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ORDINANCE _____

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; transferring jurisdiction of the Morningside Substation Property from Seattle City Light to the Department of Parks and Recreation for open space, park, and recreation purposes; and increasing appropriations to the Department of Parks and Recreation in the 2013 Budget; all by a three-fourths vote of the City Council.

WHEREAS, Seattle City Light ("City Light") acquired the Morningside Substation Property ("Morningside Property") for electric utility purposes, but no longer needs it for those purposes; and

WHEREAS, Resolution 31055 created the Parks and Green Spaces Levy Citizens' Advisory Committee to ensure citizen participation in the development of a potential package of parks, open space, boulevards, trails, green infrastructure, and recreation projects, and a proposed set of options to fund the package; and

WHEREAS, the Parks and Green Spaces Levy Citizens Advisory Committee, after being duly appointed and after spending many hours in open meetings and receiving public testimony and deliberating on the levy, voted by a strong majority to recommend that the City Council place a \$145.5 million six-year levy proposal for park purposes before the voters of Seattle; and

WHEREAS, in response to this recommendation, the City Council passed Ordinance 122749, placing Proposition 2, the 2008 Parks and Green Spaces Levy before the voters of Seattle; and

WHEREAS, the 2008 Parks and Green Spaces Levy was approved by Seattle voters on November 4, 2008; and

WHEREAS, Ordinance 122749 identifies the Wedgwood Neighborhood for a potential neighborhood park acquisition; and

WHEREAS, the Wedgwood Community Council did significant public outreach and determined that the Morningside Property was the best site for a new park in the neighborhood; and

WHEREAS, the General Manager and Chief Executive Officer of City Light and the Superintendent of Parks and Recreation recommend transfer of jurisdiction of the Morningside Property from City Light to the Department of Parks and Recreation subject to certain conditions; and

1 WHEREAS, City Light and the Department of Parks and Recreation have determined the fair
2 market value of the Morningside Property by real estate appraisal, which assumes there is
3 no Hazardous Substance (as defined in Section 5 below) in or on the Morningside
4 Property that would affect the value of the Morningside Property, and City Light has
5 agreed to credit the Department of Parks and Recreation for certain costs for
6 environmental testing; NOW, THEREFORE,

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

8 Section 1. Pursuant to the provisions of R.C.W. 35.94.040 and after public hearing, the
9 real property commonly known as the Morningside Substation Property (“Morningside
10 Property”), legally described below, is declared no longer needed for the City of Seattle’s utility
11 purposes and is surplus to the City’s utility needs:

12 *The east half of the south half of the east half of Block 4, Earl J. McLaughlin’s*
13 *Addition to Seattle, according to the Plat thereof recorded in Volume 15 of Plats,*
14 *page 48, in King County, Washington.*

15 *EXCEPT that portion for street.*

16 Section 2. Jurisdiction over the Morningside Property is hereby transferred from Seattle
17 City Light (“City Light”) to the Department of Parks and Recreation for open space, park, and
18 recreation purposes, upon payment of One Million Sixty Thousand Four Hundred Forty Dollars
19 (\$1,060,440) to the Light Fund (Fund 41000) from the 2008 Parks Levy Fund.

20 Section 3. In order to pay for necessary capital costs and expenses incurred, or to be
21 incurred, but for which insufficient appropriations were made due to causes that could not
22 reasonably have been foreseen at the time the 2013 budget was adopted, the appropriation for the
23 following in the 2013 Adopted Budget and the 2013-2018 Adopted Capital Improvement
24 Program is increased from the funds shown, as follows:

Fund	Department	Budget Control Level	Amount
2008 Parks Levy Fund (33860)	Parks and Recreation	2008 Parks Levy – Neighborhood Park Acquisition (K720010)	\$1,080,000

Section 4. Notwithstanding the transfer of jurisdiction, City Light shall remain responsible for all costs and expenses for response, removal, or other remedial action, including disposal, of any Hazardous Substance in or on the Morningside Property or improvements thereon caused by City Light's use, occupation, or operation of the Morningside Property.

Section 5. For purposes of this ordinance, the term Hazardous Substance means any substance or material defined or designated as a hazardous, dangerous, radioactive or toxic material, waste or substance, environmental pollutant or contaminant, including without limitation asbestos and petroleum products, or other similar term by any Environmental Laws, and the term Environmental Laws means any environmental or health and safety-related law, regulation, or rule, ordinance or directive at the federal, state or local level, whether existing as of the date of this Ordinance, previously enforced or subsequently enacted.

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

4 Passed by a three-fourths (3/4) vote of all the members of the City Council the ____
5 day of _____, 2013, and signed by me in open session in authentication
6 of its passage this ____ day of _____, 2013.

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9 _____
10 President _____ of the City Council

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

15
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17 _____
18 Michael McGinn, Mayor

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

20
21
22 _____
23 Monica Martinez Simmons, City Clerk

24 (Seal)

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Parks and Recreation	Donald Harris/684-8018	Jeff Muhm/684-8049

Legislation Title: AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; transferring jurisdiction of the Morningside Substation Property from Seattle City Light to the Department of Parks and Recreation for open space, park, and recreation purposes; and increasing appropriations to the Department of Parks and Recreation in the 2013 Budget; all by a three-fourths vote of the City Council.

Summary and background of the Legislation:

On November 4, 2008, Seattle voters approved a six-year property tax levy, the 2008 Parks and Green Spaces Levy (Levy), for the purpose of improving and expanding the City's parks and green spaces. The proposed Council Bill transfers jurisdiction of the Morningside Substation Property (Property) from Seattle City Light (SCL) to the Department of Parks and Recreation (DPR) for open space, park, and recreation purposes and requests appropriation to cover the costs of the transfer. The transfer of jurisdiction of this 14,255 square-foot site, situated in the Wedgwood neighborhood of northeast Seattle, will provide a future new neighborhood park in an underserved area of the City and help satisfy DPR's goal of providing parks within walking distances for all residents of Seattle. This acquisition will fill an identified open space gap in the Wedgwood neighborhood. The property will remain vacant until development funding is available.

SCL acquired the Property for electrical utility purposes and the Property is no longer required for those purposes. In compliance with applicable law, DPR will deposit \$1,060,440, the negotiated fair market value of the Property (\$1,120,000) minus environmental testing costs incurred by DPR (\$59,560), using new appropriation, into the Light Fund for the transfer of jurisdiction.

Project Name:	Project I.D.	Project Location:	Start Date:	End Date
Wedgwood Neighborhood Park Acquisition	K730067	8605 35 th Avenue NE	January 2010	December 2013

This legislation creates, funds, or anticipates a new CIP Project.

This legislation does not have any financial implications.

This legislation has financial implications.

Appropriations:

Fund Name and Number	Department	Budget Control Level*	Existing 2012 Appropriation	New 2013 Appropriation (if any)	2014 Anticipated Appropriation
2008 Parks Levy Fund (33860)	Parks and Recreation	2008 Parks Levy-Neighborhood Park Acquisition Program K720010	\$120,000	\$1,080,000	\$0
TOTAL			\$120,000	\$1,080,000	\$0

Notes: The total project cost for this acquisition is \$1,200,000, for the purchase price and related costs and expenses associated with property acquisition, including, but not limited to title, survey, environmental assessment, project administration, public meetings, and other miscellaneous expenses. The City has been awarded \$500,000 in 2012 King County Conservation Futures to offset acquisition costs. These funds require a 50% match and are paid on a reimbursement basis. When the Conservation Futures grant is received, the 2008 Parks Levy Fund will be reimbursed by \$500,000.

Spending Plan and Future Appropriations for Capital Projects:

Spending Plan and Budget	2011-2012	2013	2014	2015	2016	2017	Total
Spending Plan	\$97,000	\$1,103,000	\$0	\$0	\$0	\$0	\$1,200,000
Current Year Appropriation		\$1,080,000					\$1,080,000
Future Appropriations			\$0	\$0	\$0	\$0	\$0

Notes: The current budget for this project is \$1,200,000 (\$97,000 expended prior to 2013), which includes land cost, administrative time, title insurance and closing costs, environmental assessment etc.

Funding source:

Funding Source (Fund Name and Number, if applicable)	2012	2013	2014	2015	2016	2017	Total
2008 Parks Levy Fund (33860)	\$120,000	\$1,080,000	\$0	\$0	\$0	\$0	\$1,200,000
TOTAL	\$120,000	\$1,080,000	\$0	\$0	\$0	\$0	\$1,200,000

Notes:

Bond Financing Required: N/A

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
TOTAL	N/A	N/A	N/A	N/A	N/A

Uses and Sources for Operation and Maintenance Costs for the Project:

O&M	2013	2014	2015	2016	2017	2018	Total
Uses							
On-going	\$3,337	\$6,807	\$6,943	\$7,082	\$7,223	\$7,368	\$38,760
Sources							
Parks and Recreation Fund (10200)							

Notes: City Light will remove the substation, fence, building and parking lot before transfer of the property and will transfer a vacant site for Parks to maintain. Maintenance for the vacant site includes installation and repair of signage, graffiti removal, debris cleanup, and property repair due to vandalism. The O&M numbers listed above assume a 2% inflation rate in each successive year. The property will remain vacant until development funding is available.

Periodic Major Maintenance costs for the project: N/A

Major Maintenance Item	Frequency	Cost	Likely Funding Source
TOTAL	N/A	N/A	N/A

Funding sources for replacement of project:

Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact: N/A

Position Title and Department*	Position # for Existing Positions	Fund Name & #	PT/FT	2010 Positions	2010 FTE	2011 Positions **	2011 FTE **
TOTAL	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Notes:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.
- b) **What is the financial cost of not implementing the legislation?**
Achievement of one of the goals of the Neighborhood Park Acquisitions category of the 2008 Parks Levy, which is acquiring real property and expanding open space networks, would be delayed. This delay and further staff cost to meet this goal with another effort would consume additional and unanticipated resources from the 2008 Parks Levy Fund.
- c) **Does this legislation affect any departments besides the originating department?**
Yes, Seattle City Light.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** DPR could try to find another opportunity like this in the same area, but to do this would require spending additional resources and would delay the goal for park acquisition in this underserved area as mentioned in the 2008 Parks Levy. City Council approval is required for transfer of jurisdiction.
- e) **Is a public hearing required for this legislation?** Yes.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- g) **Does this legislation affect a piece of property?** Yes.
- h) **Other Issues:** None identified.

List attachments to the fiscal note below:

Attachment A: Morningside Property Acquisition (map)

ATTACHMENT A: Morningside Property Acquisition.



This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation



City of Seattle
Office of the Mayor

November 12, 2013

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

Dear Council President Clark:

I am transmitting the attached proposed Council Bill that transfers jurisdiction of the Morningside substation property, located at 8605 35th Avenue NE, from Seattle City Light (City Light) to the Department of Parks and Recreation (DPR) for open space, park, and recreation purposes. The Wedgwood Neighborhood was included in the 2008 Parks and Green Spaces Levy as a candidate for a neighborhood park acquisition to fill an open space gap identified in the Department's 2006 Gap analysis. The Morningside substation property, the subject of this legislation, is well-suited for development as a park.

The Wedgwood Community Council conducted significant public outreach in the search for an appropriate park site and concluded the Morningside substation property is the site best suited to the community's needs. City Light has determined that the Morningside substation property is surplus to its needs and is willing to transfer it to DPR.

The transfer of jurisdiction accomplished by this legislation will help meet the City's goal of providing parks within walking distance for residents of Seattle. Thank you for your consideration of this legislation. Should you have questions, please contact Donald Harris at 684-8018.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGinn".

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council