



**Signature Report**

**December 12, 2011**

**Ordinance 17247**

**Proposed No. 2011-0474.2**

**Sponsors Phillips**

1                   AN ORDINANCE authorizing the condemnation of certain  
2                   property for an easement for construction of a storage tank  
3                   and appurtenances to control combined sewer overflows for  
4                   the South Magnolia combined sewer overflow project,  
5                   capital improvement project 423607.

6                   STATEMENT OF FACTS:

- 7                   1. On November 22, 2010, the King County council adopted the 2011  
8                   Annual Budget and program by Ordinance 16984 and provided for  
9                   funding for capital projects to support the wastewater treatment program.
- 10                  2. One of the funded capital projects is the South Magnolia combined  
11                  sewer overflow project for the construction of a storage tank, a  
12                  conveyance pipe and associated structures to control combined sewer  
13                  overflows in the South Magnolia basin, capital improvement project  
14                  423607.
- 15                  3. The South Magnolia trunk sewer conveys combined sewer overflow  
16                  from the South Magnolia basin to the West Point treatment plant. When  
17                  heavy rains cause flows to exceed the capacity of the South Magnolia  
18                  trunk sewer, a combination of stormwater and diluted sewage overflow  
19                  from the Magnolia combined sewer overflow control structure to an

20 overflow sewer and then to an outfall in Puget Sound. Over the last  
21 twenty years, this has resulted in an average of 19.2 overflows per year.

22 4. The South Magnolia combined sewer overflow project is necessary  
23 because state law mandates that combined sewer overflows occur no more  
24 than once every year for each location.

25 5. The location of the storage tank in the West Yard of Terminal 91,  
26 located south of the west end of the South Magnolia Bridge was chosen  
27 after a two-year review of potential sites. The property is owned by the  
28 Port of Seattle. The storage tank will require a thirty-two-thousand-nine-  
29 hundred-square-foot subterranean easement along with surface access for  
30 hatches, an aboveground ancillary building and a subterranean easement  
31 for conveyance pipe.

32 6. Construction of the storage tank will also require a sixty-thousand-  
33 square-foot temporary construction easement on the same property.

34 7. A conveyance pipe will run due west beneath public and residential  
35 properties from the storage tank to the diversion structure located on 32nd  
36 Avenue West. The conveyance pipe will require subterranean easements.

37 8. The capital budget and program provides for the acquisition of property  
38 interests and property rights necessary for the construction and operation  
39 of the South Magnolia combined sewer overflow project. Acquisition of  
40 such property is required to control and reduce combined sewer overflows  
41 in order to comply with state of Washington mandates and help protect our  
42 region's water quality.

43 9. King County is authorized, by chapters 8.12 and 36.56 RCW, RCW  
44 35.58.320 and 35.58.200 and K.C.C. 28.01.030, to acquire and condemn  
45 real property for public use for sewage treatment and water pollution  
46 abatement facilities.

47 10. In order to acquire the property interests and property rights necessary  
48 for the construction, operation and maintenance of the South Magnolia  
49 combined sewer overflow project and all necessary facilities and  
50 conveyances associated therewith, it is necessary for King County to  
51 condemn certain lands and property rights in the properties identified by  
52 the parcel numbers set forth in Attachments A and B to this ordinance.

53 11. The King County council finds that public health, safety, necessity  
54 and convenience demand that the South Magnolia combined sewer  
55 overflow storage tank, conveyance pipe and appurtenant structures be  
56 constructed, and that those certain property interests and property rights in  
57 the parcels listed in Attachments A and B to this ordinance be condemned,  
58 appropriated, taken and damaged for the purposes herein described.

59 12. The executive has stated before proceeding with condemnation he will  
60 facilitate discussions between King County, the city of Seattle and the Port  
61 of Seattle with the goal of reaching agreement to provide King County  
62 needed access for the proposed combined sewer overflow control facility  
63 at the county's preferred site which minimizes impacts to the city of  
64 Seattle's adjacent park facilities and the Port of Seattle's property. King

65 County is pleased that the city of Seattle and the Port of Seattle may  
66 continue to discuss a potential exchange of adjacent properties.

67 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

68 SECTION 1. It is necessary and in the best interest of the citizens of King  
69 County that all or any portion of the properties identified by the parcel numbers set forth  
70 and depicted in Attachments A and B to this ordinance and other property interests,  
71 property rights and/or rights in property be condemned, appropriated, taken and damaged  
72 for the purpose of the improvements described herein and depicted in Attachments A and  
73 B to this ordinance for the South Magnolia combined sewer overflow project, capital

74 improvement project 423607, subject to the making or paying of just compensation to the  
75 owners herein in the manner provided by law.  
76


Ordinance 17247 was introduced on 11/14/2011 and passed by the Metropolitan King  
County Council on 12/12/2011, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.  
McDermott  
No: 0  
Excused: 0

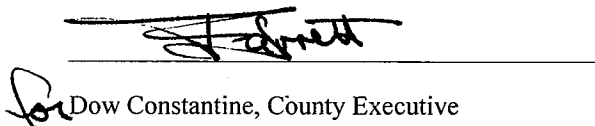
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Larry Gossett, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

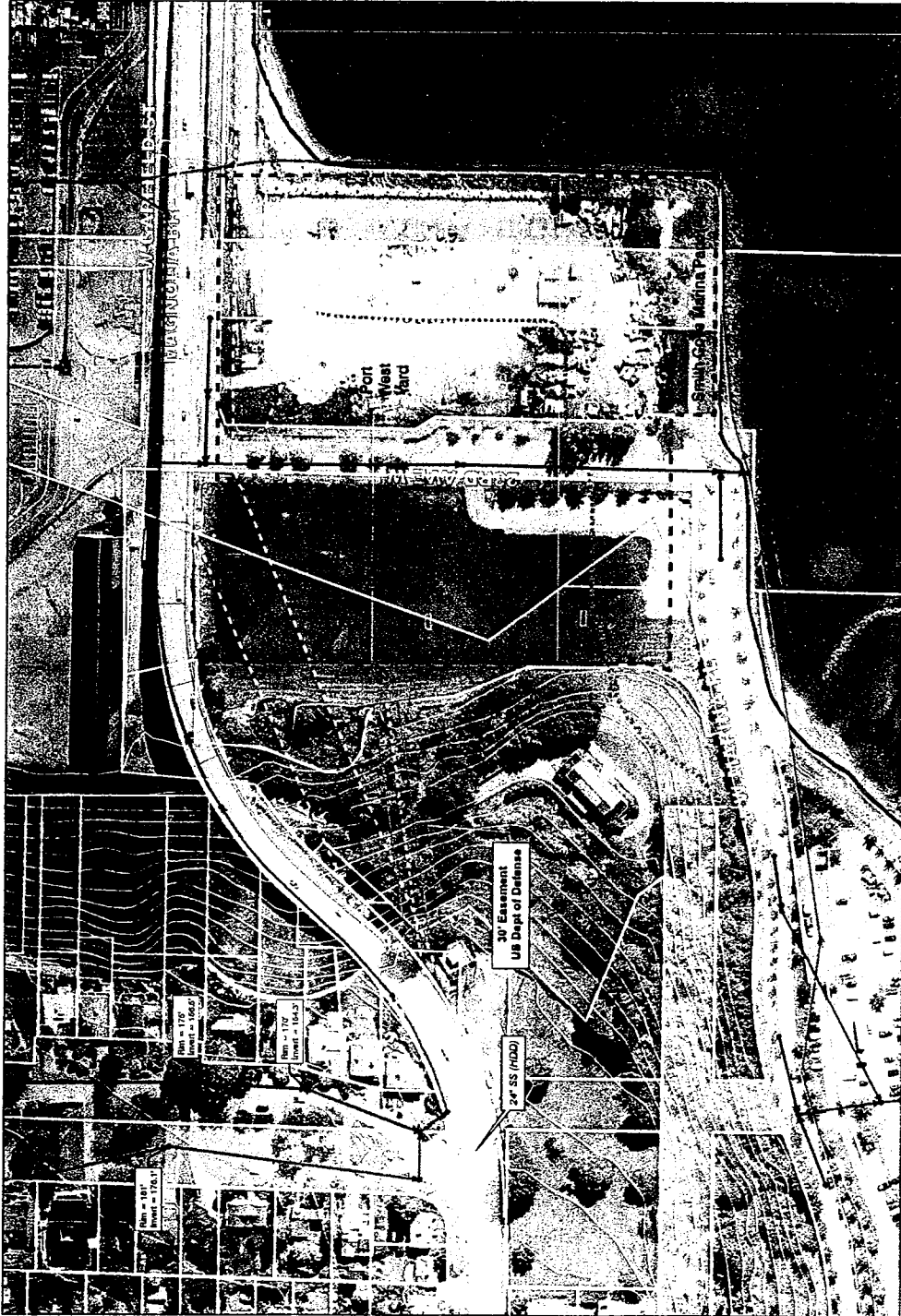
APPROVED this 19<sup>th</sup> day of December, 2011.

  
Dow Constantine, County Executive

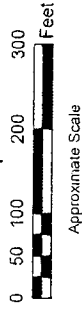
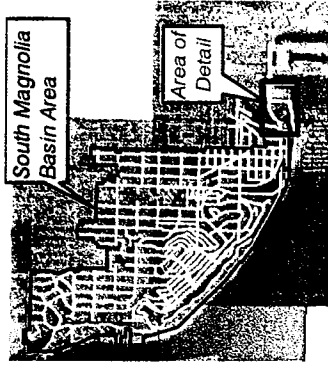
RECEIVED  
2011 DEC 21 PM 3:58  
KING COUNTY COUNCIL

Attachments: A. Site Layout Plan East, B. Site Layout Plan West

17247



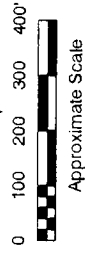
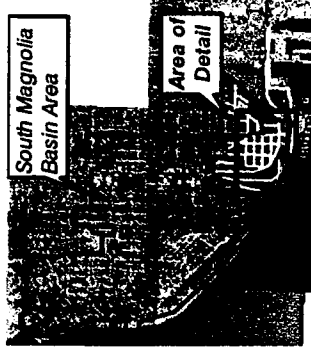
Storage Tank Easement - Terminal 91 - West Yard  
 Parcel Numbers: 7666201146 & 7666201516, and vacated roads



Legend	
	Combined Sewer System
	Storm Sewer System
	Sanitary Sewer System
	10' Topographic Contour
	Shoreline
	200' Shoreline Setback
	Feasible Area for Tank Location
	Permanent Easement
	Horizontal Directional Drilled Gravity Sewer

**SITE LAYOUT PLAN EAST**  
**King County**  
 Department of Natural Resources and Parks  
 Wastewater Treatment Division

17247



Legend	
	Combined Sewer System
	Storm Sewer System
	Sanitary Sewer System
	10' Topographic Contour
	Shoreline
	Permanent Easement
	Horizontal Directional Drilled Gravity Sewer

**SITE LAYOUT PLAN WEST**  
**King County**  
 Department of Natural Resources and Parks  
 Wastewater Treatment Division

A 30-foot wide subterranean easement for a conveyance pipe to be installed by directional drilling underneath seven of the following potential parcels:

- 7666201145, 2325039015, 2325039106, 5037300312, 2625039001, 2021200005, 5039800015, 5037300315, 2325039100, 23250300295, 5037300180, 5037300185, 5037300244, 5037300241, 5037300095, 5037300105, 5037300050, 5037300045