



Legislation Text

File #: 2016-0099, **Version:** 2

Clerk 04/04/2016

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

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

C. The Georgetown project was approved as part of King County's long-term combined sewer overflow control plan under Ordinance 17413 and incorporated in King County's combined sewer overflow Consent Decree approved by the United States Environmental Protection Agency and Washington state Department of

Ecology and entered into on July 3, 2013. The project will be constructed in the Georgetown neighborhood of south Seattle.

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

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

F. The wastewater treatment division of the department of natural resources and parks has initiated discussions with the property owners for the voluntary acquisition of the properties necessary for the project. If the property owners and the wastewater treatment division cannot reach an agreement on voluntary acquisition of the properties, condemnation proceedings will be necessary so King County can obtain the properties needed for the project and meet the deadlines set forth in the combined sewer overflow consent decree. The wastewater treatment division will continue to negotiate with the property owners and pursue condemnation only in the event that negotiations reach an impasse.

G. The capital budget provides for the acquisition of real property, property rights and rights in property necessary for the construction, operation and maintenance of the Georgetown project. Acquisition of the properties is required to meet the deadlines specified in the combined sewer overflow Consent Decree for the

Georgetown project, (including a construction completion date of December 31, 2022).

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

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

SECTION 2. The King County council has deemed it necessary for the proposed public purpose, and in the best interest of the residents and wastewater ratepayers of the King County regional wastewater treatment system, that the properties identified by tax parcel numbers and/or legal description, identified in Attachment A to this ordinance, and other property interests, property rights or rights in property be condemned, appropriated, taken and damaged in fee and/or in easements for the purposes described in this ordinance, including without limitation for surveys, environmental and geotechnical reviews, testing and analyses, construction and operation and maintenance of the Georgetown project and associated facilities, including the conveyance facilities and the outfall structure, subject to the 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 the properties, property rights and rights in property in all or any portion of the properties described in Attachment A to this ordinance.

SECTION 4. If any property is acquired by the department of natural resources and parks in accordance section 3 of this ordinance and is determined by the department of natural resources and parks to be surplus property, then the department of natural resources and parks shall notify King County facilities management division, in writing, of this determination. Within thirty days after receiving a written notice from the department of natural resources and parks that property is surplus to the operational needs of the Georgetown project, the facilities management division shall make recommendations to the county executive regarding the

optimal timing and method of sale of such property to maximize the financial return to King County. This procedure for the declaration and sale of surplus property shall be followed in lieu of the procedure set forth in K.C.C. 4.56.070, only for property acquired by the department of natural resources and parks in accordance with section 3 of this ordinance.

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

SECTION 6. Before filing a petition for condemnation, the wastewater treatment division shall seek to mediate a resolution with the property owners. The wastewater treatment division may file a petition for condemnation if the property owners, including the tenant and franchisee, have not agreed to mediate within thirty days of the effective date of this ordinance, or the wastewater treatment division determines that the property owners, including the tenant and franchisee, have not provided adequate documentation to support their claims for benefits within thirty days of the effective date of this ordinance, or if mediation has not been concluded within sixty days after the effective date of this ordinance.