



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 29, 2007

Ordinance 15943

Proposed No. 2007-0428.1

Sponsors Phillips

1 AN ORDINANCE authorizing the condemnation of a
2 subsurface easement from the city of Seattle needed for the
3 conveyance tunnel for the Brightwater regional wastewater
4 treatment system.

5
6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings:

8 A. By Ordinance 13680, on November 29, 1999, King County adopted the
9 Regional Wastewater Services Plan ("RWSP"), which set forth treatment plant policies
10 intended to guide the county in providing wastewater treatment at its existing plants, and
11 in expanding wastewater treatment capacity through the year 2030. The RWSP calls for
12 construction of a new wastewater treatment plant in north King County or south
13 Snohomish county by 2010.

14 B. On December 10, 2001, by Ordinance 14278, the King County council
15 authorized the preparation of an Environmental Impact Statement ("EIS") on the siting
16 and construction of the north treatment facility project, now known as the Brightwater
17 regional wastewater treatment system. King County issued the final EIS on the

18 Brightwater regional wastewater treatment system in November 2003. In December
19 2003, the King County executive selected the Route 9 – 195th Street system alternative,
20 including a new regional wastewater treatment plant, conveyance facilities, with five
21 primary portals, and an outfall to Puget Sound as the final Brightwater alternative. King
22 County has developed the plans, designs and specifications, obtained all necessary
23 permits and approvals and has awarded construction contracts for construction of the
24 Brightwater regional wastewater treatment system and construction of the Brightwater
25 regional wastewater treatment system is now underway.

26 C. King County has acquired, or has use and possession of, all of the property
27 needed for the Brightwater project, including all subsurface easement areas, except a
28 small subsurface area within the Seattle Public Utilities' Tolt Pipeline right-of-way. This
29 subsurface easement from the city of Seattle is needed for the conveyance tunnel for the
30 Brightwater project. The King County council has approved five condemnation
31 ordinances to enable the county to acquire all of the fee parcels and subsurface easement
32 areas needed for the Brightwater project. However, the subsurface area in the Seattle
33 Public Utilities' Tolt Pipeline right-of-way had not been included in the prior ordinances
34 because county and Seattle Public Utilities ("SPU") staffs were working cooperatively,
35 government to government, and the county did not believe that a condemnation action
36 between the two governments would be needed.

37 D. The property rights and property interests set forth in this ordinance are
38 necessary for and are part of the conveyance tunnel alignment which has been designed,
39 engineered and will soon be under construction. Timely acquisition of the property
40 interests set forth in this ordinance is critical to maintaining the currently designed tunnel

41 alignment and construction schedule for the Brightwater regional wastewater treatment
42 system and will minimize the risk of a costly work stoppage. This parcel is the last parcel
43 in the tunnel alignment stretching from the city of Bothell to the city of Shoreline, which
44 has not been acquired. A map of the conveyance alignment described in this ordinance is
45 enclosed as Exhibit A to Attachment A to this ordinance.

46 E. In August 2006, SPU notified the county that SPU concurred with the grant of
47 the subsurface easement to King County for the Brightwater Project. The Seattle City
48 law department had approved the wording of the easement. Per SPU, it was expected
49 that an ordinance authorizing the conveyance of the easement would be presented to the
50 Seattle City council within six months, and that SPU would recommend passage of that
51 legislation.

52 F. On April 23, 2007, an ordinance, Seattle Council Bill No. 115874, declaring
53 surplus certain subsurface property rights in SPU's Tolt Pipeline right-of-way and
54 authorizing the conveyance of a subsurface easement for such surplus property rights to
55 King County for the Brightwater project was introduced and assigned to the Seattle City
56 council environment, emergency management and utilities committee ("utilities
57 committee").

58 G. On May 8, 2007, the utilities committee put the legislation on hold.
59 Subsequent discussions with the chair of the committee led the executive to conclude that
60 the easement would not be approved until sewer contract negotiations were concluded.
61 King County must proceed with condemnation of this subsurface easement or risk
62 significant construction schedule delays at Brightwater.

63 H. King County is authorized by chapters 8.12 and 36.56 RCW, RCW 35.58.320
64 and 35.58.200, K.C.C. chapter 28.81 and Ordinance 10531 to acquire and condemn real
65 property for public use for sewage treatment and water pollution abatement facilities.

66 I. In order to acquire the property interests and property rights set forth in this
67 ordinance, which are necessary to construct the Brightwater regional wastewater
68 treatment system, including the conveyance facilities, it is necessary for King County to
69 condemn certain lands, property rights and rights in property. The acquisition of such
70 property rights is for a public purpose.

71 J. The King County council finds that public health, safety, necessity,
72 convenience and welfare demand that certain properties and rights in those properties be
73 condemned, appropriated, taken, and damaged for the purpose of construction, operation
74 and maintenance of the Brightwater regional wastewater treatment system, including the
75 conveyance facilities.

76 SECTION 2. The King County council has deemed it necessary, for the proposed
77 public purpose and in the best interest of the ratepayers of the regional wastewater
78 treatment system, that all or any portion of the property described in Attachment A to this
79 ordinance, and other property interests, property rights and rights in property, be
80 condemned, appropriated, taken and damaged in fee and/or in easements for construction,
81 operation and maintenance of the Brightwater wastewater treatment system, including the
82 conveyance facilities, subject to making or paying of just compensation to the owners
83 herein in the manner provided by law.

84 SECTION 3. Condemnation proceedings are hereby authorized to acquire
85 property interests and property rights and rights in property in all or any portion of the

86 property described in Attachment A to this ordinance for the purpose of the Brightwater
87 project.

88 SECTION 4. The attorneys for King County are hereby authorized and directed
89 to begin to prosecute the proceedings provided by law to condemn, take and appropriate
90 the land and other property interests, property rights and rights in property necessary to
91 carry out this ordinance.

92

Ordinance 15943 was introduced on 9/17/2007 and passed by the Metropolitan King
County Council on 10/29/2007, by the following vote:

Yes: 8 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. Dunn, Mr. Ferguson,
Mr. Phillips, Ms. Hague and Mr. Constantine


No: 0

Excused: 1 - Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

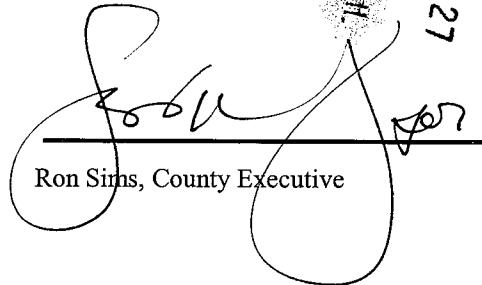

Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 2nd day of November, 2007.


Ron Sims, County Executive

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KING COUNTY COUNCIL

Attachments A. The Property (Brightwater Parcel No. 5-6)

15943

Attachment A

The Property (Brightwater Parcel No. 5-6)

An exclusive permanent subsurface easement through the real property (the "Property") described as follows:

Parcel A:

The South 25 feet of Lot 19, Block 9, First Addition to Lake Forest Park, according to plat recorded in Volume 20 of Plats, page 82, records of King County, Washington.

Parcel B:

The North 25 feet of the East 150 feet of Tract 20, Block 9, First Addition to Lake Forest Park according to plat recorded in Volume 20 of Plats, page 82, records of King County, Washington.

Parcel C:

The North 25 feet of Lot 20, Block 9, First Addition to Lake Forest Park according to plat recorded in Volume 20 of Plats, page 82, records of King County, Washington:
Except the East 150 feet thereof.

Parcel D:

That portion of Lot 24, Block 9, First Addition to Lake Forest Park according to plat recorded in Volume 20 of Plats, page 82, records of King County, Washington, described as follows:

Beginning at the Southeast corner of said Lot 24; thence Northerly along the East line thereof to a point in a line 30 feet Northerly of and parallel with the South line of said lot: thence North 89°37'09" West along said parallel line a distance of 120.07 feet to the True Point of Beginning; thence continuing North 89°37'09" West a distance of 27.43 feet; thence North 0°22'51" East a distance of 1.59 feet; thence South 86°18'38" East a distance of 27.48 feet to the True Point of Beginning.

Parcel E:

That portion of Lot 24, Block 9, First Addition to Lake Forest Park according to plat recorded in Volume 20 of Plats, page 82, records of King County, Washington, described as follows:

Beginning at the Southeast corner of said Lot 24; thence Northerly along the East line thereof to a point in a line 25 feet Northerly of and parallel with the South line of said lot: thence North 89°37'09" West along said parallel line a distance of 33.60 feet; thence North 86°18'38" West a distance of 86.62 feet to a point in a line 30 feet Northerly of and parallel with the South line of said lot; thence North 89°37'09" West along last described parallel line a distance of 27.43 feet; thence South 0°22'51" West a distance of 30.06 feet to a point in the South line of said lot: thence Easterly along said South line a distance of 147.53 feet to the Point of Beginning.

Parcel F:

That portion of Lot 25, Block 9, First Addition to Lake Forest Park according to plat recorded in Volume 20 of Plats, page 82, records of King County, Washington, described as follows:

Beginning at the Northeast corner of said Lot 25; thence North 89°37'09" West along the North line thereof a distance of 147.53 feet; thence South 0°22'51" West a distance of 18.50 feet; thence South 86°18'38" East a distance of 112.69 feet to a point in a line 25 feet Southerly of and parallel with the North line of said Lot 25; thence South 89°37'09" East along said parallel line a distance of 35.03 feet to a point in the East line of said lot; thence North 0°23'42" East along said East line a distance of 25 feet to the Point of Beginning.

Parcel G:

The North 30 feet of Lot 24, Block 8, First Addition to Lake Forest Park according to plat recorded in Volume 20, page 82, records of King County, Washington.

Parcel H:

The South 30 feet of Lot 23, Block 8, First Addition to Lake Forest Park according to plat recorded in Volume 20 of Plats, page 82, records of King County, Washington; Except the West 560 feet thereof.

Parcel I:

The South 30 feet of the West 560 feet of Lot 23, Block 8, First Addition to Lake Forest Park according to plat recorded in Volume 20 of Plats, page 82, records of King County, Washington.

Parcel J:

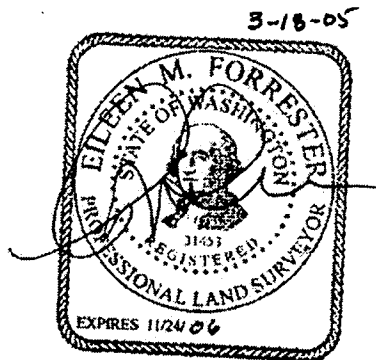
The North 30 feet of the East 482.28 feet of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 3, Township 26 North, Range 4 East, W.M., in King County, Washington.

Permanent Subsurface Easement Area, as depicted on the attached Exhibit A-1

A 22.00 foot wide easement, the centerline of which is described as follows:

Commencing at the Center of Section 3, Township 26 North, Range 4 East, W.M., the north line of the Southwest Quarter of said section bears North 88°00'16" West from said center; thence along the north-south centerline of said section, South 00°22'23" West 1.17 feet to the True Point of Beginning; thence North 88°19'35" West 2649.07 feet to a point on the west line of said quarter section, said point being South 00°08'12" West 16.07 feet from the West Quarter Corner of said section.

The easement area within said Property has the upper boundary elevation of 180 feet, Metro Vertical Datum, which is approximately 240 feet below the present surface elevation of said Property; and the lower boundary of which extends to the legal limits of ownership under the surface of and through the Property. To convert Metro Vertical Datum to NAVD 88 subtract 96.28 feet.



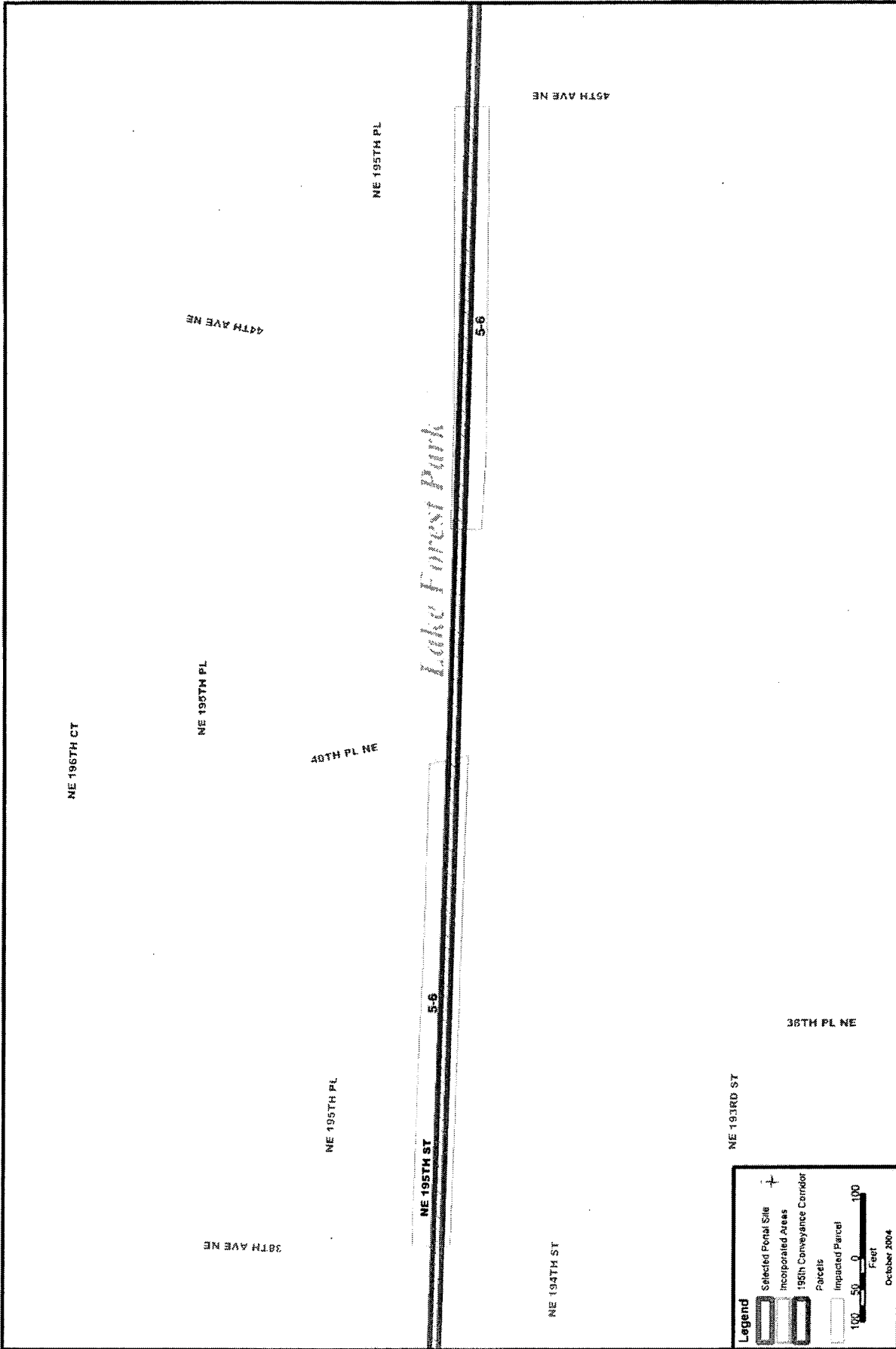


Figure 5-6
Impacted Parcels
BRIGHTWATER REGIONAL
WASTEWATER TREATMENT SYSTEM

The information included on this map has been compiled from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages, including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

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King County
 Department of
 Natural Resources and Parks
Wastewater Treatment
 Division

Legend

- Selected Portal Site
- Incorporated Areas
- 1980th Conveyance Corridor
- Parcels
- Impacted Parcel

0 50 100
 Feet
 October 2004