



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**Ordinance 19102**

**Proposed No.** 2020-0152.1

**Sponsors** Kohl-Welles

1 AN ORDINANCE relating to the condemnation of certain  
2 properties required for the North Mercer and Enatai  
3 Interceptors Upgrade project in the city of Mercer Island  
4 and city of Bellevue.

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 SECTION 1.

7 A. The North Mercer Island and Enatai Interceptors Upgrade project will replace  
8 aging sewer infrastructure that is reaching the end of its useful life and nearing  
9 operational capacity. The property rights that are the subject of this ordinance must be  
10 acquired for the construction of the North Mercer Island and Enatai Interceptors Upgrade  
11 project and associated facilities. The acquisition of property rights is for a public  
12 purpose.

13 B. The North Mercer Island and Enatai Interceptors Upgrade project is necessary  
14 to accommodate projected peak flows and meet the conveyance needs of planned growth  
15 in the city of Mercer Island and city of Bellevue and to increase capacity of the pipelines  
16 serving the North Mercer Island and southwest portion of Bellevue near Enatai Beach  
17 and the town of Beaux Arts Village, which are nearing operational capacity.

18 C. King County Conveyance System Policy CP-1, K.C.C 28.86.060, directs the  
19 county to design and construct wastewater conveyance facilities to meet the twenty-year

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20 peak flow standard to avoid sanitary sewer overflows. The North Mercer Island and  
21 Enatai Interceptors Upgrade project will meet the twenty-year peak flows standard  
22 through 2060 accommodating projected growth of the area based on King County's  
23 Conveyance System Improvement Plan and will be an important part of the King County  
24 regional wastewater treatment system.

25 D. This project is of critical importance. Delays in completion of the project  
26 would have significant public health and cost impacts to ratepayers of the King County  
27 regional wastewater treatment system due to the potential for problems with the current  
28 wastewater pipes and rising costs of construction in the region.

29 E. King County is authorized, by chapter 8.12 RCW, chapter 36.56 RCW, RCW  
30 35.58.200 and RCW 35.58.320 to acquire, damage and condemn real property for public  
31 use for sewage treatment and water pollution abatement facilities.

32 F. In order to construct the North Mercer Island and Enatai Interceptors Upgrade  
33 project, it is necessary for King County to condemn and damage certain lands, property  
34 rights and rights in property. The acquisition of such property rights and rights in  
35 property is for a public purpose.

36 G. The King County council finds that public health, safety, necessity,  
37 convenience and welfare require that the North Mercer Island and Enatai Interceptors  
38 Upgrade project be constructed and that those certain properties, property rights and  
39 rights in property be condemned, appropriated, taken and damaged for the purpose of  
40 construction, operation and maintenance of the North Mercer Island and Enatai  
41 Interceptors Upgrade project.

42 SECTION 2. The King County council deems it necessary for the proposed

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43 public purpose and in the best interest of the wastewater ratepayers of the King County  
44 regional wastewater treatment system that all or any portion of the properties identified  
45 by tax parcel numbers 2344300010 and 2344300015 and other property interests,  
46 property rights or rights in the properties be condemned, appropriated, taken and  
47 damaged for the purpose of constructing, installing, operating, maintaining, repairing and  
48 replacing facilities for the North Mercer Island and Enatai Interceptors Upgrade project,  
49 subject to the making or paying of just compensation to the owners herein in the manner  
50 provided by law.

51 SECTION 3. Condemnation proceedings are hereby authorized to acquire  
52 property interests and property rights and rights in property in all or any portion of the  
53 properties identified by tax parcel numbers 2344300010 and 2344300015 for the purpose  
54 of the North Mercer Island and Enatai Interceptors Upgrade project.

55 SECTION 4. The attorneys for King County are hereby authorized and directed  
56 to begin to prosecute the proceedings provided by law to condemn, take, damage and

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57 appropriate the land and other property interests, property rights and rights in property  
58 necessary to carry out this ordinance.  
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Ordinance 19102 was introduced on 3/24/2020 and passed by the Metropolitan King County Council on 5/12/2020, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:  
*Claudia Balducci*  
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Claudia Balducci, Chair

ATTEST:

DocuSigned by:  
*Melani Pedroza*  
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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 5/20/2020.

DocuSigned by:  
*Dow Constantine*  
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Dow Constantine, County Executive

**Attachments:** A. Property Summary

## **Property Summary**

### **Project Background**

King County's sewer pipeline that carries wastewater from North Mercer Island and the southwest portion of Bellevue is aging and reaching capacity. To limit potential for sewer overflows and to keep sewer service in these areas running smoothly, the Wastewater Treatment Division (WTD) of the Department of Natural Resources and Parks launched the North Mercer Island and Enatai Sewer Project (North Mercer/Enatai Project) to replace the pipeline that carries wastewater from the North Mercer Pump Station to the Sweyolocken Pump Station in Bellevue. Increasing sewer capacity will improve the system's overall performance and efficiency, allowing WTD to provide reliable wastewater service through the year 2060. Construction is expected to begin in 2020 with completion anticipated in 2024.

### **Property Acquisition Detail**

The WTD acquired the necessary rights for 47 of 48 properties needed for the North Mercer/Enatai Project. WTD must acquire the remaining property interests from one property owner to ensure the North Mercer/Enatai Project can be completed on schedule. The property interests are described in more detail below.

### **Stephen and Julie Bennett Property**

The Bennett property is a 2,480 square foot residential home located in Enatai-Bellevue, just north of the I-90 Channel Bridge and one lot east of Lake Washington. The North Mercer/Enatai Project impacts the two lots on the Bennett property with a 1,149 square foot permanent easement and a 755 square foot temporary construction easement. Both easements are along the southern portion of the property, adjacent to the WSDOT Right-of-Way. The permanent easement is five feet wide along the entire southern property boundary of the two lots, to account for potential pipeline shift during the horizontal directional drilling (HDD) boring, within the five percent variation tolerance. Within the permanent easement and temporary construction easement area are blackberry vines and minimal vegetation that will be disturbed. The overall construction duration, for the three types of construction (HDD exit pit, trenching for three pipes from I-90 Channel Bridge bottom and pipe connection to existing pipeline) will be approximately eight months.

WTD initiated contact with the Bennetts in January 2017. The Bennetts have allowed access for survey work, but not for appraisal purposes. WTD and the Bennetts have not engaged in negotiations since WTD's initial offer letter was sent on March 20, 2019. The Bennetts initially considered their options and hired an attorney. The Bennetts have not obtained an appraisal to date. Although discussions are ongoing with their attorney, WTD and the property owner have been unable to reach agreement.



Bennett property boundary in blue. WTD needs a five foot permanent easement along the entire south property line parallel to I-90, and an an additional eight foot temporary construction easement along approximately a third of the south property line.