



# THE VALLEY VIEW

MARCH — APRIL 2011 · ISSUE NO. 175 · [www.madisonvalley.org](http://www.madisonvalley.org)

## Local Flooding Lawsuit Settles

By David Jacobson

*In a landmark \$2.5 million settlement*, twelve Madison Valley residents have agreed to drop a lawsuit which alleges the city of Seattle knowingly allowed stormwater and sewage to infiltrate their homes for 37 years. The agreement was signed last November 29, but not made public since it contained a provision enjoining either side from issuing a press release. *The Valley View* is the first to reveal the settlement, having obtained a copy through a public records request.

“I was a little disappointed, but I can live with it... I’m just glad it’s over,” said one of the plaintiffs, Grace Stewart, 83, who has been a neighborhood fixture since 1970, and has documented floods in her house nearly every year (often 3 to 4 times per year) since 1973.

Plaintiffs’ attorney, A. Richard Maloney, said his clients ended up receiving roughly \$170,000 to \$190,000 per home, depending mainly on whether the Plaintiff owned a home and had lived in it. That’s four to five times what the city had originally offered residents for their diminished home values and for the mental anguish they suffered during years of chronic flooding. Seattle had already paid most, though not all, of the damage done to their personal property during some of the previous floods.

“I basically feel like the City and the insurance companies made out like bandits,” said another plaintiff, Angie Bolton, 57, whose house only first flooded in 2006, due to its slightly higher elevation in the valley. “It should have been more [money] for the people who were repeatedly flooded.” Still, for some, the settlement couldn’t have come soon enough. Three of the homes were on the verge of foreclosure and one homeowner was contemplating personal bankruptcy, Maloney said.

***Follows \$2.8 Million Settlement with Charlene Strong*** — The settlement comes on the heels of another settlement reached in 2008, between the city of Seattle and former Madison Valley resident Charlene Strong, whose life partner Kate Fleming died in the terrible rain storm of December 14, 2006. That settlement — which has also not been revealed publicly until this report — authorized payment... *Cont’d on p. 5*



**Stormwater Construction Negatively Impacts Merchants-** Signs are posted all along the Madison Street corridor, in the hopes of reminding shoppers that businesses remain open throughout the messy, and often inconvenient, \$30 million stormwater construction project. See page 3 for related article by Larry Levine.



## Spring Events Calendar

**Fri, March 11, 8:30 - 10:30 a.m.** — **SPU Stormwater Infrastructure Drop-In Info Session**, hosted at Café Flora.

**Wed, March 16, 7:00 - 8:30 p.m.** — **GMVCC Monthly Meeting**. Please note the new start time! At the Valley School on 30th Avenue E. & E. Thomas. Meets third Wednesday each month.

**Sun, March 27, 11:00 a.m. - 3:00 p.m.** — **Weekend Work Party for Friends of Harrison Ridge Greenbelt group**.

**Tues, April 5, 7:00 p.m.** — **Madison Valley Merchants Association Monthly Meeting**, at Bailey Boushay House. Food & Networking 6-7:00p.m. Meets the first Tuesday of each month.

**Sat, April 9, 10:00 a.m. - 2:00 p.m.** — **Arboretum Foundation Early Bloomers Plant Sale**, at the Graham Visitors Center.

**Thurs, April 13, 5:00 - 8:00 p.m.** — **Blitz Capitol Hill Art Walk**, open house arts event held the second Thursday of every month. See venue list at: <http://blitzcapitolhill.com/venuelist.php>

**Sun, April 17, 11:00 a.m. - 3:00 p.m.** — **Weekend Work Party for Friends of the Harrison Ridge Greenbelt**.

**Wed, April 20, 7:00 - 8:30 p.m.** — **GMVCC Monthly Meeting** at the Valley School. Meets the third Wednesday each month.

## The Valley Present...



### GMVCC ID STATEMENT



#### The Valley View

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The GMVCC is a 501(c)3 not-for-profit member of the Seattle Community Council Federation. *The Valley View* reaches over 2,200 households and businesses in the Madison Valley area, and is published in **January, March, May, July, September, and November.**

### Next Submission Deadline is April 21st

**Attention Longtime Madison Valley Residents:**  
The Editor is looking for **HISTORIC PHOTOS** of Madison St and the valley. Please contact me if you have old photos of the area you'd be willing to have scanned for a local history project.



## GMVCC News Briefs

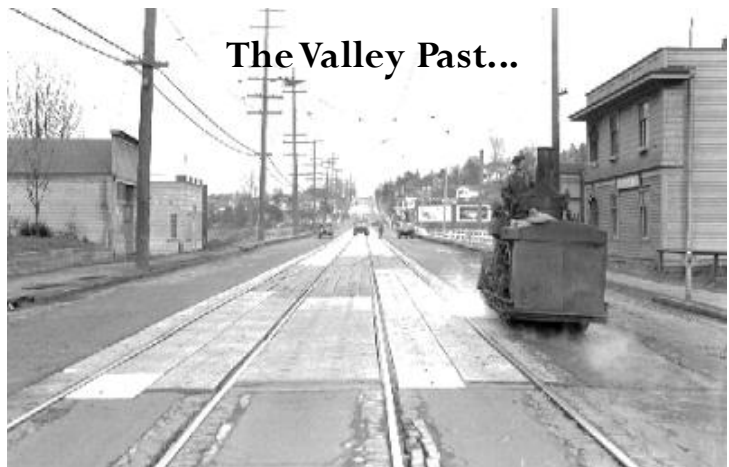
**At the January meeting, it was decided that Council Meetings will begin at 7:00 p.m. starting in February.** Ruth Harper from DOT reviewed the new parking changes based on their 2010 study. Madison spaces will change from 1- to 2-hour parking. E. Arthur St. (and possibly 28th Ave E.) will join the RPZ. Permit costs for RPZ will increase to \$65 for 2 years. You can review the full parking plan at: [www.seattle.gov/transportation/parking/cp\\_madisonvalley.htm](http://www.seattle.gov/transportation/parking/cp_madisonvalley.htm)

**At the February meeting, stormwater construction was discussed. Notably, Madison will be changed into a one-way street this spring** for installation of two huge catch basins. SPU will try to minimize the impact of this by working off-peak hours. **See diagram on p. 5.**

GMVCC has been working with SPU to address ground water seepage and street flooding at 32nd Ave E. & E. John St. If you would like direct emails on this, contact Cathy Nunneley at: [cjunnunneley@yahoo.com](mailto:cjunnunneley@yahoo.com).

**For a complete copy of the GMVCC Minutes from January or February, please email [editor@madisonvalley.org](mailto:editor@madisonvalley.org) to request.**

## SPRING COUNCIL MEETINGS: Wednesday, March 16th Wednesday, April 20th



**East Madison St. Slab Job** — Construction projects are nothing new to Madison Valley, the most significant involved building a large wooden trestle to span the valley, which was later filled in and paved over. Sadly, this act of road improvement drastically altered the natural flow of water through the valley. This historic photo is dated March 6, 1934 and looks east on Madison St, towards Lake Washington Blvd. Trolley tracks and bricks are visible on the old street surface, where this city crew works on new paving. The 2-story building at right (2921 E. Madison St.) was built in 1914 and can still be seen today (above left) where it's a mixed-use apartment building called the "Washington Park Art Studios". The buildings on the left were demolished long ago, and the lot sat empty for many decades (some may recall that City Peoples Garden Store used it as a Christmas tree lot). © *Seattle Municipal Archives Photograph Collection*

## A Letter to Valley Residents

By Larry Levine, MVMA President



On behalf of the Madison Valley Merchants Association (MVMA), I want to thank the residents of Madison Valley for supporting our business community, especially during recent construction of the Stormwater Project. The business district is within walking distance for many of you, but we're aware that for residents who need to drive, locating a parking space can

be a challenge made more difficult because of the construction. We appreciate that you're up to the challenge and are able to continue to find parking in, or around, the area.

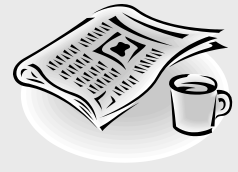
We appreciate the Madison Valley Community Council, who understands the importance of a vibrant and thriving business community, working cooperatively with merchants and the MVMA to sustain our neighborhood as a healthy community for businesses and residents alike. We also appreciate your understanding of the importance of dining, shopping, and buying locally, within your own community. It helps create jobs and sustain the local economy, especially since many of the businesses are individually, or family owned. I've heard many residents indicate they would much rather shop in a neighborhood business, where they're more likely to know the owner and where they can receive the kind of excellent customer service that may not be offered at a mall or big box store.

The bottom line is WE COULD NOT DO WHAT WE DO WITHOUT YOU! For more information about individual businesses and the Madison Valley Merchants Association, visit our website at: <http://www.madisonvalleyonline.com/>.

We're happy to announce that the Madison Valley Merchants Association has just been selected by the City of Seattle's Office of Economic Development to participate in the *Only in Seattle* marketing campaign. A marketing firm will be working with the MVMA to market the Madison Valley business district, including a new listing on the *Only in Seattle* website, which has already successfully highlighted several other neighborhood business districts in Seattle. This will mean greater public exposure for us, and should go a long way to attract even more people to shop and dine in Madison Valley. For more information, please visit the *Only in Seattle* website at: <http://onlyinseattle.org/>



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## String of Break-ins Sparks Concern

By Kimberly Larson-Edwards

There have been 23 reported burglaries in the area since December 1, including the Greater Madison Valley, Madrona, and Madison Park neighborhoods (also known as the “Charlie-3” area of the East Precinct). According to the Seattle Police Department, this number is high and of concern. A section of Madison Valley, near Denny and Howell (on either side of MLK Way) has been hit hard, including two break-ins on one block of 29<sup>th</sup> Avenue within one week.




In response to the recent crime spree, neighbors have formed at least two new block-watches and have met with the Seattle Police Department. Several other block watches and crime prevention groups are also active in the area. You might have also noticed several squad cars patrolling the streets in the central valley during the day, looking for suspicious activity and making their presence known. Most burglaries are taking place during the day, as typical “smash and grab” break-ins, breaking windows or doorframes when the homeowner is not home to steal electronics and jewelry.

### Neighbors should consider taking these steps:

**Call 911, not 311:** if you see suspicious activity in the day or night, report it *immediately!* The Dept. of Crime Prevention has free hand-outs on what *suspicious activity* is, plus many other safety tips on when to call the police. If someone knocks on your door and you don't want to answer, call out from inside to make it clear that you're home, but state that you're not interested.

**Talk to your neighbors:** consider forming or joining a block watch. This could include starting a list-serve email broadcast for neighbors, holding a meeting to get to know one another better and exchange contact info, or getting a personal briefing from the Dept. of Crime Prevention.

**Get your home checked:** Contact the Dept. of Crime Prevention for a free security assessment of your home. Call Terrie Johnston at 206-684-4741 or Mark Solomon at 206-386-9766.

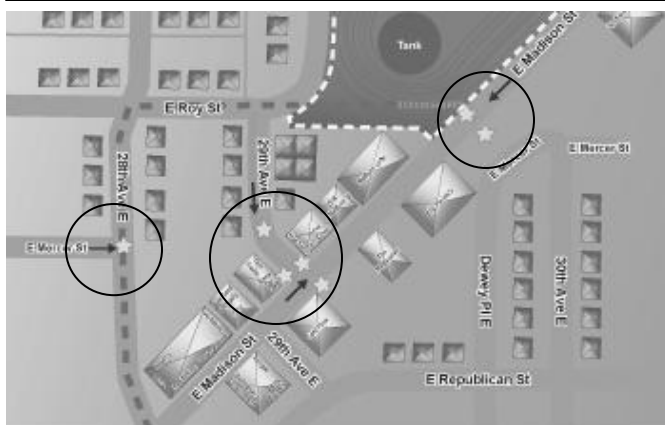
**Secure your home:** keep valuables out of sight; consider locking yard gates; keep the lights or radio on when you're not at home; let neighbors know when you're away; record the serial #s and other unique identifiers for all electronics and other valuables. 

**Lawsuit Settles**, *cont'd from pg. 1...*

of a minimum of \$2.8 million to Strong and stipulated that the city would place a monument to Fleming on city property. Strong's case achieved national prominence after a local hospital refused to admit her to Fleming's deathbed, saying she did not qualify as "next of kin." That bitter experience catapulted her onto the national stage and into the contentious debate over gay marriage.

Though the two settlements both concern flooding that happened in close proximity, their causes were completely different. A city-sponsored analysis attributed the flooding that killed Ms. Fleming to the buildup of excess stormwater runoff at the sag in East Madison St, near 29th Ave. East. The surging stormwater (a result of rare, and very heavy rainstorm conditions) escaped the street gutters through a hole under a fence, knocked over a retaining wall, and rapidly filled the low-lying, natural "bowl" at the corner of E. Mercer and 30th Ave. E., where Fleming and Strong lived in a small cottage.

In contrast, chronic flooding in Madison Valley that precipitated the 2010 settlement with residents can be traced back to the Forward Thrust capital improvements of the early 1970s. As part of a city-wide effort to separate stormwater from sewage wastewater, in 1973 Seattle built a drainage pipe channeling excess stormwater from Capitol Hill into the valley, but failed to build any means of conveying it out again. Reports at the time say intense lobbying by influential lakeside residents, fearing a flow of "cigarette butts, garbage and oil" into Lake Washington, put a stop to the plan to tunnel stormwater directly into the lake (Seattle PI, March 6, 1981). *Continued on page 6...*



**Stormwater drainage changes** to be installed on Madison St. this spring are shown above (circled). Surface water runoff will be channeled into new high-capacity storm drains (shown as stars), re-directing stormwater into a huge, underground storage tank north of Madison.

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### *Lawsuit Settles, cont'd from pg. 5...*

As a result, excess stormwater would be quickly channeled into Madison Valley's combined sewer and stormwater pipe, which overwhelmed, would then back up into people's homes, sometimes including raw sewage. City documents obtained by the *Valley View* confirm at least nine such floods since 1973, though residents say they were not told why their homes flooded so frequently. "The crime the city has committed for over 37 years is having a wastewater system which it knew would flood the homes of Madison Valley and not doing enough to prevent that," Maloney said.


**Some Residents Still Smarting** – Part of the discontent with the settlement stems from a clause releasing the City from the need to admit wrongdoing. Residents still smart from the way they were treated during the long years of chronic flooding. Bolton says Seattle's attitude was 'why don't you just move?' "If this was the Highlands, Madison Park, or Washington Park, [the City would] be falling over [itself] to fix this."

Though she and her husband were compensated for all their damaged possessions, Bolton says some of her neighbors were not, and they were treated like felons during the claims process. Some even said their PCs and televisions were stolen by City-paid crews who were sent in to clean the flooded homes. "To be treated as though where you lived, you couldn't have anything of great value, is dismissive and very disrespectful," Bolton said.

Attorney Maloney said that a big challenge was trying to convince disillusioned homeowners that going through the justice system could make a difference. "I wanted to show them that it's not always that way. That if you pursue a claim, you'll find justice," he said. Though they may not be entirely happy with the result, residents credit the lawsuit with helping persuade the City to fix the problem.

"One of the really good things [to come out of the lawsuit] ... the fact that we kept pushing, they had to do something," Bolton said. And that something is now taking shape – in the form of a \$30.7 million project to build two stormwater storage facilities and a new stormwater pipeline along 27<sup>th</sup> and 28<sup>th</sup> Avenues East.

But even that may not be enough for Grace Stewart, whose house has continued to flood, though the settlement includes a provision that the City will "consider" improvements to prevent sewage backups in ordinary storms. In videotaped testimony from January 2010, Ms. Stewart told City attorneys:

"I've suffered. I've suffered more than anybody should have suffered. I paid out all my money. I did everything right. I fixed my house the best I could. I can't do no more. Now it's [the city's] turn," she said. 

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