



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19414

Proposed No. 2021-0468.1

Sponsors Kohl-Welles

1 AN ORDINANCE authorizing the condemnation of
2 property interests needed for the Coal Creek Sewer
3 Upgrade project, part of the county's regional wastewater
4 treatment system, located in the city of Bellevue.

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 **SECTION 1. Findings:**

7 A. The Coal Creek Sewer Upgrade project will replace the aging Coal Creek
8 Trunk regional sewer pipeline, part of the county's regional wastewater treatment system,
9 that serves the cities of Bellevue and Newcastle. The property rights that are the subject
10 of this ordinance must be acquired for the construction of the Coal Creek Sewer Upgrade
11 project and associated facilities. The acquisition of property rights is for a public
12 purpose.

13 B. The Coal Creek Sewer Upgrade project is needed in order to provide
14 additional capacity in the Coal Creek Trunk sewer pipeline. The current capacity of the
15 Coal Creek Trunk sewer pipeline is insufficient to convey the County standard twenty-
16 year peak wastewater flow. When complete, the Coal Creek Sewer Upgrade project will
17 provide the Coal Creek Trunk sewer pipeline with the necessary capacity needed to
18 accommodate the projected growth in the region. A secondary benefit of the project is to
19 move the pipeline away from Coal Creek, offering better protection to sensitive
20 environmental areas and access for operation and maintenance.

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21 C. King County Conveyance System Policy CP-1, in K.C.C 28.86.060, directs
22 the county to design and construct wastewater conveyance facilities to meet the twenty-
23 year peak flow standard to avoid sanitary sewer overflows. The Coal Creek Sewer
24 Upgrade project will meet the twenty-year peak flows standard through 2060 to
25 accommodate projected growth of the area based on King County's Conveyance System
26 Improvement Plan and will be an important part of the King County regional wastewater
27 treatment system.

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

31 E. In order to construct the Coal Creek Sewer Upgrade Project, it is necessary for
32 King County to condemn and damage certain lands, property rights and rights in
33 property. The acquisition of such property rights and rights in property is for a public
34 purpose.

35 F. The King County council finds that public health, safety, necessity,
36 convenience and welfare require that the Coal Creek Sewer Upgrade Project be
37 constructed and that certain properties, property rights and rights in property be
38 condemned, appropriated, taken and damaged for the purpose of construction, operation
39 and maintenance of the Coal Creek Sewer Upgrade Project.

40 SECTION 2. The King County council deems it necessary for the proposed
41 public purpose and in the best interest of the wastewater ratepayers of the King County
42 regional wastewater treatment system that all or any portion of the properties identified
43 by tax parcel numbers 1624059168 (#54-Lim/Kim), 1624059144 (#14-ImperialGroup),

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44 2124059018 (#6-SPU), 1624059156 (#24-SPU), 9559500000 (#21-Woodsong HOA),
45 9559500010 (21-A101), 9559500020 (21-A102), 9559500030 (21-A103), 9559500040
46 (21-A104), 9559500050 (21-A201), 9559500060 (21-A202), 9559500070 (21-A203),
47 9559500080 (21-A204), 9559500090 (21-A301), 9559500100 (21-A302), 9559500110
48 (21-A303), 9559500120 (21-A304), 9559500130 (21-B105), 9559500140 (21-B106),
49 9559500150 (21-B107), 9559500160 (21-B108), 9559500170 (21-B109), 9559500180
50 (21-B110 Barajas), 9559500190 (21-B205), 9559500200 (21-B206), 9559500210 (21-
51 B207), 9559500220 (21-B208), 9559500230 (21-B209), 9559500240 (21-B210),
52 9559500250 (21-B305), 9559500260 (21-B306), 9559500270 (21-B307), 9559500280
53 (21-B308), 9559500290 (21-B309) and 9559500300 (21-B310) and other property
54 interests, property rights or rights in the properties be condemned, appropriated, taken, or
55 damaged, or any combination thereof, for the purpose of constructing, installing,
56 operating, maintaining, repairing and replacing facilities for the Coal Creek Sewer
57 Upgrade Project, subject to the making or paying of just compensation to the owners
58 herein in the manner provided by law.

59 SECTION 3. Condemnation proceedings are hereby authorized to acquire
60 property interests and property rights and rights in property in all or any portion of the
61 properties identified by tax parcel numbers 1624059168 (#54-Lim/Kim), 1624059144
62 (#14-ImperialGroup), 2124059018 (#6-SPU), 1624059156 (#24-SPU) , 9559500000
63 (#21-Woodsong HOA), 9559500010 (21-A101), 9559500020 (21-A102), 9559500030
64 (21-A103), 9559500040 (21-A104), 9559500050 (21-A201), 9559500060 (21-A202),
65 9559500070 (21-A203), 9559500080 (21-A204), 9559500090 (21-A301), 9559500100
66 (21-A302), 9559500110 (21-A303), 9559500120 (21-A304), 9559500130 (21-B105),

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67 9559500140 (21-B106), 9559500150 (21-B107), 9559500160 (21-B108), 9559500170
68 (21-B109), 9559500180 (21-B110 Barajas), 9559500190 (21-B205), 9559500200 (21-
69 B206), 9559500210 (21-B207), 9559500220 (21-B208), 9559500230 (21-B209),
70 9559500240 (21-B210), 9559500250 (21-B305), 9559500260 (21-B306), 9559500270
71 (21-B307), 9559500280 (21-B308), 9559500290 (21-B309) and 9559500300 (21-B310)
72 for the purpose of the Coal Creek Sewer Upgrade Project.

73 SECTION 4. The attorneys for King County are hereby authorized and directed
74 to begin to prosecute the proceedings provided by law to condemn, take, damage and
75 appropriate the land and other property interests, property rights and rights in property
76 necessary to carry out this ordinance.

77 SECTION 5. If any provision of this ordinance or its application to any person or

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- 78 circumstance is held invalid, the remainder of the ordinance or the application of the
79 provision to other persons or circumstances is not affected.

Ordinance 19414 was introduced on 1/11/2022 and passed by the Metropolitan King County Council on 3/22/2022, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

7E1C273CE9994B6...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 3/31/2022, _____.

DocuSigned by:

4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: A. Property Summary

Property Summary

Project Background

The Wastewater Treatment Division (WTD) of the Department of Natural Resources and Parks (DNRP) is upgrading and adding additional capacity to the Coal Creek Trunk regional sewer pipeline that serves the cities of Bellevue and Newcastle. The Coal Creek Trunk does not have sufficient capacity to convey a 20-year peak flow, which could lead to a higher probability of overflows. Once completed, this project will provide the Coal Creek Trunk with the capacity to convey the 20-year peak wastewater flows projected through the year 2060. A secondary benefit of the project is to move the pipeline away from Coal Creek, which will better protect sensitive environmental areas.

As of October 31, 2021, WTD has acquired the necessary property rights from 28 private property owners, mainly for permanent utility easements and temporary construction easements. Construction of the Coal Creek Trunk Upgrade project requires acquisition of the remaining easements and access agreements from Imperial Group Holdings LLC (ID #14), Woodsong at Coal Creek Homeowners Association (21), Enrique Barajas (ID #21-B110), Ho Young Lim and Kim Kyunghee (ID #54), and the City of Seattle - Seattle Public Utilities (ID #s 6 & 24) described below in more detail.

Negotiations are at an impasse with two of the properties, owned by Enrique Barajas (ID #21-B110) and Ho Young Lim and Kim Kyunghee (ID #54). WTD and its consultants have attempted to contact Enrique Barajas (ID #21-B110) via phone, email and letter over 20 times since August 2020. These attempts include sending the offer via email on August 19, 2020 and mailing a revised offer on November 5, 2021. The Woodsong at Coal Creek HOA sent a message to its members requesting that they not execute any agreements with WTD until the common area easements are finalized. This may be the reason why Mr. Barajas has not been responsive.

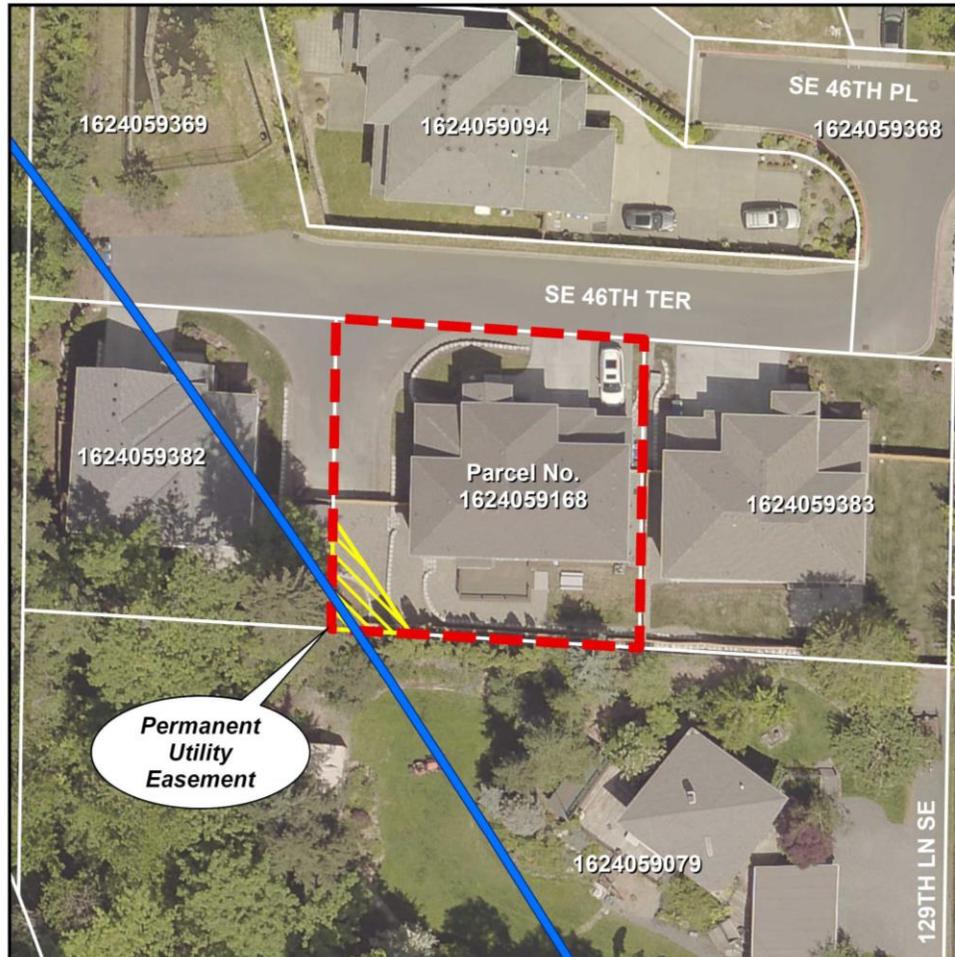
WTD and its consultants have attempted to contact Ho Young Lim and Kim Kyunghee (ID #54) via phone, email and letter over 41 times since February 2020. These attempts included sending offer letters on February 18, 2020, June 4, 2020, and August 9, 2021. WTD also arranged for interpreter services, which did result in a couple of conversations between the consultant (facilitated by the interpreter) and the property owners. However, the property owners soon became unresponsive to contact attempts. The other property owners are still engaged and working toward voluntary resolution. WTD will continue to negotiate with the property owners in good faith to acquire the remaining property rights by agreement. Acquisition through condemnation will only be used as a last resort to maintain the project schedule.

Project Overview Map



Ordinance 19414**Attachment A****Name:** Ho Young Lim and Kim Kyunghee**Project ID#:** 54**Tax Parcel Number:** 1624059168**Acquisition Type:** Subsurface Utility Easement

Depiction of Subsurface Utility Easement



The property contains a 3,320 square foot home in a residential subdivision built in 2017. It is necessary to acquire a permanent subsurface utility easement of approximately 289 square feet through a portion of the property for the installation of a deep subsurface sewer pipe.

The sewer pipe will be installed with a tunnel boring machine and does not restrict or limit the property owner's ability to use the ground surface of the property, including for redevelopment. The upper elevation of the easement starts at approximately 98 feet below ground surface. The pipe will be installed approximately 118 to 123 feet below ground surface. During construction, WTD will access the surface of the property for the sole purpose of conducting settlement monitoring activities on the exterior of structures. The right to conduct settlement monitoring activities expires upon completion of the project.

WTD mailed the offer to purchase the subsurface utility easement to the property owner in February 2020 via Priority and Certified mail. The offer included compensation of an additional \$500 above the

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value of the easement as an incentive if the easement were executed within 60 days of the date of the letter, or the option to be reimbursed up to \$5,000 to obtain their own appraisal. The property owners were initially responsive, but they have ceased responding. WTD has continued to communicate via email, phone, and letter, with no response, resulting in an impasse. While it is not clear what their concerns are, WTD continues to work to reestablish communication with them to resume negotiations and reach a resolution.

There is no alternative sewer pipe alignment that would allow WTD to avoid acquiring the subsurface utility easement on this property.

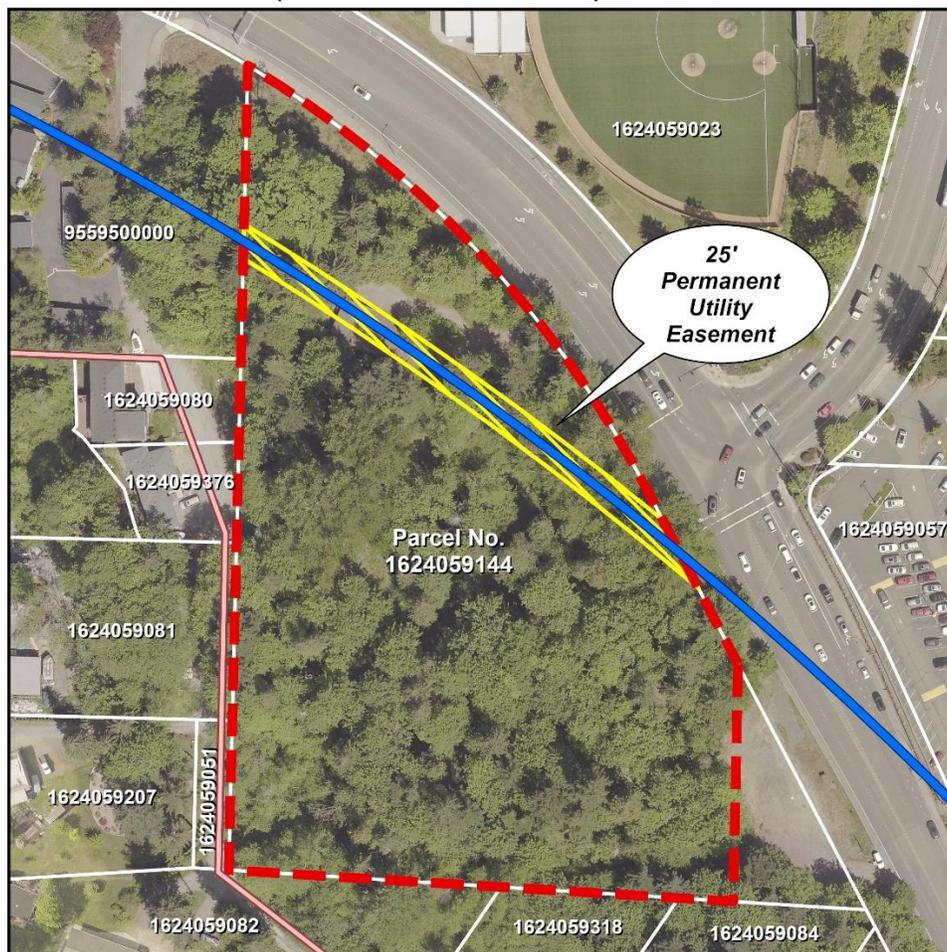
Name: Imperial Group Holdings LLC

Project ID#: 14

Tax Parcel Number: 1624059144

Acquisition Type: Subsurface Utility Easement

Depiction of Subsurface Utility Easement



The property is a vacant 5.06-acre (220,210 square foot) site that is in the planning process for a residential townhome development. It is necessary to acquire a permanent subsurface utility easement of approximately 11,317 square feet through a portion of the property for the installation of a deep subsurface sewer pipe.

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The sewer pipe placement will not restrict or limit the property owner's ability to use the ground surface of the property, including for redevelopment. The pipe will be installed with a tunnel boring machine, with the upper elevation of the easement starting at approximately 43 feet below the ground surface. The pipe will be installed approximately 63 to 68 feet below ground surface. During construction, WTD will access the surface of the property for the sole purpose of conducting settlement monitoring activities on the exterior of structures. The right to conduct settlement monitoring activities expires upon completion of the project.

WTD has been in consistent communication with the Imperial Group since February 2018. WTD mailed the offer to purchase the subsurface utility easement to the property owner in May 2020 via Priority and Certified mail. The offer included the option to be reimbursed up to \$5,000 to obtain their own appraisal. WTD was informed by the Imperial Group's attorney that there may be a potential conflict between the upper elevation of the proposed subsurface utility easement and the piles that will support the foundations of two of the nine townhome buildings.

WTD obtained a copy of the Imperial Group's permit submittals and construction documents from the City of Bellevue. In addition, the Imperial Group granted WTD a Right of Entry Agreement to conduct two geotechnical borings on the property to better understand the soil conditions at the two potential conflict areas. WTD and the Imperial Group have been able to reach an agreement on how to handle the potential conflict during construction, should it arise. The Imperial Group is currently in the process of obtaining its own appraisal. Once its appraisal is complete, WTD and the property owner will work to reach agreement on compensation.

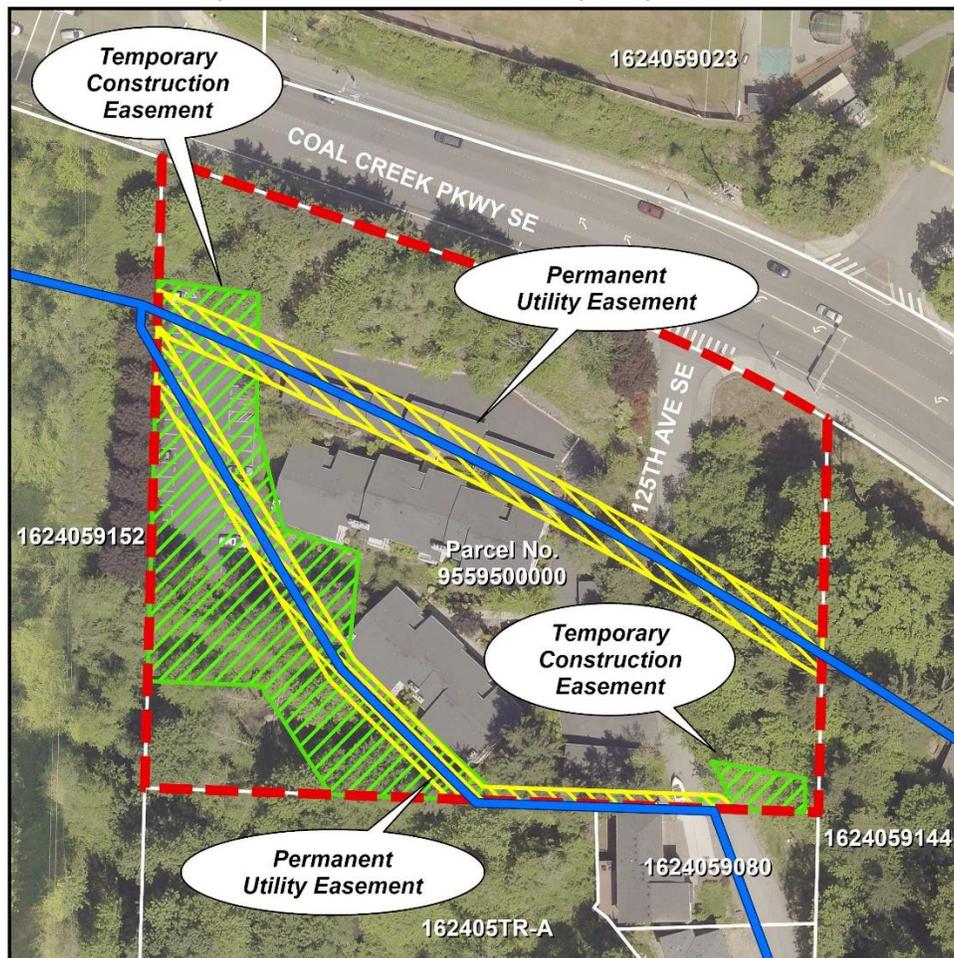
There is no alternative sewer pipe alignment that would allow WTD to avoid acquiring the subsurface utility easement on this property.

Name: Woodsong at Coal Creek Homeowners Association and Enrique Barajas
Project ID#: 21

Acquisition Types: Utility Easement (Coal Creek Trunk), Utility Easement (local sewer line), Temporary Construction Easement, Agreement for Temporary Occupancy and Use (Barajas) and Right of Access Agreements

Tax Parcel Numbers: 9559500000 (Woodsong HOA), 9559500010 (21-A101), 9559500020 (21-A102), 9559500030 (21-A103), 9559500040 (21-A104), 9559500050 (21-A201), 9559500060 (21-A202), 9559500070 (21-A203), 9559500080 (21-A204), 9559500090 (21-A301), 9559500100 (21-A302), 9559500110 (21-A303), 9559500120 (21-A304), 9559500130 (21-B105), 9559500140 (21-B106), 9559500150 (21-B107), 9559500160 (21-B108), 9559500170 (21-B109), 9559500180 (21-B110_ Barajas), 9559500190 (21-B205), 9559500200 (21-B206), 9559500210 (21-B207), 9559500220 (21-B208), 9559500230 (21-B209), 9559500240 (21-B210), 9559500250 (21-B305), 9559500260 (21-B306), 9559500270 (21-B307), 9559500280 (21-B308), 9559500290 (21-B309) and 9559500300 (21-B310).

Depiction of Permanent and Temporary Easements



The property is 3.25 acres (141,537 square feet) with two three-story condominium buildings containing a total of 30 residential units. WTD has acquired a permanent utility easement of approximately 11,775 square feet through a portion of the property for the installation of the Coal Creek Trunk sewer pipeline. WTD has also acquired a temporary construction easement of approximately 30,328 square feet and a permanent utility easement of approximately 8,620 square feet through a portion of the property for the construction of a local sewer pipeline that will convey the sewer flows from the condominiums and other residential homes to the Coal Creek Trunk sewer pipeline.

The Coal Creek Trunk sewer pipeline will be installed with a tunnel boring machine and the work will not disturb the ground surface of the property. The pipeline will be installed approximately 18 to 23 feet below the surface of the property beneath the carports, driveways, and parking stalls. It will not cross underneath any condominium units.

The local sewer pipeline will be installed by open-cut construction through a portion of the guest parking lot and is estimated to take six to eight months to complete. All condominium units are assigned one covered parking spot, except for unit # B110 (owned by Enrique Barajas, TPN: 9559500180), which is assigned an uncovered parking stall within the guest parking lot. WTD will temporarily move unit #B110's parking spot to a different location on the property during construction to maintain uninterrupted access for parking. During the construction of the local sewer pipeline, the residents will

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not have access to the guest parking lot, but they will have uninterrupted access to their assigned covered parking spot or temporary parking spot. WTD will conduct settlement monitoring activities on the exterior of structures. The right to conduct settlement monitoring activities expires upon completion of the project.

WTD has been in consistent communication with the Woodson at Coal Creek Homeowners Association Board (HOA) since 2018. In August 2020, WTD mailed via Priority and Certified mail (1) the offer to purchase the permanent utility easements and temporary construction easement to the HOA and (2) an Agreement for Temporary Occupancy and Use to Enrique Barajas to temporarily relocate his parking spot. The offer included the option for the HOA to be reimbursed up to \$5,000 to obtain their own appraisal. Recently, WTD and the HOA reached tentative agreement on the terms of the acquisition pending the approval of the sale by the individual unit owners. Due to the way the condominium declaration is written, all individual homeowners need to approve the sale of property rights unless WTD has condemnation authority. If WTD has condemnation authority, then the HOA board can act on behalf of the owners to approve the transaction. As soon as condemnation is authorized, the HOA board members will be expected to execute the easements.

Enrique Barajas (owner of unit # B110) was initially responsive, but soon after became unresponsive. WTD is trying to reestablish communication with him.

There is no alternative sewer pipeline alignment that would allow WTD to avoid acquiring the Agreement for Temporary Occupancy and Use or permanent utility easements and temporary construction easement on this property.

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Attachment A

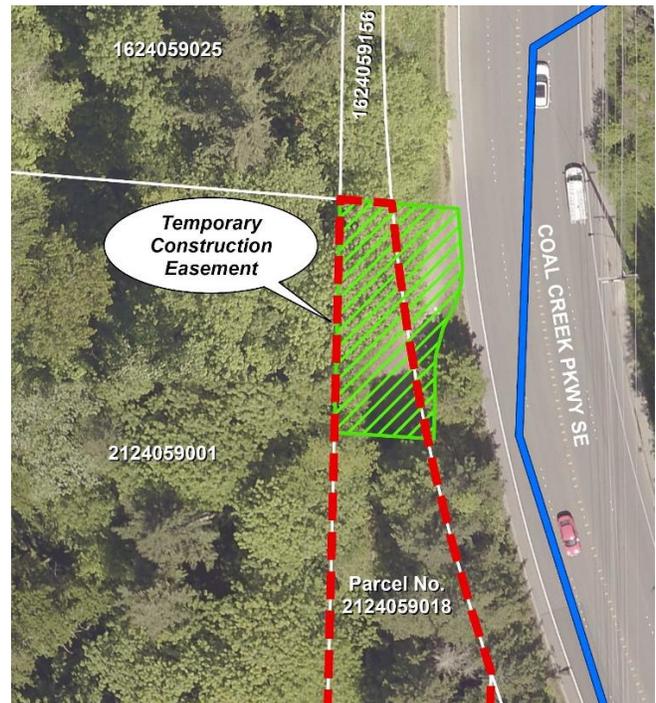
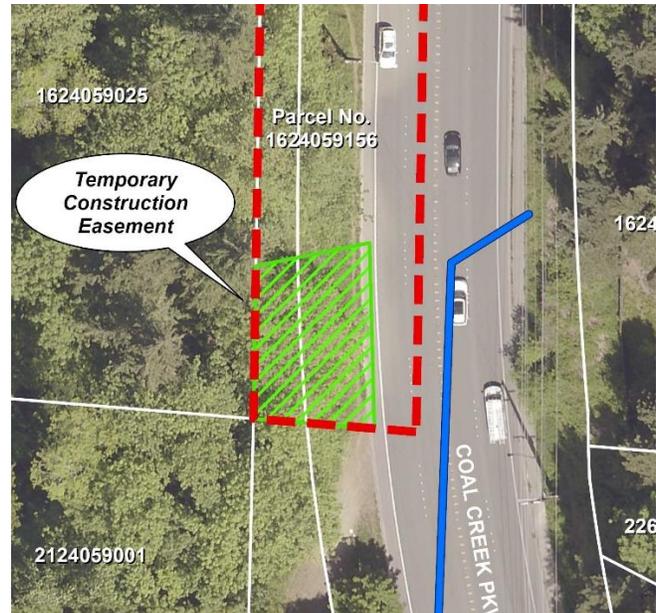
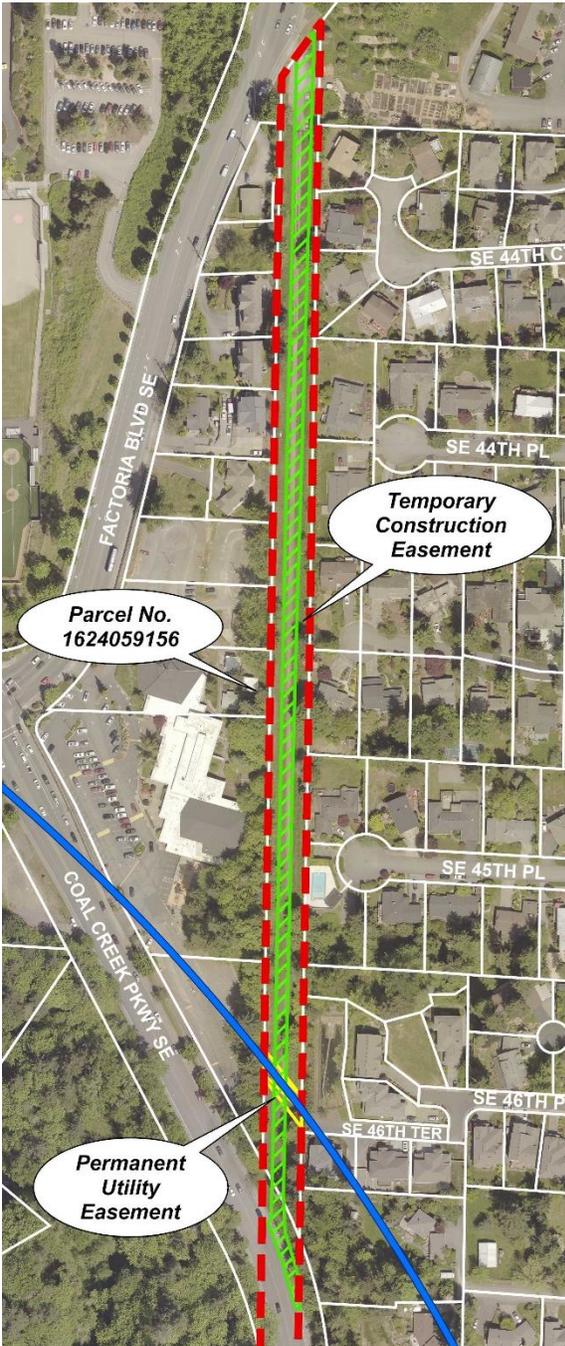
Name: City of Seattle – Seattle Public Utilities (SPU)

Project ID#: 6, 24

Tax Parcel Number: 2124059018 (6), 1624059156 (24)

Acquisition Types: Subsurface Utility Easement and Temporary Construction Easement

Depiction of Permanent and Temporary Easements



Ordinance 19414**Attachment A**

The properties are used as a utility corridor for an SPU waterline that supplies the City of Mercer Island with water. It is necessary to acquire a permanent subsurface utility easement of 2,413 square feet through a portion of the property and a temporary construction easement of 44,913 square feet for the installation of the Coal Creek Trunk sewer pipeline.

The sewer pipe will be installed with a tunnel boring machine and will not restrict or limit the property owner's ability to use the ground surface of the property, including for redevelopment. The upper elevation of the easement starts at approximately 86 feet below ground surface. The pipe will be installed approximately 106 to 111 feet below ground surface. The Subsurface Utility Easement will not interfere with SPU's waterline or its maintenance and operation activities. During construction, WTD will access the surface of the property to conduct settlement monitoring activities on the exterior of structures and improvements. The right to conduct settlement monitoring activities expires upon completion of the project.

It is also necessary to acquire a temporary construction easement for general construction staging activities. The temporary construction easement area has been designed to avoid impacts to SPU's waterline and drainage facilities. The duration of the temporary construction easement is four years.

WTD has been coordinating with SPU since 2018. WTD made the offer to purchase a Subsurface Utility Easement in April 2020 and a Temporary Construction Easement in December 2020. At this time, WTD and SPU are negotiating in good faith, and no major issues or disagreements regarding compensation have been identified.

There is no alternative sewer pipeline alignment that would allow WTD to avoid acquiring the subsurface utility easement on this property.

Certificate Of Completion

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Subject: Please DocuSign: Ordinance 19414.docx, Ordinance 19414 Attachment A.docx	
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Supplemental Document Pages: 9	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Cherie Camp
Enveloped Stamping: Enabled	401 5th Ave
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	Suite 100
	Seattle, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

Record Tracking

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Storage Appliance Status: Connected	Pool: King County General (ITD)	Location: DocuSign

Signer Events

Claudia Balducci
 claudia.balducci@kingcounty.gov
 King County General (ITD)
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

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Electronic Record and Signature Disclosure:

Not Offered via DocuSign
 Supplemental Documents:

Ordinance 19414 Attachment A.docx

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 Accepted: Not Required

Melani Pedroza
 melani.pedroza@kingcounty.gov
 Clerk of the Council
 King County Council
 Security Level: Email, Account Authentication (None)

DocuSigned by:

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 Signature Adoption: Uploaded Signature Image
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Electronic Record and Signature Disclosure:

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 Supplemental Documents:

Ordinance 19414 Attachment A.docx

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 Accepted: Not Required

Dow Constantine
 Dow.Constantine@kingcounty.gov
 Security Level: Email, Account Authentication (None)

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Ordinance 19414 Attachment A.docx

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Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Carahsoft OBO King County ITD (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign, Inc. (DocuSign) electronic signing system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after signing session and, if you elect to create a DocuSign signer account, you may access them for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of a DocuSign envelope instead of signing it. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Carahsoft OBO King County ITD:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: bob.johnson@kingcounty.gov

To advise Carahsoft OBO King County ITD of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at bob.johnson@kingcounty.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc. to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in the DocuSign system.

To request paper copies from Carahsoft OBO King County ITD

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to bob.johnson@kingcounty.gov and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Carahsoft OBO King County ITD

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to bob.johnson@kingcounty.gov and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
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** These minimum requirements are subject to change. If these requirements change, you will be asked to re-accept the disclosure. Pre-release (e.g. beta) versions of operating systems and browsers are not supported.

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