

CITY OF SEATTLE
ORDINANCE _____

COUNCIL BILL 118038

AN ORDINANCE vacating the alley in Blocks 5 and 6, Plat of West Seattle by U.R. Niesz and Ada B. Niesz, on the petition of Safeway Stores, Inc., a Delaware corporation; and accepting a Property Use and Development Agreement as reflected in Clerk File 310161.

WHEREAS, Safeway Stores, Inc. ("Petitioner") filed a petition to vacate the alley in Blocks 5 and 6, Plat of West Seattle by U.R. Niesz and Ada B. Niesz that is the block bordered by Southwest Admiral Way, 42nd Avenue Southwest, Southwest Lander Street, and California Avenue Southwest in the Admiral Way neighborhood of West Seattle; and

WHEREAS, following a July 27, 2010 public hearing on the petition, the Seattle City Council ("City Council") conditionally granted the petition subject to conditions that have now been met; and

WHEREAS, a Property Use and Development Agreement recorded with the King County Recorder's Office commits the Petitioner and their successors to fulfill ongoing public-benefit obligations required as a result of the alley vacation; and

WHEREAS, as provided for in Section 35.79.030 RCW and Seattle Municipal Code Chapter 15.62, the Petitioner has paid the City a vacation fee of \$450,000 that is the full appraised value of the property; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The real property described below is vacated:

That portion of the Southeast quarter of Section 11, Township 24 North, Range 3 East, W.M., lying within the Plat of West Seattle, according to the Plat thereof recorded in Volume 9 of Plats, page 10, being bound on the west by the east line of Block 5 of said plat, also being bound on the east by the west line of Block 6 of said plat, also being bound on the north by the south line of Lot 20, Block 6 of said plat, and the westerly extension thereof, and more particularly described as a whole as follows:

Beginning at the southwest corner of Lot 24 of Block 6 of said plat;

Thence North 88° 32' 24" West 20.00 feet along the north margin of right-of-way of Southwest Lander Street to the east line of Block 5 of said plat;

1 Thence North 02° 38' 33" East 108.79 feet along said east line of Block 5 of said
2 plat to the westerly extension of the south line of Lot 20, Block 6 of said plat;

3 Thence South 88° 38' 00" East 145.01 feet along the South line of Lot 20, Block 6
4 of said plat, and westerly extension thereof, to the west margin of right-of-way of
42nd Avenue Southwest;

5 Thence South 02° 38' 40" West 24.98 feet along said west margin to the north line
6 of Lot 22, Block 6 of said plat;

7 Thence North 88° 38' 13" West 125.00 feet along said north line to the northwest
8 corner of said Lot 22;

9 Thence South 02° 38' 33" West 83.84 feet to the Point of Beginning;

10 The above described parcel containing 5,299 square feet (0.1216 acre), more or
11 less;

12 Situate in the City of Seattle, County of King, State of Washington.

13 Section 2. The Property Use and Development Agreement, King County Recording
14 Number 20130725001972, attached as Attachment A to this ordinance, is accepted.

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

1 Passed by the City Council the ____ day of _____, 2014, and
2 signed by me in open session in authentication of its passage this
3 ____ day of _____, 2014.

4 _____
5 _____
6 President _____ of the City Council

7
8 Approved by me this ____ day of _____, 2014.

9 _____
10 _____
11 Edward B. Murray, Mayor

12
13 Filed by me this ____ day of _____, 2014.

14 _____
15 _____
16 Monica Martinez Simmons, City Clerk

17 (Seal)

18
19 Attachment A: Property Use and Development Agreement

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CONFORMED COPY

20130725001972

FIRST AMERICAN AG-RER 95.00
PAGE-001 OF 024
07/25/2013 16:35

AFTER RECORDING MAIL TO:

Name Barack Ferrazzano Kirschbaum & Nagelberg LLP
Address 200 West Madison Street, Suite 3900
City/State Chicago, IL 60606

Document Title(s):

1. Property Use Development Agreement

Grantor(s):

1. SVF Admiral Safeway Seattle, LLC, a Delaware Limited Liability Company
2. 42nd & Lander, LLC, a Washington Limited Liability Company

[] Additional information on page of document

Grantee(s):

1. City of Seattle
- 2.

[] Additional information on page of document

Abbreviated Legal Description:

Parcel A, C/Sea LLA 3010683, Rec No 20100325900005; Lt 6, Blk 6, Plat of West Sea by U R Niesz;
Residential Unit and Major Retail Unit, Elemend 42, Condo

Tax Parcel Number(s):

608710-0660-02; 230155-0010-04; 608710-0800-03

[X] Complete legal description is on page 9 of document

*This instrument filed for record by
First American Title Insurance Company
As an accommodation only, it has not
been examined as to its execution or
As to its effect upon the title*

AFTER RECORDING RETURN DOCUMENT TO:

Brett Feinberg
Barack Ferrazzano Kirschbaum & Nagelberg LLP
200 West Madison Street, Suite 3900
Chicago, Illinois 60606

PROPERTY USE AND DEVELOPMENT AGREEMENT

Reference Number of Related Document:	N/A
Grantor(s):	SVF ADMIRAL SAFEWAY SEATTLE, LLC, a Delaware limited liability company 42 nd & LANDER, LLC, a Washington limited liability company
Grantee(s):	CITY OF SEATTLE
Abbreviated Legal Description:	Parc. A, C/Sea LLA 3010683, Rec. No 20100325900005; Lt. 6, Blk. 6, Plat of West Sea. by U. R. Niesz; Residential Unit & Major Retail Unit, Element 42, condo
	Additional Legal Description on Attachment A
Assessors Property Tax Parcel or Account No:	608710-0660-02; 230155-0010-04; 608710-0800-03

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS AGREEMENT (Agreement) is made this date in favor of the CITY OF SEATTLE, a municipal corporation of the State of Washington (City) by SVF Admiral Safeway Seattle, LLC, a Delaware limited liability company (SVF) and 42nd & Lander, LLC, a Washington limited liability company (Madison). SVF and Madison are collectively referred to as Owners.

W I T N E S S E T H:

WHEREAS, Owners are vested in fee simple title and have a substantial beneficial interest in the properties located in King County, Washington, described on Attachment A (the respective property owned by each Owner, as set forth on

Attachment A, is sometimes referred to herein as such Owner's "Parcel"; both Owners' Parcels are sometimes collectively referred to herein as the "Property");

WHEREAS, the Owners redeveloped the Property with a new grocery store, retail shops building, and residential apartment building (the Development);

WHEREAS, in connection with the Development, Safeway Inc., a Delaware corporation and predecessor-in-interest to the Owners, filed a petition, pursuant to RCW Ch. 35.79 and Seattle Municipal Code Ch. 15.62, to vacate a 5,297 square foot, L-shaped alley located between Blocks 5 and 6, Plat of West Seattle by U.R. Niesz and Ada B. Niesz being that portion lying between the north margin of SW Lander Street and the south margin of the alley vacated by Ordinance 107509; together with the alley lying between Lots 20 and 22, Block 6 of West Seattle by U.R. Niesz and Ada B. Niesz dedicated by Ordinance 89799 (the Alley);

WHEREAS, subsequent to filing the vacation petition, (i) Safeway sold a portion of its property to Madison for development of the residential portion of the Development and (ii) Safeway sold the retail portion of the Development to SVF. This residential portion of the Development is described on Attachment A as the "Madison Parcel" and the retail portion of the Development is described on Attachment A as the "SVF Parcel".

WHEREAS, on August 2, 2010, the City Council granted preliminary approval of the Alley vacation subject to conditions and public amenity improvements listed on Attachment B (Clerk File 310161) and depicted on Attachment C; and

WHEREAS, the Owners now seek final vacation of the Alley;

NOW, THEREFORE, the Owners covenant, bargain, and agree on behalf of themselves, their successors, and their assigns to the following:

Section 1: List of Public Spaces and Amenities: The following is a list of the public spaces (Public Spaces) and amenities (Amenities) covered by this Agreement.

1. SOUTHWEST PLAZA AREA 1,002 SF

The pedestrian environment at the southwest corner of the Development has been enhanced by creating a publicly accessible plaza at California Avenue SW and Lander Street. This plaza is adjacent to the grocery store entrance and the existing Metro bus stop. The plaza area includes chairs, tables, and raised landscape planters. The plaza is 31 feet deep in the east-west direction and 37 feet deep in the north-south direction.

2. MID-BLOCK PEDESTRIAN CROSSING 2,356 SF

The Development includes a publicly accessible mid-block crossing between California Avenue SW and 42nd Avenue SW. This crossing provides an east-west

connection through the Development connecting California Avenue to 42nd Avenue. Design features including delineated sidewalk paving, concrete bollards and decorative pots. The depth of this space varies from 20' clear at the west end to 9-1/2' clear at the east end.

3. SEASONAL DISPLAY AND SPECIAL EVENTS AREA 2,146 SF

This area for seasonal produce displays and store-sponsored gatherings (e.g. salmon days or barbeques) is located just east of the grocery store entry at California Avenue, and adjacent to the pedestrian mid-block crossing.

4. SIDEWALK CANOPIES AREA 18 canopies - 2,714 SF

Canopies suspended from the buildings are located on all three streets surrounding the Development. These canopies are designed to complement the grocery store, shops building, and residential frontages, while providing protection from the elements for passing pedestrians.

5. LANDSCAPING BEYOND GREEN FACTOR REQUIREMENTS 2,322 SF

Approximately 30% of additional landscaping has been provided on the south side of the Development than what was required to meet the Seattle Green Factor requirements.

6. SIDEWALK WIDENING ALONG RETAIL SHOPS AREA 903 SF

The freestanding retail shops building on California Avenue has been set back from the property line. This additional sidewalk area will contribute to the vitality of the retail frontage on California by allowing tenants the opportunity to provide decorative pots, tables, chairs, umbrellas and even, on occasion, the outdoor display of merchandise. The area of sidewalk, above and beyond the 16 feet within the right-of-way, varies from 5 feet to 9 feet of additional depth. Owners agree that the additional sidewalk area will remain as a pedestrian amenity and will not be removed or permanently obstructed.

7. BENCHES AND SEATWALLS (102 lf) 51 seats

Additional publicly accessible benches and seat walls have been located along both California Avenue and Lander Street. The benches have been selected to reflect the historic character of the Admiral District.

8. ADDITIONAL BIKE RACKS Additional 28 bikes

Bike racks have been provided to enhance the environment for bicyclists. 68 total bike racks have been provided, which is 28 more than required by Code. 16 bike racks

are included in the residential portion of the Development and 52 bike racks are located around the Development perimeter. Each Owner shall maintain the number of covered bike racks that now exist on its Property.

9. EXIT RAMP RIGHT TURN ONLY SIGNS

A combination of wall-mounted and pole-mounted signage has been provided to discourage vehicles from turning left onto the mid-block crossing when exiting from the rooftop parking. Additional signs are posted to discourage cars from turning left onto California Avenue.

10. HANDRAILS IN HIAWATHA PARK AT NORTH ENTRANCES
2 handrails

At the request of the Friends of Seattle's Olmsted Parks, and working in concert with the Seattle Parks Department, central handrails at both pedestrian entrances to Hiawatha Park have been installed. These entrances are located at California Avenue & Lander Street, and 42nd Avenue & Lander Street.

11. HISTORIC LIGHT POLES 14 poles

A series of historic light poles have been installed along all three street frontages surrounding the Development. These light poles are identical to the existing historic style prevalent in the Admiral District.

12. OLMSTEAD PANELS 3 panels

Three historic panels have been installed on the grocery building's masonry pilasters along Lander Street, facing Hiawatha Park. Each panel is 3 feet wide x 4 feet high. Under the direction of the Friends of Olmstead Parks and the Seattle Parks Department, additional similarly designed panels are mounted on the exterior of the community center building located in Hiawatha Park.

13. CONTRIBUTION TO FRIENDS OF OLMSTEAD PARK \$10,000

Safeway made a contribution of \$10,000 to the Friends of Seattle Olmstead Parks for design and construction of the panels depicting the Olmsteads' involvement in Seattle's park system, including Hiawatha Park.

Section 2: Maintenance of Public Spaces and Amenities. The Southwest Plaza Area, the Mid-Block Crossing, Seasonal Display and Special Events Area, and the Retail Shops Widened Sidewalk are Public Spaces for purposes of this Agreement. The remainder of the items listed in Section 1 are Amenities. Except for the canopies on the residential building described in item #4 of Section 1 above (which will be maintained by the Owner of the Madison Parcel), the owner of the SVF Parcel shall keep all Public

Spaces and Amenities in good repair and condition. Public Spaces shall not be developed with buildings or other structures, and shall retain some combination of plaza, landscaping, benches, artwork, lighting, signs and other open space and pedestrian amenities that are the substantial equivalent to what is depicted on Attachment C. The Public Spaces shall be open to the public to pass through or use during all hours that the grocery store or retail shops associated with the Development are open for business regardless of whether such use by the public is associated with the Development. The Public Spaces do not include: below-grade or subsurface areas; or portions of existing structures that extend over the ground surface of the public areas. The Owners reserve the right to use the Public Spaces for any purposes not inconsistent with the terms of this Agreement.

Section 3: Modification of Public Spaces and Amenities. The amount or types of Public Spaces and Amenities may be modified by an Owner with respect to its Parcel after receiving the written consent of the Director of the Department of Transportation, after notice to and input from other Owners; provided, that the quality of the Public Spaces and Amenities shall not be diminished and the modified Public Space design and Amenities shall continue to activate the Development with public uses and pedestrian activity.

Section 4: Temporary Closures of Public Spaces. The Owners shall have the right to temporarily close or obstruct the Public Spaces for: (1) construction; (2) maintenance and repair; (3) temporary use for private functions directly related to the Development; (4) the temporary maintenance of security for the Development or persons using the Development, or (5) other circumstances beyond the Owners' control.

Section 5: Use and Access Regulations: The Owners may adopt reasonable rules and regulations regarding the use of and access to the Public Spaces as are necessary to ensure the security of the users of the Public Spaces and the Development. The rules and regulations shall be consistent with the terms of this Agreement. The Director of the Department of Transportation shall approve any rules and regulations which materially modify the use of the Public Spaces before such rules and regulations become effective. A summary of the current rules and regulations may be posted in several visible locations in the Public Spaces.

Section 6. Use by Public: It is the intent of the City and Owners that the public spaces created for the project are intended to be welcoming and open for members of the public. Members of the public shall enjoy in these public spaces the same privileges as individuals that are shopping or residing at the development. The foregoing shall not preclude the Owners from enacting reasonable regulations of general applicability that are consistent with their Properties' uses as a retail, residential and/or office development. The Director of the Department of Transportation shall approve any regulation of general applicability which materially modify the use of the Public Spaces before such regulation becomes effective.

Section 7: Agreement to be Recorded. This Agreement shall be recorded in the records of King County and the covenants of this Agreement shall attach to and run with the Property and shall be binding upon the Owners and their heirs, successors, and assigns. Any person or entity acquiring title to any Owner's Parcel or portion thereof shall be bound by this Agreement only as to the Parcel or portion thereof acquired by such person or entity. The Owners, and any person or entity acquiring title from any Owner, shall be bound by this Agreement only during the period such Owner or other person or entity is the fee owner of such Parcel or portion thereof, as to obligations, liabilities or responsibilities that accrue during said period. In the event that any Parcel is subdivided by imposition of a condominium regime, the obligations, liabilities or responsibilities affecting such Parcel may be assumed by the Association formed to manage the condominium.

Section 8: Amendment Requires City Council Approval. This Agreement may be amended or modified by written agreement between the Owners and the City; provided the amended Agreement shall be approved by the City Council by ordinance. Nothing in the Agreement shall be construed as a surrender of the City's governmental powers.

Section 9: Enforcement of Agreement. This Agreement is made for the benefit of the City and the public, and the City may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

Section 10: Insurance. Upon the effective date of the vacation ordinance, the Owners shall provide and thereafter maintain in full force and effect, commercial general liability insurance providing for a limit of not less than \$1,000,000 per occurrence for all damages arising out of bodily injuries or death. The insurance policies obtained shall be approved as to form by the City Risk Manager (which approval shall not be unreasonably withheld, conditioned or delayed), and shall name the City as an additional insured. Any Owner with a net worth of \$100,000,000 or more may self-insure such risks upon approval of the City Risk Manager (which approval shall not be unreasonably withheld, conditioned or delayed).

Section 11: Indemnity and Hold Harmless. Each Owner shall indemnify, hold harmless, and defend the City and its officers, agents and employees, from any and all claims, losses, liabilities, liens, costs, or expenses including attorney's fees, resulting from or arising out of public use of the Public Spaces or Amenities that such Owner is obligated to maintain and repair under Section 2 above, except to the extent resulting from the sole negligence or intentional acts of the City. If any claim covered by this paragraph is asserted against the City, the applicable Owner(s), upon notice thereof from the City, shall defend the same at its sole cost and expense, and shall pay any final judgment rendered upon such claim.

Section 12: Owners' Reservation of Rights. The Owners reserve the right to use the Public Spaces and Amenities for any purpose which does not interfere with the public's use of the Public Spaces as provided herein, including but not limited to the right to use the Public Spaces as described in this Agreement and the right to grant easements within the Public Spaces, provided the easements are consistent with the public's use of the Public Spaces.

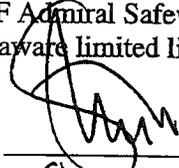
Section 13: No Dedication of Property. Notwithstanding the covenants contained in this Agreement, nothing in this Agreement shall constitute a public dedication of any portion of the Property.

Section 14: Severability. In the event any covenant or condition or any portion thereof in this Agreement is judicially determined to be invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction contained in this Agreement.

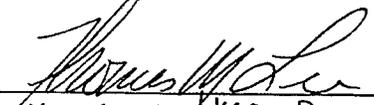
Dated this 25TH day of July, 2013.

OWNERS:

SVF Admiral Safeway Seattle, LLC, a
Delaware limited liability company

By: 
Its: Chairman + CEO

42nd & Lander, LLC

By: 
Its: MANAGER MEMBER

ATTACHMENT A

Legal Description of Development Property

SVF Parcel:

The Major Retail Unit of Element 42, a Condominium, according to the Declaration thereof, recorded under King County Recording No. 20110527001411, and any amendments thereto, said Unit is located on Survey Map and Plans filed in Volume 272 of Condominiums, Pages 59 through 53, inclusive, and any amendments thereto.

Madison Parcel:

The Residential Unit of Element 42, a Condominium, according to the Declaration thereof, recorded under King County Recording No. 20110527001411, and any amendments thereto, said Unit is located on Survey Map and Plans filed in Volume 272 of Condominiums, Pages 59 through 53, inclusive, and any amendments thereto.

ATTACHMENT B

List of Public Spaces and Amenities

Admiral Safeway – Public Benefit Package

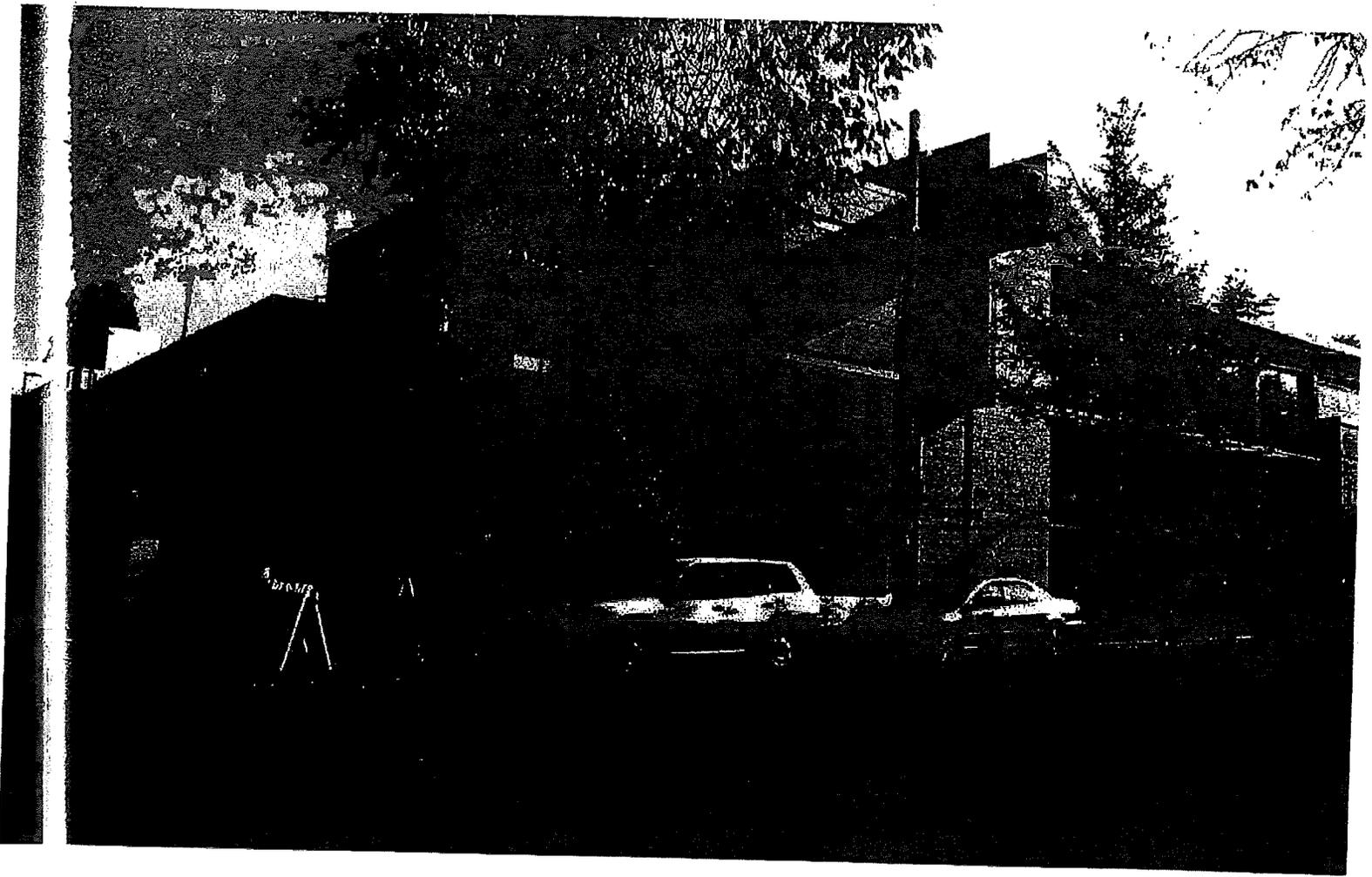
1.	SOUTHWEST PLAZA AREA (31 sq. ft. x 37 sq. ft.)	1,002 SF
2.	MID-BLOCK CROSSING PEDESTRIAN CONNECTION	2,356 SF
3.	SEASONAL DISPLAY AND SPECIAL EVENTS AREA	2,146 SF
4.	SIDEWALK CANOPIES AREA (18 canopies)	2,714 SF
5.	LANDSCAPING EXCEEDING GREEN FACTOR	2,322 SF
6.	SIDEWALK WIDENING ALONG RETAIL SHOPS AREA	903 SF
7.	BENCHES AND SEATWALLS (102 lf.)	51 seats
8.	ADDITIONAL BIKE RACKS (28 bike spaces over code)	(68 total)
9.	EXIT RAMP RIGHT TURN ONLY SIGNS	
10.	HANDRAILS IN HIAWATHA PARK AT NORTH ENTRANCES	2 handrails
11.	HISTORIC LIGHT POLES	14 poles
12.	OLMSTEAD PANELS (3 ft. x 4 ft.)	3 panels
13.	CONTRIBUTION TO FRIENDS OF OLMSTEAD PARK	\$10,000

Beverly Barnett, SDOT, PUDA, ATT A

ATTACHMENT C
Sketch of Public Amenities

51222797.2

C-1



FULLER-SEARS
ARCHITECTS
1411 Fourth Ave., Suite 1306
Seattle, WA 98101
Tel. 206.682.6170



ADMIRAL SAFEWAY
PUBLIC BENEFITS PHOTO DOCUMENTATION

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Public Benefits Legend 3

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PUBLIC BENEFITS PACKAGE:

	SOUTHWEST PLAZA AREA	1,002 SF
	MID-BLOCK CROSSING PEDESTRIAN CONNECTION AREA	2,356 SF
	SEASONAL DISPLAY AND SPECIAL EVENTS AREA	2,146 SF
	SIDEWALK CANOPIES AREA	2,714 SF
	LANDSCAPING BEYOND GREEN FACTOR REQUIREMENTS	2,322 SF
	SIDEWALK WIDENING ALONG RETAIL SHOPS AREA	903 SF

TOTAL BENEFIT AREA: 11,443 SF

TOTAL AREA OF ALLEY TO BE VACATED: 5,299 SF

	BENCHES AND SEATWALLS (102 lf)	51 seats
	ADDITIONAL BIKE RACKS	28 bikes
	EXIT RAMP RIGHT TURN ONLY SIGNS	2 signs
	HANDRAILS IN HIAWATHA PARK AT NORTH ENTRANCES	2 handrails
	HISTORIC LIGHT POLES	14 poles
	OLMSTEAD PANELS	3 panels
	HIAWATHA PARK PLAQUES CONTRIBUTION	\$10,000 contribution

PHOTO NUMBER AND
LOCATION



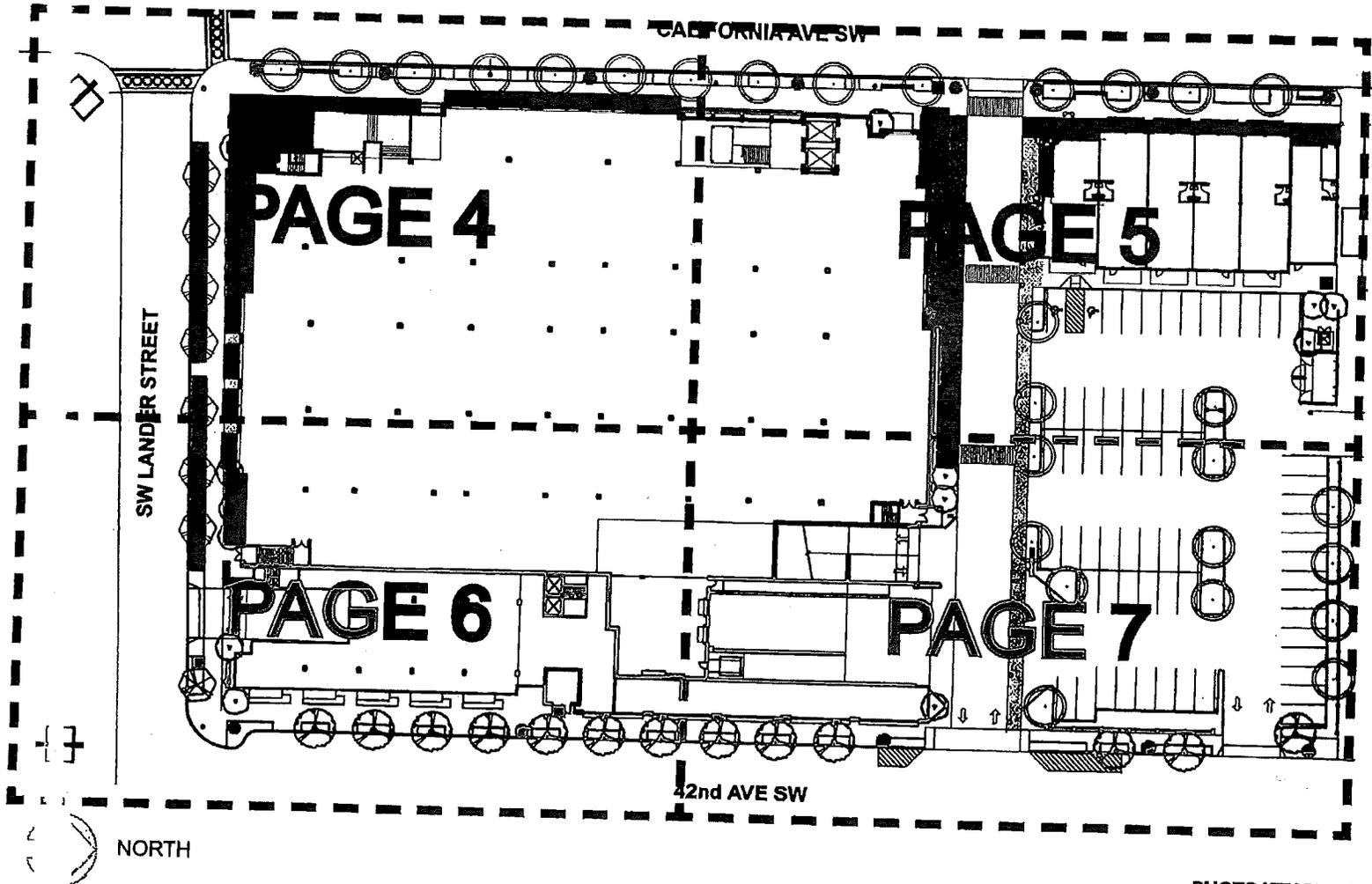
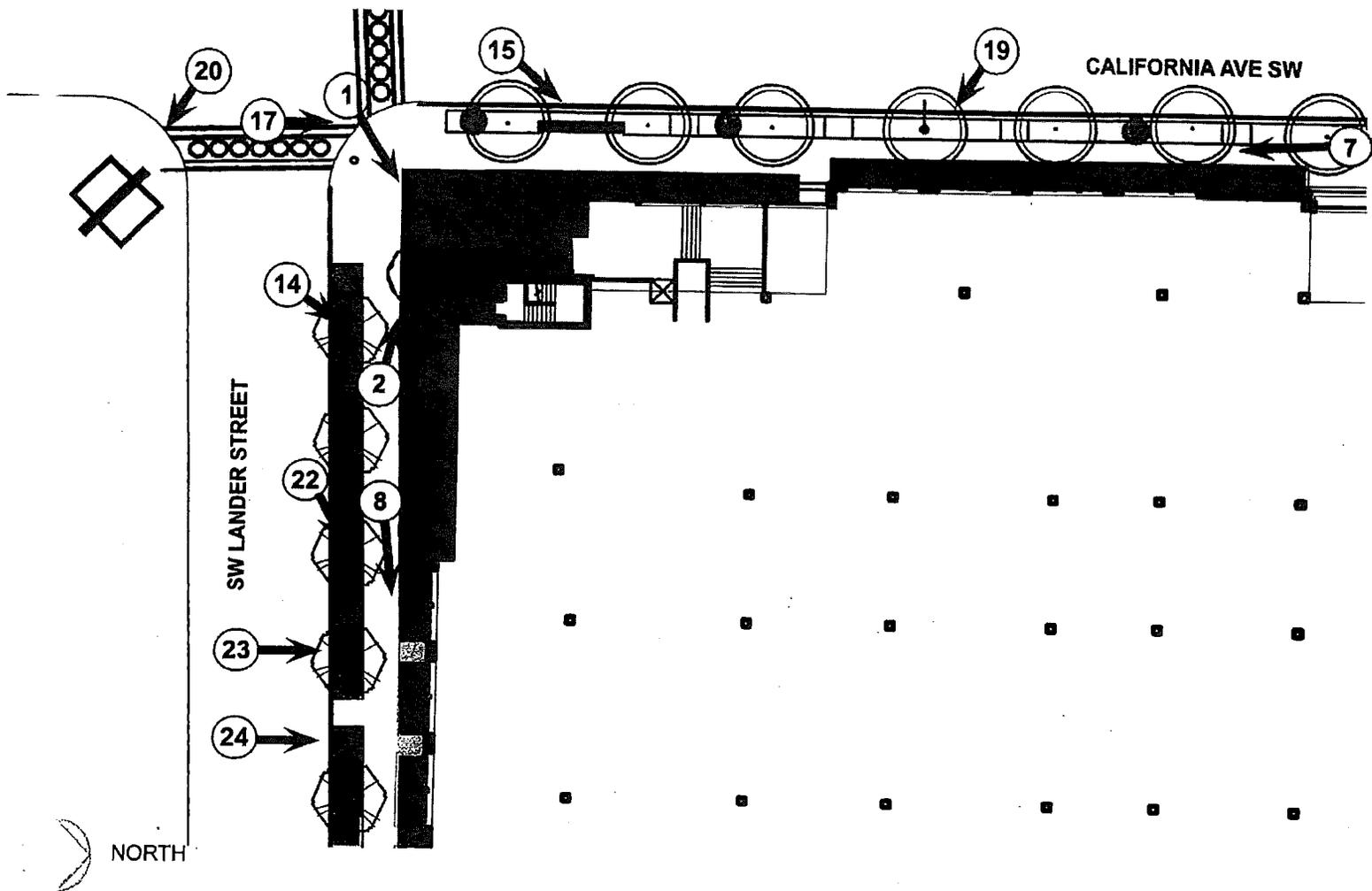


PHOTO KEY PLAN

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Tel. 206.682.6170



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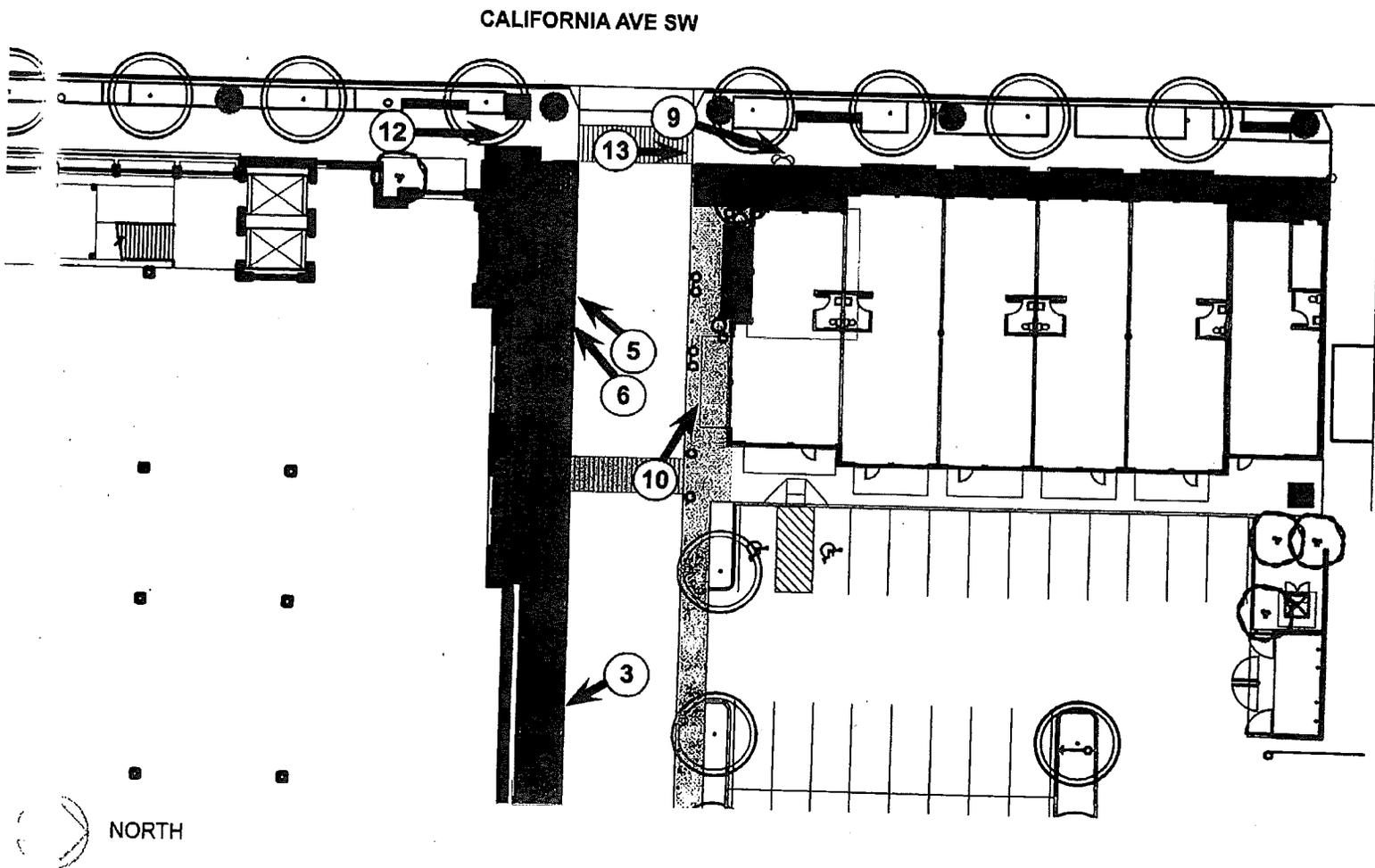


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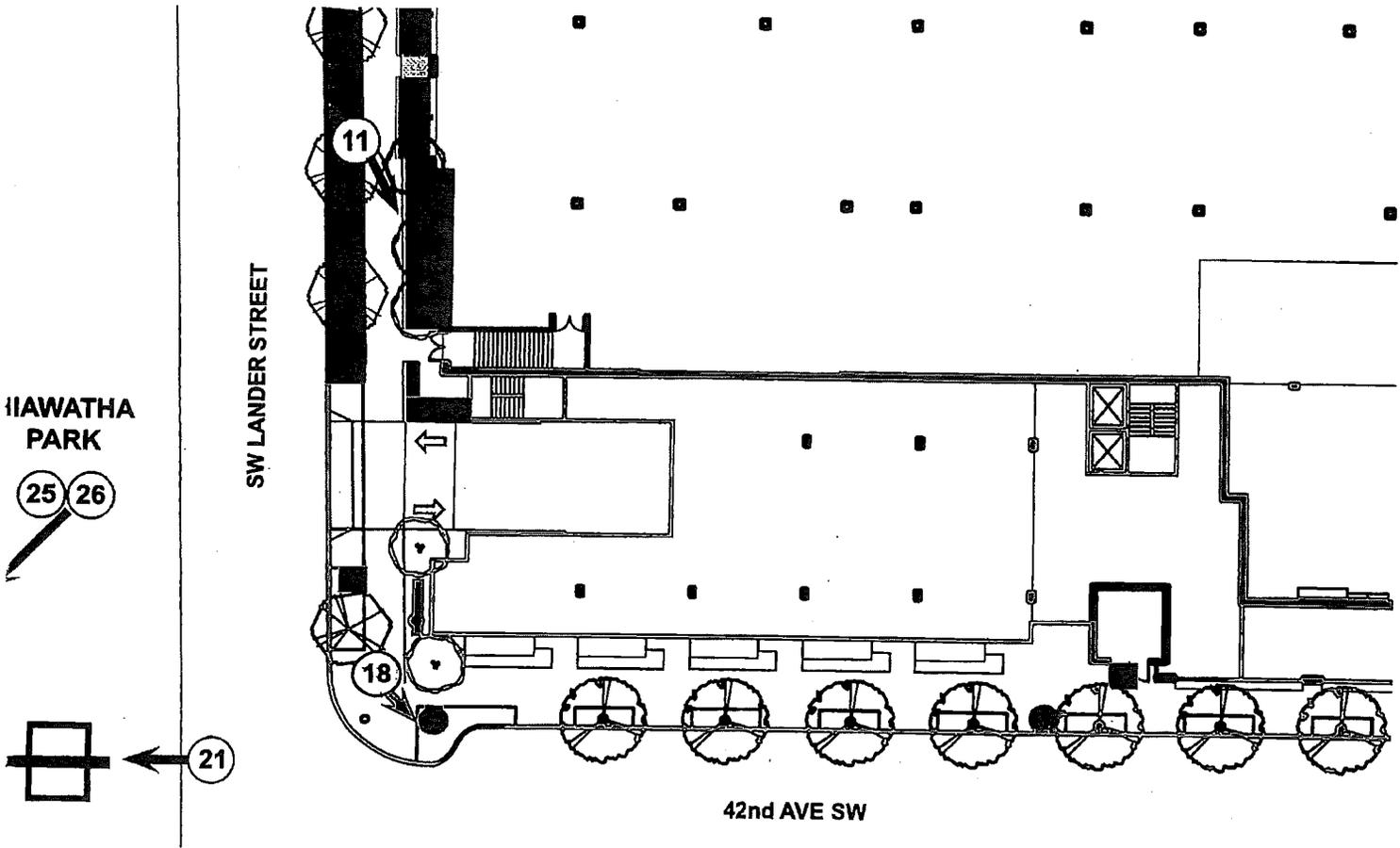
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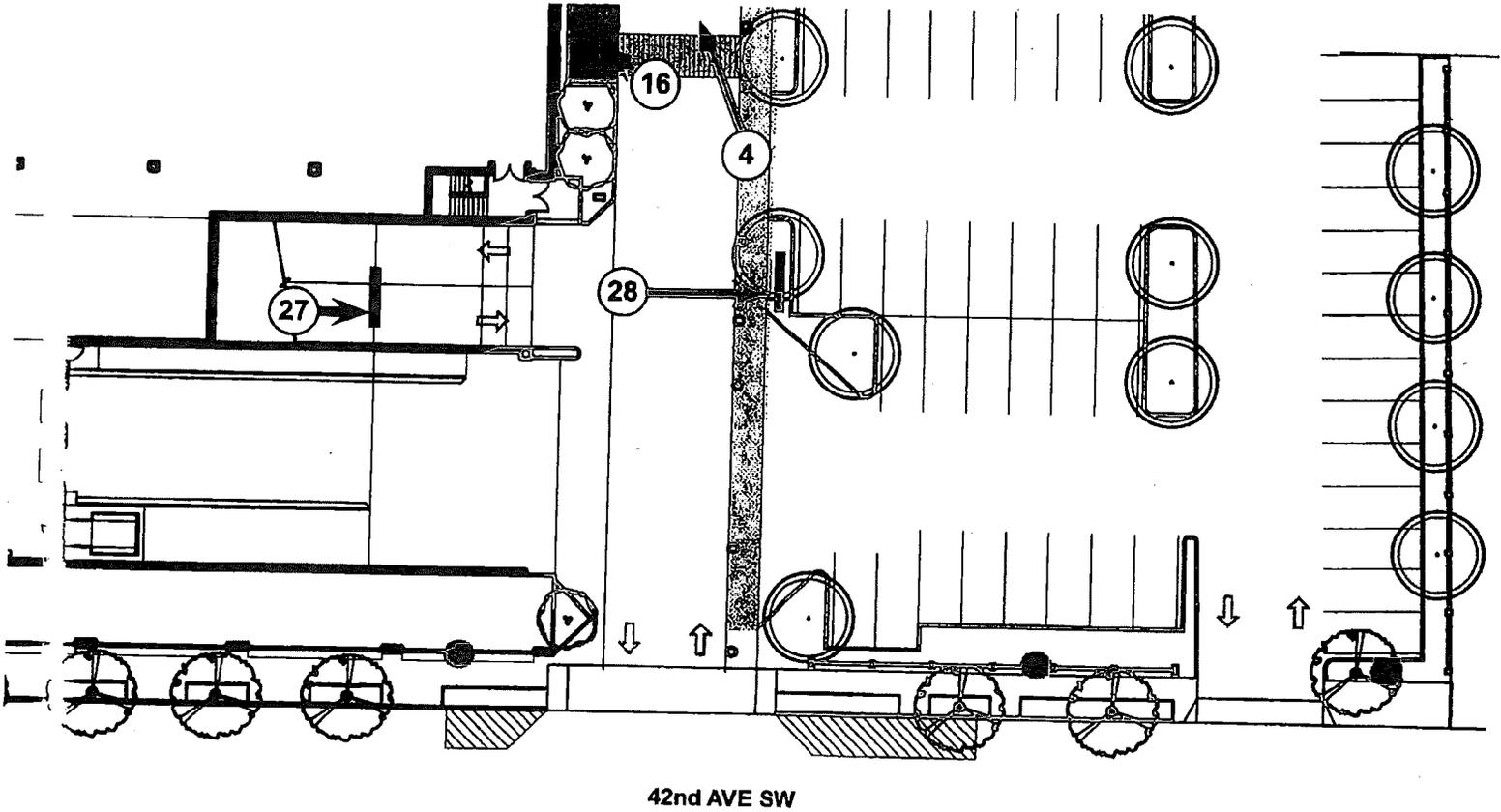
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Photo #1 Southwest Plaza Area

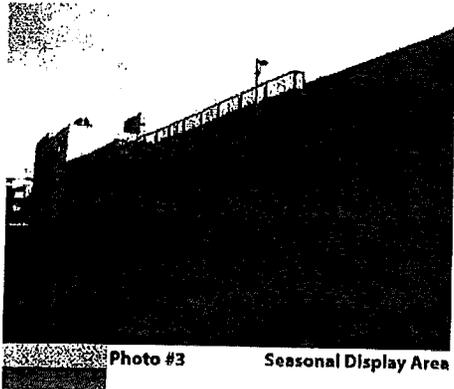


Photo #3 Seasonal Display Area

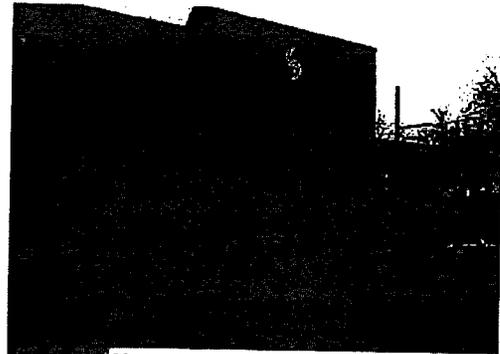


Photo #5 Mid-Block Crossing Pedestrian Connection

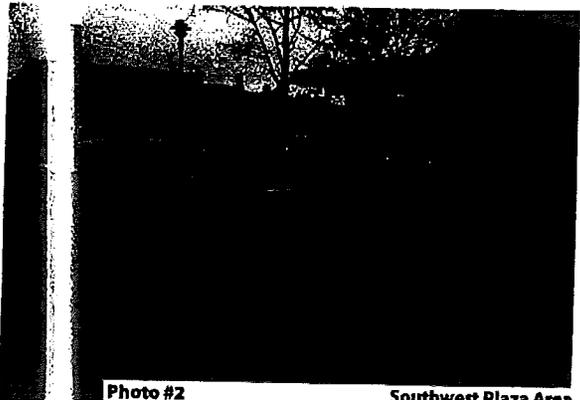


Photo #2 Southwest Plaza Area

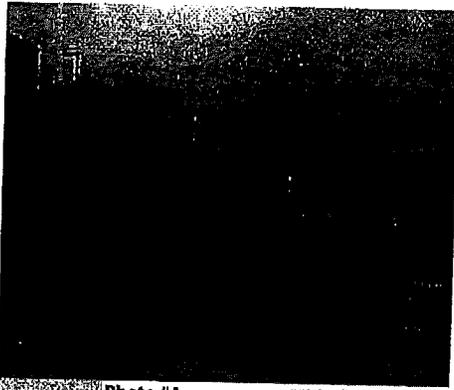


Photo #4 Mid-Block Crossing Pedestrian Connection

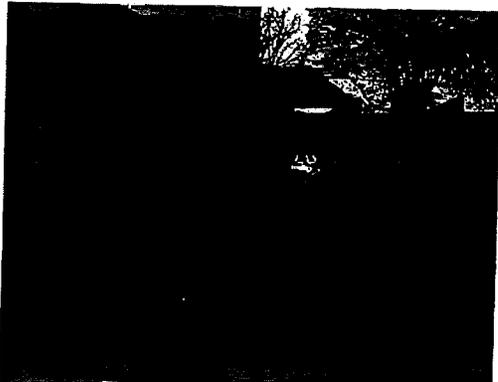


Photo #6 Seasonal Display Area

PUBLIC BENEFITS PHOTO DOCUMENTATION

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Seattle, WA 98101
Tel. 206.682.6170



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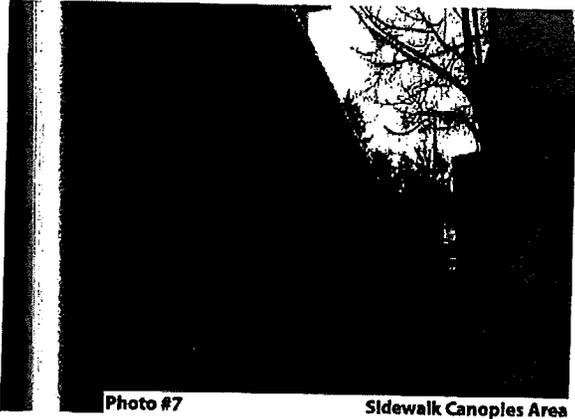


Photo #7 Sidewalk Canopies Area



Photo #9 Sidewalk Canopies Area

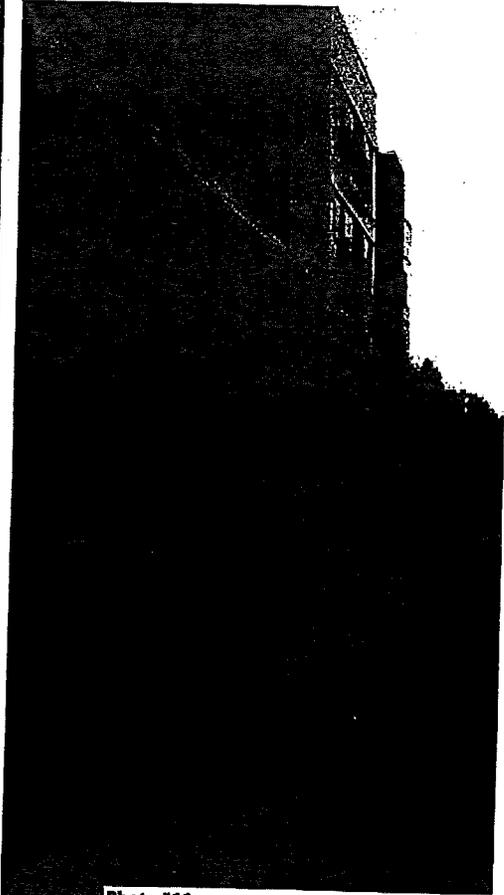


Photo #11 Landscaping Beyond Green Factor Requirements

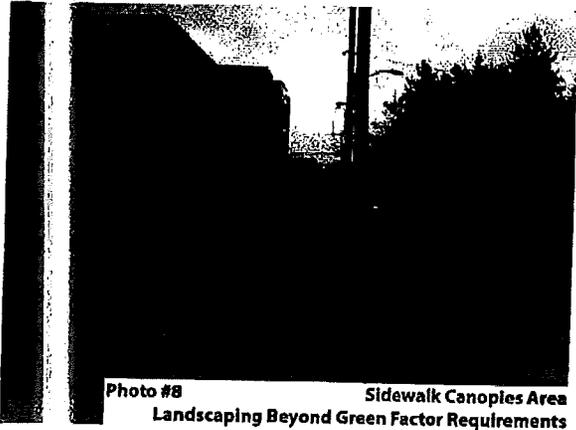


Photo #8 Sidewalk Canopies Area Landscaping Beyond Green Factor Requirements

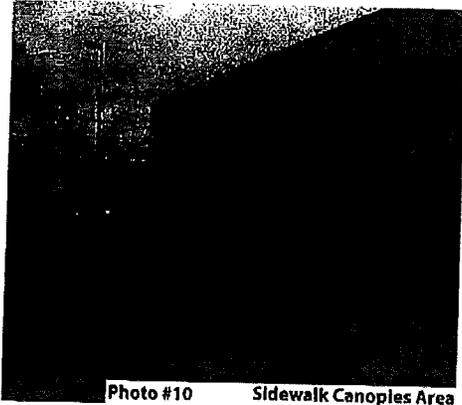


Photo #10 Sidewalk Canopies Area

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Seattle, WA 98101
Tel. 206.682.6170



ADMIRAL SAFEWAY
PUBLIC BENEFITS PHOTO DOCUMENTATION



Photo #12

Sidewalk Widening
Along Retail Shops Area &
Additional Bike Racks

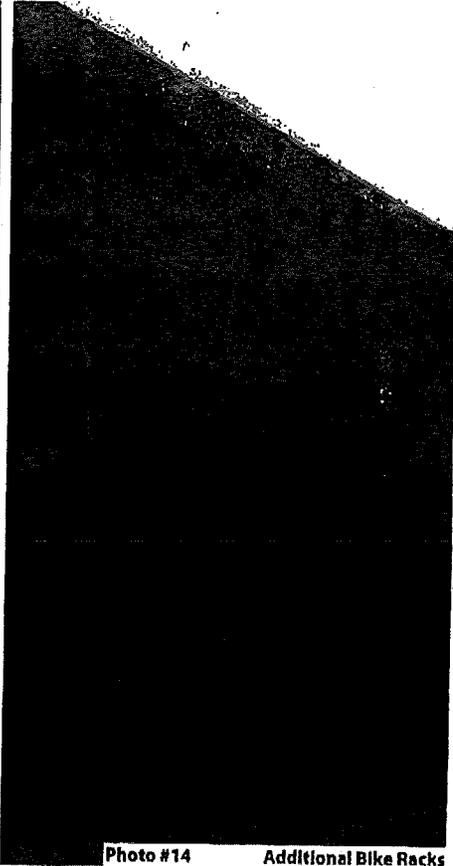


Photo #14

Additional Bike Racks



Photo #15

Benches and Seatwalls

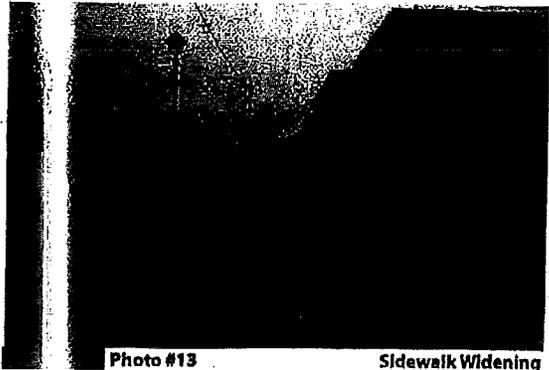


Photo #13

Sidewalk Widening
Along Retail Shops Area

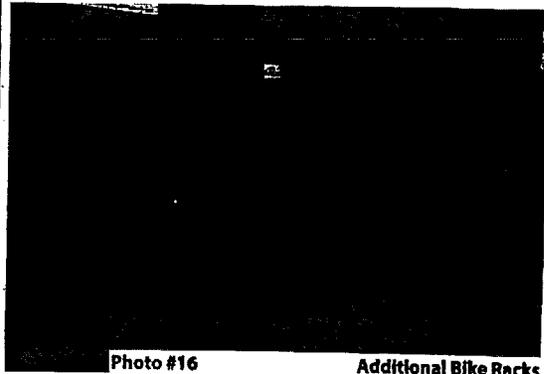


Photo #16

Additional Bike Racks

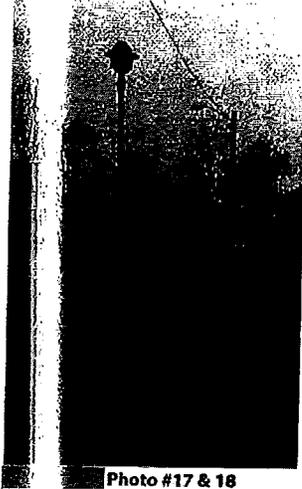
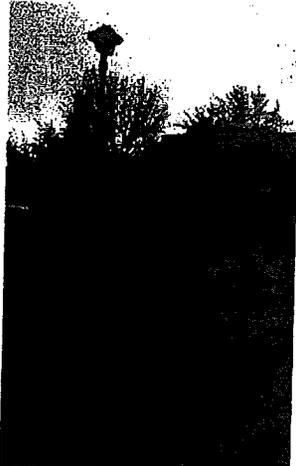


Photo #17 & 18



Historic Light Poles

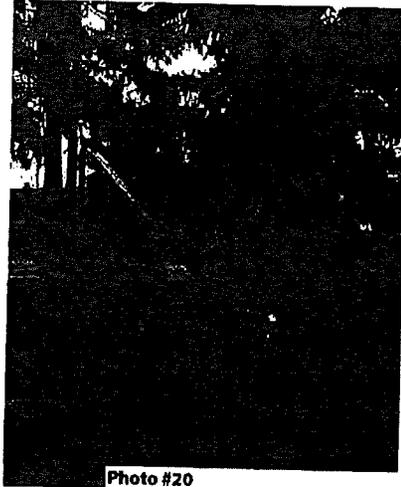


Photo #20



Handrails in Hiawatha Park at North Entrances

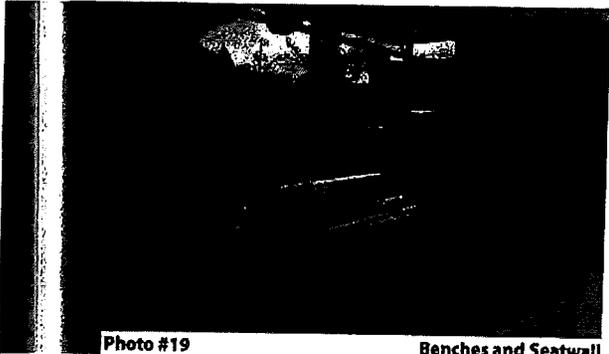


Photo #19

Benches and Seatwall

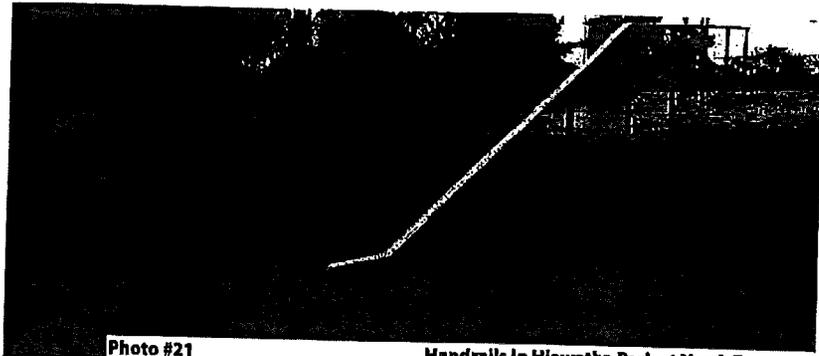


Photo #21

Handrails in Hiawatha Park at North Entrances

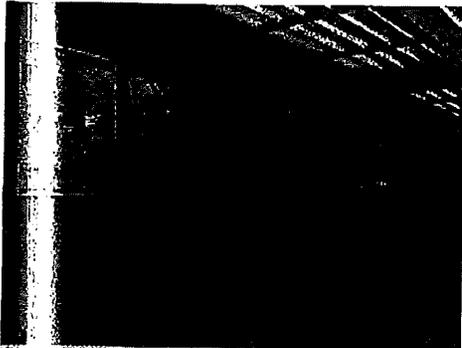


Photo #22 Olmstead Panels

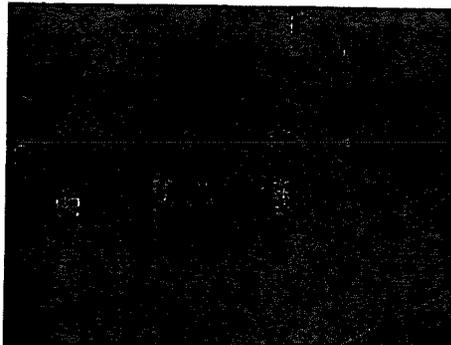


Photo #25 Hiawatha Park Plaques Contribution

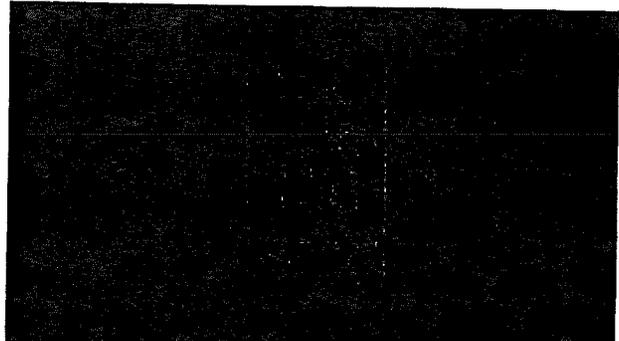


Photo #26 Hiawatha Park Plaques Contribution

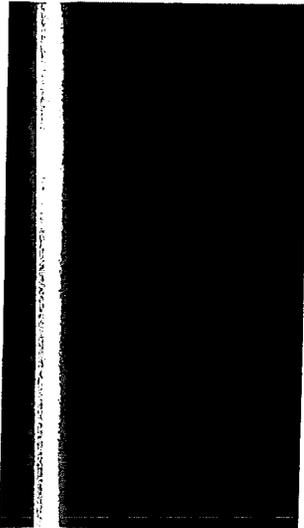
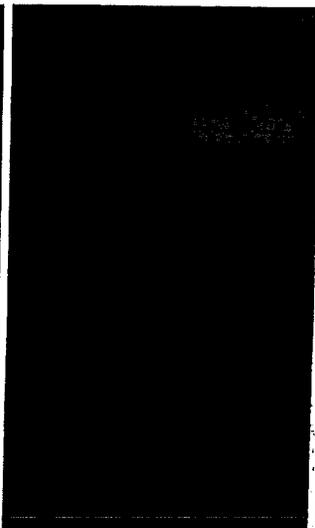


Photo #23 & #24



Olmstead Panels

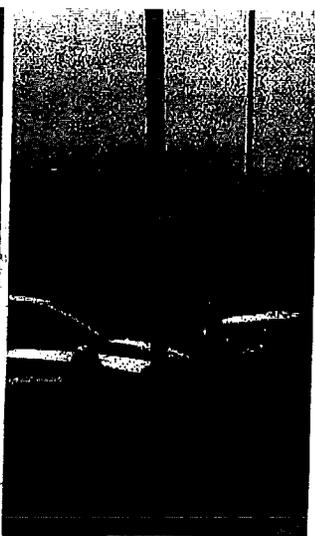


Photo #27 Right Turn Only Signage

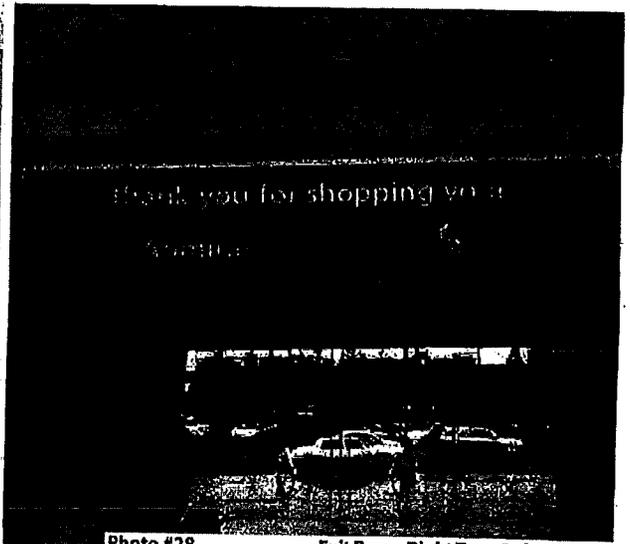


Photo #28 Exit Ramp Right Turn Only Signage

FULLER SEARS
ARCHITECTS

1411 Fourth Ave., Suite 1306
Seattle, WA 98101
Tel. 206.682.6170



ADMIRAL SAFEWAY
PUBLIC BENEFITS PHOTO DOCUMENTATION

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Transportation	Beverly Barnett/684-7564	Christie Parker/684-5211

Legislation Title:

AN ORDINANCE vacating the alley in Blocks 5 and 6, Plat of West Seattle by U.R. Niesz and Ada B. Niesz, on the petition of Safeway Stores, Inc., a Delaware corporation; and accepting a Property Use and Development Agreement as reflected in Clerk File 310161.

Summary of the Legislation:

This Council bill completes the vacation process for the alley in Blocks 5 and 6, Plat of West Seattle by U.R. Niesz and Ada B. Niesz, on the petition of Safeway Stores, Inc., a Delaware corporation (the "Petitioner"), and accepts a Property Use and Development Agreement.

Background:

The Petitioner sought vacation of the alley in Blocks 5 and 6, Plat of West Seattle, bordered by Southwest Admiral Way, 42nd Avenue Southwest, Southwest Lander Street, and California Avenue Southwest in the Admiral Way neighborhood of West Seattle to expand and modernize a store that became too small to adequately support its neighborhood.

On August 2, 2010, the City Council voted to conditionally grant the Petitioner's petition to vacate a portion of the alley to consolidate the project area. The Petitioner subsequently demolished the existing 35,000-square-foot Safeway store and replaced the structure with a 56,688-square-foot store. This mixed-use development project also incorporates a continuous transparent storefront with multiple sidewalk entries along California Avenue SW, approximately 16,000 square feet of "flex-work" space, a separate 6,800-square-foot retail building, and 227 parking spaces.

To meet its public benefit requirement, the Petitioner has incorporated pedestrian enhancements around the site including widened sidewalks, decorative lighting, seating, a covered bike rack, additional landscaping, completing the existing stylized crosswalks to Hiawatha Playfield, artistic signage relating to the history of Hiawatha Playfield, and a pedestrian plaza and retail entry at the corner of California Avenue SW and SW Lander Street.

Please check one of the following:

X This legislation does not have any financial implications.

Other Implications:

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

This legislation does not accept or appropriate funds. The Seattle Department of Transportation received a vacation fee of \$450,000 in 2012, at which time 50 percent was deposited in the CRS Unrestricted Subaccount and 50 percent in the CRS Street Vacation Subaccount.

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

This vacation petition has already been approved by the City Council and obligates the City to complete the vacation process provided that the petitioner meets all the conditions imposed by the Council and the vacation fee is paid. The Petitioner has met all the conditions and paid the vacation fee.

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

No. As part of the initial vacation review process, all interested departments are notified of the vacation petition and asked to comment. All issues must be resolved prior to the approval of the final legislation.

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

None. This legislation completes the vacation process.

e) Is a public hearing required for this legislation?

No.

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, it completes the vacation of right-of-way.

h) Other Issues:

List attachments to the fiscal note below:

Attachment A: Alley vacation map.



City of Seattle
Edward B. Murray
Mayor

February 11, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that completes the vacation process for Safeway Stores, Inc., a Delaware corporation (the "Petitioner"). The Petitioner owns approximately three-fourths of the property on the block, and sought to vacate the alley, between Blocks 5 and 6, Plat of West Seattle by U.R. Niesz and Ada B. Niesz in the Admiral Way neighborhood of West Seattle, to redevelop the block by expanding and modernizing its store.

On August 2, 2010, the City Council voted to conditionally grant the petition to vacate a portion of the alley to consolidate the project area. The Petitioner subsequently demolished the existing 35,000-square-foot Safeway store and replaced the structure with a 56,688-square-foot store. This mixed-use development project incorporates a continuous transparent storefront with multiple sidewalk entries along California Avenue SW, a separate 6,800-square-foot retail building, 227 parking spaces, and the opportunity to develop "flexible-work" space.

To meet its public benefit requirement, the Petitioner incorporated pedestrian enhancements around the site including widened sidewalks, decorative lighting, seating, a covered bike rack, additional landscaping, completing the existing stylized crosswalks to Hiawatha Playfield, artistic signage relating to the history of Hiawatha Playfield, and a pedestrian plaza and retail entry at the corner of California Avenue SW and SW Lander Street.

The proposed legislation supports Safeway's development project to expand and update a grocery store that had become too small to adequately serve its neighborhood. Thank you for your support of this legislation. If you have any questions please contact Beverly Barnett at (206) 684-7564.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward B. Murray", written over a horizontal line.

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council