SEATTLE CITY COUNCIL

Legislative Summary

CB 119052

Record No.: CB 119052 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 **Ord. no:** Ord 125390 **In Control:** City Clerk

File Created: 07/11/2017

Final Action: 08/18/2017

Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities to acquire, accept, and record on behalf of The City of Seattle both temporary and permanent property rights from owners of property located along the alignment of the planned combined sewage conveyance and storage tunnel between 24th Avenue NW and Shilshole Avenue NW in Ballard and Interlake Avenue North and North 35th Street in Wallingford and property abutting the 24th Avenue NW pier in Ballard, that are necessary or convenient to construct, operate, and maintain the Ship Canal Water Quality Project and 3rd Avenue West Water Main Replacement Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of 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 – List of Affected Properties, Att 2 - Maps of Affected Properties

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	08/01/2017	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	08/01/2017	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	08/02/2017	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	08/07/2017	referred	Civil Rights, Utilities, Economic Development, and Arts Committee	
1	Civil Rights, Utilities, Economic Development, and Arts Committee	08/08/2017	pass		Pass

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

Notes:

In Favor: 3 Chair Herbold, Vice Chair Sawant, Member O'Brien

Opposed: 0

1	Full Council	08/14/2017	passed		Pass

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

Notes:

In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien

Opposed: 0

1	City Clerk	08/16/2017	submitted for Mayor's signature	Mayor
1	Mayor	08/18/2017	Signed	
1	Mayor	08/18/2017	returned	City Clerk
1	City Clerk	08/18/2017	attested by City Clerk	

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

Notes:

CITY OF SEATTLE

ORDINANCE 125390

COUNCIL BILL 119052

AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities to acquire, accept, and record on behalf of The City of Seattle both temporary and permanent property rights from owners of property located along the alignment of the planned combined sewage conveyance and storage tunnel between 24th Avenue NW and Shilshole Avenue NW in Ballard and Interlake Avenue North and North 35th Street in Wallingford and property abutting the 24th Avenue NW pier in Ballard, that are necessary or convenient to construct, operate, and maintain the Ship Canal Water Quality Project and 3rd Avenue West Water Main Replacement Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of 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 partially fulfill the objectives of the City's and County's NPDES permits and Consent Decrees; and

WHEREAS, in 2015 the City Council pursuant to Ordinance 124966 authorized Seattle Public Utilities to enter into a Joint Project Agreement with King County to design, construct, operate, and maintain the Ship Canal Water Quality Project to reduce combined sewer overflows; and

WHEREAS, while the tunnel and its ancillary structures will be built primarily within street right-of-way, temporary and permanent property rights will be necessary to construct, maintain, and operate portions of the Ship Canal Water Quality Project; and

WHEREAS, Seattle Public Utilities' 3rd Avenue West Water Main Replacement Project will share the use of a temporary construction easement with the Ship Canal Water Quality Project; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Public convenience and necessity require that real property interests described in Sections 2, 3, and 4 of this ordinance, as described and shown on Attachments 1 and 2 attached hereto and incorporated by reference into this ordinance, and such other property as may be necessary or convenient for purposes of the Ship Canal Water Quality Project and the 3rd Avenue West Water Main Replacement Project ("Projects"), located in the City of Seattle, County of King; together with all rights and privileges and other property interests pertaining to the real property interests, be acquired for utility and general municipal purposes through negotiations and use of eminent domain (condemnation), if necessary, in connection with the Projects.

Section 2. The General Manager/CEO of Seattle Public Utilities is authorized to acquire by negotiation or use of eminent domain (condemnation), for and on behalf of The City of Seattle, a multi-year temporary construction easement or property use agreement over the property legally described as:

Lots 3, 4, 5, 6, 7, 11 and 12, Block 1, Denny and Hoyt's Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 136, in King County Washington;

Except portion thereof heretofore condemned in King County Superior Court Cause No. 69865 for Leary Way as provided by Ordinance No. 21303 of the City of Seattle.

Situate in the County of King, State of Washington.

(Tax Parcel Number: 197220-0015-01)

The acquisition costs, including purchase price and transaction costs, together with relocation benefits to the extent required by law, shall be paid from the funds appropriated, or to be appropriated, for such purposes in connection with the Ship Canal Water Quality Project and the 3rd Avenue West Water Main Replacement Project.

Section 3. The General Manager/CEO of Seattle Public Utilities is authorized to acquire by negotiation or use of eminent domain (condemnation), for and on behalf of The City of Seattle, a multi-year temporary construction easement or agreement for the use of C. D. Stimson Company's "O" Dock marina adjacent to and extending past the 24th Avenue NW pier in Salmon Bay, on property legally described as:

Parcel Z, City of Seattle Short Subdivision No. 3008464, Recording No. 20090716900015, King County; and

That portion of Ballard Tide Lands and unplatted tidelands of First Class owned by State of Washington situate in front of and abutting Parcel Z, City of Seattle Short Subdivision No. 3008464, Recording No. 20090716900015, King County

(Portion of Tax Parcel Numbers 046700-0426-02, 046700-0422-06 and 112503-HYDR)

The acquisition costs, including purchase price and transaction costs, together with relocation benefits to the extent required by law, shall be paid from the funds appropriated, or to be appropriated, for such purposes in connection with the Ship Canal Water Quality Project.

Section 4. The General Manager/CEO of Seattle Public Utilities is authorized to acquire by negotiation or use of eminent domain (condemnation), for and on behalf of The City of Seattle, permanent and temporary easements over the property legally described as:

Lots 32, 33 and 34, Block 70, Gilman Park, according to the plat thereof, recorded in Volume 3 of Plats, Pages 40 and 41, in King County, Washington.

Except that portion of said Lot 32, lying southeasterly of a line parallel to and 25 feet distant southeasterly from a line between Lots 32 and 33, said Block 70, heretofore condemned in King County Superior Court Cause No. 49157 for street purposes as provided under Ordinance No. 955 of the City of Ballard.

(Tax Parcel Numbers: 276770-2460-03, 276770-2470-01, 276770-2471-00)

The acquisition costs, including purchase price and transaction costs, together with relocation benefits to the extent required by law, shall be paid from the funds appropriated, or to be appropriated, for such purposes in connection with the Ship Canal Water Quality Project.

Section 5. The General Manager/CEO of Seattle Public Utilities is authorized to: determine the portions and interests of the properties described in Sections 2, 3, and 4 of this ordinance that are necessary or convenient for the Projects, and any other property interests that may be necessary or convenient for the Projects; negotiate and enter into written agreements for and acquire, after paying just compensation, the real property interests that are necessary or convenient for the Projects, including temporary or permanent rights, in easement form; and accept and record easements and other written instruments on behalf of the City by attaching to the instrument the General Manager/CEO's written acceptance and recording the easement or other written instrument.

Section 6. The City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate easements or other property interests determined by the General Manager/CEO of Seattle Public Utilities or the General Manager/CEO's designee to be necessary or convenient to the Projects; provided the lands, rights, privileges, and other property are to be appropriated and taken only after just compensation has been made or paid into court for the owners in the manner provided by law; and to stipulate for the purpose of minimizing damages.

Section 7. The real property interests referenced above include, but are not limited to, easements and temporary construction easements that when recorded shall be placed under the jurisdiction of Seattle Public Utilities and designated for utility and general municipal purposes.

Section 8. Any act taken after passage but prior to the effective date of this ordinance and consistent with its authority is hereby ratified and confirmed.

Section 9. 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 14th day of August, 2017, and signed by me in open session in authentication of its passage this 14th day of August, 2017.

President _____ of the City Council

Approved by me this 18th day of August, 2017.

Edward B. Murray, Mayor

Filed by me this 18th day of August, 2017.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment 1 – List of Affected Properties
Attachment 2 – Maps of Affected Properties

STATE OF WASHINGTON -- KING COUNTY

--ss.

353231 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.

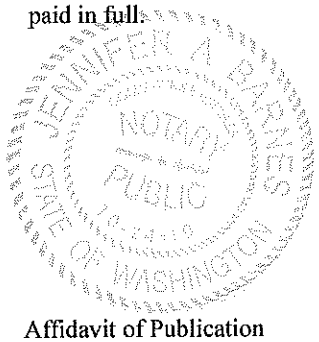
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125388-393 TITLE ONLY

was published on

08/25/17

The amount of the fee charged for the foregoing publication is the sum of $144.45 which amount has been paid in full.



Subscribed and sworn to before me on

08/25/2017

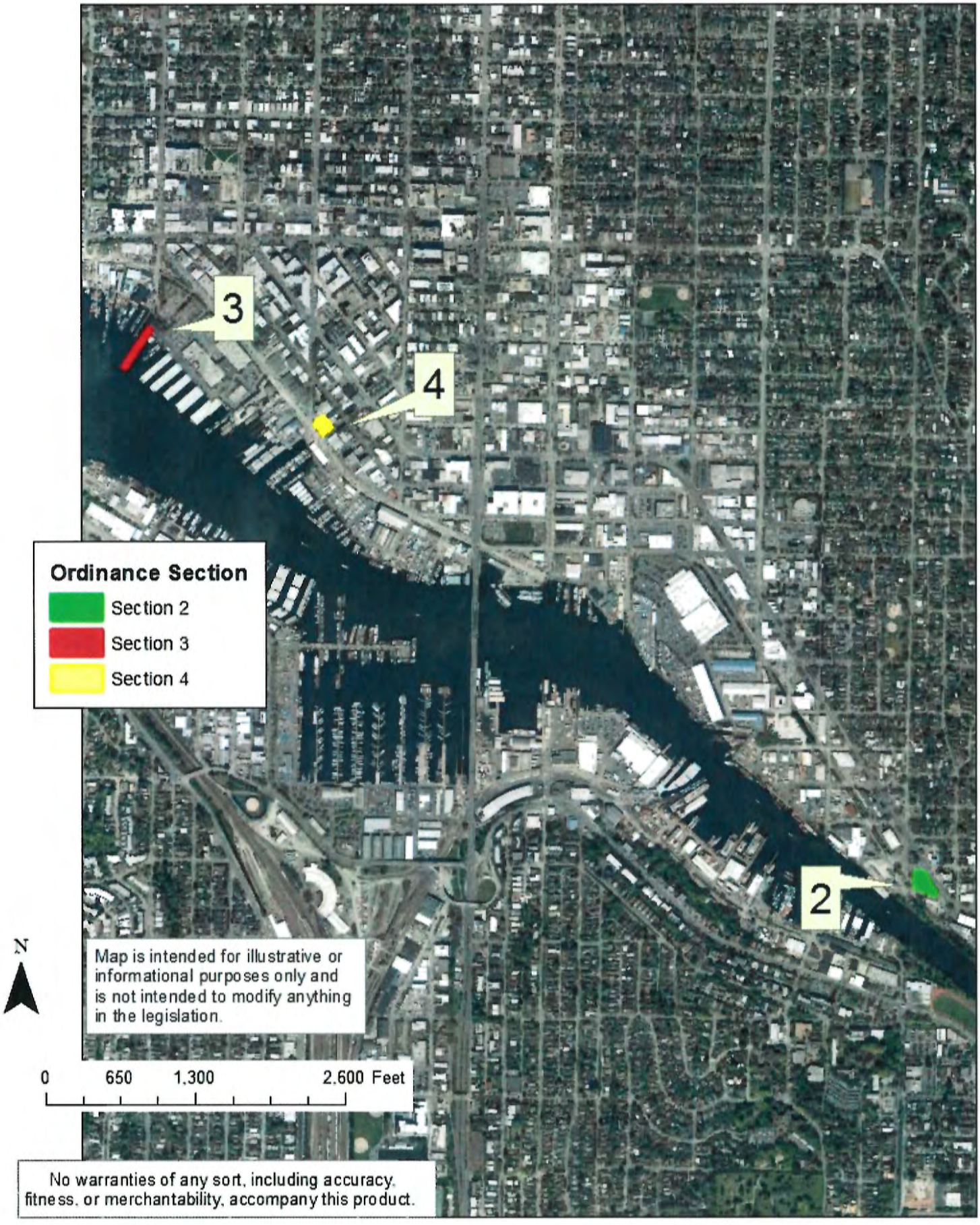
Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

Attachment 1 –List of Affected Properties

Ordinance Section 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	1972200015	3623 Leary Way NW, Seattle, WA 98107	Leary Triangle LLC	611 NW 41st St, Seattle, WA 98107
3	0467000426	5265 Shilshole Ave NW, Seattle, WA 98107	C. D. Stimson Company	1411 4th Ave, Suite 730, Seattle, WA 98101
3	0467000422	5265 Shilshole Ave NW, Seattle, WA 98107	Washington State Department of Natural Resources	C. D. Stimson Company 1411 4th Ave, Suite 730, Seattle, WA 98101
3	112503HYDR	none	Washington State Department of Natural Resources	PO Box 47027 Olympia, WA 98504-47026
4	2767702460	5100 Shilshole Ave NW, Seattle, WA 98107	King County	King County - Waste Water 201 S Jackson St #505, Seattle, WA 98104
4	2767702470	5106 Shilshole Ave NW, Seattle, WA 98107	King County	King County - Waste Water 201 S Jackson St #505, Seattle, WA 98104
4	2767702471	5110 Shilshole Ave NW, Seattle, WA 98107	King County	King County - Waste Water 201 S Jackson St #505, Seattle, WA 98104

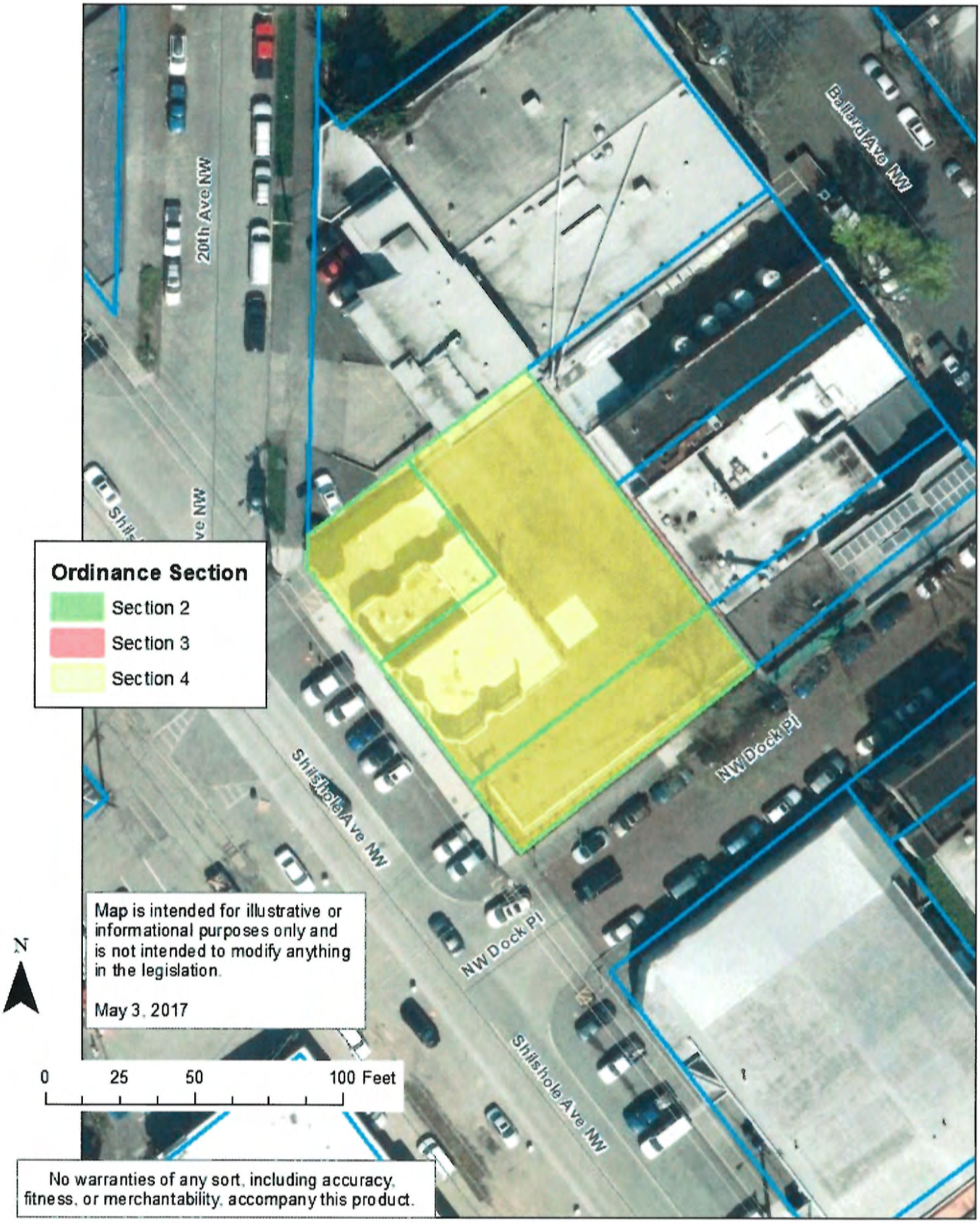
Affected Properties



Leary Triangle LLC

C. D. Stimson's "O" Dock Marina

King County's Property



State of Washington, King County

City of Seattle

The full text of the following legislation, approved by the City Council on August 14, 2017, 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 125388

Council Bill 119053

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

Ordinance 125389

Council Bill 119036

AN ORDINANCE authorizing the CEO/General Manager of Seattle Public Utilities to execute a contract with Cedar Grove Composting, Inc., for organic waste processing services; and ratifying and confirming certain prior acts.

Ordinance 125390

Council Bill 119052

AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities to acquire, accept, and record on behalf of The City of Seattle both temporary and permanent property rights from owners of property located along the alignment of the planned combined sewage conveyance and storage tunnel between 24th Avenue NW and Shilshole Avenue NW in Ballard and Interlake Avenue North and North 35th Street in Wallingford and property abutting the 24th Avenue NW pier in Ballard, that are necessary or convenient to construct, operate, and maintain the Ship Canal Water Quality Project and 3rd Avenue West Water Main Replacement Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of 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 125391

Council Bill 118996 PASSED

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the execution of a lease agreement with Marina Management, L.L.C. for moorage improvements, maintenance, and operation of the City of Seattle's public Leschi and Lakewood moorage facilities on Lake Washington; and amending Ordinance 124927, which adopted the 2016 budget, to lift a budget proviso imposed on the Department of Parks and Recreation's Capital Improvement Program budget in 2016 for the moorage facilities.

Ordinance 125392

Council Bill 119048 PASSED

AN ORDINANCE relating to Seattle's technical codes; amending the 2015 Seattle Fire Code to clarify regulations, adopt amendments consistent with Washington State regulations, and make technical corrections; amending Section 22.600.020 of the Seattle Municipal Code; and requesting that the Seattle Fire Department submit code updates to the Office of the City Clerk.

Ordinance 125393

Council Bill 119015

AN ORDINANCE relating to housing regulations; adding a new Chapter 14.09 (Fair Chance Housing) to the Seattle Municipal Code to regulate the use of criminal history in rental housing; authorizing the Seattle Office for Civil Rights to enforce the regulations set out in this new chapter; and amending Section 3.14.931 of the Seattle Municipal Code to expand the Seattle Human Rights Commission's duties.

Date of publication in the Seattle Daily Journal of Commerce, August 25, 2017.

8/25(353231)