

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117933

1
2
3
4 AN ORDINANCE relating to the Alaskan Way Viaduct and Seawall Replacement Program;
5 authorizing the acquisition of real property located at 1101 Western Avenue through
6 negotiation or condemnation; and authorizing recording and acceptance of a deed for
7 general municipal purposes, including parking.

8 WHEREAS, the Central Waterfront historically experiences periodic shortages of affordable
9 public parking, particularly during the summer tourist season; and

10 WHEREAS, recent growth in private development along the Central Waterfront has also resulted
11 in the loss of affordable public parking; and

12 WHEREAS, the Central Waterfront is an important tourist destination, an integral part of the
13 downtown transportation network, and generates significant jobs and economic activity,
14 and as such the City is sensitive to the area's access needs, including the function of a
15 Alaskan Way, the Central Waterfront arterial surface road, in moving people and goods
16 as part of the wider downtown transportation network; and

17 WHEREAS, the City and the State of Washington are engaged in the Alaskan Way Viaduct and
18 Seawall Replacement Program ("AWVSRP") that includes a four-lane bored tunnel and
19 improvements to City streets including Alaskan Way, the Central Waterfront, and transit;
20 and

21 WHEREAS, as part of the AWVSRP, the Washington State Department of Transportation
22 (WSDOT) and the City are constructing and will continue to construct the Alaskan Way
23 Viaduct Replacement Project ("Project"); and

24 WHEREAS, the Final Environmental Impact Statement (FEIS) for the Project, prepared by the
25 Federal Highway Administration, WSDOT and the City of Seattle Department of
26 Transportation (SDOT), identified the loss of on-street, public parking ("Parking") as one
27 of the environmental impacts caused by the construction of the Project; and provided that
28 SDOT, in coordination with WSDOT, would develop and implement strategies to
mitigate these impacts;

WHEREAS, to that end, the August 2011 Federal Highway Administration Record of Decision
(ROD) for the Project allocated funds to mitigate the effects of Project construction on
Parking, including funds to acquire existing off-street parking; and

1 WHEREAS, as provided in the FEIS and ROD, WSDOT and SDOT, developed the SR 99
2 Tunnel Project Parking Mitigation Plan ("Parking Mitigation Plan") which contains
3 strategies to mitigate the loss of Parking in impacted neighborhoods, and specifically
4 identifies building new or acquiring existing parking as a key strategy to mitigate the loss
5 of short-term, on street parking in impacted neighborhoods, including the Central
6 Waterfront and Pioneer Square neighborhoods; and

5 WHEREAS, the preparation and development of the Parking Mitigation Plan was conducted in
6 an open, public manner with participation and consensus from a group of stakeholders
7 from the Central Waterfront and Pioneer Square neighborhoods, and included open
8 monthly meetings with stakeholders and posting materials and draft plans on WSDOT's
9 Alaskan Way Viaduct Replacement Program web site; and

8 WHEREAS, prior to the finalization of the Parking Mitigation Plan in July 2012, a public
9 briefing was held before Seattle City Council in April 2012, and in March 2013, a public
10 briefing was held before the Seattle City Council on the Plan and its implementation
11 progress; and

11 WHEREAS, on October 10, 2103, the Seattle City Council held a public hearing on the Parking
12 Mitigation Plan, as required under RCW 35.86.050; and

13 WHEREAS, acquisition of existing parking facilities is an identified strategy in the Parking
14 Mitigation Plan for which a portion of the State's allocated funding can be spent; and

15 WHEREAS, Seattle's Comprehensive Plan identifies the establishment of short term parking
16 facilities as a means of meeting forecasted needs, and allows and favors the use of short
17 term parking to meet the needs of shoppers and other non-commuters; and

17 WHEREAS, the City has identified property located at 1101 Western Avenue ("Property"),
18 containing approximately 130 parking spaces that it wishes to acquire for parking under
19 the Parking Mitigation Plan; and

20 WHEREAS, in addition to other authority, under RCW 35.86.010 and RCW 35.86.030 the City
21 has authority to acquire off-street parking facilities through negotiation, and if necessary,
22 condemnation; and

22 WHEREAS, the City further intends that the revenue generated by the parking facility be
23 deposited into an account, fund or subfund reserved for the purposes of repaying any
24 debt or other financing costs associated with Property acquisition, for operation and
25 maintenance of the Property, for programs to enhance access to parking near the Central
26 Waterfront and Pioneer Square, specifically the Parking Mitigation Plan, and for
27 operations, maintenance and programming of Seattle Central Waterfront public spaces;
28 and

1 WHEREAS, it is in the City's best interest to recognize and respond to the changing needs of the
2 Central Waterfront neighborhood and proactively plan for parking mitigation by
3 acquiring this parking facility; NOW, THEREFORE,

4 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

5 Section 1. Public convenience and necessity require that the following described real
6 property located in the city of Seattle, county of King, state of Washington and commonly
7 known as the property located at 1101 Western Avenue (tax parcel No. 766620-2505)
8 ("Property"), together with all rights, privileges and other property pertaining thereto, be
9 acquired for general municipal purposes, including parking:

10 Lots 1, 2, 3, and 4, Block 182, Seattle Tide Lands.

11 Section 2. The Director of the City of Seattle Department of Transportation ("SDOT")
12 or his designee ("Director") is authorized, on behalf of the City, to negotiate and enter into
13 agreements to acquire the Property upon payment of just compensation therefore, and to accept a
14 deed for the Property by attaching to the deed the Director's written acceptance thereof, and
15 recording the same.

16 Section 3. The Seattle City Attorney is authorized to commence and prosecute
17 proceedings in the manner provided by law to condemn, take, damage, and appropriate the
18 Property in fee simple after just compensation has been made or paid into court for the owner
19 thereof, in the manner provided by law; and to stipulate for the purpose of minimizing damages.

20 Section 4. The Property, when acquired by the City, shall be placed under the
21 jurisdiction of SDOT and designated for general municipal purposes.

22 Section 5. Effective upon the recording and acceptance of the deed (or entry of
23 judgment) for the Property, the City will own and operate the established parking facility on the
24 Property. The revenue generated from operation of the parking facility shall be placed in an
25 account, fund or subfund reserved for the purpose of repaying any debt or other financing costs
26
27
28

1 associated with the Property acquisition, for operation and maintenance of the Property, for
2 programs to enhance access to parking near the Central Waterfront and Pioneer Square,
3 specifically the SR 99 Tunnel Project Parking Mitigation Plan, and for operations, maintenance
4 and programming of Central Waterfront public spaces.

5 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
6 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
7 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

8 Passed by the City Council the ____ day of _____, 2013, and
9 signed by me in open session in authentication of its passage this
10 ____ day of _____, 2013.

11
12
13 _____
14 President _____ of the City Council

15 Approved by me this ____ day of _____, 2013.

16
17 _____
18 Michael McGinn, Mayor

19 Filed by me this ____ day of _____, 2013.

20
21 _____
22 Monica Martinez Simmons, City Clerk

23
24 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative Department	Norm Schwab/684-9292	N/A

Legislation Title:

AN ORDINANCE relating to the Alaskan Way Viaduct and Seawall Replacement Program; authorizing the acquisition of real property located at 1101 Western Avenue through negotiation or condemnation; and authorizing recording and acceptance of a deed for general municipal purposes.

Summary of the Legislation:

This legislation authorizes the Director of the Department of Transportation (“SDOT”) to acquire the real property located at 1101 Western Avenue through negotiation or use of eminent domain. This property is currently being utilized as a surface parking lot providing approximately 130 parking spaces. This legislation places the acquired property under SDOT’s jurisdiction and designates it for general municipal purposes with the intended use as affordable short-term parking. Lastly, this legislation provides for the reservation of revenue from the operation of the parking facility and deposit of such funds into a reserve account designated only for expenses attributed to the parking facility, programs to enhance access to parking along the Central Waterfront and in Pioneer Square, and for operations, maintenance and programming of Central Waterfront public spaces, including any debt that may be incurred for this transaction.

Background:

Historically, there are periodic shortages of affordable public parking along the Central Waterfront, particularly during tourist season as the Central Waterfront is an important tourist attraction for visitors of the Seattle area. Tourist and general public access to the waterfront affects commerce and revenue for the City of Seattle. A shortage of short-term, on-street parking (spaces that are restricted to four hours or less) impacts access and economic activity. The City is sensitive to this issue and is committed to finding solutions for alleviating this problem.

The SR 99 Tunnel Project, a component of the Alaskan Way Viaduct Replacement Program, has commenced. A significant impact of tunnel construction is the removal of on-street parking under the viaduct, primarily along the Central Waterfront and in Pioneer Square. It is critical that the loss of short-term parking be mitigated to minimize the impacts to the City, businesses and neighborhoods.

In August 2011, the Federal Highway Administration signed the Alaskan Way Viaduct Replacement Project Record of Decision. This document concluded the project’s environmental

process and approved construction of a tunnel to replace the Alaskan Way Viaduct along the Central Waterfront. In the document, the State of Washington Department of Transportation ("State") committed to providing up to \$30 million to mitigate the loss of short-term parking during SR 99 tunnel construction between 2011 and 2018. The State and the Seattle Department of Transportation ("SDOT") subsequently worked together, taking into consideration the recommendations of a group of stakeholders, to develop appropriate parking mitigation strategies, and in June 2012 the Parking Mitigation Plan was endorsed.

The Alaskan Way Viaduct Replacement Program involves a coordinated effort among the State of Washington, the City of Seattle, King County, and the Port of Seattle for planning street, transit, seawall, and Central Waterfront improvements. This Parking Mitigation Plan fits within the State's and SDOT's continued partnership on the larger program and will have public benefits beyond the SR 99 tunnel construction.

Property acquisition of existing parking facilities is a key strategy in the Parking Mitigation Plan to mitigate the loss of short-term, on street parking in impacted neighborhoods, including the Central Waterfront and Pioneer Square neighborhoods. Therefore, a portion of the dedicated resources the State committed for parking mitigation can be used for this acquisition which presents the City with an excellent opportunity to respond to this ongoing concern.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Note: This legislation has financial implications however the details concerning expenditure appropriations and revenues will be decided via the 2014 budget process.

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

Yes. Without this legislation the City will miss an opportunity to address the limited supply of public, short-term parking on the Central Waterfront. This issue is exacerbated by Central Waterfront construction. Failure to replace short-term, on-street public parking likely will result in lost revenue to the City along the Central Waterfront, potentially hurting economic activity and tourism during the multi-year construction period (2013-2020).

In addition, the City will be required to reinvest a portion of net operating income into the Parking Mitigation Plan. The details of this reinvestment will be negotiated through a Memorandum of Agreement between SDOT and the State.

b) What is the financial cost of not implementing the legislation?

This property acquisition can be partially funded with State funds obligated to mitigate construction impacts on short-term parking in the Central Waterfront and Pioneer Square neighborhoods. The City has a fiscal responsibility to make the best use of these funds to address short-term parking concerns by providing short-term parking as a public benefit.

Furthermore, there is a limited supply of property appropriate for parking in the area. Not acquiring this property at this time could potentially cost the City money with respect to lost funding and opportunity for retaining customers along the Central Waterfront with parking that is available, proximate, safe, and affordable.

c) Does this legislation affect any departments besides the originating department?

No.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

There are no alternatives that provide the same benefits and certainty of provision of affordable short-term parking. The Parking Mitigation Plan includes additional strategies that seek to mitigate construction impacts on parking. These strategies are funded and being implemented, providing benefits primarily in the near term, such as limited-term agreements with downtown parking facilities to provide short-term parking at rates consistent with on-street parking.

The State has sought to create partnerships with property owners on the Central Waterfront to provide public, short-term parking as part of a new, mixed-use development. However, even if this alternative is successful, it would provide fewer spaces and would not be realized for at least two years.

e) Is a public hearing required for this legislation?

Public comment periods held concurrent with Committee and Council meetings will satisfy the requirement for acquisition of this property.

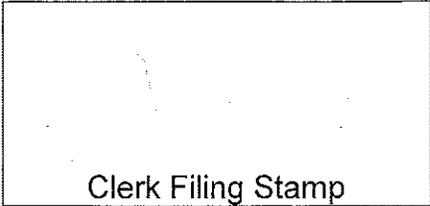
f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes. Under RCW 8.25.290, the City is required to publish notice of this action in both the Daily Journal of Commerce and the Seattle Times newspapers.

g) Does this legislation affect a piece of property?

Yes. This legislation authorizes the acquisition through negation or condemnation of an existing surface parking lot in the vicinity of the Central Waterfront.

h) Other Issues:



**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
King County Parcel No.766620-2505**

I, Marjorie Clark, Administrative Specialist, hereby certify as follows:

(Check all that apply below.)

- X 1. On the 24 day of September, 2013, I mailed via US Postal Service Certified Mail a
 - X notice of condemnation or
 - other _____,
 a true and correct representative copy of which is attached and designated as Attachment A, to those persons whose names and addresses appear on the attached list as Attachment B.

- X 2. For condemnation legislation: The notice designated in Attachment A constitutes adequate notice to property owners, pursuant to RCW 8.12 and 8.25, that the City may take final action to authorize condemnation of the subject property.

- 3. The notice designated in Attachment A was published in the Seattle Times on [date(s)] and the Daily Journal of Commerce on [date(s)].

- X 4. This Certificate of Mailing and Publication and complete Attachments A and B are hereby filed with the City Clerk of the City of Seattle.

Dated this 25 day of September, 2013.

The City of Seattle, Washington

Marjorie Clark

Marjorie Clark

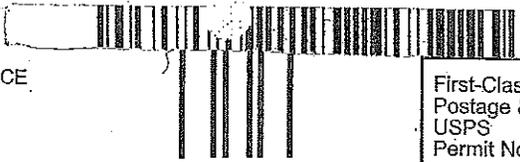
(Signature)

Administrative Specialist

Legislative Department

206-233-1085

UNITED STATES POSTAL SERVICE



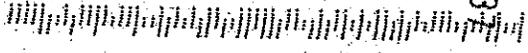
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Office of the City Clerk
City of Seattle
600 Fourth Ave, Floor 3
Seattle, WA 98104

FILED
OCT 11 PM 3:30
CITY CLERK

04195000



SEN **CERTIFIED MAIL** **THIS SECTION ON DELIVERY**

C Place sticker at top of envelope to the right of the return address, fold at dotted line.
 C Item 4 if Restricted Delivery is desired.
 C Print your name and address on the reverse so that we can return the card to you.
 C Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Ms. Myrtle Woldson
 526 W. Sumner Ave
 Spokane, WA 99204

B. Received by (Printed Name) *Mark Danner* Agent Addressee
 C. Date of Delivery *9/26/13*
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery Yes

2. Article Number *7011 1150 0001 4789 0744*
 (Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com

OFFICIAL USE

SPokane WA 99204

Postage	\$ 0.46	0037 19 Postmark Here 09/24/2013
Certified Fee	\$ 3.10	
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 6.11	

Sent To *Myrtle Woldson*
 Street, Apt. No., or PO Box No. *526 W. Sumner*
 City, State, ZIP+4 *Spokane, WA 99204*

PS Form 3800, August 2006 See Reverse for Instructions

7011 1150 0001 4789 0744



Legislative Department Seattle City Council

September 25, 2013

Ms. Myrtle Woldson
526 W Sumner Avenue
Spokane, WA 99204

VIA CERTIFIED MAIL

RE: Notice of Seattle City Council Special Committee on the Central Waterfront, Seawall, and Alaskan Way Viaduct Replacement Program Public Hearing and Seattle City Council Meeting Authorizing Acquisition of Property for Public Purposes through the Exercise of Eminent Domain (Condemnation)

King County Tax Parcel No.: 766620-2505

Address: 1101 Western Avenue, Seattle, WA 98101

Dear Property Owner:

The purpose of this notice is to inform you that the City of Seattle City Council is expected to vote to approve an ordinance (Council Bill 117933) authorizing the Seattle Department of Transportation to acquire all property rights at 1101 Western Avenue, Seattle, WA 98101 (King County Tax Parcel No. 766620-2505) needed for general municipal use, including the provision of short-term parking. The final City Council action on this ordinance will authorize the Seattle Department of Transportation to acquire all property rights through the use of eminent domain (condemnation), if necessary. You have been identified as the property owner of this parcel, which will be needed permanently by the City.

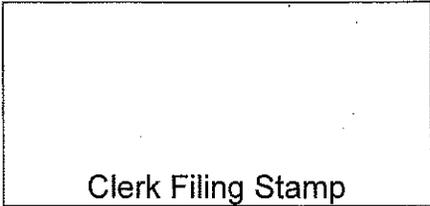
The City of Seattle (City) is required by RCW 8.25.290 to provide you with formal written notice before the City Council takes final action authorizing the condemnation of property. Council Bill 117933 authorizing property acquisition through condemnation will be on the agenda of the Seattle City Council for final action on Monday, October 21, 2013. The City Council will take public testimony as a regular part of the meeting beginning at 2:00 p.m. This meeting takes place in the City Council Chamber, which is located at 600 4th Avenue, 2nd Floor, Seattle, WA. The Council's Chambers and offices are physically accessible; print and communications access are provided upon request. Call 206-684-8888 (TDD: 206-233-0025) for

City Hall, 600 Fourth Avenue, Floor 2, PO Box 34025, Seattle, Washington 98124-4025

(206) 684-8888, Fax: (206) 684-8587, TTY: (206) 233-0025

Web: <http://www.seattle.gov/council>

An EEO employer. Accommodations for people with disabilities provided upon request.



**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Council Bill 117933**

I, Emilia M. Sanchez, Council Clerk, hereby certify as follows:

(Check all that apply below.)

- 1. On the [day of month] day of [month], 20[year], I mailed via US Postal Service Certified Mail a
 - notice of condemnation or
 - other _____,
 a true and correct representative copy of which is attached and designated as Attachment A, to those persons whose names and addresses appear on the attached list as Attachment B.

- 2. For condemnation legislation: The notice designated in Attachment A constitutes adequate notice to property owners, pursuant to RCW 8.12 and 8.25, that the City may take final action to authorize condemnation of the subject property.

- X 3. The notice designated in Attachment A was published in the Seattle Times on September 26 and October 3, 2013 and the Daily Journal of Commerce on September 26 and October 3, 2013.

- X 4. This certificate of Publication and complete Attachments A and B are hereby filed with the City Clerk of the City of Seattle.

Dated this 17 day of October, 2013.

The City of Seattle, Washington

Emilia M. Sanchez

Emilia M. Sanchez

 (Signature)

 Council Clerk

 Legislative

 206-233-3863

STATE OF WASHINGTON -- KING COUNTY

--SS.

302866
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:CONDEMN 1101 WESTERN

was published on

09/26/13 10/03/13

The amount of the fee charged for the foregoing publication is the sum of \$181.50 which amount has been paid in full.

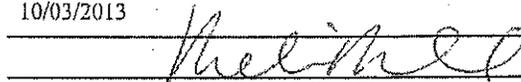
MELISSA M. DOWD
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
11-21-15

Affidavit of Publication



Subscribed and sworn to before me on

10/03/2013



Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

PUBLIC NOTICE

City of Seattle

NOTICE OF FINAL ACTION AUTHORIZING CONDEMNATION

The Seattle City Council intends to authorize condemnation of property located at 1101 Western Avenue, Seattle WA (King County tax parcel No. 766620-2505) for general municipal use including the provision of short-term parking. The property is legally described as: Lots 1, 2, 3, and 4, Block 182, Seattle Tide Lands, in King County, Washington.

As required by State law, the Seattle City Council is providing notice of its intention to authorize the Seattle Department of Transportation acquire ownership of the above property located in Seattle, WA using the City's power of eminent domain.

Legislation will be presented for final action by passage of an ordinance by the Seattle City Council of Council Bill 117933 authorizing condemnation on Monday, October 21, 2013 at 2:00 p.m. in the Seattle City Council Chamber located on the 2nd floor of Seattle City Hall, 600 Fourth Avenue, Seattle, WA 98104.

NOTICE OF PUBLIC HEARING

Also, the Seattle City Council's Waterfront, Seawall, and Alaskan Way Viaduct Replacement Program Special Committee will hold a public hearing on the SR 99 Tunnel Project Parking Mitigation Plan on Thursday, October 10, 2013 at 5:30 p.m. in the Seattle City Council Chamber located on the 2nd floor of Seattle City Hall, 600 Fourth Avenue, Seattle, WA 98104. The Parking Mitigation Plan includes a mitigation strategy to acquire existing parking facilities in order to provide short-term public parking. The Parking Mitigation Plan may be found at: www.wsdot.wa.gov/projects/viaduct/Media/Default/Documents/Parking%20group/ParkingMitigationPlan_7_24_12.pdf

For further information on the final action authorizing condemnation or the public hearing on the SR 99 Tunnel Project Parking Mitigation Plan, please contact Norm Schwab, Seattle City Council Central Staff at (206) 684-9292.

Dates of publication in the Seattle Daily Journal of Commerce, September 28, October 3, 2013.

10/3(302866)

The Seattle Times

City of Seattle, City Clerk
Laurel Humphrey
PO Box 94728

Seattle, WA 98124-4728

Re: Advertiser Account # 108319

Agency Account #: 0

Ad #: 365594

Agency Name:

Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	09/26/13
Seattle Times	10/03/13

Agent MAUREEN E DUGGAN Signature Maureen E Duggan



Subscribed and sworn to before me on Oct 3 2013
DATE
Christina C. McKenna
Notary Public in and for the State of Washington, residing at Seattle

The Seattle Times

Re: Advertiser Account # 108319

Ad #: 365594

Agency Account #: 0

Agency Name:

AD TEXT

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The Seattle Times

City of Seattle, City Clerk
Laurel Humphrey
PO Box 94728

Seattle, WA 98124-4728

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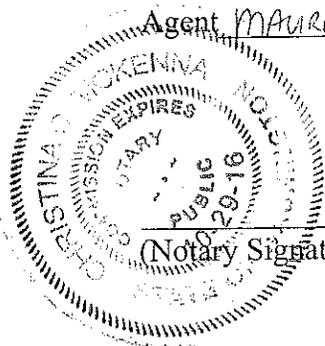
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Newspaper and Publication Date(s)	
Seattle Times	09/26/13
Seattle Times	10/03/13

Agent MAUREEN E. DUGGAN Signature Maureen E. Duggan

Subscribed and sworn to before me on Oct 3 2013
DATE
Christina C. McKenna
Christina C. McKenna

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle



The Seattle Times

Re: Advertiser Account # 108319

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Agency Name:

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