

Legislation Text

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Clerk 10/04/2005

AN ORDINANCE authorizing the condemnation of property interests
needed for the Brightwater regional wastewater treatment system,
including conveyance and outfall facilities.

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 wastewater treatment at its existing plants, and in expanding wastewater treatment capacity through the year 2030. The RWSP calls for construction of a new wastewater treatment plant in north King County or south Snohomish County by 2010.

B. On December 10, 2001, by Ordinance 14278, the King County council authorized the preparation of an Environmental Impact Statement ("EIS") on the siting and construction of the north treatment facility project, now known as the Brightwater regional wastewater treatment system. King County issued the final EIS on the Brightwater regional wastewater treatment system in November 2003. In December 2003, the King County executive selected the Route 9 - 195th Street system alternative, including a new regional wastewater treatment plant, conveyance facilities, with five primary portals, and an outfall to Puget Sound as the final Brightwater alternative. King County is developing the plans, designs, permit applications and other work necessary to obtain required project permits and approvals for the construction and operation of the Brightwater regional wastewater treatment system.

C. To meet the requirement that the Brightwater regional wastewater treatment 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.

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

E. In order to acquire the property interests and property rights necessary to facilitate construction by 2010 of the Brightwater regional wastewater treatment system, including conveyance and outfall facilities, it is necessary for King County to condemn certain lands, property rights and rights in property, and also to acquire any property interests necessary to conduct surveys, environmental reviews and geotechnical reviews, testing and analyses. The acquisition of such property rights is for a public purpose.

F. 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, operation and maintenance of the Brightwater regional wastewater treatment system, including the conveyance and outfall facilities.

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 all or any portion of the property described in Attachment A to this ordinance, and other property interests, property rights and rights in property, be condemned, appropriated, taken and damaged in fee and/or in easements for surveys, environmental and geotechnical reviews, testing and analyses, construction, operation and maintenance of the Brightwater wastewater treatment system, including the conveyance and outfall facilities, subject to making or paying of just compensation to the owners herein in the manner provided by law.

SECTION 3. Condemnation proceedings are hereby authorized to acquire property interests and property rights and rights in property in all or any portion of the property described in Attachment A to this

ordinance for the purpose of the Brightwater project.

SECTION 4. Before initiating condemnation proceedings in court, King County will initiate an independent, certified appraisal to determine fair market value of the property interests to be acquired, and then enter into voluntary negotiations with the owners of the property described in Attachment A to this ordinance. Condemnation proceedings would be initiated only after the department determines that voluntary negotiations have failed to reach agreement in a timely manner.

SECTION 5. 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 interests, property rights and rights in property necessary to carry out this ordinance.