

**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**October 11, 2005**

**Ordinance 15298**

**Proposed No.** 2005-0208.2

**Sponsors** Phillips

1 AN ORDINANCE authorizing the condemnation of  
2 property interests needed for the Brightwater  
3 regional wastewater treatment system, including  
4 conveyance and outfall facilities.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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**SECTION 1. Findings.**

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A. By Ordinance 13680, on November 29, 1999, King County adopted the

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Regional Wastewater Services Plan ("RWSP"), which set forth treatment plant policies

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intended to guide the county in providing wastewater treatment at its existing plants, and

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in expanding wastewater treatment capacity through the year 2030. The RWSP calls for

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construction of a new wastewater treatment plant in north King County or south

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Snohomish County by 2010.

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B. On December 10, 2001, by Ordinance 14278, the King County council

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authorized the preparation of an Environmental Impact Statement ("EIS") on the siting

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and construction of the north treatment facility project, now known as the Brightwater

18 regional wastewater treatment system. King County issued the final EIS on the  
19 Brightwater regional wastewater treatment system in November 2003. In December  
20 2003, the King County executive selected the Route 9 – 195th Street system alternative,  
21 including a new regional wastewater treatment plant, conveyance facilities, with five  
22 primary portals, and an outfall to Puget Sound as the final Brightwater alternative. King  
23 County is developing the plans, designs, permit applications and other work necessary to  
24 obtain required project permits and approvals for the construction and operation of the  
25 Brightwater regional wastewater treatment system.

26 C. To meet the requirement that the Brightwater regional wastewater treatment  
27 system be operational in the year 2010, King County must proceed with the project,  
28 including the acquisition of real property, property rights and rights in property.

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

32 E. In order to acquire the property interests and property rights necessary to  
33 facilitate construction by 2010 of the Brightwater regional wastewater treatment system,  
34 including conveyance and outfall facilities, it is necessary for King County to condemn  
35 certain lands, property rights and rights in property, and also to acquire any property  
36 interests necessary to conduct surveys, environmental reviews and geotechnical reviews,  
37 testing and analyses. The acquisition of such property rights is for a public purpose.

38 F. The King County council finds that public health, safety, necessity,  
39 convenience and welfare demand that certain properties and rights in those properties be  
40 condemned, appropriated, taken, and damaged for the purpose of construction, operation

41 and maintenance of the Brightwater regional wastewater treatment system, including the  
42 conveyance and outfall facilities.

43 SECTION 2. The King County council has deemed it necessary, for the proposed  
44 public purpose and in the best interest of the ratepayers of the regional wastewater  
45 treatment system, that all or any portion of the property described in Attachment A to this  
46 ordinance, and other property interests, property rights and rights in property, be  
47 condemned, appropriated, taken and damaged in fee and/or in easements for surveys,  
48 environmental and geotechnical reviews, testing and analyses, construction, operation  
49 and maintenance of the Brightwater wastewater treatment system, including the  
50 conveyance and outfall facilities, subject to making or paying of just compensation to the  
51 owners herein in the manner provided by law.

52 SECTION 3. Condemnation proceedings are hereby authorized to acquire  
53 property interests and property rights and rights in property in all or any portion of the  
54 property described in Attachment A to this ordinance for the purpose of the Brightwater  
55 project.

56 SECTION 4. Before initiating condemnation proceedings in court, King County  
57 will initiate an independent, certified appraisal to determine fair market value of the  
58 property interests to be acquired, and then enter into voluntary negotiations with the  
59 owners of the property described in Attachment A to this ordinance. Condemnation  
60 proceedings would be initiated only after the department determines that voluntary  
61 negotiations have failed to reach agreement in a timely manner.

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

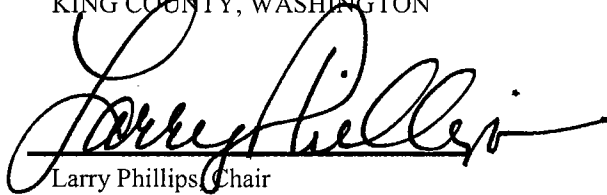
64 the land and other property interests, property rights and rights in property necessary to  
65 carry out this ordinance.

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Ordinance 15298 was introduced on 6/6/2005 and passed by the Metropolitan King  
County Council on 10/10/2005, by the following vote:

Yes: 10 - Mr. Phillips, Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr.  
Hammond, Mr. Gossett, Ms. Hague, Mr. Irons, Ms. Patterson and Mr.  
Constantine  
No: 0  
Excused: 3 - Ms. Edmonds, Mr. Pelz and Mr. Ferguson

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



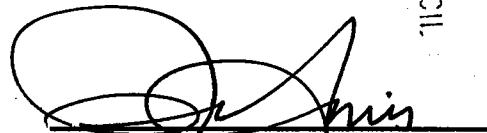
Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 20 day of OCTOBER 2005.



Ron Sims, County Executive

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CLERK  
KING COUNTY COUNCIL

Attachments A. Legal Description-Portal 19-Paramount

15298  
2005-208

Attachment A

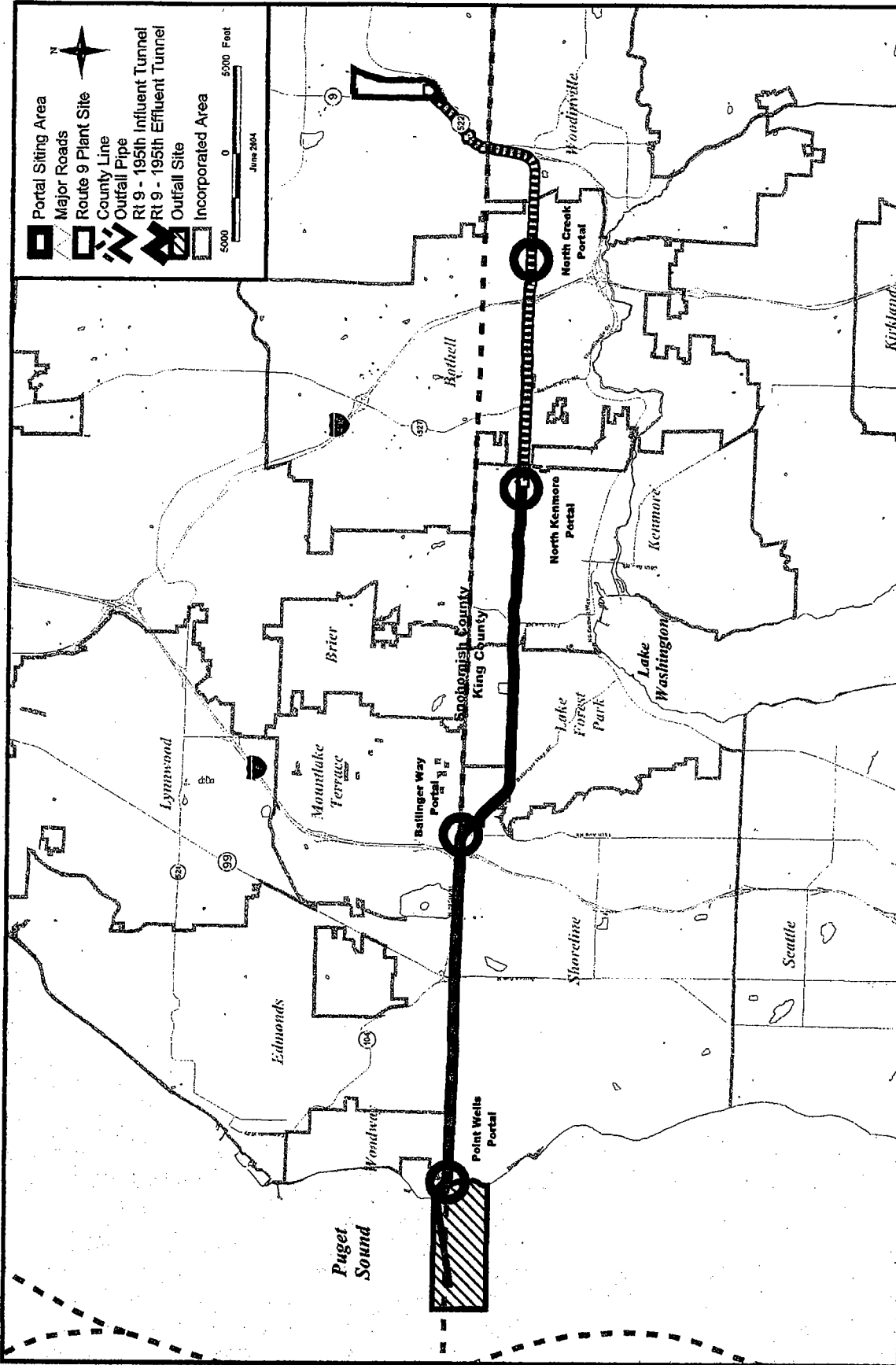
Legal Description  
Portal 19  
Paramount

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 27 NORTH, RANGE 3 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MEANDER CORNER ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER;  
THENCE NORTHERLY ALONG THE MEANDER LINE TO THE NORTH LINE OF SAID SOUTHWEST QUARTER;  
THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER TO THE NORTHEAST CORNER THEREOF;  
THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO A POINT THAT IS 1010 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER;  
THENCE NORTH 89°00'00" WEST A DISTANCE OF 520.75 FEET;  
THENCE SOUTH 0°21'27" WEST 473.27 FEET;  
THENCE WEST 580 FEET;  
THENCE SOUTH 259.23 FEET;  
THENCE WEST A DISTANCE OF 130 FEET, MORE OR LESS, TO THE EAST LINE OF HEBERLEIN ROAD;  
THENCE SOUTHERLY ALONG THE EAST LINE OF SAID ROAD TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER;  
THENCE WEST ALONG THE SOUTH LINE TO THE POINT OF BEGINNING;  
EXCEPT THEREFROM THAT PORTION THEREOF LYING WITHIN THE NON-VACATED PORTION OF HEBERLEIN ROAD;  
ALSO EXCEPT THOSE PORTIONS THEREOF LYING WITHIN ANY RAILROAD RIGHT OF WAY;  
AND ALSO EXCEPT THOSE PORTIONS THEREOF CONVEYED TO SNOHOMISH COUNTY BY DEED RECORDED UNDER RECORDING NO. 311175;  
ALSO EXCEPT THAT PORTION THEREOF LYING WEST OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT OF WAY AND NORTH OF THE NORTH LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO STANDARD OIL COMPANY BY DEED RECORDED UNDER RECORDING NO. 559040 AND SAID NORTH LINE PRODUCED WEST;

TOGETHER WITH SECOND CLASS TIDELANDS, AS CONVEYED BY THE STATE OF WASHINGTON, ADJOINING AND ABUTTING THEREON.

Exhibit 1, attached, is a map of the Route 9 – 195<sup>th</sup> conveyance system, with portals highlighted.  
Exhibit 2, attached, is a map of the Point Wells property.



**Route 9 - 195th Conveyance System**  
**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 representation or warranty, express or implied, as to the accuracy, completeness, or reliability of the information contained on this map. King County is not liable for any errors, omissions, or consequential damages, including but not limited to, lost revenues or lost profits resulting from the use or reliance on 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.

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**King County**  
 Department of  
 Natural Resources and Parks  
 Wastewater Treatment  
 Division

