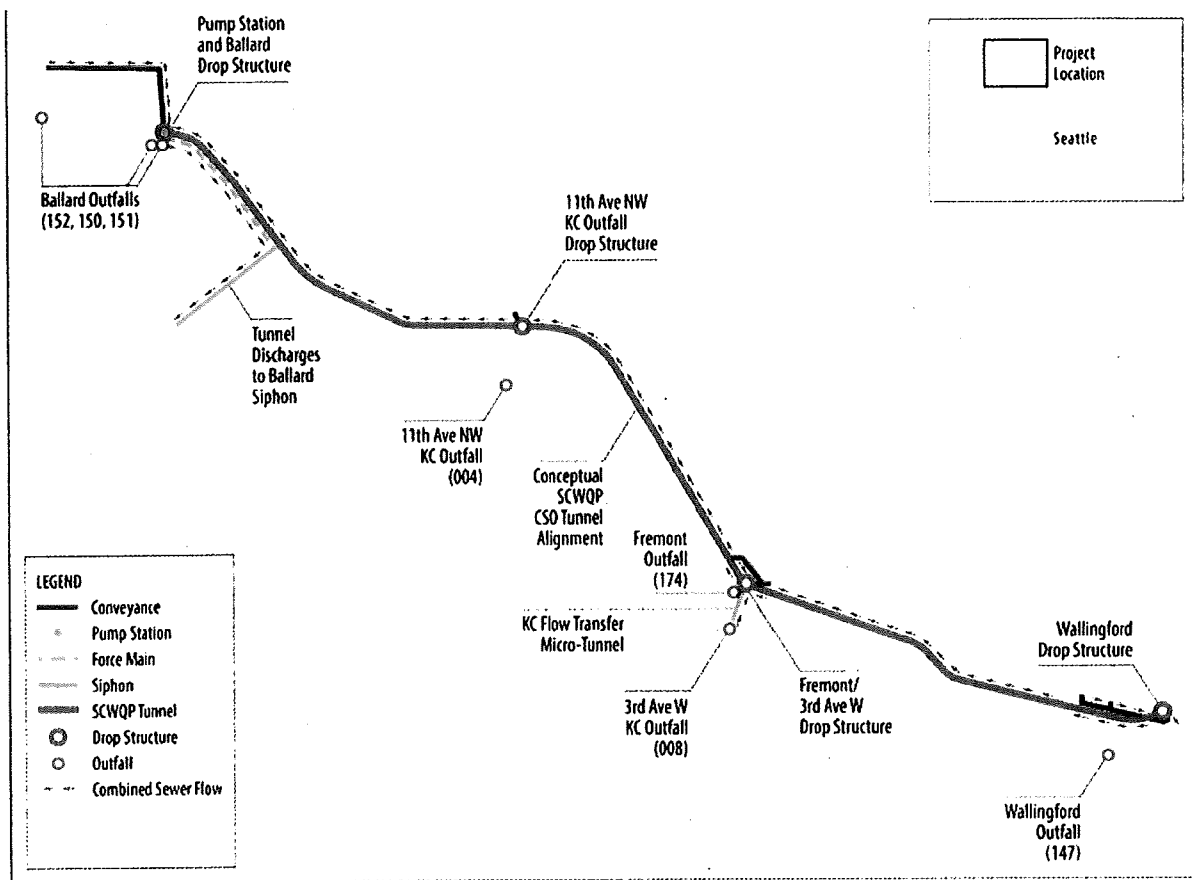


Pree Carpenter
Senior Real Property Agent
Seattle Public Utilities
PO Box 34018
Seattle, WA 98124-4018
206-386-9754
pree.carpenter@seattle.gov

Enclosure: Map

cc: Mr. Suetens via email phil@filcoenviro.com

Proposed Project Alignment





City of Seattle
Seattle Public Utilities

August 29, 2016

Phil Suetens
Manager
Missing Link Real Estate, LLC
PO Box 31516
Seattle WA 98103

VIA CERTIFIED MAIL

RE: City of Seattle Ship Canal Water Quality Project

Notice of Seattle City Council Civil Rights, Utilities, Economic Development & Arts
Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property
for Public Purposes through Negotiation and the Exercise of Eminent Domain
(Condemnation)

Tax Parcel No. 198220-2075
Address: 837 NW 45th St, Seattle, WA 98107

Dear Mr. Suetens:

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The City of Seattle (City) is required by RCW 8.25.290 to provide you with formal written notice before the City takes final action authorizing the condemnation of property. The City ordinance

Melina Thung, Interim Director
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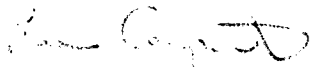
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Thank you,

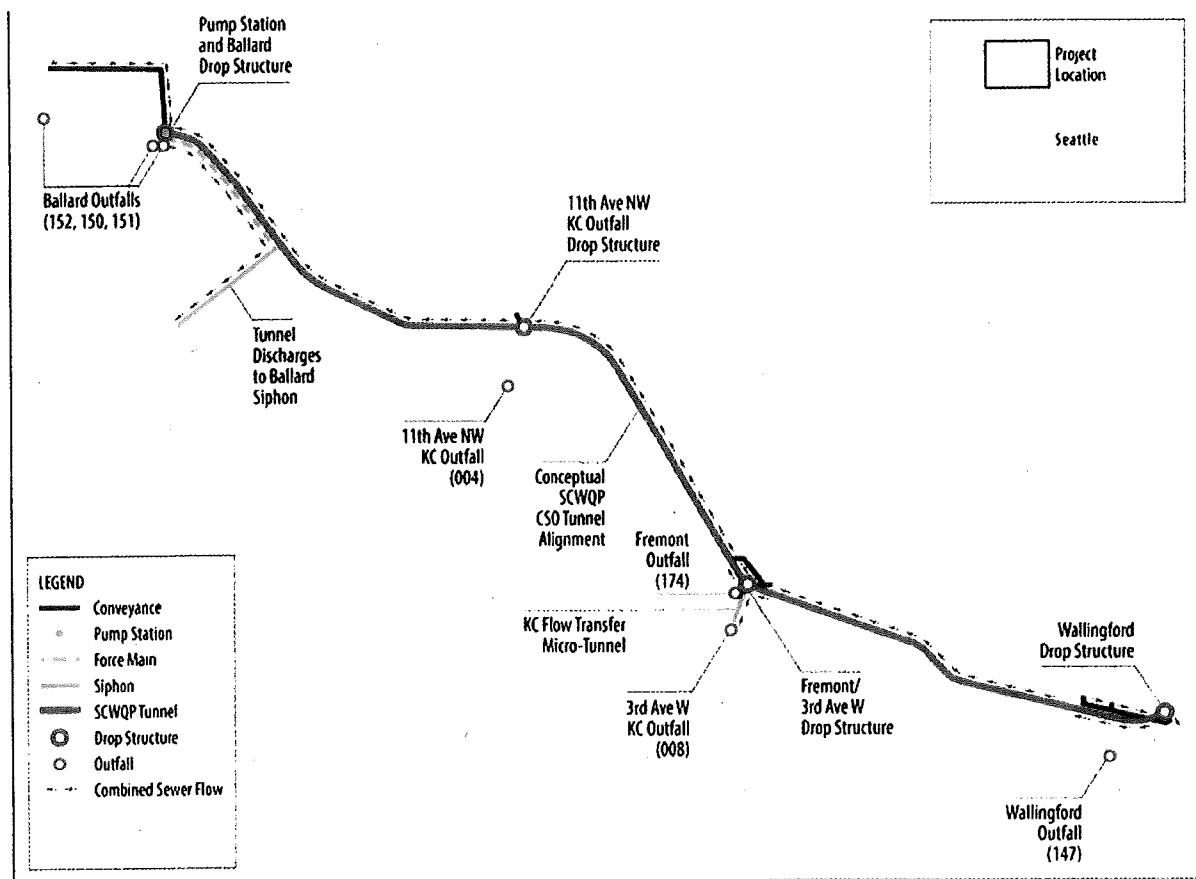


Pree Carpenter
Senior Real Property Agent
Seattle Public Utilities
PO Box 34018
Seattle, WA 98124-4018
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pree.carpenter@seattle.gov

Enclosure: Map

cc: Mr. Suetens via email phil@filcoenviro.com

Proposed Project Alignment



Attachment B

Attachment 2 – Affected Properties

Project Parcel No.	King County Tax ID. No.	Property Address	Property Owner	Tax Payer's Address of Record (Name included only if different than Property owner.)
2	0467000418	5423 Shilshole Ave NW, Seattle, WA 98107	C. D. Stimson Company	1411 4th Ave Suite 730, Seattle, WA 98101
3	1982202070	915 NW 45th St, Seattle, WA 98107	Fred Meyer Stores, Inc, a Delaware Corp	Fred Meyer Stores Inc., c/o Nickel & Company, 1014 Vine St 7th Floor, Cincinnati, OH 45202
4	1972204281	215 NW 36th St, Seattle, WA 98107	King County - Wastewater	201 S Jackson St #512, Seattle, WA 98104
9	2768303520	4501 9th Ave NW, Seattle, WA 98107	United States Postal Service	USPS Seattle Post Office, Attn: Postmaster, PO Box 3998, Seattle, WA 98124
11	1982202075	837 NW 45th St, Seattle, WA 98107	Missing Link Real Estate, LLC	PO Box 31516, Seattle, WA 98103
12	1982202080	4415 Leary Way NW, Seattle, WA 98107	Frelard Properties LLC	Olson Fuel Co, 4415 Leary Way NW, Seattle, WA 98107
18	1972200015	3623 Leary Way NW, Seattle, WA 98107	Leary Triangle LLC	611 NW 41st St, Seattle, WA 98107
20	1825049130	1320 N 35th St, Seattle, WA 98103	1320 N 35th St LLC	PO Box 398, Poulsbo, WA 98370
21	2264501095	1320 N 35th St, Seattle, WA 98103	1320 N 35th St LLC	PO Box 398, Poulsbo, WA 98370

STATE OF WASHINGTON -- KING COUNTY

--SS.

341169

No.

SPU:ACCOUNTS PAYABLE

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.

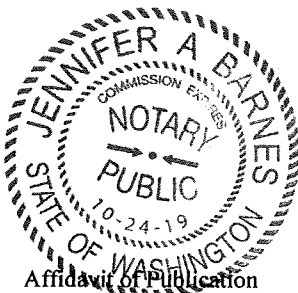
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

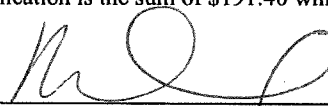
CT:SHIP CANAL HEARING

was published on

09/09/16 09/13/16

The amount of the fee charged for the foregoing publication is the sum of \$191.40 which amount has been paid in full.




Subscribed and sworn to before me on
09/13/2016 
Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

SEATTLE PUBLIC UTILITIES DEPARTMENT

Notice of Public Meeting and Planned Final Action by the Seattle City Council regarding the Ship Canal Water Quality Project proposed legislation authorizing property acquisition by negotiation and/or eminent domain (condemnation).

Attention all parties holding an interest in, or any portion thereof, the following King County Tax Parcel Numbers located in Seattle, Washington: 046700-0418, 182504-9130, 197220-0015, 197220-4281, 198220-2070, 198220-2075, 198220-2080, 226450-1095, and 276830-3520.

The City of Seattle will hold a public meeting to consider proposed Seattle City Council legislation authorizing property rights acquisition for the planned Ship Canal Water Quality Project combined sewage storage tunnel located between 24th Avenue NW and Shilshole Avenue NW to Interlake Avenue North and North 35th Street, through negotiation and/or the exercise of eminent domain (condemnation). The City will introduce the proposed ordinance at the Civil Rights, Utilities, Economic Development & Arts Committee meeting for discussion and possible vote at 9:30 am, Friday, September 23, 2016. The Committee meets in the City Council Chambers, City Hall, which is located at 600 4th Avenue, 2nd Floor, Seattle, WA. Public comment will also be taken at this time.

If the Civil Rights, Utilities, Economic Development & Arts Committee approves the proposed ordinance, it will be scheduled for full City Council action on Monday, September 26, 2016, at 2:00 pm at the City Council's Chambers, located at 600 4th Avenue, 2nd Floor, Seattle, WA. At this meeting, the City Council is expected to consider and take final action on the proposed ordinance, which, if approved, will authorize acquisition by negotiation and/or condemnation of all or a portion of the properties identified above for the project. The City is required by RCW 8.25.290 to provide this notice before the City takes final action authorizing condemnation of property.

Any questions about the project, proposed ordinance, or City Council meeting, may be directed to Pree Carpenter, Seattle Public Utilities Senior Real Property Agent, at (206) 386-9754, or visit the City Council's website at: <http://www.seattle.gov/council>.

General information about the Ship Canal Water Quality Project can be found at www.seattle.gov/util/shipcanalproject.

Dates of publication in the Seattle Daily Journal of Commerce, September 9 and 13, 2016.

9/13(341169)

The Seattle Times

Seattle Public Utilities
Josh Campbell
700 5th Ave
Seattle Municipal Tower Ste 4900
Seattle, WA 98124-4018

Re: Advertiser Account # 146957

Agency Account #: 0

Ad #: 671243

Agency Name:

Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)

Seattle Times	09/08/16
Seattle Times	09/12/16



Agent Gerald Patriarca Signature Gerald L. Patriarca

Subscribed and sworn to before me on SEP 20 2016
DATE

(Notary Signature) Patricia Martinez Notary Public in and for the State of Washington, residing at Seattle

Patricia Martinez

The Seattle Times

Re: Advertiser Account # 146957

Ad #: 671243

Agency Account #: 0

Agency Name:

AD TEXT

**CITY OF SEATTLE
PUBLIC UTILITIES DEPARTMENT**
Notice of Public Meeting and Planned Final Action by the Seattle City Council regarding the Ship Canal Water Quality Project, proposed legislation authorizing property acquisition by negotiation and/or eminent domain (condemnation).

Attention all parties holding an interest in, or any portion thereof, the following King County Tax Parcel Numbers located in Seattle, Washington: 046700-0418, 182504-9130, 197220-0015, 197220-4261, 198220-2070, 198220-2075, 198220-2080, 226450-1095, and 276830-3520.

The City of Seattle will hold a public meeting to consider proposed Seattle City Council legislation authorizing property rights acquisition for the planned Ship Canal Water Quality Project combined sewage storage tunnel located between 24th Avenue NW and Shilshole Avenue NW to Interlake Avenue North and North 35th Street, through negotiation and/or the exercise of eminent domain (condemnation). The City will introduce the proposed ordinance at the Civil Rights, Utilities, Economic Development & Arts Committee meeting for discussion and possible vote at 9:30 am, Friday, September 23, 2016. The Committee meets in the City Council Chambers, City Hall, which is located at 600 4th Avenue, 2nd Floor, Seattle, WA. Public comment will also be taken at this time.

If the Civil Rights, Utilities, Economic Development & Arts Committee approves the proposed ordinance, it will be scheduled for full City Council action on Monday, September 26, 2016, at 2:00 pm at the City Council's Chambers, located at 600 4th Avenue, 2nd Floor, Seattle, WA. At this meeting, the City Council is expected to consider and take final action on the proposed ordinance, which, if approved, will authorize acquisition by negotiation and/or condemnation of all or a portion of the properties identified above for the project. The City is required by RCW 8.25.290 to provide this notice before the City takes final action authorizing condemnation of property.

Any questions about the project, proposed ordinance, or City Council meeting, may be directed to Pree Carpenter, Seattle Public Utilities Senior Real Property Agent, at (206) 386-9754, or visit the City Council's website at: <http://www.seattle.gov/council>.

General information about the Ship Canal Water Quality Project can be found at www.seattle.gov/util/shipcanalproject.

STATE OF WASHINGTON -- KING COUNTY

--SS.

342910

No. TITLE ONLY

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.

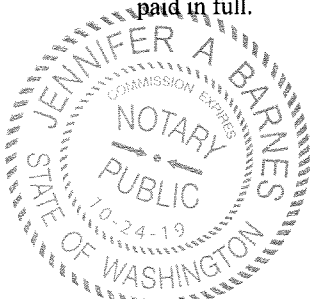
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125151-125168,125170

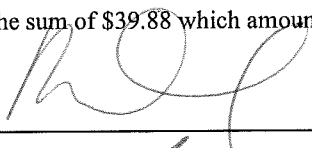
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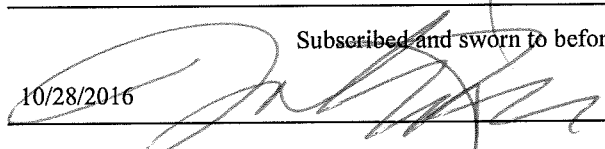
10/28/16

The amount of the fee charged for the foregoing publication is the sum of \$39.88 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on


10/28/2016

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 October 3, 2016, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125151

AN ORDINANCE establishing a new Ballard Parking and Business Improvement Area; levying special assessments upon owners of business property, multi-family residential property, and mixed-use property within the area; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board; and providing for an implementation agreement with a Program Manager.

Ordinance 125152

AN ORDINANCE relating to the West Seattle Junction Parking and Business Improvement Area; modifying the assessment rates; and amending Ordinance 113326, as previously amended by Ordinances 119639, 120570, and 121758, in accordance therewith.

Ordinance 125153

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to acquire, accept, and record on behalf of the City of Seattle both temporary and permanent property rights from abutting property owners located along the alignment of the planned combined sewage storage tunnel between 24th Avenue NW and Shilshole Avenue NW and Interlake Avenue North and North 35th Street that are necessary or convenient to construct, operate and maintain the Ship Canal Water Quality Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of the Seattle Public Utilities and designating the property rights acquired for utility and general municipal purposes; authorizing payment of all other costs associated with acquisition; and ratifying and confirming certain prior acts.

Ordinance 125154

AN ORDINANCE relating to historic preservation; imposing controls upon the Mount Baker Park Presbyterian Church, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 26.32 of the Seattle Municipal Code.

Ordinance 125155

AN ORDINANCE related to appropriations for the Office of Arts & Culture; amending Ordinance 124927, which adopted the 2016 Budget; and lifting a proviso imposed on the Office of Arts & Culture's Capital Arts Budget Control Level by Seattle City Council Green Sheet 47-1-B-1.

Ordinance 125156

AN ORDINANCE relating to the Seattle Fuel Gas Code; amending Section 22.420.010 of the Seattle Municipal Code and adopting by reference Chapters 2 through 8 of the 2015 International Fuel Gas Code, and amending those chapters; adopting a new Chapter 1 for the Seattle Fuel Gas Code related to administration, permitting, and enforcement; and repealing Sections 2-8 of Ordinance 124276.

Ordinance 125157

AN ORDINANCE relating to the Seattle Plumbing Code; amending Section 22.502.016 of the Seattle Municipal Code and adopting by reference Chapter 51-56 of the Washington Administrative Code with amendments, except Sections 51-56-008 and 51-56-0100; adopting a new Chapter 1 related

to administration, permitting, and enforcement; and repealing Ordinance 124615 and Sections 3-12 of Ordinance 124274.

Ordinance 125158

AN ORDINANCE relating to the Seattle Existing Building Code; amending Section 22.110.010 of the Seattle Municipal Code; adopting by reference Chapters 2 through 5, 7 through 11, 14 through 16, A1, A3, A4, and A6 of the 2015 International Existing Building Code; amending certain of those chapters, and adopting a new Chapter 1 related to administration, permitting, and enforcement; and repealing Sections 2-17 of Ordinance 124283.

Ordinance 125159

AN ORDINANCE relating to the Seattle Energy Code; amending Section 22.700.010 of the Seattle Municipal Code; adopting by reference Chapters 51-11C and 51-11R of the Washington Administrative Code, and amending certain sections of those chapters; and repealing Ordinance 124614 and Sections 2-9 of Ordinance 124284.

Ordinance 125160

AN ORDINANCE relating to the Seattle Residential Code; amending Section 22.150.010 of the Seattle Municipal Code; and adopting by reference Chapters 2 through 10, 12 through 24, Section P2904, Chapter 44, and Appendices F and U of the 2015 International Residential Code (IRC), and amending certain of those chapters; adding a new Chapter 1 to the IRC related to administration, permitting, and enforcement; and repealing Sections 2 through 20 of Ordinance 124282.

Ordinance 125161

AN ORDINANCE relating to the Seattle Building Code; amending Section 22.100.010 of the Seattle Municipal Code; adopting by reference Chapters 2 through 29, Chapters 31 through 35, and Chapter 36 of the 2015 International Building Code, and amending certain of those chapters; adopting a new Chapter 1 related to administration, permitting, and enforcement; adopting a new Chapter 30 related to elevators and conveying systems; and repealing Sections 2 through 27 of Ordinance 124273.

Ordinance 125162

AN ORDINANCE relating to the Seattle Mechanical Code; amending Section 22.400.010 of the Seattle Municipal Code and adopting by reference Chapters 2 through 9 and Chapters 11 through 16 of the 2015 International Mechanical Code with amendments; and adopting a new Chapter 1 related to administration, permitting, and enforcement; and repealing Sections 2 through 14 of Ordinance 124276.

Ordinance 125163

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.58D to the Seattle Municipal Code (SMC); amending SMC Sections 23.40.060, 23.41.004, 23.41.012, 23.42.056, 23.46.510, 23.46.516, 23.48.021, 23.48.221, 23.48.280, 23.49.011, 23.49.023, 23.49.180, 23.50.033, 23.66.140, 23.84.014, 23.88.010, and 23.90.018; and repealing SMC Sections 23.45.528 and 23.49.020; to revise the Living Building Pilot Program and reorganize, consolidate, and update standards when meeting the green building standard is a condition of a permit.

Ordinance 125164

AN ORDINANCE relating to City employment; creating a compensation program for the position of Seattle Public Utilities General Manager/Chief Executive Officer; specifying provisions for the administration of said compensation program; and ratifying and confirming certain prior acts.

Ordinance 125165

AN ORDINANCE relating to the City of Seattle's solid waste system; removing the sunset date for a five cent pass-through charge for certain recyclable paper bags; requiring certain compostable bags to be labeled and tinted green; adding a defini-

tion for compostable; and amending Section 21.36.100 of the Seattle Municipal Code.

Ordinance 125166

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer facility easements within property bound by 25th Avenue NE, NE 49th Street, 30th Avenue NE, and NE 45th Street in Seattle as being surplus to the City's utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and to accept a new easement from University Village Limited Partnership for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

Ordinance 125167

AN ORDINANCE relating to City employment, commonly referred to as the Third Quarter 2016 Employment Ordinance; designating positions as exempt from Civil Service status; returning a position to Civil Service status; and ratifying and confirming certain prior acts; all by a 2/3 vote of the City Council.

Ordinance 125168

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of Finance and Administrative Services, on behalf of the City, to negotiate and execute real property lease agreements and amendments to existing lease agreements with the U.S. General Services Administration, for warehouse space in the Federal Center South Complex located at 4735 East Marginal Way South; and ratifying and confirming certain prior acts.

Ordinance 125170

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

Date of publication in the Seattle Daily Journal of Commerce, October 28, 2016.

10/28(342910)