



Legislation Details (With Text)

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**Title:** AN ORDINANCE authorizing the condemnation of property interests needed for the replacement of the North Creek sewer interceptor, and interim measures for controlling the interceptor's current capacity needs.

**Sponsors:** Joe McDermott, Larry Phillips

**Indexes:** Condemnations, Snohomish County

**Code sections:**

**Attachments:** 1. Ordinance 17633.pdf, 2. A. Easement Locations, dated July 15, 2013, 3. A. Easement Locations, dated July 1, 2013, 4. A. Easement Locations, 5. 2013-0286 Fiscal Note.xlsx, 6. 2013-0286 News Release.docx, 7. 2013-0286 Transmittal Letter.docx, 8. Notice of Public Hearing.doc, 9. 07-02-13 Staff Report with attachments, 10. Revised Staff Report, 11. 2013-0286 Updated- PublicHearingNotice - publish Sea Times and Herald 7-17 & 24.doc, 12. Affidavit of Publishing Seattle Times 7/17, 24/13.pdf, 13. Amendment 1 7-29-13.pdf, 14. Everett Herald affidavit of pub July 17 and 24, 2013.pdf

Date	Ver.	Action By	Action	Result
7/29/2013	2	Metropolitan King County Council	Hearing Held	
7/29/2013	3	Metropolitan King County Council	Passed as Amended	Pass
7/29/2013	3	Metropolitan King County Council	Hearing Held	
7/2/2013	1	Budget and Fiscal Management Committee	Recommended Do Pass Substitute Consent	Pass
6/24/2013	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE authorizing the condemnation of property interests needed for the replacement of the North Creek sewer interceptor, and interim measures for controlling the interceptor's current capacity needs.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. The existing North Creek sewer interceptor ("the interceptor") located in Snohomish County was built in 1970 by the Alderwood water and wastewater district ("Alderwood") and purchased by King County in 2001. The interceptor consists of approximately thirty-four thousand nine hundred thirty-four lineal feet of

sewer line that services southern Snohomish county.

B. The wastewater treatment division ("WTD") of the department of natural resources and parks must construct a replacement of the interceptor and implement certain interim measures to avoid exceeding capacity in the existing interceptor and prevent overflows. The interceptor project is needed in order to accommodate the projected peak flows and meet the planned growth needs of southern Snohomish county and to protect water quality.

C. King County Conveyance System Policy CP-1, K.C.C 28.86.060, directs the county to design and construct wastewater conveyance facilities to meet the twenty-year peak flow standard to avoid sanitary sewer overflows. The interceptor project will meet the twenty-year peak flows standard for 2050, accommodating planned growth in southern Snohomish county and will be an important part of the King County regional wastewater treatment system.

D. In February 2005, WTD and Alderwood agreed to share costs on a project that would replace portions of the interceptor and Alderwood's local conveyance system. The project experienced significant impacts, due in part to site and ground conditions, and the construction contract was terminated in 2009. WTD and Alderwood also agreed to pursue separate construction projects to make the necessary improvements to the sewer system. Since that time, WTD has reviewed and made changes to the design for the interceptor project, recognizing the critical need to add capacity to meet current and future demands on the interceptor.

E. The remaining portions of the sewer to be constructed include approximately nine thousand eight hundred seventeen feet of pipe. The pipeline will be located in public right-of-way and easements in residential and commercial areas within the city of Bothell and unincorporated Snohomish county.

F. In 2011, WTD began review and redesign of the original engineering documents and construction methods while engaging with property owners concerning easement acquisitions.

G. In 2012 and 2013, WTD conducted additional research to confirm that the interceptor is currently under capacity and in need of replacement.

H. Delays in completion of the project could have significant public health and cost impacts.

I. King County is authorized, by chapter 8.12 RCW, chapter 36.56 RCW, RCW 35.58.320 and RCW 35.58.200 to acquire, damage and condemn real property for public use for sewage treatment and water pollution abatement facilities.

J. In order to construct the interceptor project, it is necessary for King County to condemn and damage certain lands, property rights and rights in property. The acquisition of the property rights and rights in property is for a public purpose. It is also necessary for King County to acquire, damage and condemn certain lands and property rights and rights in property in order to conduct surveys, environmental reviews, appraisals, geotechnical reviews, archaeological surveys and exploration, testing and analyses on parcels listed in Attachment A to this ordinance. The acquisition of the property rights and rights in property is for a public purpose.

K. The King County council finds that public health, safety, necessity, convenience and welfare require that the Interceptor project be constructed and that those certain properties, property rights and rights in property be condemned, appropriated, taken and damaged for the purpose of construction, operation, and maintenance of the interceptor project.

SECTION 2. The King County council deems it necessary for the proposed public purpose and in the best interest of the citizens and wastewater ratepayers of the King County regional wastewater treatment system that all or any portion of the properties identified by tax parcel numbers, identified in Attachment A to this ordinance and other property interests, property rights or rights in property be condemned, appropriated, taken and damaged for the purpose of the improvements described in this ordinance, subject to the making or paying of just compensation to the owners herein in the manner provided by law.

SECTION 3. Condemnation proceedings are hereby authorized to acquire property interests and property rights and rights in property in all or any portion of the property described in Attachment A to this ordinance.

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

Legal newspaper, 2 consecutive weeks

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