



Legislation Text

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Clerk 03/05/2008

AN ORDINANCE authorizing the King County executive to convey real property interests held by King County to the King County flood control zone district and the city of Tukwila for the purposes of implementing projects in cooperation with the United States Army Corps of Engineers; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Every year, King County faces threats from flooding, the impacts of which are far-reaching and pose significant threats to public health and safety and economic activities throughout the county.

B. The one hundred-year floodplain in King County covers more than twenty-five thousand acres or almost forty square miles. The flood control needs in King County are described more extensively in the 2006 King County Flood Hazard Management Plan, adopted by Ordinance 15673 in January 2007.

C. One of the most fundamental functions of government is to protect citizens and public and private property from the ravages of natural disasters such as flooding.

D. Flood control needs exist throughout the county, and an integrated and coordinated approach is needed to effectively and efficiently address those needs to ensure that public safety and property are protected and our region's prosperity is sustained.

E. Pursuant to chapter 86.15 RCW, the metropolitan King County council created the countywide King County flood control zone district ("the district") in April 2007 to provide a comprehensive approach to flood

protection.

Pursuant to chapter 86.15 RCW, the adopted 2006 King County Flood Hazard Management Plan constitutes the current Comprehensive Plan for the district.

F. By Resolution FCZD2007-03.2, the board of supervisors of the district on November 13, 2007, adopted the district's 2008 budget and work program, and authorized a property tax levy in order to fund the budget and work program.

G. By Resolution FCZD 2007-05.2, the board of supervisors of the district approved on December 11, 2007, an interlocal agreement whereby King County would provide services to the district by implementing the district's approved annual work program on behalf of the district.

H. By Ordinance 15987, the King County council authorized the King County executive to execute the interlocal agreement approved by the district's board of supervisors, whereby King County would provide services to the district by implementing the district's approved annual work program on behalf of the district.

I. A major component of the 2008 work program approved by the district are a number of projects, identified on the list in Attachment A to this ordinance, which are candidates for cooperative efforts with the United States Army Corps of Engineers ("USACE"), whereby the USACE under the terms of a cooperation agreement with a local public sponsor undertakes actions to accomplish all or part of the project. Such agreements provide a means for completing the projects in a manner that is highly cost effective for and beneficial to the local public sponsor.

J. It is the district's intention to act as the local public sponsor on all but one of the projects identified in Attachment A to this ordinance. The one exception is the Tukwila 205 project. As the local public sponsor for all but one of the projects identified in Attachment A to this ordinance, the district is required to furnish evidence to the USACE that it holds sufficient title to the real property interests necessary for the projects to go forward under the terms of the cooperative agreements. The city of Tukwila shall act as the local public sponsor for the Tukwila 205 project and is required to furnish similar evidence of title to the real property

interests necessary for the implementation of that project. The district may share in the maintenance responsibilities of the Tukwila 205 project after its completion, and so the district will receive real property interests related to this project as well.

K. The county holds most, if not all of the real property interests required under the cooperative agreements with the USACE, and desires to convey to the district those real property interests for the district projects, so that the district as the local public sponsor for these projects may meet the real estate requirements of the USACE under the terms of the cooperative agreements and bring about the implementation of the projects. The county also desires to convey to the city of Tukwila those real property interests necessary for the implementation of the Tukwila 205 project with the USACE.

L. Due to the need to preserve the availability of federal funding for some part of or all of the fifteen projects that are candidates for USACE funding, and because of the potential loss of that funding, an emergency exists to immediately convey the property interests to the district and the city of Tukwila as the local public sponsors under the terms of the cooperative agreements with the USACE.

SECTION 2. Attachment B to this ordinance identifies by parcel number all of the properties for which property interests are required under the terms of the cooperative agreements with the USACE for the projects identified in Attachment A to this ordinance. Most of the property interests are held in the name of, or by or for, King County, in the form of easements, as more fully identified in Attachment B to this ordinance. A much smaller number of properties are held in fee by King County, as more fully identified in Attachment B to this ordinance. All easement interests held in the name of or by or for King County that are identified in Attachment B to this ordinance are hereby declared to be surplus and may be conveyed to the King County flood control district, or to the city of Tukwila and the district, as specified in Attachment B to this ordinance. In those instances where the property interests held by the county consist of the full fee interest as identified in Attachment B to this ordinance, easement interests sufficient to meet the requirements of the cooperation agreements with the USACE are hereby declared to be surplus, and may be conveyed to the district.

SECTION 3. The King County executive is hereby authorized to convey by deed those easement interests held in the name of, or by or for, King County, as identified in Attachment B to this ordinance, to either the King County flood control zone district, or to the city of Tukwila and the district, as more fully specified in Attachment B to this ordinance. In those instances where the property interests held by King County consist of the full fee interest, or when the interest that the county holds covers more area than is needed for the requirements of the cooperative agreements with the USACE, the executive is authorized to convey sufficient easement interests to meet the requirements of the cooperation agreements with the USACE.

SECTION 4. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace,

health or safety, or for the support of county government and its existing public institutions.

none