



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 15, 2008

Ordinance 16057

Proposed No. 2007-0600.2

Sponsors Phillips

1 AN ORDINANCE authorizing the condemnation of
2 property interests needed to replace the Ballard siphon in
3 the Washington ship canal.
4

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 SECTION 1. Findings:

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

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

18 C. In response to the report, and in accordance with K.C.C. 4.16.050, on March
19 29, 2006, the King County executive issued an emergency declaration and waiver from
20 procurement requirements to replace the existing Ballard siphon.

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

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

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

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

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

41 I. King County is authorized, by chapter 8.12 RCW, chapter 36.56 RCW, RCW
42 35.58.320, RCW 35.58.200, K. C. C. chapter 28.81 and Ordinance 10531, to acquire and
43 condemn real property for public use for sewage treatment and water pollution abatement
44 facilities.

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

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

55 SECTION 2. The King County council has deemed it necessary, for the proposed
56 public purpose and in the best interest of the ratepayers of the county, that all or any
57 portion of the property described in attached Attachment A to this ordinance and other
58 property interests, property rights and/or rights in property be condemned, appropriated,
59 taken and damaged in fee and/or in easements for surveys, environmental and
60 geotechnical reviews, testing and analyses and for the purpose of constructing, installing,
61 operating, maintaining, repairing and replacing facilities for the Ballard siphon
62 replacement project, including conveyance facilities, subject to making or paying of just
63 compensation to the owners herein in the manner provided by law.

64 SECTION 3. Condemnation proceedings are hereby authorized to acquire
65 property interests and property rights and/or rights in property described in Attachment A
66 to this ordinance for the purpose of the Ballard siphon replacement project.

67 SECTION 4. King County shall first initiate independent, certified appraisals to
68 determine the fair market value of the property interests to be acquired, and then enter
69 into voluntary negotiations with the owners of the property described in Attachment A to
70 this ordinance. Condemnation proceedings may be initiated only after the department
71 determines that voluntary negotiations have failed to reach agreement in a timely manner.

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

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

76


Ordinance 16057 was introduced on 11/13/2007 and passed as amended by the Metropolitan King County Council on 4/14/2008, 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

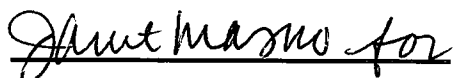
No: 0

Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

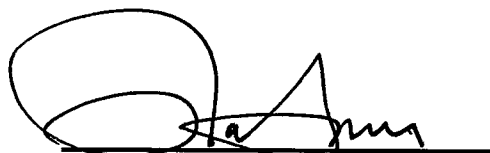

Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 21 day of APRIL, 2008.



Ron Sims, County Executive

Attachments A. Revised Exhibit A Property Descriptions, March 31, 2008

RECEIVED
2008 APR 24 AM 11:13
CLERK
KING COUNTY COUNCIL

Revised Exhibit A Property
Descriptions, March 31, 2008

16057

Acquisition Parcel No.: 1
Tax Parcel Nos.: 2767702460
Owner: Yellow Dog Properties, LLC
Site Address: 5100 Shilshole Ave. NW, Seattle, WA

LEGAL DESCRIPTION:

LOT 32, BLOCK 70, GILMAN PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS,
PAGE 40, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF SAID LOT 32, LYING SOUTHEASTERLY OF A LINE PARALLEL TO AND 25 FEET
DISTANT SOUTHEASTERLY FROM A LINE BETWEEN LOTS 32 AND 33, SAID BLOCK 70, HERETOFORE
CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 49157 FOR STREET PURPOSES AS PROVIDED
UNDER ORDINANCE NO. 955 OF THE CITY OF BALLARD.

PROPERTY OWNER RIGHTS NEEDED: Fee acquisition of entire parcel.

Acquisition Parcel No.: 2
Tax Parcel Nos.: 2770606596
Owner: Northwestern Industries, Inc.
Site Address: Vacant Land – W. Commodore Way, Seattle, WA

LEGAL DESCRIPTION:

LOTS 18, 19, 20, 21, 22, 23, 24 AND 25, BLOCK 81, GILMAN'S ADDITION ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 5 OF PLATS, PAGE 93, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF LOT 17 IN SAID BLOCK 81, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 17;
THENCE NORTH ALONG THE WEST LINE THEREOF 16 FEET TO THE POINT OF BEGINNING OF SAID LINE;
THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID LOT, 100 FEET;
THENCE NORTHEASTERLY TO A POINT ON THE NORTH LINE OF SAID LOT, A DISTANCE OF 14 FEET WESTERLY FROM THE NORTHEAST CORNER OF SAID LOT AND THE TERMINUS OF SAID LINE;

TOGETHER WITH THE ENTIRE ALLEY ADJOINING AS VACATED BY CITY OF SEATTLE ORDINANCE NO. 108636, RECORDED SEPTEMBER 19, 1980 UNDER RECORDING NO. 8009190882.

PROPERTY OWNER RIGHTS NEEDED: Fee acquisition and Temporary Construction Easement.

EXHIBIT A-1

LEGAL DESCRIPTION

PURCHASE PARCEL

All those portions of Lots 22, 23, and 24, Block 81, Gilman's Addition, according to the plat thereof recorded in Volume 5 of Plats, page 93, in King County, Washington, more particularly described as follows:

BEGINNING at the Northernmost corner of said Lot 22;

THENCE South $00^{\circ} 59' 29''$ West along the West line thereof, a distance of 124.00 feet;

THENCE South $89^{\circ} 01' 24''$ East, 105.00 feet to the East line of said Lot 24;

THENCE North $00^{\circ} 59' 41''$ East along the East line thereof, a distance of 64.38 feet to the Southerly margin of West Commodore Way;

THENCE North $59^{\circ} 25' 59''$ West along said Southerly margin and Northern line of said lots, a distance of 120.74 feet to the POINT OF BEGINNING.



Project Name: Batiant Siphon
August 28, 2007

RWG/jss
126711.001 coc

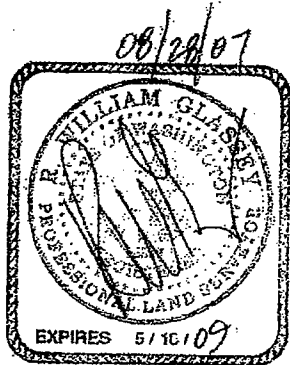
EXHIBIT A-2

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

All those portions of Lots 21 through 25, inclusive, Block 81, Gilman's Addition, according to the plat thereof recorded in Volume 5 of Plats, page 93, in King County, Washington, together with the entire alley adjoining, as vacated by City of Seattle Ordinance No. 108636, as recorded under Recording No. 8009190882, Records of King County, Washington, more particularly described as follows:

COMMENCING at the Northernmost corner of said Lot 22;
THENCE South $00^{\circ} 59' 29''$ West along the West line thereof, a distance of 124.00 feet to the POINT OF BEGINNING;
THENCE CONTINUING South $00^{\circ} 59' 29''$ West along the West line of said Lots 22 and 21, a distance of 57.00 feet;
THENCE South $89^{\circ} 01' 24''$ East, 156.00 feet to the East line of said vacated alley;
THENCE North $00^{\circ} 59' 49''$ East along the East line thereof, 92.42 feet to the Southerly margin of West Commodore Way;
THENCE North $59^{\circ} 25' 59''$ West along said Southerly margin and Northerly line of said vacated alley, and said Lot 25, a distance of 58.64 feet;
THENCE South $00^{\circ} 59' 41''$ West along the West line of said Lot 25, a distance of 64.38 feet;
THENCE North $89^{\circ} 01' 24''$ West, 105.00 feet to the POINT OF BEGINNING.



Project Name: Ballard Siphon
August 28, 2007

RWG/jss
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Acquisition Parcel No.: 3

Tax Parcel Nos.: 7666200278, 7666200279, 7666200280,
7666200281 & 2771605311

Owner: Salmon Bay Marine Center, LLC

Site Address: 2300 W. Commodore Way, Seattle, WA

LEGAL DESCRIPTION:

PARCELS B-F OF CITY OF SEATTLE LOT BOUNDARY ADJUSTMENT NO. 2504518, RECORDED
MAY 9, 2006 UNDER RECORDING NO. 20060509900003, RECORDS OF KING COUNTY,
WASHINGTON.

PROPERTY OWNER RIGHTS NEEDED: Surface and subsurface easement rights with
temporary construction easement and rights of ingress and egress.

EXHIBIT "A"

LEGAL DESCRIPTION

PERMANENT SUBSURFACE EASEMENT FROM SALMON BAY MARINE CENTER, LLC (SBMC)

All those portions of Parcels C, D, and F of City of Seattle Lot Boundary Adjustment No. 3007808, as recorded under Recording No. 20080204900015, Records of King County, Washington, more particularly described as follows:

BEGINNING at the Westernmost corner of said Parcel D;

THENCE North 57° 12' 30" West along the Southwesterly line of said Parcel C, a distance of 20.29 feet;

THENCE North 42° 34' 01" East, 274.75 feet to the Northeasterly line of said Parcel C and the pierhead line;

THENCE South 57° 12' 30" East along the Northeasterly lines of said Parcels C and F and said pierhead line, a distance of 40.58 feet;

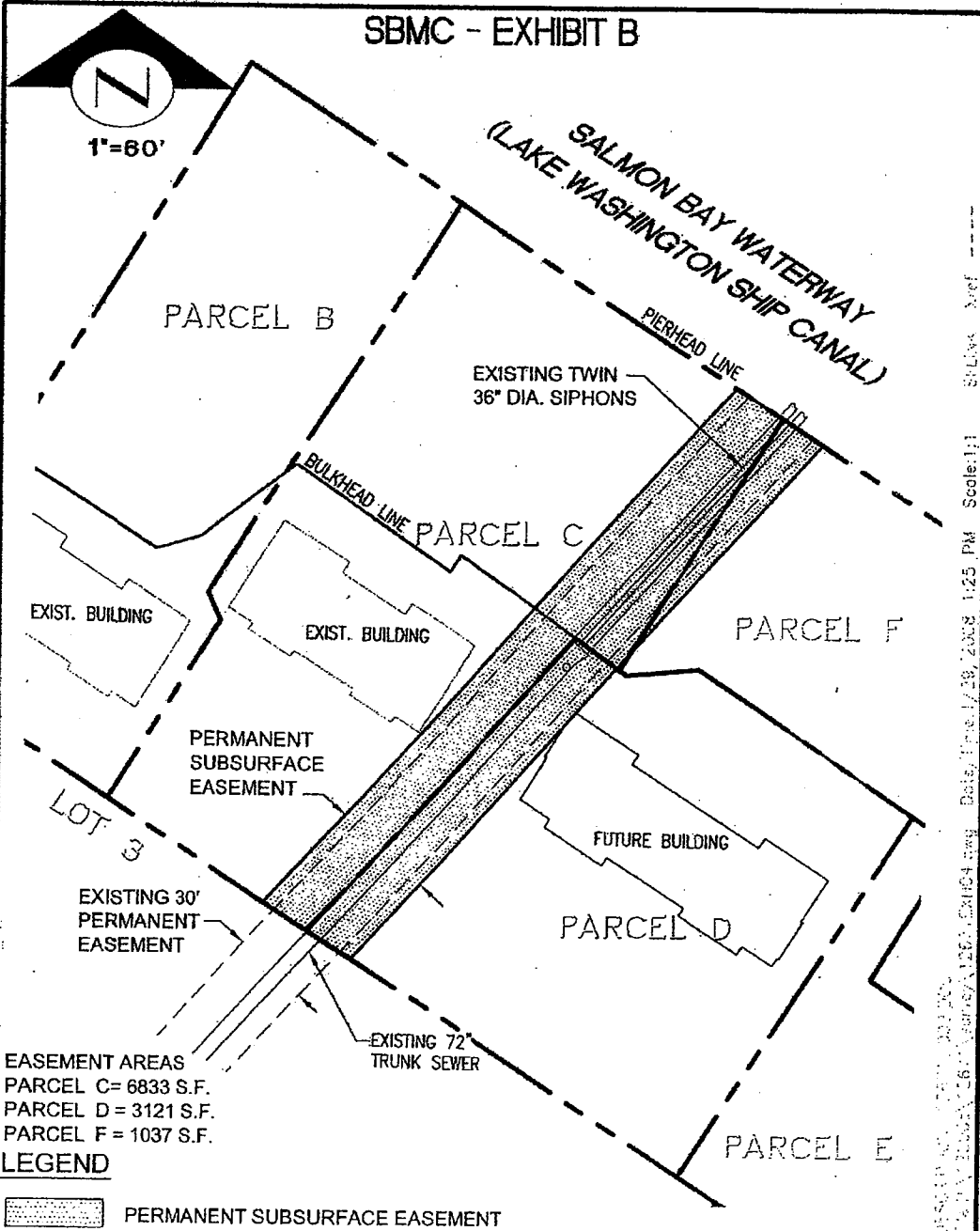
THENCE South 42° 34' 01" West, 274.75 feet to the Southwesterly line of said Parcel D;

THENCE North 57° 12' 30" West along said Southwesterly line 20.29 feet to the POINT OF BEGINNING.

Project Name: Ballard Siphon
January 29, 2008


RWG/jss
12671L.009.doc
Exhibit: 12671exh04.dwg


SBMC - EXHIBIT B



EASEMENT AREAS
 PARCEL C = 6833 S.F.
 PARCEL D = 3121 S.F.
 PARCEL F = 1037 S.F.

LEGEND

 PERMANENT SUBSURFACE EASEMENT

Job Number 12671	Drawn SRF	 18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES	Title: PERMANENT SUBSURFACE EASEMENT EXHIBIT
Sheet 1 of 1	Checked RWG		
Date 1/28/08			

SBMC - EXHIBIT B
 DATE: 1/28/08 1:25 PM
 SCALE: 1"=60'
 DRAWN BY: SRF
 CHECKED BY: RWG

EXHIBIT "A-1"

LEGAL DESCRIPTION

PERMANENT SURFACE EASEMENT FROM SALMON BAY MARINE CENTER, LLC (SBMC)

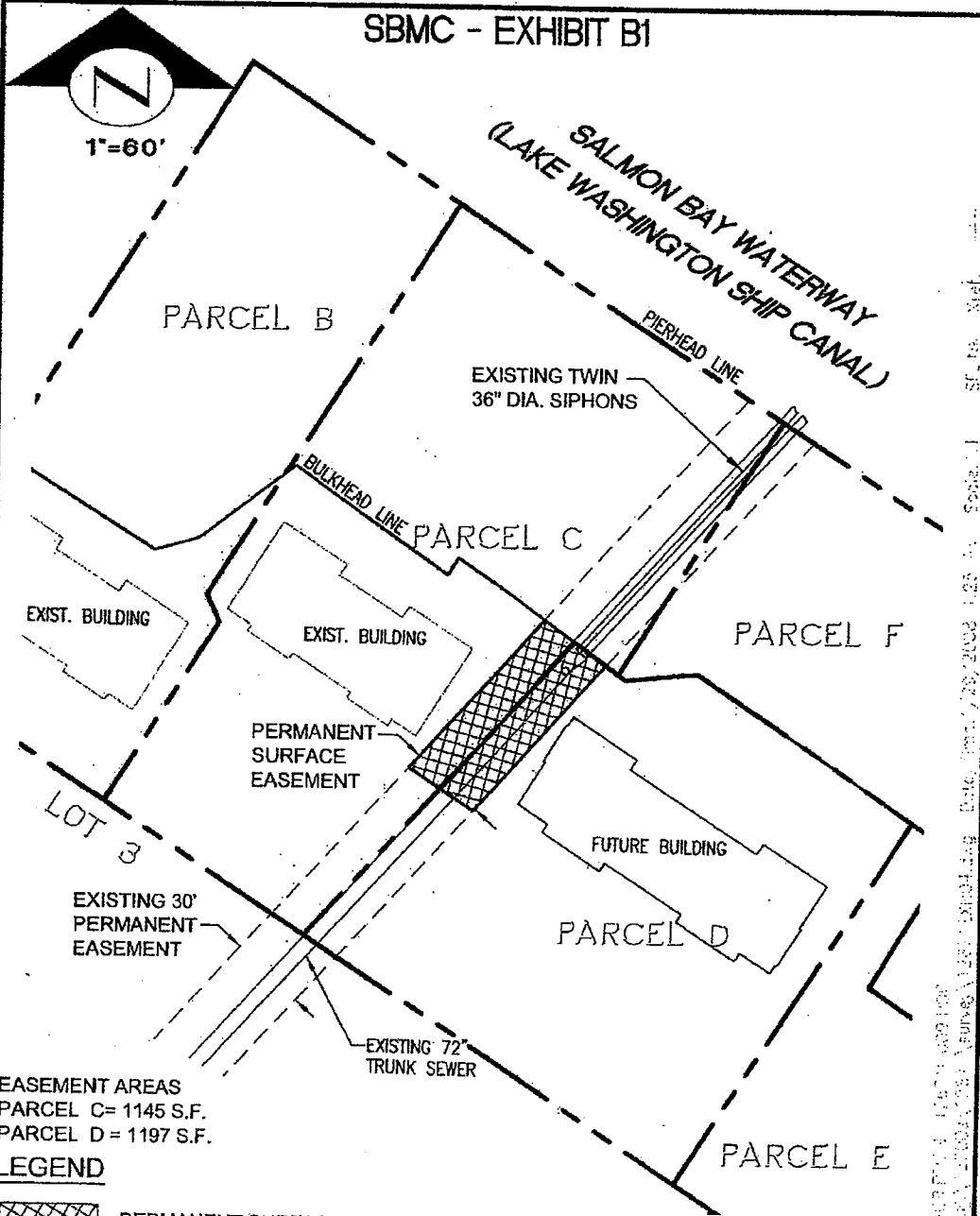
All those portions of Parcels C and D of City of Seattle Lot Boundary Adjustment No. 3007808, as recorded under Recording No. 20080204900015, Records of King County, Washington, more particularly described as follows:

COMMENCING at the Westernmost corner of said Parcel D;
THENCE North 42° 34' 01" East, 78.41 feet to the POINT OF BEGINNING;
THENCE North 57° 12' 01" West, 14.87 feet;
THENCE North 42° 37' 13" East, 78.71 feet;
THENCE South 54° 49' 18" East, 30.26 feet;
THENCE South 42° 37' 13" West, 77.43 feet;
THENCE North 57° 12' 01" West, 15.58 feet to the POINT OF BEGINNING.

Project Name: Ballard Siphon
January 29, 2008

RWG/jss
12671L.009.doc
Exhibit: 12671exh04.dwg


SBMC - EXHIBIT B1



EASEMENT AREAS
 PARCEL C= 1145 S.F.
 PARCEL D = 1197 S.F.

LEGEND

 PERMANENT SURFACE EASEMENT

Job Number 12671	Drawn SRF	 18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES	Title: PERMANENT SURFACE EASEMENT EXHIBIT
Sheet 1 of 1	Checked RWG		
Date 1/28/08			

PROJECT NO. 12671-000108
 DATE: 1/28/08
 DRAWN BY: SRF
 CHECKED BY: RWG
 DATE: 1/28/08

EXHIBIT "A-2"

LEGAL DESCRIPTION

TEMPORARY EASEMENT FROM SALMON BAY MARINE CENTER, LLC (SBMC)

All those portions of Parcels C and D of City of Seattle Lot Boundary Adjustment No. 3007808, as recorded under Recording No. 20080204900015, Records of King County, Washington, more particularly described as follows:

That portion of said Parcel C, more particularly described as follows:

COMMENCING at the Westernmost corner of said Parcel D;
THENCE North 57° 12' 30" West along the Southwesterly line of said Parcel C, a distance of 14.94 feet to the POINT OF BEGINNING;
THENCE CONTINUING North 57° 12' 30" West along said Southwesterly line, 15.22 feet;
THENCE North 42° 37' 13" East, 157.77 feet;
THENCE South 54° 49' 18" East, 15.13 feet;
THENCE South 42° 37' 13" West, 157.13 feet to the POINT OF BEGINNING;

TOGETHER WITH that portion of said Parcel D, more particularly described as follows:

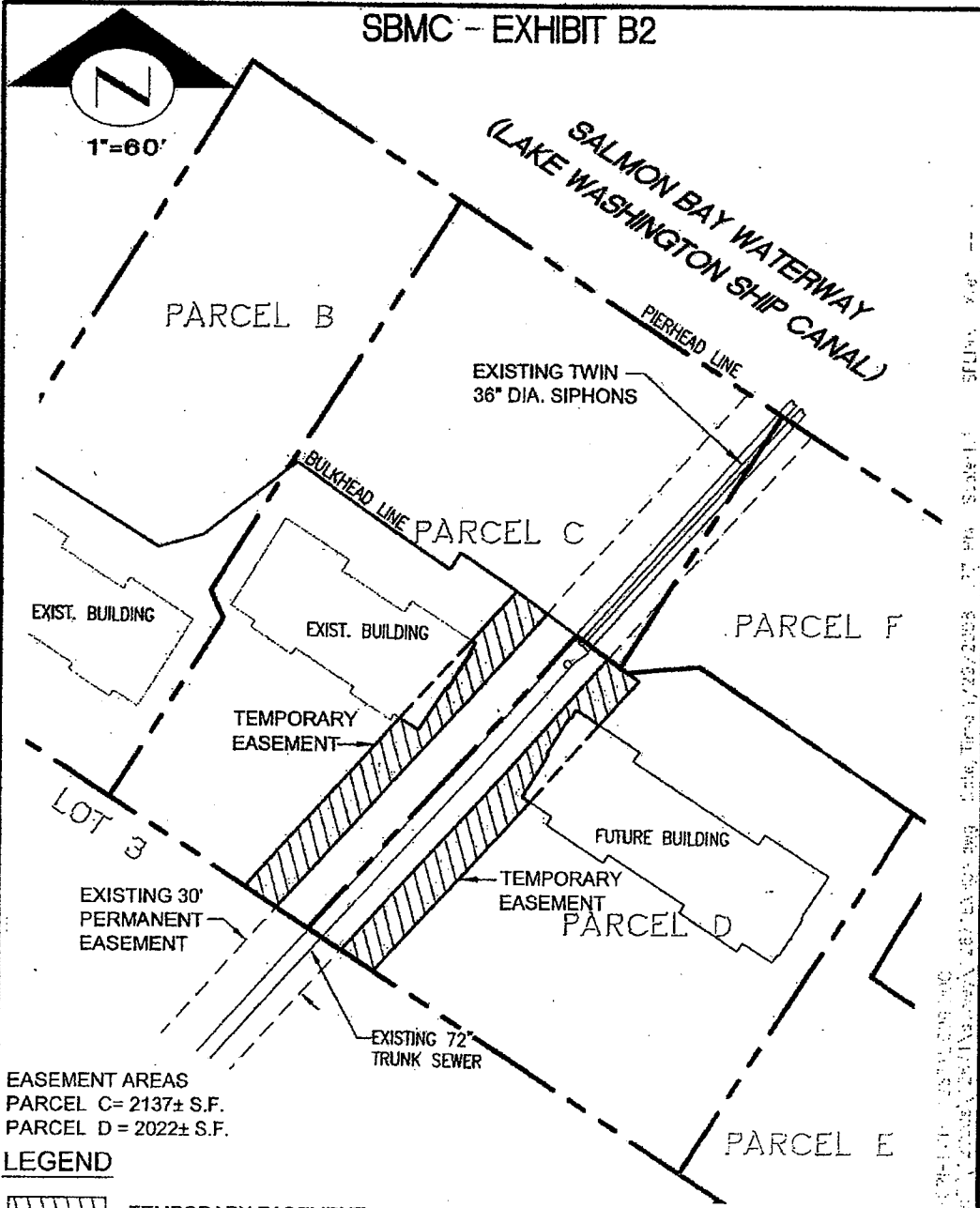
COMMENCING at the Westernmost corner of said Parcel D;
THENCE South 57° 12' 30" East along the Southwesterly line of said Parcel D, a distance of 15.51 feet to the POINT OF BEGINNING;
THENCE CONTINUING South 57° 12' 30" East along said Southwesterly line, 15.22 feet;
THENCE North 42° 37' 13" East, 155.21 feet;
THENCE North 54° 49' 18" West, 15.13 feet;
THENCE South 42° 37' 13" West, 155.85 feet to the POINT OF BEGINNING;

EXCEPTING therefrom any portion thereof lying within a building.

Project Name: Ballard Siphon
January 29, 2008

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12671L.009.doc
Exhibit: 12671exh04.dwg


SBMC - EXHIBIT B2



EASEMENT AREAS
 PARCEL C = 2137± S.F.
 PARCEL D = 2022± S.F.

LEGEND

 TEMPORARY EASEMENT

Job Number 12671	Drawn <u>SRF</u>	 18215 72ND AVENUE SOUTH KENT, WA 98032 (425)251-6222 (425)251-8782 FAX CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES	Title:
Sheet 1 of 1	Checked <u>RWG</u>		TEMPORARY EASEMENT EXHIBIT
Date <u>1/28/08</u>			

Acquisition Parcel No.: 4
Tax Parcel No.: 2771605308
Owner: SEI Northwest, Inc.
Site Address: 2300 W. Commodore Way, Seattle, WA

LEGAL DESCRIPTION:

LOT 1 OF CITY OF SEATTLE SHORT PLAT NO. 3005175, RECORDED OCTOBER 16, 2006 UNDER RECORDING NO. 20061016900009, RECORDS OF KING COUNTY, WASHINGTON.

PROPERTY OWNER RIGHTS NEEDED: Subsurface easement rights with rights of ingress and egress.

EXHIBIT "A"

LEGAL DESCRIPTION

PERMANENT SUBSURFACE EASEMENT FROM SEI NORTHWEST, INC. (SEI NW, Inc.)

The Northwestern 20 feet of Lot 1 of City of Seattle Short Plat No. 3005175, as recorded under Recording No. 20061016900009, Records of King County, Washington.

Project Name: Ballard Siphon
January 29, 2008

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12671L.008.doc
Exhibit: 12671exh03.dwg

Acquisition Parcel No.: 5
Tax Parcel Nos.: 2771605313
Owner: Salmon Bay Landings, LLC
Site Address: 2300 W. Commodore Way, Seattle, WA

LEGAL DESCRIPTION:

PARCEL A:

LOT 4 OF CITY OF SEATTLE SHORT PLAT NO. 3005175, RECORDED OCTOBER 16, 2006 UNDER RECORDING NO. 20061016900009, RECORDS OF KING COUNTY, WASHINGTON.

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS CREATED BY INSTRUMENT RECORDED OCTOBER 31, 2006 UNDER RECORDING NO. 20061031002039, IN KING COUNTY, WASHINGTON.

PROPERTY OWNER RIGHTS NEEDED: Subsurface easement with rights of ingress and egress.

EXHIBIT "A"

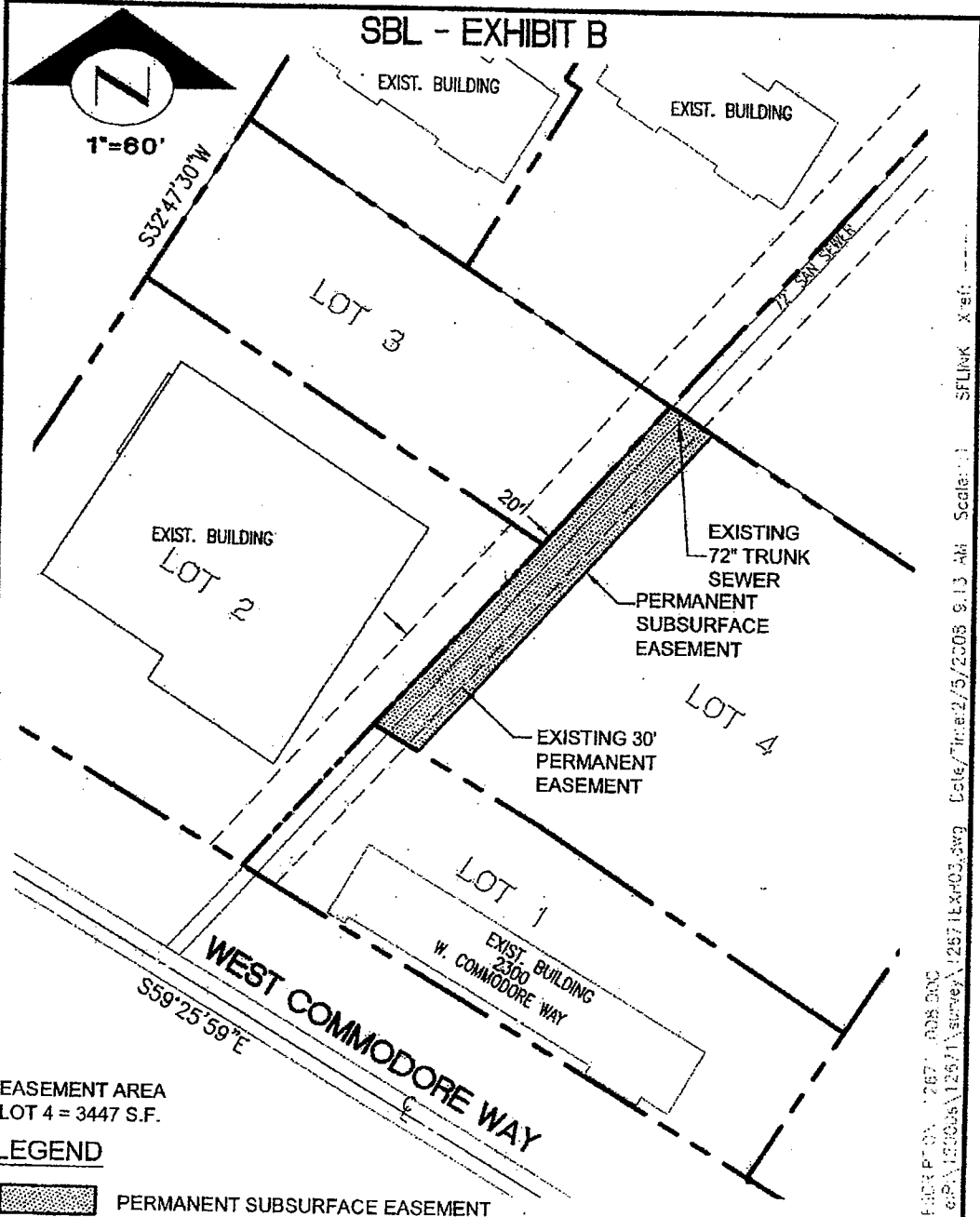
LEGAL DESCRIPTION

PERMANENT SUBSURFACE EASEMENT FROM SALMON BAY LANDINGS, LLC (SBL)

The Northwesterly 20 feet of Lot 4 of City of Seattle Short Plat No. 3005175, as recorded under Recording No. 2006101690009, Records of King County, Washington.


Project Name: Ballard Siphon
January 29, 2008

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EASEMENT AREA
LOT 4 = 3447 S.F.

LEGEND

 PERMANENT SUBSURFACE EASEMENT

Job Number 12671	Drawn SRF
Sheet 1 of 1	Checked RWG
	Date 1/28/08

BARGHAUSEN
CONSULTING ENGINEERS, INC.

18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX

CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES

Title:
**PERMANENT
SUBSURFACE
EASEMENT EXHIBIT**

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Acquisition Parcel No.: 6
Tax Parcel Nos.: 2771605309 & 2771605312
Owner: Salmon Bay Landing West, LLC
Site Address: 2300 W. Commodore Way, Seattle, WA

LEGAL DESCRIPTION:

2771605309

LOT 2 OF CITY OF SEATTLE SHORT PLAT NO. 3005175, RECORDED OCTOBER 16, 2006 UNDER RECORDING NO. 20061016900009, IN KING COUNTY, WASHINGTON.

2771605312

LOT 3 OF CITY OF SEATTLE SHORT PLAT NO. 3005175, RECORDED OCTOBER 16, 2006 UNDER RECORDING NO. 20061016900009, RECORDS OF KING COUNTY, WASHINGTON.

PROPERTY OWNER RIGHTS NEEDED: Subsurface easement with rights of ingress and egress.

EXHIBIT "A"

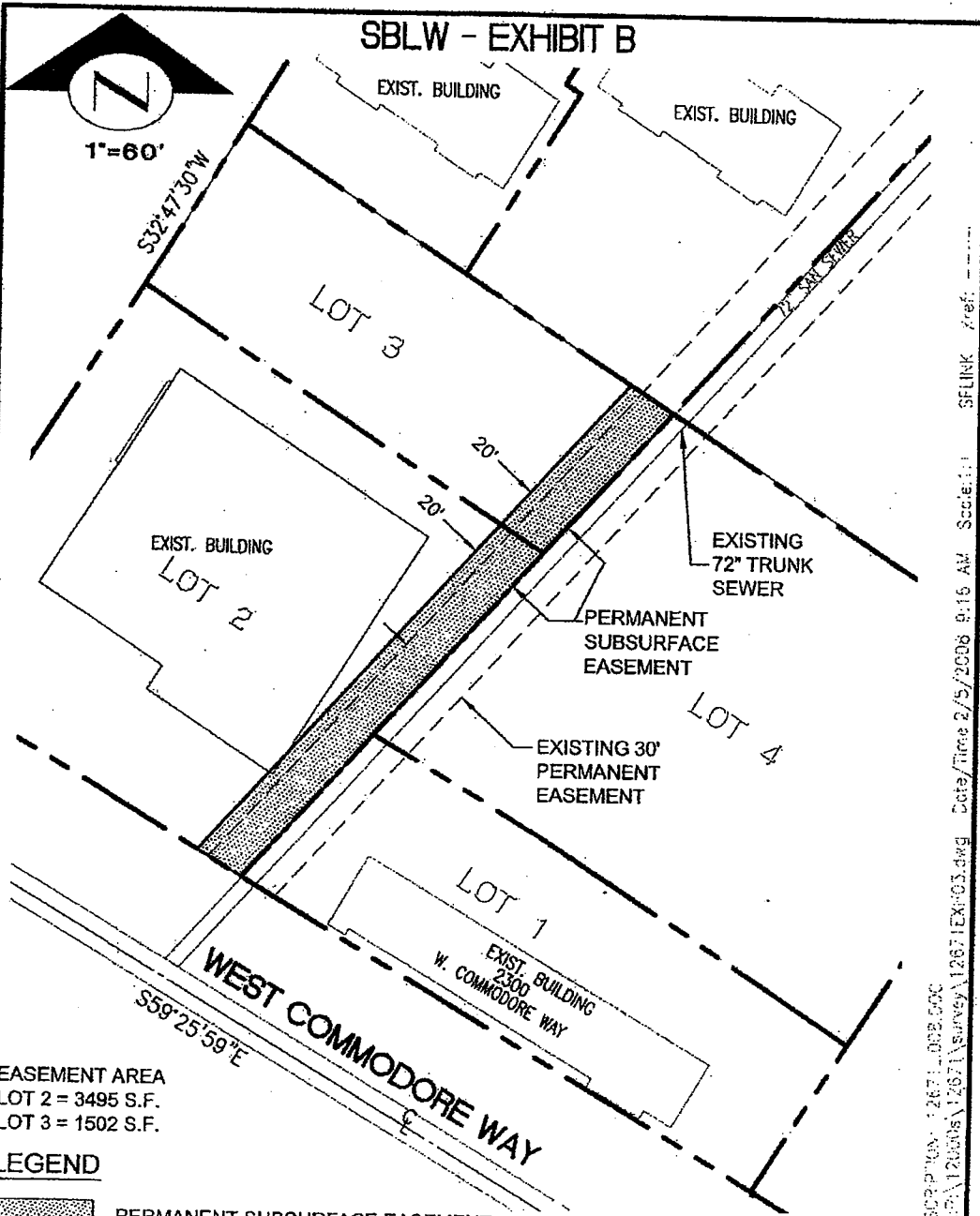
LEGAL DESCRIPTION

PERMANENT SUBSURFACE EASEMENT FROM SALMON BAY LANDING WEST, LLC (SBLW).

The Southeasterly 20 feet of Lots 2 and 3 of City of Seattle Short Plat No. 3005175, as recorded under Recording No. 20061016900009, Records of King County, Washington.


Project Name: Ballard Siphon
January 29, 2008

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12671L.008.doc
Exhibit: 12671exh03.dwg



EASEMENT AREA
 LOT 2 = 3495 S.F.
 LOT 3 = 1502 S.F.

LEGEND

 PERMANENT SUBSURFACE EASEMENT

Job Number 12671	Drawn SRF
Sheet 1 of 1	Checked RWG
	Date 1/28/08



18215 72ND AVENUE SOUTH
 KENT, WA 98032
 (425)251-6222
 (425)251-8782 FAX

CIVIL ENGINEERING, LAND PLANNING,
 SURVEYING, ENVIRONMENTAL SERVICES

Title:
**PERMANENT
 SUBSURFACE
 EASEMENT EXHIBIT**

DESIGNED BY: 12671-002.DWG
 PLOT: 12671-002.DWG
 DATE/TIME: 2/5/2008 9:15 AM
 SCALE: 1:1
 SFLINK Ref: