



Legislation Text

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Clerk 09/02/2004

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

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 King 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 King County 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 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 necessary project permits and approvals for the construction and operation of the selected 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/or 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. To acquire the property interests and property rights necessary to facilitate construction of the Brightwater regional wastewater treatment system by 2010, including conveyance facilities, it is necessary for King County to condemn certain lands and 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 of conveyance facilities for the Brightwater regional wastewater treatment system.

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 Attachment A to this ordinance, Subsurface Utility Easement Parcels, and other property rights and/or rights in property be condemned, appropriated, taken and damaged in fee and for easements for surveys, environmental and geotechnical reviews, and testing and analyses for the purpose of constructing conveyance facilities for the Brightwater regional wastewater treatment system, subject to making or paying 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/or rights in property described in the Attachment A to this ordinance for the purpose of the Brightwater project.

SECTION 4. King County shall first initiate independent, certified appraisals to determine the fair market value of property interests to be acquired, and then enter into voluntary negotiations with the owners of

property described in Attachment A to this ordinance. Condemnation proceedings should be initiated only after the King County department of natural resources and parks 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, and property rights and rights in property necessary to carry out this ordinance.