



**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

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

111

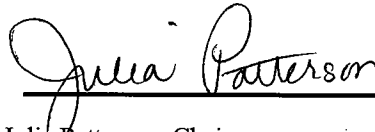
Ordinance 16012 was introduced on 2/4/2008 and passed by the Metropolitan King County Council on 2/11/2008, by the following vote:

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



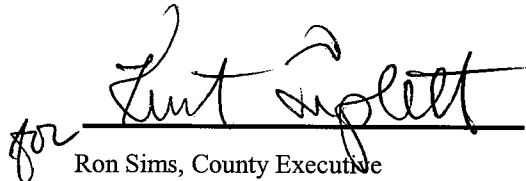
Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 20<sup>th</sup> day of February, 2008.



for Ron Sims  
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  $89^{\circ}37'09''$  West along the North line thereof a distance of 147.53 feet; thence South  $0^{\circ}22'51''$  West a distance of 18.50 feet; thence South  $86^{\circ}18'38''$  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  $89^{\circ}37'09''$  East along said parallel line a distance of 35.03 feet to a point in the East line of said lot; thence North  $0^{\circ}23'42''$  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.

