



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 12, 2004

Ordinance 15046

Proposed No. 2004-0231.3

Sponsors Phillips

1 AN ORDINANCE authorizing the condemnation of
2 property interests needed for the Brightwater regional
3 wastewater treatment system, including conveyance and
4 outfall facilities; specifying relocation assistance to be
5 provided to affected landowners, tenants and businesses;
6 outlining the intended sequencing of steps to acquire
7 property interests needed for the Brightwater treatment
8 plant project.

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10

11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 SECTION 1. Findings.

13 A. By Ordinance 13680, on November 29, 1999, King County adopted the
14 Regional Wastewater Services Plan ("RWSP"), which set forth treatment plant policies
15 intended to guide the county in providing treatment at its existing plants and in expanding
16 treatment capacity through the year 2030. The RWSP calls for construction of a new
17 north treatment plant in north King County or south Snohomish County by 2010.

18 B. On December 10, 2001, by Ordinance 14278, the council authorized the
19 preparation of an Environmental Impact Statement ("EIS") on the siting and construction
20 of the north treatment facilities project, also known as the Brightwater regional
21 wastewater treatment system. King County issued the final EIS on the Brightwater
22 regional wastewater treatment system in November 2003. In December 2003, the
23 executive selected the Route 9 – 195th Street system alternative, including a new regional
24 wastewater treatment plant, conveyance facilities with five primary portals and an outfall
25 to Puget Sound, as the final Brightwater alternative. King County is developing the
26 plans, designs, permit applications and other work necessary to obtain necessary project
27 permits and approvals for the construction and operation of the selected Brightwater
28 regional wastewater treatment system.

29 C. To meet the requirement that the Brightwater regional wastewater treatment
30 system be operational in the year 2010, King County must proceed with the project,
31 including the acquisition of one or more of real property and property rights and/or rights
32 in property.

33 D. King County is authorized by chapter 8.12 RCW, chapter 36.56 RCW, RCW
34 35.58.320, RCW 35.58.200, K.C.C. 28.01.030, K.C.C. chapter 28.81 and Ordinance
35 10531, to acquire and condemn real property for public use for sewage treatment and
36 water pollution abatement facilities.

37 E. To acquire the property and property rights and/or rights in property necessary
38 to facilitate construction by 2010 of the Brightwater regional wastewater treatment
39 system, including conveyance and outfall facilities, it is necessary for King County to
40 condemn certain lands and property and property rights and/or rights in property, and also

41 to acquire any easements necessary to conduct surveys, environmental reviews and
42 geotechnical reviews, testing and analyses. The acquisition of such property and property
43 rights and/or rights in property is for a public purpose.

44 F. The King County council finds that public health, safety, necessity,
45 convenience and welfare demand that certain properties and rights in those properties be
46 condemned, appropriated, taken and damaged for the purpose of construction of the
47 Brightwater regional wastewater treatment system, including the conveyance facilities
48 and outfall facilities.

49 G. The King County council finds that the provision of relocation assistance will
50 help to minimize the impacts of relocation on property owners, tenants and businesses.
51 The King County council finds further that the provision of relocation assistance,
52 consistent with the federal Uniform Relocation and Real Property Acquisition Policies
53 Act, will facilitate future applications for federal grant funding to support construction of
54 the Brightwater treatment plant.

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 regional wastewater
57 treatment system, that the lands described in Attachment A to this ordinance, Property
58 Descriptions, and other property and property rights and/or rights in property be
59 condemned, appropriated, taken and damaged in fee, and for easements for surveys,
60 environmental and geotechnical reviews, testing and analyses, for the purpose of
61 constructing the Brightwater regional wastewater treatment system, including the
62 conveyance facilities and outfall facilities, subject to making or paying of just
63 compensation to the owners herein in the manner provided by law.

64 SECTION 3. King County shall provide relocation assistance, consistent with the
65 federal Uniform Relocation and Real Property Acquisition Policies Act, to property
66 owners, tenants and businesses forced to relocate as the result of acquisition of property
67 and property rights and/or rights in property in accordance with this ordinance.

68 SECTION 4. Condemnation proceedings are hereby authorized to acquire
69 property and property rights and/or rights in property described in Attachment A to this
70 ordinance for the purpose of the Brightwater regional wastewater treatment system.

71 SECTION 5. The attorneys for King County are hereby authorized and directed
72 to begin to prosecute the proceedings provided by law to condemn, take and appropriate
73 the land and other property and property rights and/or rights in property necessary to
74 carry out this ordinance.

75 SECTION 6. King County shall first initiate independent, certified appraisals to
76 determine fair market value of property interests to be acquired, and then enter into
77 voluntary negotiations with the owners of property described in Attachment A to this
78 ordinance. Condemnation proceedings should be initiated only after the department

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CLERK

KING COUNTY COUNCIL

79 determines that voluntary negotiations have failed to reach agreement in a timely manner
80 on a purchase price for property and property rights and/or rights in property described in
81 Attachment A to this ordinance.

82

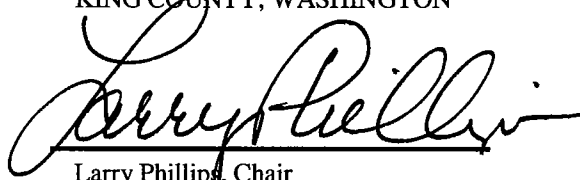
Ordinance 15046 was introduced on 5/3/2004 and passed as amended by the Metropolitan King County Council on 10/11/2004, by the following vote:

Yes: 10 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. McKenna, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Mr. Irons and Mr. Constantine

No: 0

Excused: 3 - Mr. Pelz, Ms. Hague and Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 22 day of OCTOBER, 2004.



Ron Sims, County Executive

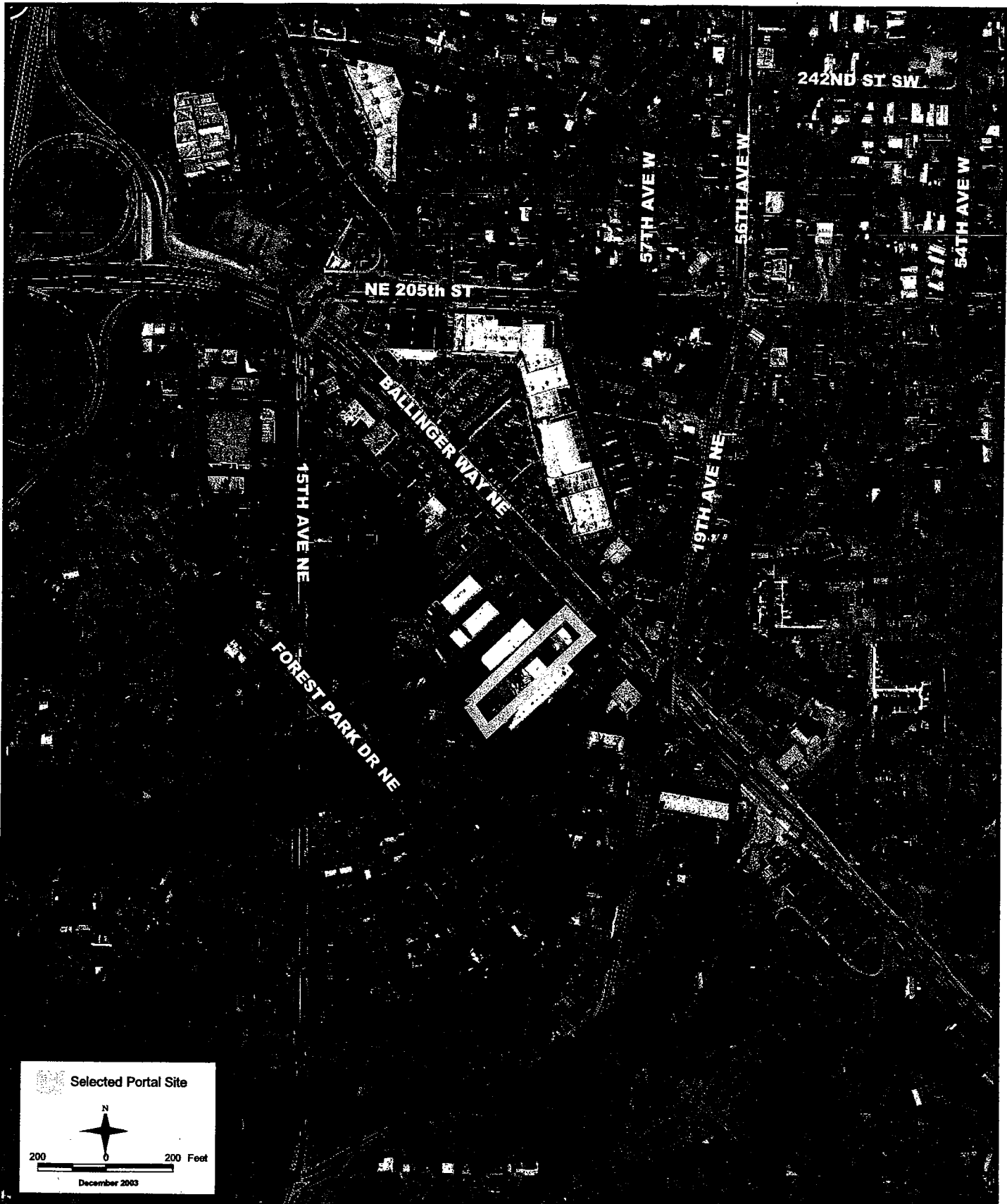
Attachments A. Property Descriptions-October 11, 2004

15046

Attachment A
Property Descriptions
October 11, 2004

Portal 5G
Washington Tree Service Inc.


Lot 29 in Block 1 of Rose Addition No. 2, according to plat recorded in volume 34 of Plats at page 26, in King County, Washington;
Except that portion condemned in King County Superior Court Cause No. 616352 for state highway.



Selected Portal Site

200 0 200 Feet

December 2003

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

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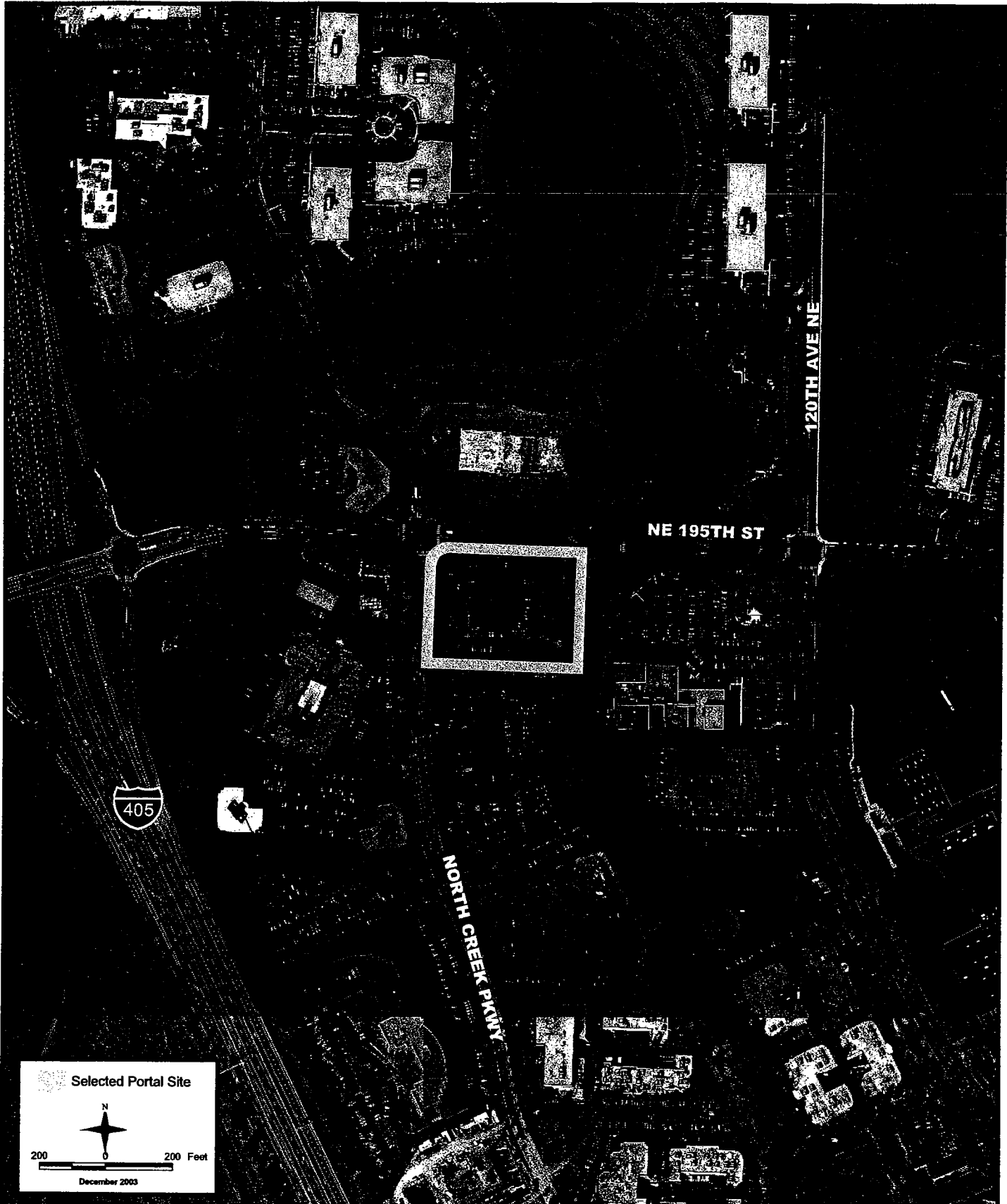
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**Ballinger Way Portal (5)
 Selected Site**

**BRIGHTWATER REGIONAL
 WASTEWATER TREATMENT SYSTEM**

Portal 41
State Farm

Lots 34 and 35 of Quadrant Business Park-Bothell, according to plat recorded in Volume 131 of Plats at Pages 87 through 91, inclusive, in King County, Washington.



Selected Portal Site

N

200 0 200 Feet

December 2003

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 Department of
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**North Creek Portal (41)
 Selected Site**

**BRIGHTWATER REGIONAL
 WASTEWATER TREATMENT SYSTEM**

Portal 44
Seawest

PARCEL A:

THE NORTH 330.71 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON;
EXCEPT THE WEST 30 FEET THEREOF CONVEYED TO KING COUNTY FOR 80TH AVENUE NORTHEAST BY DEED RECORDED UNDER RECORDING NO. 2954823.

PARCEL B:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON;
EXCEPT THE NORTH 330.71 FEET THEREOF;
ALSO EXCEPT THE SOUTH 413.05 FEET THEREOF;
ALSO EXCEPT THE WEST 30 FEET THEREOF CONVEYED TO KING COUNTY FOR 80TH AVENUE NORTHEAST BY DEED RECORDED UNDER RECORDING NO. 2954823.

80TH AVE NE

NE 195TH ST



NE 190TH ST

Selected Portal Site

200 200 Feet

December 2003



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

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**North Kenmore Portal (44)
 Selected Site**

**BRIGHTWATER REGIONAL
 WASTEWATER TREATMENT SYSTEM**