



## Legislation Text

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**File #:** 2011-0474, **Version:** 2

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Clerk 12/08/2011

AN ORDINANCE authorizing the condemnation of certain property for an easement for construction of a storage tank and appurtenances to control combined sewer overflows for the South Magnolia combined sewer overflow project, capital improvement project 423607.

### STATEMENT OF FACTS:

1. On November 22, 2010, the King County council adopted the 2011 Annual Budget and program by Ordinance 16984 and provided for funding for capital projects to support the wastewater treatment program.
2. One of the funded capital projects is the South Magnolia combined sewer overflow project for the construction of a storage tank, a conveyance pipe and associated structures to control combined sewer overflows in the South Magnolia basin, capital improvement project 423607.
3. The South Magnolia trunk sewer conveys combined sewer overflow from the South Magnolia basin to the West Point treatment plant. When heavy rains cause flows to exceed the capacity of the South Magnolia trunk sewer, a combination of stormwater and diluted sewage overflow from the Magnolia combined sewer overflow control structure to an overflow sewer and then to an outfall in Puget Sound. Over the last twenty years, this has resulted in an average of 19.2 overflows per year.
4. The South Magnolia combined sewer overflow project is necessary because state law mandates that combined sewer overflows occur no more than once every year for each location.

5. The location of the storage tank in the West Yard of Terminal 91, located south of the west end of the South Magnolia Bridge was chosen after a two-year review of potential sites. The property is owned by the Port of Seattle. The storage tank will require a thirty-two-thousand-nine-hundred-square-foot subterranean easement along with surface access for hatches, an aboveground ancillary building and a subterranean easement for conveyance pipe.
6. Construction of the storage tank will also require a sixty-thousand-square-foot temporary construction easement on the same property.
7. A conveyance pipe will run due west beneath public and residential properties from the storage tank to the diversion structure located on 32nd Avenue West. The conveyance pipe will require subterranean easements.
8. The capital budget and program provides for the acquisition of property interests and property rights necessary for the construction and operation of the South Magnolia combined sewer overflow project. Acquisition of such property is required to control and reduce combined sewer overflows in order to comply with state of Washington mandates and help protect our region's water quality.
9. King County is authorized, by chapters 8.12 and 36.56 RCW, RCW 35.58.320 and 35.58.200 and K.C.C. 28.01.030, to acquire and condemn real property for public use for sewage treatment and water pollution abatement facilities.
10. In order to acquire the property interests and property rights necessary for the construction, operation and maintenance of the South Magnolia combined sewer overflow project and all necessary facilities and conveyances associated therewith, it is necessary for King County to condemn certain lands and property rights in the properties identified by the parcel numbers set forth in Attachments A and B to this ordinance.
11. The King County council finds that public health, safety, necessity and convenience

demand that the South Magnolia combined sewer overflow storage tank, conveyance pipe and appurtenant structures be constructed, and that those certain property interests and property rights in the parcels listed in Attachments A and B to this ordinance be condemned, appropriated, taken and damaged for the purposes herein described.

12. The executive has stated before proceeding with condemnation he will facilitate discussions between King County, the city of Seattle and the Port of Seattle with the goal of reaching agreement to provide King County needed access for the proposed combined sewer overflow control facility at the county's preferred site which minimizes impacts to the city of Seattle's adjacent park facilities and the Port of Seattle's property. King County is pleased that the city of Seattle and the Port of Seattle may continue to discuss a potential exchange of adjacent properties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. It is necessary and in the best interest of the citizens of King County that all or any portion of the properties identified by the parcel numbers set forth and depicted in Attachments A and B to this ordinance and other property interests, property rights and/or rights in property be condemned, appropriated, taken and damaged for the purpose of the improvements described herein and depicted in Attachments A and B to this ordinance for the South Magnolia combined sewer overflow project, capital improvement project 423607, subject to the making or paying of just compensation to the owners herein in the manner provided by law.

Area paper, two consecutive weeks

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