

## Legislation Details (With Text)

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**Title:** AN ORDINANCE authorizing the condemnation of property interests needed to replace the Ballard siphon in the Washington ship canal.

**Sponsors:** Larry Phillips

**Indexes:** Condemnations

**Code sections:**

**Attachments:** 1. 16057.pdf, 2. 2007-0600 Fiscal Note.doc, 3. 2007-0600 hearing notice published in March 2008.doc, 4. 2007-0600 Hearing Notice.doc, 5. 2007-0600 Staff Report - Ballard Siphon (2-26-08).doc, 6. 2007-0600 Transmittal Letter.doc, 7. A. Revised Exhibit A Property Descriptions, March 31, 2008, 8. A. Exhibit A Property Descriptions, July 19, 2007, 9. A. Revised Exhibit A Property Descriptions - dated March 24, 2008, 10. Draft Ballard Siphon News Release 2007-0600.doc, 11. Draft Notice of Public Hearing Notice 2007-0600.doc

| Date       | Ver. | Action By                        | Action                  | Result |
|------------|------|----------------------------------|-------------------------|--------|
| 4/14/2008  | 1    | Metropolitan King County Council | Passed as Amended       | Pass   |
| 4/7/2008   | 1    | Metropolitan King County Council | Deferred                |        |
| 3/31/2008  | 1    | Metropolitan King County Council | Deferred                |        |
| 3/24/2008  | 1    | Metropolitan King County Council | Deferred                |        |
| 2/26/2008  | 1    | Utilities and Parks Committee    | Recommended Do Pass     | Pass   |
| 2/25/2008  | 1    | Metropolitan King County Council | Re-referred             |        |
| 1/28/2008  | 1    | Metropolitan King County Council | Reintroduced            |        |
| 12/10/2007 | 1    | Metropolitan King County Council | Hearing Held            |        |
| 11/13/2007 | 1    | Metropolitan King County Council | Introduced and Referred |        |

AN ORDINANCE authorizing the condemnation of property interests needed to  
replace the Ballard siphon in the Washington ship canal.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

### SECTION 1. Findings:

A. The existing Ballard siphon in the Washington ship canal was built in 1935 and consists of two thirty-six-inch diameter wood stave pipes. The existing Ballard siphon on average conveys seven to eight million gallons of untreated sewage per day across the Washington ship canal.

B. In November 2005, the wastewater treatment division (WTD) of the department of natural resources and parks employed sonar technology to inspect the condition of the Ballard siphon. In January 2006, a structural engineering consultant firm submitted a structural analysis report of the sonar inspection. The report stated that the Ballard siphon had exceeded its service life, and was failing in multiple locations. As a consequence of the report findings, there was concern that the pipe may be in imminent danger of collapse.

C. In response to the report, and in accordance with K.C.C. 4.16.050, on March 29, 2006, the King County executive issued an emergency declaration and waiver from procurement requirements to replace the existing Ballard siphon.

D. In April 2006, by Ordinance 15424, the county council approved a supplemental appropriation of capital funds, on an emergency basis, for the Ballard siphon replacement project.

E. Subsequent inspections of the pipeline revealed that the anomalies in the earlier sonar images were not serious defects in the siphon, but it still remains a high priority project due to the risk of failure still due to age of the wood stave pipe and the uncertainties about the condition of the pipe. As part of the replacement project the county must acquire certain real property interests and/or rights in property for the Ballard siphon replacement project.

F. The risk of a pipe failure is high but not an emergency. A catastrophic pipe failure would release untreated sewage into the ship canal and Lake Union, causing a public health hazard and major environmental damage. Expedited replacement of the siphon is in the best interests of the public.

G. Since April 2006, wastewater treatment division has prepared design and engineering documents for the construction of the Ballard siphon replacement project and has met with property owners concerning the easements that will be needed to construct the Ballard siphon replacement project.

H. Delay in property acquisition will impact both King County's design, and the developments being pursued by the private land owners. Delays would increase costs for both King County and the land owners.

I. King County is authorized, by chapter 8.12 RCW, chapter 36.56 RCW, RCW 35.58.320, RCW

35.58.200, K. C. C. chapter 28.81 and Ordinance 10531, to acquire and condemn real property for public use for sewage treatment and water pollution abatement facilities.

J. In order to acquire the property interests and property rights necessary to facilitate construction of the Ballard siphon replacement project as soon as possible, it is necessary for King County to condemn certain lands and property rights and rights in property, and also to acquire any property interests necessary to conduct surveys, environmental reviews, appraisals and geotechnical reviews, testing and analyses. The acquisition of such property rights is for a public purpose.

K. The King County council finds that public health, safety, necessity, convenience and welfare require that certain properties and rights in those properties be condemned, appropriated, taken and damaged for the purpose of construction, operation and maintenance of conveyance facilities for the Ballard siphon replacement project.

SECTION 2. The King County council has deemed it necessary, for the proposed public purpose and in the best interest of the ratepayers of the county, that all or any portion of the property described in attached Attachment A to this ordinance and other property interests, property rights and/or rights in property be condemned, appropriated, taken and damaged in fee and/or in easements for surveys, environmental and geotechnical reviews, testing and analyses and for the purpose of constructing, installing, operating, maintaining, repairing and replacing facilities for the Ballard siphon replacement project, including conveyance facilities, subject to 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/or rights in property described in Attachment A to this ordinance for the purpose of the Ballard siphon replacement project.

SECTION 4. King County shall first initiate independent, certified appraisals to determine the fair market value of the property interests to be acquired, and then enter into voluntary negotiations with the owners of the property described in Attachment A to this ordinance. Condemnation proceedings may be initiated only

after the department determines that voluntary negotiations have failed to reach agreement in a timely manner.

SECTION 5. The attorneys for King County are hereby authorized and directed to begin to prosecute the proceedings provided by law to condemn, take and appropriate

the land and other property interests, property rights and rights in property necessary to carry out this ordinance.

15 days prior

official paper

Newspaper: Seattle Times

Publish: Friday, Nov. 23, 2007

Public hearing: 12/10/07

Under new statute Re-advertised for public hearing 3/24/08

Newspaper: Seattle Times

Publish: 3/12 & 3/19/08