



Signature Report

April 5, 2016

Ordinance 18266

Proposed No. 2016-0099.2

Sponsors McDermott

1 AN ORDINANCE relating to the condemnation of certain
2 properties required for the Georgetown wet weather
3 treatment station project (formerly Brandon Street and
4 South Michigan Street combined sewer overflow control
5 project), located in King County council district eight,
6 including authorizing the condemnation of the properties
7 and establishing time limits for review of proposals to
8 dispose of property acquired in accordance with this
9 ordinance and later determined to be surplus.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. Findings:

12 A. In November 2013, Ordinance 17696 provided funding for capital projects to
13 support King County's wastewater treatment program.

14 B. One of the funded capital projects is the Georgetown wet weather treatment
15 station, which consists of a combined sewer overflow wet weather treatment station,
16 conveyance pipelines and a new outfall structure, together with all necessary and
17 convenient appurtenances and facilities that will collectively, treat, convey and discharge
18 treated effluent into the lower Duwamish waterway under capital improvement project
19 number 1121402.

20 C. The Georgetown project was approved as part of King County's long-term
21 combined sewer overflow control plan under Ordinance 17413 and incorporated in King
22 County's combined sewer overflow Consent Decree approved by the United States
23 Environmental Protection Agency and Washington state Department of Ecology and
24 entered into on July 3, 2013. The project will be constructed in the Georgetown
25 neighborhood of south Seattle.

26 D. In order to construct and/or operate the Georgetown project, it is necessary for
27 King County to condemn and damage certain lands, property rights and rights in
28 property. The acquisition of such lands, property rights and rights in property is for a
29 public purpose.

30 E. All of the properties to be condemned for the construction of the Georgetown
31 project pursuant to this ordinance are zoned as General Industrial Two (IG2 U/85), which
32 allows for approved commercial, industrial and manufacturing uses. King County has
33 conducted extensive public outreach in the project area regarding the properties needed
34 by King County for the construction and/or operation of the Georgetown project. As part
35 of community input on the Georgetown project, the public has expressed the desire that
36 any property acquired by King County needed for the construction of the Georgetown
37 project, and is determined by the department of natural resources and parks to be surplus
38 to the operational needs of the Georgetown project, shall be made available for
39 commercial, industrial and manufacturing uses that comply with the IG2 U/85 zoning
40 classification after the completion of the construction of the Georgetown project.

41 F. The wastewater treatment division of the department of natural resources and
42 parks has initiated discussions with the property owners for the voluntary acquisition of

43 the properties necessary for the project. If the property owners and the wastewater
44 treatment division cannot reach an agreement on voluntary acquisition of the properties,
45 condemnation proceedings will be necessary so King County can obtain the properties
46 needed for the project and meet the deadlines set forth in the combined sewer overflow
47 consent decree. The wastewater treatment division will continue to negotiate with the
48 property owners and pursue condemnation only in the event that negotiations reach an
49 impasse.

50 G. The capital budget provides for the acquisition of real property, property
51 rights and rights in property necessary for the construction, operation and maintenance of
52 the Georgetown project. Acquisition of the properties is required to meet the deadlines
53 specified in the combined sewer overflow Consent Decree for the Georgetown project,
54 (including a construction completion date of December 31, 2022).

55 H. King County is authorized, by chapters 8.12 and 36.56 RCW, RCW 35.58.320
56 and K.C.C. 35.58.200, to acquire, damage and condemn real property for public use for
57 sewage treatment and water pollution abatement facilities.

58 I. The public health, safety, necessity, convenience and welfare require that
59 certain properties and rights in properties be condemned, appropriated, taken and
60 damaged for the purpose of constructing, operating and maintaining the Georgetown
61 project and associated facilities.

62 SECTION 2. The King County council has deemed it necessary for the proposed
63 public purpose, and in the best interest of the residents and wastewater ratepayers of the
64 King County regional wastewater treatment system, that the properties identified by tax
65 parcel numbers and/or legal description, identified in Attachment A to this ordinance, and

66 other property interests, property rights or rights in property be condemned, appropriated,
67 taken and damaged in fee and/or in easements for the purposes described in this
68 ordinance, including without limitation for surveys, environmental and geotechnical
69 reviews, testing and analyses, construction and operation and maintenance of the
70 Georgetown project and associated facilities, including the conveyance facilities and the
71 outfall structure, subject to the making or paying of just compensation to the owners
72 herein in the manner provided by law.

73 SECTION 3. Condemnation proceedings are hereby authorized to acquire the
74 properties, property rights and rights in property in all or any portion of the properties
75 described in Attachment A to this ordinance.

76 SECTION 4. If any property is acquired by the department of natural resources
77 and parks in accordance section 3 of this ordinance and is determined by the department
78 of natural resources and parks to be surplus property, then the department of natural
79 resources and parks shall notify King County facilities management division, in writing,
80 of this determination. Within thirty days after receiving a written notice from the
81 department of natural resources and parks that property is surplus to the operational needs
82 of the Georgetown project, the facilities management division shall make
83 recommendations to the county executive regarding the optimal timing and method of
84 sale of such property to maximize the financial return to King County. This procedure
85 for the declaration and sale of surplus property shall be followed in lieu of the procedure
86 set forth in K.C.C. 4.56.070, only for property acquired by the department of natural
87 resources and parks in accordance with section 3 of this ordinance.

88 SECTION 5. The attorneys of King County are hereby authorized to begin to
89 prosecute the proceedings provided by law to condemn, take, damage and appropriate the
90 land and other property interests, property rights and rights in property necessary to carry
91 out this ordinance.

92 SECTION 6. Before filing a petition for condemnation, the wastewater treatment
93 division shall seek to mediate a resolution with the property owners. The wastewater
94 treatment division may file a petition for condemnation if the property owners, including
95 the tenant and franchisee, have not agreed to mediate within thirty days of the effective
96 date of this ordinance, or the wastewater treatment division determines that the property
97 owners, including the tenant and franchisee, have not provided adequate documentation
98 to support their claims for benefits within thirty days of the effective date of this
99 ordinance,

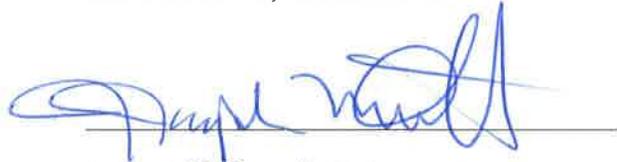
100 or if mediation has not been concluded within sixty days after the effective date of this
101 ordinance.

102

Ordinance 18266 was introduced on 2/29/2016 and passed as amended by the Metropolitan King County Council on 4/4/2016, by the following vote:

Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
No: 1 - Mr. Dembowski
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

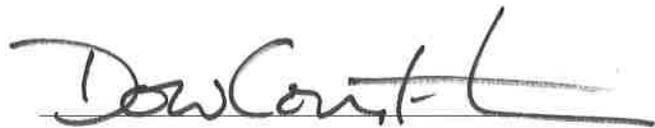
ATTEST:



Anne Noris, Clerk of the Council

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2016 APR 15 PM 3:52
KING COUNTY COUNCIL
CLERK

APPROVED this 14 day of APRIL, 2016.



Dow Constantine, County Executive

Attachments: A. Properties Identified by Tax Parcel Number and Legal Description

Properties Identified by Tax Parcel Number and Legal Description**PROPERTY OWNER:** EAST MARGINAL TT LLC**PARCEL NUMBER:** 5367200300**PROPERTY ADDRESS:** 6442 East Marginal Way South, Seattle, WA 98108**LEGAL DESCRIPTION:**

Lots 16 through 20, inclusive, Block 3, Joseph R. McLaughlin's Water Front Addition to the City of Seattle, according to the plat thereof recorded in Volume 13 of Plats, page 28, records of King County, Washington;

Except portion of said Lots 17 through 20, inclusive, condemned by the City of Seattle for street purposes, under King County Superior Court Cause No. 102874; and Except that portion conveyed to City of Seattle by Deed recorded December 24, 1967 under Recording No. 6269615 as provided by Ordinance No. 96228 of the City of Seattle; and Except that portion conveyed to the City of Seattle by Deed recorded November 20, 1996 under Recording No. 9611200869 for street purposes; Together with portion of vacated street adjoining. Situate in the County of King, State of Washington

PROPERTY OWNER: WINTERS INVESTMENT LIMITED PARTNERSHIP (McDonald's)**PARCEL NUMBER:** 5367200447**PROPERTY ADDRESS:** 6145 Fourth Avenue South, Seattle, WA 98108**LEGAL DESCRIPTION:**

Lot A, City of Seattle Short Subdivision No. 3012368, recorded under Recording No. 20111108900011, records of King County, Washington;

Situate in the County of King, State of Washington.

 Fee Acquisition
 Fee Acquisition - Acquired



130 65 0 130
 Feet

December 2015



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

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Parcel Map

File Name: Q:\WTD\Projects\Brandon-Michigan\projects\attachmentA.mxd - Shari Cross

*Georgetown Wet Weather
 Treatment Station*