



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 11, 2008

Ordinance 16012

Proposed No. 2008-0066.2

Sponsors Phillips

1 AN ORDINANCE making a technical correction to the
2 ordinance authorizing the condemnation of a subsurface
3 easement from the city of Seattle needed for the
4 conveyance tunnel for the Brightwater regional wastewater
5 treatment system; and amending Ordinance 15990, Section
6 1, Ordinance 15990, Section 2, and Ordinance 15990,
7 Section 3.

8

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Findings:

11 Ordinance 15990 was adopted in December 2007, but the attachment intended for
12 Ordinance 15990 was inadvertently omitted. This ordinance corrects that error, adding
13 the attachment to Ordinance 15990 by amending the sections in Ordinance 15990 that
14 referred to the attachment. This ordinance does not change the policy adopted under
15 Ordinance 15990.

16 SECTION 2. Ordinance 15990, Section 2, is hereby amended to read as follows:

17 **Findings:**

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

24 B. On December 10, 2001, by Ordinance 14278, the King County council
25 authorized the preparation of an Environmental Impact Statement ("EIS") on the siting
26 and construction of the north treatment facility project, now known as the Brightwater
27 regional wastewater treatment system. King County issued the final EIS on the
28 Brightwater regional wastewater treatment system in November 2003. In December
29 2003, the King County executive selected the Route 9 – 195th Street system alternative,
30 including a new regional wastewater treatment plant, conveyance facilities, with five
31 primary portals, and an outfall to Puget Sound as the final Brightwater alternative. King
32 County has developed the plans, designs and specifications, obtained all necessary
33 permits and approvals and has awarded construction contracts for construction of the
34 Brightwater regional wastewater treatment system and construction of the Brightwater
35 regional wastewater treatment system is now underway. The Brightwater regional
36 wastewater treatment system is an essential public facility, the siting and construction of
37 which are protected under the Growth Management Act.

38 C. King County has acquired, or has use and possession of, all of the property
39 needed for the Brightwater project, including all subsurface easement areas, except a
40 small subsurface area within the Seattle Public Utilities' Tolt Pipeline right-of-way. This

41 subsurface easement from the city of Seattle is needed for the conveyance tunnel for the
42 Brightwater project. The King County council has approved five condemnation
43 ordinances to enable the county to acquire all of the fee parcels and subsurface easement
44 areas needed for the Brightwater project. However, the subsurface area in the Seattle
45 Public Utilities' Tolt Pipeline right-of-way had not been included in the prior ordinances
46 because county and Seattle Public Utilities ("SPU") staffs were working cooperatively,
47 government to government, and the county did not believe that a condemnation action
48 between the two governments would be needed.

49 D. On October 29, 2007 by Ordinance 15943 the King County council took
50 action authorizing the condemnation of the subsurface easement. Due to administrative
51 error, the notice required by RCW 8.25.290 was not provided prior to the council's final
52 action on Ordinance 15943.

53 E. RCW 8.25.290 requires that the county provide notice before the council
54 takes final action to authorize the condemnation of a specific property. The required
55 notice for final action on this ordinance has been provided.

56 F. The property rights and property interests set forth in this ordinance are
57 necessary for and are part of the conveyance tunnel alignment which has been designed,
58 engineered and will soon be under construction. Timely acquisition of the property
59 interests set forth in this ordinance is critical to maintaining the currently designed tunnel
60 alignment and construction schedule for the Brightwater regional wastewater treatment
61 system and will minimize the risk of a costly work stoppage. This parcel is the last parcel
62 in the tunnel alignment stretching from the city of Bothell to the city of Shoreline, which
63 has not been acquired. A map of the conveyance alignment described in this ordinance is

64 enclosed as Exhibit A to Attachment A to (~~this ordinance~~) this ordinance (Proposed
65 Ordinance 2008-0066).

66 G. In August 2006, SPU notified the county that SPU concurred with the grant of
67 the subsurface easement to King County for the Brightwater Project. The Seattle City
68 law department had approved the wording of the easement. Per SPU, it was expected
69 that an ordinance authorizing the conveyance of the easement would be presented to the
70 Seattle City council within six months, and that SPU would recommend passage of that
71 legislation.

72 H. On April 23, 2007, an ordinance, Seattle Council Bill No. 115874, declaring
73 surplus certain subsurface property rights in SPU's Tolt Pipeline right-of-way and
74 authorizing the conveyance of a subsurface easement for such surplus property rights to
75 King County for the Brightwater project was introduced and assigned to the Seattle City
76 council environment, emergency management and utilities committee ("utilities
77 committee").

78 I. On May 8, 2007, the utilities committee put the legislation on hold. On
79 October 23, 2007, the utilities committee referred the legislation to the council.
80 Subsequent discussions with the chair of the committee led the executive to conclude that
81 the easement would not be approved until sewer contract negotiations were concluded.
82 King County must proceed with condemnation of this subsurface easement or risk
83 significant construction schedule delays for the entire Brightwater project.

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

87 K. In order to acquire the property interests and property rights set forth in this
88 ordinance, which are necessary to construct the Brightwater regional wastewater
89 treatment system, including the conveyance facilities, it is necessary for King County to
90 condemn certain lands, property rights and rights in property. The acquisition of such
91 property rights is for a public purpose.

92 L. The King County council finds that public health, safety, necessity,
93 convenience and welfare demand that certain properties and rights in those properties,
94 including those set forth in the ordinance be condemned, appropriated, taken, and
95 damaged for the purpose of construction, operation and maintenance of the Brightwater
96 regional wastewater treatment system, including the conveyance facilities.

97 SECTION 3. Ordinance 15990, Section 2, is hereby amended to read as follows:

98 The King County council has deemed it necessary, for the proposed public
99 purpose and in the best interest of the ratepayers of the regional wastewater treatment
100 system, that all or any portion of the property described in Attachment A to ((this
101 ordinance)) this ordinance (Proposed Ordinance 2008-0066), and other property interests,
102 property rights and rights in property, be condemned, appropriated, taken and damaged in
103 fee and/or in easements for construction, operation and maintenance of the Brightwater
104 wastewater treatment system, including the conveyance facilities, subject to making or
105 paying of just compensation to the owners herein in the manner provided by law.

106 SECTION 4. Ordinance 15990, Section 3, is hereby amended to read as follows:

107 Condemnation proceedings are hereby authorized to acquire property interests
108 and property rights and rights in property in all or any portion of the property described in

Ordinance 16012

109 Attachment A to ~~((this ordinance))~~ this ordinance (Proposed Ordinance 2008-0066) for
110 the purpose of the Brightwater project.

111

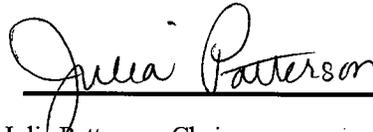
Ordinance 16012 was introduced on 2/4/2008 and passed by the Metropolitan King
County Council on 2/11/2008, by the following vote:

Yes: 9 - Ms. Patterson, Mr. Dunn, Mr. Constantine, Ms. Lambert, Mr. von
Reichbauer, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Hague

No: 0

Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



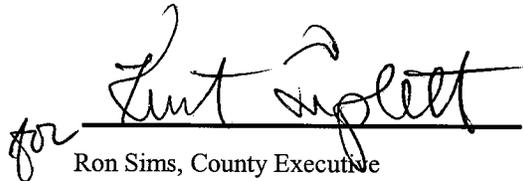
Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 20th day of February, 2008.


for _____
Ron Sims, County Executive

Attachments A. Legal Description

RECEIVED
2008 FEB 21 AM 10:25
CLERK
KING COUNTY COUNCIL

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.



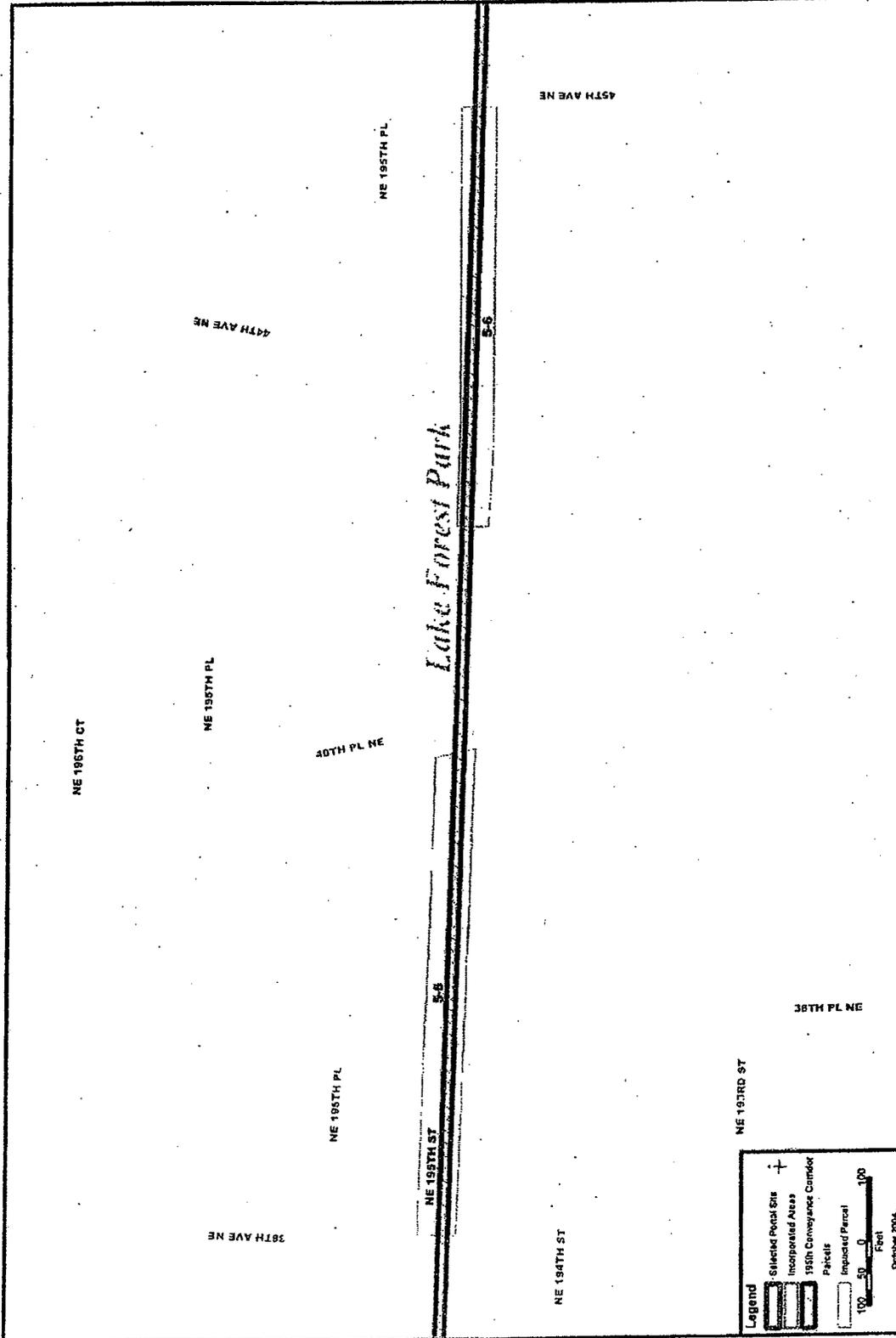


Figure 5-6
Impacted Parcels
BRIGHTWATER REGIONAL WASTEWATER TREATMENT SYSTEM

The information included on this map has been compiled from a variety of sources and is subject to change without notice. King County retains the responsibility for the accuracy of the information presented on this map. King County does not warrant the accuracy of the information presented on this map. King County is not responsible for any errors or omissions, or for any consequences arising from the use or misuse of the information contained on this map. Any use of this map, or information on this map is prohibited except by written permission of King County.

File Name: C:\NTDP\object\Design\project\impact_2004.mxd Sheet: 0001

King County
 Department of
 Natural Resources and Parks
Wastewater Treatment
 Division