

#18

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 117971

AN ORDINANCE relating to the Department of Parks and Recreation, concerning Mount Claire Park, finding that an exchange of property between the City of Seattle and Elihu Estey and Cynthia L. David, owners of property adjacent to Mount Claire Park, is necessary, as required by Ordinance 118477, also known as Initiative 42; and authorizing the Superintendent of Parks and Recreation to sign as co-petitioner in an application for a Lot Boundary Adjustment; and, if the Lot Boundary Adjustment is approved, authorizing the Superintendent to accept a deed from Estey and David, or their successors in interest, for certain property meeting the criteria of Initiative 42; and executing and delivering a Quit Claim Deed for certain Mount Claire Park property to Estey and David, or their successors in interest, all to resolve encroachments onto park property.

WHEREAS, public park land, now known as Mount Claire Park, was established by plat in 1907; and

WHEREAS, a large, irregular-shaped parcel, purchased by Elihu Estey and Cynthia L. David in 2008, borders park property located north and east of the Estey/David property; and

WHEREAS, a survey prepared for Estey and David in 2010 revealed certain long-existing private improvements associated with their property, notably portions of a circular driveway and a sports court, encroached on the park property; and

WHEREAS, Estey and David seek to resolve the encroachments by means of a Lot Boundary Adjustment and exchange of deeds, meeting all conditions of Ordinance 118477 (Initiative 42); and

WHEREAS, a public hearing regarding the exchange has been held, as part of the City Council's consideration of the matter;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds that an exchange of portions of Mount Claire Park for portions of the Estey/David property, contiguous to Mount Claire Park, is necessary because there is no reasonable and practical alternative to resolve the encroachments, and a Lot Boundary



1 Adjustment as presented and illustrated in Department of Planning and Development (DPD) Lot
2 Boundary Adjustment No. 3013122, attached hereto, will result in an exchange of lands in which
3 the City receives replacement property equivalent or better in size, value, and usefulness, as
4 required by Ordinance 118477.

5
6 Section 2. The Superintendent of Parks and Recreation (Superintendent), or his designee,
7 is authorized to cooperate as a co-petitioner in an application to DPD for a Lot Boundary
8 Adjustment, DPD # 3013122, between the City's Mount Claire Park and the Estey/David
9 property.

10
11 Section 3. If the Lot Boundary Adjustment referred to in Section 2 is approved, the
12 Superintendent is authorized, on behalf of the City of Seattle, to accept a Quit Claim Deed from
13 Elihu Estey and Cynthia L. David, or their successors in interest, and record the same in the King
14 County Records, to the following described property:

15 IN GOVERNMENT LOT 3 OF SECTION 10, TOWNSHIP 24 N, RANGE 4 E, W.M.:
16 ALL PORTIONS OF BLOCK 35, AS PLATTED AND DEDICATED IN THE PLAT OF MT.
17 BAKER PARK, VOLUME 16 OF PLATS, PAGE 3, RECORDS OF KING COUNTY,
18 WASHINGTON, AND OF THE REPLAT OF A PORTION OF THE PLAT OF MT. BAKER
19 PARK, VOLUME 20, PAGE 99, RECORDS OF KING COUNTY, WASHINGTON, LYING
20 NORTHERLY AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

21
22 COMMENCING AT THE NORTHWEST CORNER OF BLOCK 35; THENCE ALONG
23 THE EASTERLY MARGIN OF MOUNT CLAIRE DRIVE SOUTH, S 08°19'59" W 53.05
24 FEET TO THE POINT OF BEGINNING; THENCE S 79°02'59" E 32.00 FEET, THENCE N
25 01°45'09" W 55.89 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE RIGHT,
26 HAVING A RADIUS OF 30.00 FEET FOR AN ARC LENGTH OF 71.73 FEET; THENCE S
27



1 41°15'17" E 58.64 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE RIGHT,
2 HAVING A RADIUS OF 75.00 FEET FOR AN ARC LENGTH OF 58.56 FEET; THENCE S
3 03°28'47" W 38.80 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE LEFT,
4 HAVING A RADIUS OF 350.00 FEET FOR AN ARC LENGTH OF 60.01 FEET; THENCE
5 S 06°20'33" E 34.63 FEET; THENCE S 28°34'19" E 50.55 FEET; THENCE S 55°58'17" W
6 13.76 FEET, MORE OR LESS, TO THE EASTERLY MARGIN OF MOUNT BAKER
7 DRIVE SOUTH; THENCE ALONG SAID MARGIN N 12°37'57" E 3.50 FEET, TO THE
8 MOST SOUTHERLY POINT OF SAID BLOCK 35 AND THE TERMINUS OF SAID
9 LINE; SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF
10 WASHINGTON.

11 The revised boundary line will result in a reduction of 2,392.3 square feet of the Estey/David
12 property, in three separate locations, those areas attaching to Mount Claire Park.

13
14 Section 4. Upon receipt of the deed from Estey and David, or their successors in interest,
15 referred to in Section 3, the Superintendent or his designee is hereby authorized to execute and
16 record, for and on behalf of the City of Seattle, a Quit Claim Deed to Elihu Estey and Cynthia L.
17 David, or their successors in interest, for the following described property:

18 THOSE PORTIONS OF THE NW 1/4 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 24
19 NORTH, RANGE 4 EAST, LYING SOUTHERLY AND WESTERLY OF MOUNT CLAIRE
20 DRIVE SOUTH, WESTERLY OF SHORELAND DRIVE SOUTH, EASTERLY OF
21 CASCADIA AVENUE SOUTH AND NORTHERLY OF MOUNT BAKER DRIVE SOUTH,
22 ALL AS PLATTED AND DEDICATED ON THE PLAT OF MT. BAKER PARK,
23 ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 16 OF PLATS, PAGE
24 3, IN KING COUNTY, WASHINGTON, LYING SOUTHERLY AND WESTERLY OF THE
25 FOLLOWING DESCRIBED LINE:



1 COMMENCING AT THE NORTHWEST CORNER OF BLOCK 35; THENCE ALONG THE
2 EASTERLY MARGIN OF MOUNT CLAIRE DRIVE SOUTH, S 08°19'59" W 53.05 FEET
3 TO THE POINT OF BEGINNING; THENCE S 79°02'59" E 32.00 FEET, THENCE N
4 01°45'09" W 55.89 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE RIGHT,
5 HAVING A RADIUS OF 30.00 FEET FOR AN ARC LENGTH OF 71.73 FEET; THENCE S
6 41°15'17" E 58.64 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE RIGHT,
7 HAVING A RADIUS OF 75.00 FEET FOR AN ARC LENGTH OF 58.56 FEET; THENCE S
8 03°28'47" W 38.80 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE LEFT,
9 HAVING A RADIUS OF 350.00 FEET FOR AN ARC LENGTH OF 60.01 FEET; THENCE S
10 06°20'33" E 34.63 FEET; THENCE S 28°34'19" E 50.55 FEET; THENCE S 55°58'17" W
11 13.76 FEET, MORE OR LESS, TO THE EASTERLY MARGIN OF MOUNT BAKER DRIVE
12 SOUTH; THENCE, ALONG SAID MARGIN N 12°37'57" E 3.50 FEET, TO THE MOST
13 SOUTHERLY POINT OF SAID BLOCK 35 AND THE TERMINUS OF SAID LINE,
14 SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

15 The revised boundary line will result in a reduction of 1,652.8 square feet of park property, in
16 three separate locations, those areas attaching to the Estey/David property.

17 The Lot Boundary Adjustment will increase the size of Mount Claire Park by 739.5 square feet.



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

4
5 Passed by the City Council the ____ day of _____, 2013, and
6 signed by me in open session in authentication of its passage this
7 ____ day of _____, 2013.

8
9 _____
10 President _____ of the City Council

11
12 Approved by me this ____ day of _____, 2013.

13
14 _____
15 Michael McGinn, Mayor

16
17 Filed by me this ____ day of _____, 2013.

18
19 _____
20 Monica Martinez Simmons, City Clerk

21 (Seal)

22 Attachment 1: Proposed Lot Boundary Adjustment 3013122



LOT BOUNDARY ADJUSTMENT NUMBER 3013122

GRANTOR (Owner): CYNTHIA L. DAVID
ELIJAH ESTEY
GRANTEE: CITY OF SEATTLE
KING COUNTY, WASHINGTON

LOT 35 BLOCK MOUNT BAKER PARK ADD. VOL. PG
SUBDIVISION BUBOVISIKON 16 3

ASSESSOR'S PROPERTY TAX PARCEL # 670000-2815 & 670000-4555

CONTACTS:

THOMAS WOLDENDORP
10115 214TH AVENUE NE
REDMOND, WA 98053
TEL: 425.298.4412

DECLARATION:

WE THE UNDERSIGNED, OWNER(S) IN FEE SIMPLE (AND CONTRACT PURCHASER(S)) OF THE LAND HEREIN DESCRIBED DO HEREBY MAKE A LOT BOUNDARY ADJUSTMENT THEREOF PURSUANT TO RCW 66.17.090 AND DECLARE THIS LOT BOUNDARY ADJUSTMENT TO BE THE GRAPHIC REPRESENTATION OF SAME, AND THAT SAID LOT BOUNDARY ADJUSTMENT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE OWNER(S), IN WITNESS WHEREOF WE HAVE SET OUR HANDS AND SEALS.

CYNTHIA L. DAVID _____
ELIJAH ESTEY _____

NOTARY:

STATE OF WASHINGTON) _____
COUNTY OF KING) _____

ON THIS DAY PERSONALLY APPEARED BEFORE ME, CYNTHIA L. DAVID, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY SIGNED THE SAME AS A FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2012

PRINT NAME: _____
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,
RESIDING _____
at: _____
COMMISSION EXPIRES _____

NOTARY:

STATE OF WASHINGTON) _____
COUNTY OF KING) _____

ON THIS DAY PERSONALLY APPEARED BEFORE ME, ELIJAH ESTEY, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY SIGNED THE SAME AS A FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2012

PRINT NAME: _____
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,
RESIDING _____
at: _____
COMMISSION EXPIRES _____

APPROVAL

CITY OF SEATTLE
DEPARTMENT OF PLANNING &
DEVELOPMENT
DIANE SUGIMURA, DIRECTOR

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2012

BY: _____ FOR DIRECTOR, DPD

(NOTE: APPROVAL OF THIS LOT BOUNDARY ADJUSTMENT BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING & DEVELOPMENT UNDER CHAPTER 22.29 OF THE SEATTLE MUNICIPAL CODE, AS AMENDED, IS NOT TO BE CONSTRUED AS SATISFACTION OF ANY OTHER APPLICABLE LEGISLATION OR REGULATIONS.)

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2012

ASSESSOR

BASIS OF BEARINGS

RECORD OF SURVEY PREPARED BY JAMES STONE FOR THE CITY OF SEATTLE PARKS DEPARTMENT UNDER RECORDING NUMBER 2009051900001, VOLUME 283 OF SURVEY, PAGES 184-4, RECORDS OF KING COUNTY, WASHINGTON ACCEPTED A BEARING OF N 8°19'09" E FOR MOUNT CLAIRE DRIVE B, BASED ON FOUND MONUMENTS IN CASE.

GENERAL NOTES

1. THIS SURVEY WAS COMPLETED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. EASEMENTS AND OTHER ENCUMBRANCES MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
2. INSTRUMENTATION FOR THIS SURVEY WAS A 5-SECOND NIKON NPL 352 TOTAL STATION. PROCEDURES USED IN THIS SURVEY MEET OR EXCEED STANDARDS SET BY WAC 332-130-090.
3. THE INFORMATION ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE IN MARCH 2012 AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
4. UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON ABOVE GROUND OBSERVATIONS AND AS-BUILT PLANS WHERE AVAILABLE. ACTUAL LOCATIONS OF UNDERGROUND UTILITIES MAY VARY AND UTILITIES NOT SHOWN ON THIS SURVEY MAY EXIST ON THIS SITE.
5. ALL MONUMENTS WERE LOCATED DURING THIS SURVEY UNLESS OTHERWISE NOTED.



VICINITY MAP
NTS

RECORDING NO. _____ VOL./PAGE _____

**EXISTING LEGAL DESCRIPTION
PARCEL NO. 570000-2815**

BLOCK 35, MOUNT BAKER PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 16 OF PLATS, PAGE 3, IN KING COUNTY, WASHINGTON.
SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

**EXISTING LEGAL DESCRIPTION
CITY OF SEATTLE PARKS DEPARTMENT PROPERTY**

IN GOVERNMENT LOT 3 OF SECTION 10, TOWNSHIP 24 N, RANGE 4 E, W.M.: ALL THAT PARK AREA ABUTTING BLOCKS 35 AND 64, ALL AS PLATTED AND DEDICATED IN THE PLAT OF MT. BAKER PARK, VOLUME 16 OF PLATS, PAGE 3, RECORDS OF KING COUNTY, WASHINGTON, AND OF THE REPLAT OF A PORTION OF THE PLAT OF MT. BAKER PARK, VOLUME 20, PAGE 99, RECORDS OF KING COUNTY, WASHINGTON.

**NEW LEGAL DESCRIPTION
PARCEL NO. 570000-2815**

THAT PORTION OF BLOCK 35 AND THAT PORTION OF THE NW 1/4 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 24 NORTH, RANGE 4 EAST, LYING SOUTHERLY AND WESTERLY OF MOUNT CLAIR DRIVE B, WESTERLY OF SHORELAND DRIVE B, EASTERLY OF CASCADIA AVENUE B AND NORTHERLY OF MOUNT BAKER DRIVE B, ALL AS PLATTED AND DEDICATED ON THE PLAT OF MOUNT BAKER PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 16 OF PLATS, PAGE 3, IN KING COUNTY, WASHINGTON, LYING SOUTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 35; THENCE ALONG THE EASTERLY MARGIN OF MOUNT CLAIRE DRIVE SOUTH, S 08°19'09" W 63.05 FEET TO THE POINT OF BEGINNING; THENCE S 79°02'26" E 32.00 FEET; THENCE N 01°48'06" W 66.89 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET FOR AN ARC LENGTH OF 71.73 FEET; THENCE S 41°18'17" E 56.64 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET FOR AN ARC LENGTH OF 58.66 FEET; THENCE S 03°28'47" W 36.80 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 80.00 FEET FOR AN ARC LENGTH OF 80.01 FEET; THENCE S 00°20'33" E 34.83 FEET; THENCE S 28°34'19" E 80.65 FEET; THENCE S 65°58'17" W 13.76 FEET, MORE OR LESS, TO THE EASTERLY MARGIN OF MOUNT BAKER DRIVE SOUTH; THENCE ALONG SAID MARGIN N 12°37'57" E 3.90 FEET, TO THE MOST SOUTHERLY POINT OF SAID BLOCK 35 AND THE TERMINUS OF SAID LINE.

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

**NEW LEGAL DESCRIPTION
CITY OF SEATTLE PARKS DEPARTMENT PROPERTY**

IN GOVERNMENT LOT 3 OF SECTION 10, TOWNSHIP 24 N, RANGE 4 E, W.M.: ALL THAT PARK AREA ABUTTING BLOCKS 35 AND 64, ALL AS PLATTED AND DEDICATED IN THE PLAT OF MT. BAKER PARK, VOLUME 16 OF PLATS, PAGE 3, RECORDS OF KING COUNTY, WASHINGTON, AND OF THE REPLAT OF A PORTION OF THE PLAT OF MT. BAKER PARK, VOLUME 20, PAGE 99, RECORDS OF KING COUNTY, WASHINGTON, LYING NORTHERLY AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 35; THENCE ALONG THE EASTERLY MARGIN OF MOUNT CLAIRE DRIVE SOUTH, S 08°19'09" W 63.05 FEET TO THE POINT OF BEGINNING; THENCE S 79°02'26" E 32.00 FEET; THENCE N 01°48'06" W 66.89 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET FOR AN ARC LENGTH OF 71.73 FEET; THENCE S 41°18'17" E 56.64 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET FOR AN ARC LENGTH OF 58.66 FEET; THENCE S 03°28'47" W 36.80 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 80.00 FEET FOR AN ARC LENGTH OF 80.01 FEET; THENCE S 00°20'33" E 34.83 FEET; THENCE S 28°34'19" E 80.65 FEET; THENCE S 65°58'17" W 13.76 FEET, MORE OR LESS, TO THE EASTERLY MARGIN OF MOUNT BAKER DRIVE SOUTH; THENCE ALONG SAID MARGIN N 12°37'57" E 3.90 FEET, TO THE MOST SOUTHERLY POINT OF SAID BLOCK 35 AND THE TERMINUS OF SAID LINE.

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

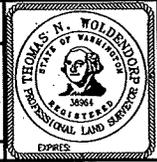
PROJECT#: 11-185 SHEET: 1 OF 2

NE 1/4, SW 1/4, SEC 10, TWP 24N, R4N 4E, W.M.

RECORDER'S CERTIFICATE
FILED FOR RECORD THIS _____ DAY OF _____, 2012 AT _____ M IN BOOK _____ OF SURVEYS, PAGE _____ AT THE REQUEST OF SITE SURVEY & MAPPING, INC.

SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF CYNTHIA DAVID IN MARCH, 2012.

LOT BOUNDARY ADJUSTMENT
CYNTHIA DAVID / CITY OF SEATTLE
2520 MOUNT BAKER DRIVE S
SEATTLE, WA 98144



Site
Survey & Mapping, Inc.
www.siteurveying.com 10115 214th Avenue NE Redmond WA 98053 Phone: 425.644.2078

MANAGER _____ SUPT. OF RECORDS _____

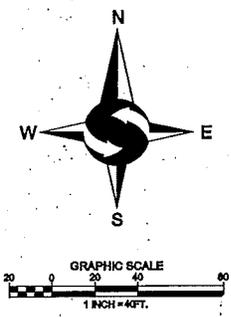
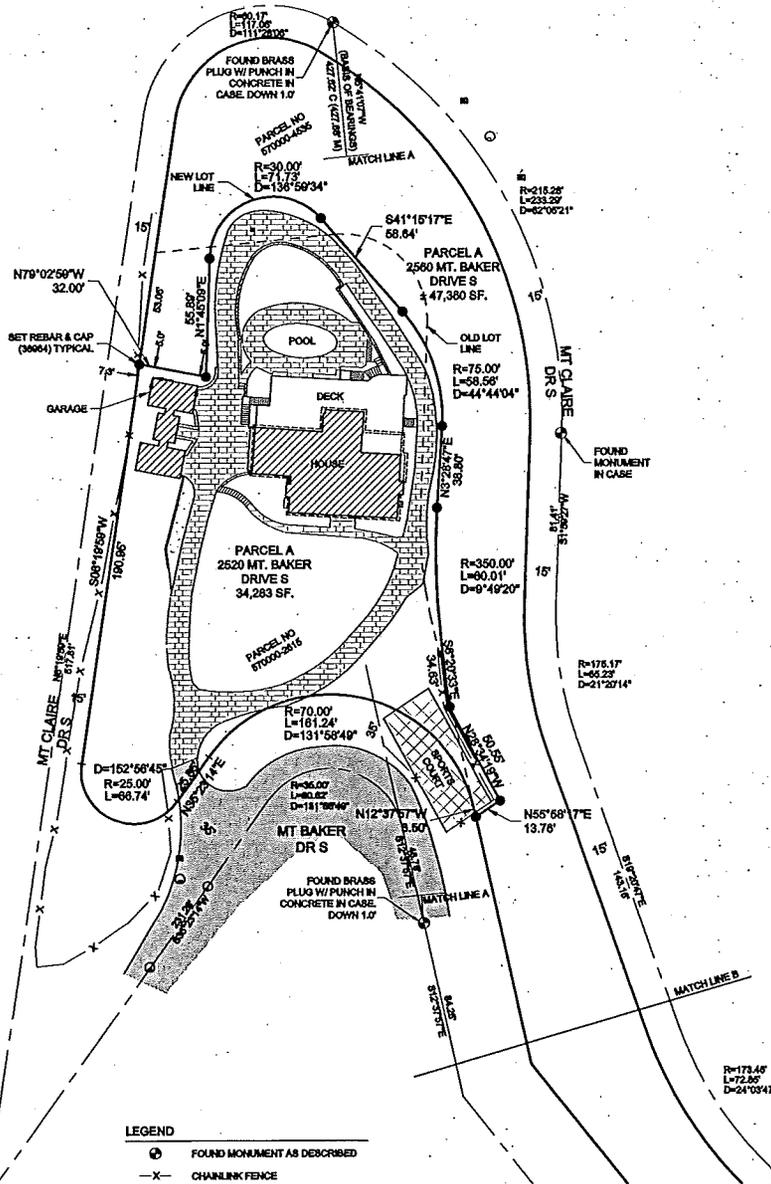
CERTIFICATE NO.: 38964

© 2012, SITE SURVEY & MAPPING, INC., ALL RIGHTS RESERVED

LOT BOUNDARY ADJUSTMENT NUMBER: 3013122

RECORDING NO.

VOL./PAGE



LEGEND

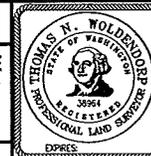
- FOUND MONUMENT AS DESCRIBED
- CHAINLINK FENCE
- CONCRETE/BRICK WALL
- ASPHALT SURFACE
- CONCRETE SURFACE
- BRICK SURFACE

PROJECT#: 11-185 SHEET: 2 OF 2

NE 1/4, SW 1/4, SEC 10, TWP 24N, RNG 4E, W.M.

LOT BOUNDARY ADJUSTMENT

CYNTHIA DAVID / CITY OF SEATTLE
 2520 MOUNT BAKER DRIVE S
 SEATTLE, WA 98144



www.site-survey-mapping.com 10115 214th Avenue NE Redmond WA 98053 Phone: 425.844.2078

© 2012, SITE SURVEY & MAPPING, INC., ALL RIGHTS RESERVED

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department: Parks and Recreation	Contact Person/Phone: MaryLou Whiteford 684-7388	CBO Analyst/Phone: Jeff Muhm 684-8049
--	--	---

Legislation Title:

AN ORDINANCE relating to the Department of Parks and Recreation, concerning Mount Claire Park, finding that an exchange of property between the City of Seattle and Elihu Estey and Cynthia L. David, owners of property adjacent to Mount Claire Park, is necessary, as required by Ordinance 118477, also known as Initiative 42; and authorizing the Superintendent of Parks and Recreation to sign as co-petitioner in an application for a Lot Boundary Adjustment; and, if the Lot Boundary Adjustment is approved, authorizing the Superintendent to accept a deed from Estey and David, or their successors in interest, for certain property meeting the criteria of Initiative 42; and executing and delivering a Quit Claim Deed for certain Mount Claire Park property to Estey and David, or their successors in interest, all to resolve encroachments onto park property.

Summary of the Legislation:

The legislation authorizes a lot boundary adjustment (LBA) and exchange of deeds with a private property owner adjacent to Mount Claire Park in the Mt. Baker neighborhood in order to eliminate an encroachment onto park property. The LBA and property exchange meet the requirements of Ordinance 118477, commonly known as Initiative 42, resulting in the park receiving land greater in size and equivalent in value, location and usefulness.

Background:

Mount Claire Park was dedicated in the 1907 plat of Mt. Baker Park. The steeply-sloped park land wraps around the east and north sides of the single lot in Block 35. Block 35 is improved with a single-family house built in 1922. A circular driveway follows the easterly property line, adjacent to the park property, then around the north side of the house, and south along the west side of the house. In three separate locations, the private driveway wanders beyond the property line and onto the park land.

The LBA will allow the existing house and private improvements to remain intact by relinquishing small areas of park property on the north and east sides of Block 35. It will add two areas to the park, on the northwest and northeast corners of Block 35. Attachment A is a map illustrating the original configuration and the proposed changes. The private property owners are paying for the staff time and other expenses incurred by Parks to complete this transaction.



X This legislation does not have any financial implications.

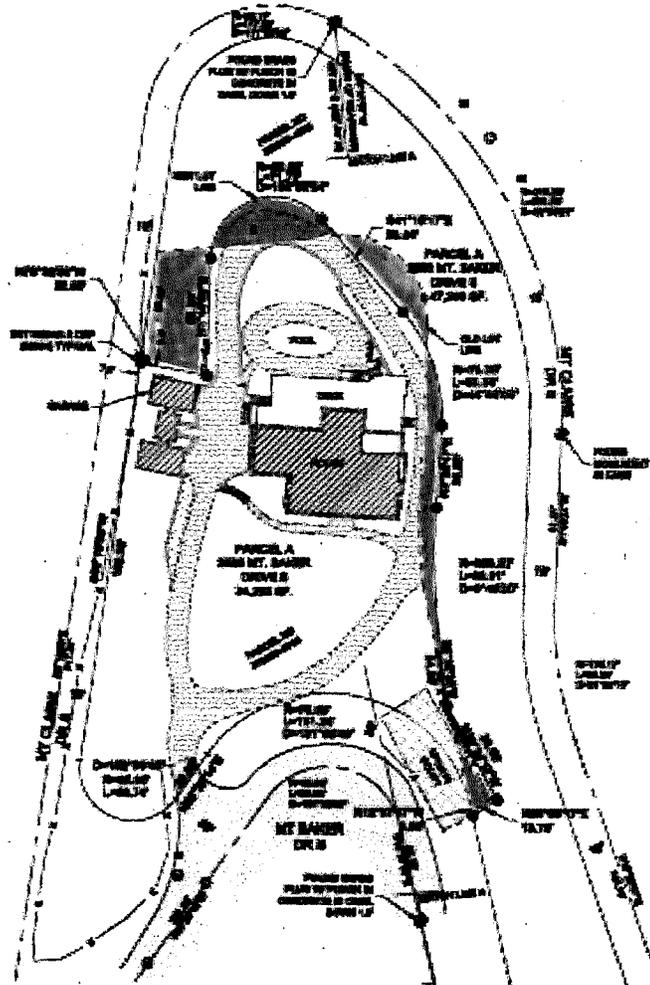
Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.
- b) **What is the financial cost of not implementing the legislation?**
There is no financial cost to the City of not implementing this legislation. The private property owner has paid for Parks staff time and other expenses to complete this transaction; therefore, there is also no cost to the Department for implementation.
- 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 none.
- e) **Is a public hearing required for this legislation?**
Yes. The City Council's Parks and Neighborhoods Committee meeting will be the public hearing.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No. The public hearing will be advertised through the City Council's regular meeting notification process.
- g) **Does this legislation affect a piece of property?**
Yes. This legislation results in a slightly altered shape and slightly increased size of Mount Claire Park.
- h) **Other Issues:**
There are none.

List attachments to the fiscal note below:

Attachment A: Map of Mount Claire Park Lot Boundary Adjustment

LOT BOUNDARY ADJUSTMENT NUMBER: 9513122



To be deeded by Estey/David to City



To be deeded by City to Estey/David



City of Seattle
Office of the Mayor

November 5, 2013

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill authorizing a lot boundary adjustment and exchange of deeds to cure an encroachment onto Mount Claire Park in the Mt. Baker neighborhood. The lot boundary adjustment slightly alters the shape of the park and the exchange of deeds results in a slight increase in the size of the park.

Upon discovering that a long-existing driveway and private sports court encroached on adjacent park property, the owners of 2520 Mt. Baker Drive South approached Seattle Parks and Recreation seeking to correct the situation. A lot boundary adjustment was proposed as a solution to resolve the encroachment. The private property owners are paying for the staff time and other expenses incurred by Parks to complete this transaction.

The proposed lot boundary adjustment and property exchange meet the requirements of Ordinance 118477, generally referred to as Initiative 42. Ordinance 118977 requires property exchanges to provide the City with land of equivalent or better size, value, location and usefulness in the vicinity, serving the same community and the same park purposes. The proposed exchange increases the size of the park by 739.5 square feet. In addition, Ordinance 118477 expressly permits lot boundary adjustments.

Thank you for your consideration of this legislation. Should you have questions, please contact MaryLou Whiteford at 684-7388.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcgin@seattle.gov

