



## Legislation Details (With Text)

**File #:** 2003-0185      **Version:** 3

**Type:** Ordinance      **Status:** Passed

**File created:** 5/5/2003      **In control:** Utilities Committee

**On agenda:**      **Final action:** 6/30/2003

**Enactment date:** 7/8/2003      **Enactment #:** 14699

**Title:** AN ORDINANCE outlining the intended sequencing of steps to acquire property interests needed for the Brightwater treatment plant project; authorizing the condemnation of property interests for the Brightwater treatment plant project ; specifying relocation assistance to be provided to affected landowners, tenants and businesses; establishing time limits for review of proposals to dispose of property acquired in accordance with this ordinance and later determined to be surplus; making technical changes; and amending Ordinance 12045, Section 5, as amended, and K.C.C. 4.56.070 and Ordinance 12045, Section 7, and K.C.C. 4.56.080.

**Sponsors:** Julia Patterson

**Indexes:** Brightwater, Condemnations, Property, Sewage

**Code sections:**

**Attachments:** 1. 14699.pdf, 2. Staff Report 5-20-03, 3. 2003-0185 aerial photos.pdf, 4. 2003-0185 transmittal letter.doc, 5. Exhibit A, 6. Revised Staff Report 6-24-03, 7. REVISED Staff Report 6-10-03, 8. Staff Report 6-10-03

Date	Ver.	Action By	Action	Result
6/30/2003	3	Metropolitan King County Council	Passed	Pass
6/24/2003	2	Utilities Committee	Amended	Pass
6/24/2003	3	Utilities Committee	Recommended Do Pass Substitute	Pass
6/16/2003	2	Metropolitan King County Council	Hearing Held	
6/16/2003	2	Metropolitan King County Council	Re-referred	
6/16/2003	2	Metropolitan King County Council	Passed	Fail
6/10/2003	1	Utilities Committee	Amended	Pass
6/10/2003	2	Utilities Committee	Passed Out of Committee Without a Recommendation	Pass
5/20/2003	1	Utilities Committee	Deferred	
5/5/2003	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE outlining the intended sequencing of steps to acquire property interests needed for the Brightwater treatment plant project; authorizing the condemnation of property interests for the Brightwater treatment plant project ; specifying relocation assistance to be provided to affected landowners, tenants and businesses; establishing time limits for review of proposals to dispose of

property acquired in accordance with this ordinance and later determined to be surplus; making technical changes; and amending Ordinance 12045, Section 5, as amended, and K.C.C. 4.56.070 and Ordinance 12045, Section 7, and K.C.C. 4.56.080.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

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

B. On December 10, 2001, by Ordinance 14278 the council authorized the preparation of an environmental impact statement ("EIS") on the siting and construction of the north treatment facilities project, also known as the Brightwater regional wastewater treatment system. King County issued a draft EIS on the Brightwater system in November 2002. The draft EIS describes several alternative Brightwater systems, which could accomplish King County's overall project objective to have a new treatment plant, conveyance system and outfall operational by 2010. To meet that requirement, King County must proceed with preliminary plans and designs and other work necessary to further refine the Brightwater wastewater treatment system proposal. The executive has identified a preferred alternative, which is outlined in the draft EIS. This preferred alternative is not intended to prejudice King County's final decision. The final decision will be made following issuance of the final EIS.

C. In the interim, and to meet the requirement that the Brightwater treatment plant and system be operational in the year 2010, King County must proceed with the project, including the acquisition of real property, property rights and rights in property. This ongoing work will not limit the choice of reasonable alternatives to be selected at the end of the EIS process.

D. King County is authorized by chapter 8.12 RCW, RCW 35.58.320, 35.58.200 and 36.56.010, K.C.C. 28.01.030 and 28.81.010 and Ordinance 10531, to acquire and condemn real property for public use for sewage treatment and water pollution abatement facilities.

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

F. It is the intent of the King County council that King County will pursue voluntary negotiations to acquire property interests before initiating condemnation proceedings.

G. The King County council finds that public health, safety, necessity, convenience and welfare demand that certain properties and rights in those properties be condemned, appropriated, taken and damaged for the purpose of construction of the Brightwater wastewater treatment plant, subject to making or paying of just compensation to property owners in the manner provided by law.

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

I. The King County council finds that the timely surplus of real property, property rights and rights in property acquired pursuant to this ordinance and later determined to be surplus to the needs of the project supports the objectives of containing costs and retaining reasonable alternatives for the Brightwater treatment plant.

SECTION 2. The King County council has deemed it necessary, for the proposed public purpose and in the best interest of the ratepayers of the regional wastewater treatment system, that the lands described in

Exhibit A attached to this ordinance including property rights and rights in property be condemned, appropriated, taken and damaged in fee and for easements for surveys, geotechnical and environmental reviews, testing and analyses for the purpose of constructing the Brightwater treatment plant, subject to making or paying of just compensation to the property owners in the manner provided by law.

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

SECTION 4. Condemnation proceedings are hereby authorized to acquire property, property rights and rights in property described in Exhibit A attached to this ordinance for the purpose of the Brightwater project.

SECTION 5. King County shall first initiate independent, certified appraisals to determine fair market value of property interests to be acquired, and then enter into voluntary negotiations with the owners of property described in Exhibit A attached to this ordinance. Condemnation proceedings should be initiated only after the department determines that voluntary negotiations have failed to reach agreement in a timely manner on a purchase price for property, property rights and rights in property described in Exhibit A attached to this ordinance. The county shall not finalize the acquisition of property interests identified in Exhibit A to this ordinance prior to the executive issuing a notice of action on the final siting decision for the Brightwater wastewater treatment plant. The preceding limitation on the acquisition of property interests shall not apply to property interests for which the county has already transmitted an offer to purchase prior to June 1, 2003 and shall also not restrict the county's ability to acquire or condemn limited interests necessary for testing or evaluation of properties.

SECTION 6. Ordinance 12045, Section 5, as amended and K.C.C. 4.56.070 are each hereby amended to read as follows:

**Facilities management division, county departments - responsibilities and powers in declaring**

**county real property surplus.**

A. The facilities management division shall, no later than the end of the first quarter of the calendar year, maintain and update a current inventory of all county titled real property with detailed information as to current departmental custodianship and as to the characteristics that determine its economic value and potential uses. However, all county roads shall be excluded from of this section.

B. No later than April 1 of each calendar year, each department shall submit a report to the facilities management division on the status of all real property for which the department is the custodian and include in the report any change in use or status since the previous year's report.

C. County departments shall be required to report no later than April 1 of every year to justify departmental retention of all real property for which the department is the custodian to the facilities management division.

1. If in the judgment of the facilities management division a county department cannot justify the retention of real property for which it is the custodian or if a department determines that real property is surplus to its needs, the facilities management division shall determine whether any other county department has a need for the property that is related to the provision of essential government services, including, but not limited to, services for the public health, public safety or services related to transportation, water quality, surface water or other utilities. If the property is not needed for the provision of essential government services, the facilities management division shall then determine if the parcel is suitable for affordable housing. If it is deemed suitable for housing the county shall first attempt to make it available or use it for affordable housing in accordance with K.C.C. 4.56.085 or 4.56.100. Suitable for affordable housing for the purpose of this section means the parcel is located within the Urban Growth Area, zoned residential and the housing development is compatible with the neighborhood. If the property is not deemed suitable for the purposes described in this subsection C.1., then it shall be determined whether any other department has a need for the parcel.

2. If another department can demonstrate a need for ~~((said))~~ the real property, custodianship of the real

property shall be transferred to that department without any financial transaction between present and future custodial organizations, except as required by RCW 43.09.210, as amended, or under grants.

3. If another department cannot demonstrate a need for the real property, the real property shall be declared surplus to the future foreseeable needs of the county and may be disposed of as set forth in this chapter.

D. The facilities management division shall review and make recommendations to the executive for uses other than the sale of surplus real property before a decision by the executive to dispose of such properties through sale. Other possible uses that shall be considered by the division in accordance with this chapter are:

1. Exchanges for other privately or publicly owned lands that meet the county's land needs;
2. Lease with necessary restrictive covenants;
3. Use by other governmental agencies;
4. Retention by the county if the parcel is classified as floodplain or slide hazard property;
5. Use by nonprofit organizations for public purposes; and
6. Long-term lease or sale for on-site development of affordable housing.

E. The facilities management division in consultation with the department of community and human services shall, no later than July 1 of each year, submit a report to the council identifying surplus county real property suitable for the development of affordable housing. Affordable housing for the purpose of this chapter means residential housing that is rented or owned by a person:

1. Who is from a special needs population and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income; or
2. Who qualifies as a very low-income, low-income or moderate-income household as those terms are defined in RCW 43.63A.510.

F. A park or recreational facility located in a potential annexation area may be transferred to the city designated to annex the area in which the park or recreational facility is located without being subject to this

section, but any such a transfer must require that the park or recreational facility shall be used in perpetuity for park or recreation purposes unless other equivalent lands or facilities within the county or the city are received in exchange therefore and the replacement lands or facilities are used in perpetuity for park or recreation purposes.

G. The facilities management division shall review and make recommendations to the county executive regarding the surplus of any property, property rights and rights in property that are acquired by the department of natural resources and parks in accordance with section 2, 4 or 7 of this ordinance no more than thirty days after receiving a written notice from the department of natural resources and parks that the property is surplus to the needs of siting or constructing the Brightwater wastewater treatment plant. Upon approval by the council of an ordinance authorizing the disposal of property acquired in accordance with section 2, 4 or 7 of this ordinance, the facilities management division shall consult with the department of natural resources and parks to determine the timing for disposal of this property.

SECTION 7. Ordinance 12045, Section 7, and K.C.C. 4.56.080 are each hereby amended to read as follows:

**Sales of surplus real property - ~~((€))~~council approval required.**

A. The approval of the council by ~~((motion))~~ ordinance is required ~~((prior to))~~ before the executive disposing of county-titled real property through sale, ~~((such))~~ the sale being recommended as a result of real property having been declared as surplus in compliance with the provisions of this chapter; ~~((provided that))~~ though property with an apparent value of less than ten thousand dollars shall be excluded from ~~((the provisions of))~~ this section.

B. If any property, property rights or rights in property are acquired by the department of natural resources and parks in accordance with section 2, 4 or 7 of this ordinance and are later determined to be surplus to the department of natural resources and parks's needs, the council shall take action on a proposed ordinance authorizing the disposal of this property within sixty days of transmittal by the executive.

SECTION 8. The attorneys for King County are hereby authorized and directed

to begin to prosecute the proceedings provided by law to condemn, take and appropriate the land and other property and property rights necessary to carry out this ordinance.

none