



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**October 4, 2004**

**Ordinance 15039**

**Proposed No. 2004-0317.1**

**Sponsors Pelz**

1 AN ORDINANCE authorizing the condemnation of  
2 property interests needed for the Brightwater regional  
3 wastewater treatment plant; specifying relocation assistance  
4 to be provided to affected landowners, tenants and  
5 businesses.

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8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 **SECTION 1. Findings:**

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

15 B. On December 10, 2001, by Ordinance 14278, the council authorized the  
16 preparation of an environmental impact statement ("EIS") on the siting and construction  
17 of the north treatment facilities project, also known as the Brightwater regional

18 wastewater treatment system. King County issued the final EIS on the Brightwater  
19 regional wastewater treatment system in November 2003. In December 2003, the  
20 executive selected the Route 9 – 195th Street system alternative, including a new regional  
21 wastewater treatment plant, conveyance facilities with five primary portals and an outfall  
22 to Puget Sound, as the final Brightwater alternative. King County is developing the  
23 plans, designs, permit applications and other work necessary to obtain required project  
24 permits and approvals for the construction and operation of the selected Brightwater  
25 regional wastewater treatment system.

26 C. To meet the requirement that the Brightwater regional wastewater treatment  
27 system be operational in the year 2010, King County must proceed with the project,  
28 including the acquisition of real property, property rights and rights in property.

29 D. King County is authorized by chapters 8.12 and 36.56 RCW, RCW 35.58.320  
30 and 35.58.200, K.C.C. chapter 28.81 and Ordinance 10531, to acquire and condemn real  
31 property for public use for sewage treatment and water pollution abatement facilities.

32 E. To acquire the property, property rights and rights in property necessary to  
33 facilitate construction by 2010 of the Brightwater regional wastewater treatment plant, it  
34 is necessary for King County to condemn certain lands and property rights and rights in  
35 property, and also to acquire any easements necessary to conduct surveys, environmental  
36 reviews and geotechnical reviews, testing and analyses. The acquisition of such property,  
37 property rights and rights in property is for a public purpose.

38 F. The King County council finds that public health, safety, necessity,  
39 convenience and welfare demand that certain properties and rights in those properties be

40 condemned, appropriated, taken and damaged for the purpose of construction of the  
41 Brightwater regional wastewater treatment plant.

42 G. The King County council finds that the provision of relocation assistance will  
43 help to minimize the impacts of relocation on property owners, tenants and businesses.  
44 The King County council finds further that the provision of relocation assistance,  
45 consistent with the federal Uniform Relocation and Real Property Acquisition Policies  
46 Act, and department policies and procedures, will facilitate future applications for federal  
47 grant funding to support construction of the Brightwater treatment plant.

48 SECTION 2. The King County council has deemed it necessary, for the proposed  
49 public purpose and in the best interest of the ratepayers of the regional wastewater  
50 treatment system, that the lands described in Attachment A to this ordinance, including  
51 property rights and rights in property, be condemned, appropriated, taken and damaged in  
52 fee, and for easements for surveys, environmental and geotechnical reviews, testing and  
53 analyses for the purpose of constructing the Brightwater regional wastewater treatment  
54 plant, subject to making or paying of just compensation to the property owners in the  
55 manner provided by law.

56 SECTION 3. King County shall provide relocation assistance, consistent with the  
57 federal Uniform Relocation and Real Property Acquisition Policies Act, and King County  
58 department of natural resources and parks's policies and procedures to property owners,  
59 tenants and businesses forced to relocate as the result of acquisition of real property,  
60 property rights and rights in property in accordance with this ordinance.

61            SECTION 4. Condemnation proceedings are hereby authorized to acquire  
62 property, property rights and rights in property described in Attachment A to this  
63 ordinance for the purpose of the Brightwater regional wastewater treatment system.

64            SECTION 5. King County shall first initiate independent, certified appraisals to  
65 determine fair market value of property interests to be acquired, and then enter into  
66 voluntary negotiations with the owners of property described in Attachment A to this  
67 ordinance. Condemnation proceedings should be initiated only after the King County  
68 department of natural resources and parks determines that voluntary negotiations have  
69 failed to reach agreement in a timely manner.

70            SECTION 6. The attorneys for King County are hereby authorized and directed  
71 to begin to prosecute the proceedings provided by law to condemn, take and appropriate

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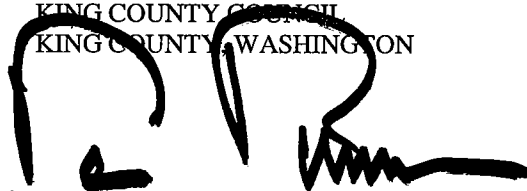
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72 the land and other property, property rights and rights in property necessary to carry out  
73 this ordinance.

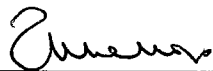
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Ordinance 15039 was introduced on 9/13/2004 and passed by the Metropolitan King  
County Council on 10/4/2004, by the following vote:

Yes: 10 - Mr. von Reichbauer, Ms. Lambert, Mr. Pelz, Mr. McKenna, Mr.  
Hammond, Mr. Gossett, Ms. Hague, Mr. Irons, Ms. Patterson and Mr.  
Constantine  
No: 0  
Excused: 3 - Mr. Phillips, Ms. Edmonds and Mr. Ferguson

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON  
  
Larry Phillips, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

APPROVED this 14 day of OCTOBER, 2004.

  
Ron Sims, County Executive

2004 OCT 15 PM 1:52  
RECEIVED  
CLERK  
METROPOLITAN COUNCIL

**Attachments**      A. Legal Description

Attachment A

Legal Description

ORDER NO. 856735  
WOODINVILLE NORTH ONE LLC

Lot 1 of Woodinville North Park Business Park Binding Site Plan PFN 99-15773, recorded July 30, 2001, under Recording No. 200107305004, in Snohomish County, Washington.