

CLERK FILE No.

301226

REPORT OF COMMITTEE

Initiative Measure No. 42, "Protect Our Parks," regarding use of lands and facilities held by the City for park and recreation purposes.

Honorable President:

Your _____

to which was referred the within _____ would respectfully report that we have considered the same and respectfully recommend

1/8/97 Parks, Public Grounds: R

Sponsored by:

DRAGO

Filed

May 9, 1996

By

Margaret Carter

Deputy

ACTION OF THE COUNCIL

Referred	DEC 10 1996	To	Park COUNCIL
Referred		To	
Referred		To	
Reported	AUG 7 1997	Disposition	PLACED ON FILE
Re-referred		To	
Reported		Disposition	

1-21-97 Held one week. m

Full Council vote 9-0

REPORT OF COMMITTEE

Committee

which was held within
report that we have considered the same and respectfully recommend that:

1-21-97 Parks, Public Grounds & Recreation 2-1 Reject

1-21-97 Held one week. n. fin. by donation

Full Council vote 9-0

Chairman

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INITIATIVE 42

PROTECT OUR PARKS SAFEGUARD SEATTLE'S LEGACY OF PARK LAND SECURE OUR CHILDREN'S HERITAGE

To the City Council of The City of Seattle:

We, the undersigned registered voters of the City of Seattle, State of Washington propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. 42 entitled:

Shall The City of Seattle preserve all land and facilities held for park and recreation purposes for such use only, requiring that any change from such use be first subject to a public hearing and then to the enactment of an ordinance finding that such change is necessary and simultaneously providing for an exchange of equal or better land or facilities serving the same community, in the same locality?

a full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and if not enacted within thirty days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of the City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV, Section 1, of the City Charter; and each of us for himself says: I have personally signed this petition; I am a registered voter of the City of Seattle, State of Washington, in the precinct (if known) written after my name, and my residence address is correctly stated.

SEATTLE VOTERS ONLY			
PETITIONERS SIGNATURE	PRINTED NAME	RESIDENCE ADDRESS, STREET AND NUMBER	PRECINCT NUMBER (IF KNOWN)
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WARNING

Ordinance 94239 provides as follows:

Section 1. It is unlawful for any person:

(1) To sign or decline to sign any petition for a City ordinance initiative or referendum, or a City Charter amendment for any consideration or gratuity or promise thereof; or

(2) To solicit or procure signatures upon a City ordinance initiative or referendum, or City Charter amendment petition for any consideration or promise thereof; or

(3) To give or offer any consideration or gratuity to anyone to induce him to sign or not to sign, or to solicit or procure signatures upon, a City ordinance initiative or referendum, or City Charter amendment petition; or

(4) To interfere with or attempt to interfere with the right of any voter to sign or not to sign a City ordinance initiative or referendum, or City Charter

amendment petition by threat, intimidation or any other corrupt means or practice; or

(5) To sign a City initiative or referendum, or City Charter amendment petition with any other than his true name, or to knowingly sign more than one petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he is not a registered voter of The City of Seattle.

The provisions of this ordinance shall be printed as a warning on every petition for a City ordinance initiative or referendum or City Charter amendment.

Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than five hundred dollars or by imprisonment in the City Jail for a period not to exceed six months, or by both such fine and imprisonment.

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CITY OF SEATTLE VOTERS ONLY

Please Help! 18,323 signatures are needed to place Initiative 42 on the ballot. Volunteers and donations are needed! Please call 323-1562 or 324-5218 for more information.

P.O.P.
2102-24th Ave. S.
Seattle, WA 98144

Please mail by July 30, 1996

YES, I want to help save parks!

I would like to help by:

Fundraising Mailings Phone calls Gathering signatures

My phone #: _____ (Be sure to fill out name & address above.)

Please send donations by separate envelope to address above. Thank you!

Mailing instructions: Fold so that mailing address shows. Tape or staple on open edges. **DON'T CUT PAGE.** Mail entire petition with signatures.

INITIATIVE MEASURE NO. 42

AN ORDINANCE REQUIRING PRESERVATION OF ALL LANDS AND FACILITIES HELD NOW OR IN THE FUTURE BY THE CITY OF SEATTLE FOR PARK AND RECREATION PURPOSES; STIPULATING THAT SUCH LANDS AND FACILITIES MAY ONLY BE CHANGED FROM PARK USE AFTER A PUBLIC HEARING AND THE ENACTMENT OF AN ORDINANCE FINDING THAT SUCH ACTION IS NECESSARY, AND PROVIDING FOR A SIMULTANEOUS EXCHANGE OF LAND OR FACILITIES OF EQUAL OR BETTER VALUE.

WHEREAS, developers and others are making demands on City officials to take over our parks for other uses; and WHEREAS, some of our parks are protected by bond covenants that require an equivalent replacement if those parks are taken or converted to another use; and WHEREAS, all of our parks need such protection in order to be preserved for public purposes and for our legacy of parks to be passed on to future generations; and WHEREAS, this ordinance would continue and strengthen a City policy against diversion of park lands and facilities contained in Resolution 19689, passed in 1963; NOW THEREFORE,

BE IT ORDAINED BY THE THE CITY OF SEATTLE, AS FOLLOWS:

SECTION 1.
All lands and facilities held now or in the future by The City of Seattle for park and recreation purposes, whether designated as park, park boulevard, or open space, shall be preserved for such use; and no such land or facility shall be sold, transferred, or changed from park use to another usage, unless the City shall first hold a public hearing regarding the necessity of such a transaction and then enact an ordinance finding that the transaction is necessary because there is no reasonable and practical alternative and

the City shall at the same time or before receive in exchange land or a facility of equivalent or better size, value, location and usefulness in the vicinity, serving the same community and the same park purposes.

SECTION 2.
Within thirty days of the effective date of such an ordinance, any person may seek review in the Superior Court. The Superior Court shall set aside the proposed transaction if it is not necessary or the proposed substitution is not equivalent or better than the park exchanged. The Superior Court shall make its decision on the evidence as an issue of fact.

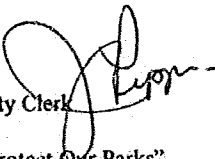
SECTION 3.
Section 1 permits by duly enacted ordinance after a public hearing: a boundary adjustment of equivalents with an adjoining owner; or the transfer of a joint use agreement with Seattle School District No. 1 to another school site. Section 1 also permits by duly enacted ordinance after a public hearing and without providing replacement property: a transfer to the federal, state, or county governments for park and recreation uses; the reversion of right-of-way continuously owned by a City utility; the opening of an unimproved street for street use; a sub-surface or utility easement compatible with park use; and franchises or concessions that further the public use and enjoyment of a park.

SECTION 4.
This ordinance shall take effect as provided by Article IV, Section 1 of the City Charter. However, if the City should sell, transfer, or change the use to a non-park use of any park property held on or after May 17, 1996 (including Bradner Playfield), the City shall replace it in kind with equivalent or better property or facilities in the same vicinity, serving the same community, unless the City has already received as good or better land and facilities for park use in the same vicinity, serving the same community, in exchange for that transaction.

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**Legislative Department
Office of City Clerk
Memorandum**

Date: December 4, 1996
To: Councilmembers
From: Judith Pippin, City Clerk 
Subject: Initiative 42 - "Protect Our Parks"

Attached is a copy of a letter received from King County Records and Elections Division. They advise that they are unable to meet our 20 day deadline for signature verification for the Initiative No. 42 petitions. They believe they will be able to complete the process and provide certification to us by December 12.

I expect to refer this matter to you at the Full Council meeting of December 16. From the date of introduction and referral, you will have 45 days in which to take action on the proposed initiative.

Please feel free to call me if you have any questions.

cc: Mayor Norm Rice
City Attorney Mark Sidran

copy:ia42-8.doc

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Room 164, Municipal Building, Seattle, Washington 98104-1892
(206) 684-8344 Fax: (206) 386-5025 TTY: (206) 233-0025
email: clerk@ci.seattle.wa.us

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King County Records and Elections Division

553 King County Administration Building
500 Fourth Avenue, Seattle, WA 98104
Telephone: (206) 296-1573 Fax: (206) 296-0108

December 4, 1996

Judith E. Pippin, CMC
City Clerk, City of Seattle
Room 104, Municipal Building
Seattle, WA 98104

RE: City of Seattle Initiative No. 42

Dear Ms. Pippin:

I am in receipt of the petition pages comprising The City of Seattle Initiative No. 42 - "Protect Our Parks", and consisting of approximately 23,668 signatures.

My staff is canvassing the entries and as of this date has covered about half of the petition pages. At this rate, I expect that we will complete the task and certify the results not later than December 12, 1996.

I regret that we are unable to meet the December 4, 1996 deadline that you requested, but because of other signature verification demands that have been placed on this office, it is not practical to complete the canvassing and verification sooner.

My staff will continue to provide you with status reports on the progress of the canvassing of the petition. If I can be of any further assistance, please do not hesitate to contact me directly.

Sincerely,

Robert Bruce
Elections Superintendent

cc: Mayor Norm Rice
Councilmembers
City Attorney Mark Sidran

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City of Seattle
Legislative Department



Office of the City Clerk
Judith E. Pippin
City Clerk November 19, 1996

Robert W. Bruce
Superintendent of Elections
Records and Elections Division
King County Administration Building, Room 553
Seattle, WA 98104

RE: Seattle Initiative #42

Dear Mr. Bruce:


Accompanying this letter is one (1) box containing approximately 1,591 petition pages from Protect Our Parks. The pages have been numbered by the petitioner 1 - 1591. The initiative proposed by Protect Our Parks proposes the City of Seattle preserve certain lands and facilities for park and recreation purposes.

The petitions were filed with this office Tuesday, November 19, 1996 at 8:55 a.m. They appear to contain approximately 23,668 signatures. Please verify these signatures as valid signatures of registered City of Seattle voters. Eighteen thousand three hundred twenty three (18,323) valid signatures are required for placement of this issue on a ballot.

Should there be a sufficient number of valid signatures on these petitions to qualify the proposed initiative for a ballot, it will then be introduced to the City Council. In order to meet the 20 day deadline required by Seattle City Charter for representation of this initiative, it will be scheduled for introduction at the Full Council meeting on November 9, 1996. Therefore, it will be necessary for signature validation to be complete, and notification provided to us, by Wednesday, December 4, 1996.

Please call me if you have any questions or if we can be of assistance in this matter.

Very truly yours,


Judith E. Pippin
City Clerk

cc: Mayor Norm Rice
Councilmembers
City Attorney Mark Sidran
Protect Our Parks
c:pip:init42-7.doc

Room 104, Municipal Building, Seattle, Washington 98104-1892
(206) 654-8344 FAX: (206) 386-9025 TDD: (206) 233-0025

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"Protection Recycled Paper"

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RECORDS & ELECTIONS
DIVISION
RECEIVED BY: S. Holcomb

96 NOV 20 PM 3:01

City of Seattle
Legislative Department



Office of the City Clerk
Judith E. Pippin
City Clerk

RECEIPT OF INITIATIVE NO. 42

I do hereby certify that the 19 day of November, 1996,
at the hour of 8:55 a.m., approximately 23,668 signatures
(1591 petitions) were filed with the Seattle City Clerk by representatives
of Initiative No. 42, for transmission to the King County Records and
Elections Division for signature verification.

BY: Judith E. Pippin

Title: City Clerk

RETAIN ORIGINAL FOR OFFICIAL FILE
ONE COPY FOR INITIATIVE REPRESENTATIVE(S)

REC-14

Room 104, Municipal Building, Seattle, Washington 98104-1876
(206) 684-8344 FAX: (206) 684-8587 TDD: (206) 684-8398

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INITIATIVE 42

000001

PROTECT OUR PARKS
 SAFEGUARD SEATTLE'S LEGACY OF PARK LAND
 SECURE OUR CHILDREN'S HERITAGE

To the City Council of The City of Seattle:

We, the undersigned registered voters of the City of Seattle, State of Washington propose and ask for the measure known as Initiative Measure No. 42 entitled:

*Shall The City of Seattle preserve for park and recreation purposes all lands and facilities heretofore owned by the City of Seattle, and

(1) an ordinance be enacted, following a public hearing, finding transfer of such property necessary; and
 (2) with certain exceptions, the subject property is replaced, at or before the time of transfer of such property in the vicinity, serving the same purposes and community (this replacement requires a full, true and correct copy of which is included herein, and we petition the Council to enact said measure enacted within thirty days from the time of receipt thereof by the City Council, then to be submitted to the Seattle for approval or rejection at the next regular election or at a special election in accordance with Art. I, Sec. 2 of the Charter; and each of us for himself says: I have personally signed this petition: I am a registered voter of the City of Seattle, in the precinct (if known) written after my name, and my residence address is correctly stated

SEATTLE VOTERS ONLY

PETITIONERS SIGNATURE	PRINTED NAME	RESIDENCE ADDRESS, STREET
<i>[Signature]</i>	RANDY M. RUSSELL	1172 12th Pl
<i>[Signature]</i>	JUNE W. RUSSELL	1746 NE 106
<i>[Signature]</i>	ROSAMARIE HOOPER	1542 NE 113th
<i>[Signature]</i>	JOHN WILLIAMSON	11316 20th Ave NE
<i>[Signature]</i>	NUNETTE ROSENTHAL	11316 20th Ave N
<i>[Signature]</i>	DOREEN W. THOMAS	10710-18th Ave NE
<i>[Signature]</i>	LARA CONROY	1735 NE 106th
<i>[Signature]</i>	ZACH P. HILMAN	11041 17th Ave
<i>[Signature]</i>	JEAN STEVENS	1720 NE 106
<i>[Signature]</i>	GARY HANFEL	1730 NE 106
<i>[Signature]</i>	STACIE DUNN	2014 NE 105th
<i>[Signature]</i>	LE. YOUNG ROSEN	1504 NE 105th
<i>[Signature]</i>	MICHELLE M. REBERT	6375 30th Ave E

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FILED
CITY OF SEATTLE

96 MAY -9 AM 11:26

CITY CLERK

P R O T E C T O U R P A R K S

May 9, 1996

Judith Pippin, City Clerk
The City of Seattle
Municipal Building
600 Fourth Avenue
Seattle, WA 98104

Dear Ms. Pippin:

Attached are five copies of a proposed initiative filed pursuant to Article IV, Section B of the City Charter and Chapter 2.08 of the Seattle Municipal Code.

We look forward to receiving a title within 5 business days.

Please contact me if you have any questions or concerns.

Sincerely,

Bonnie Heaven

Bonnie Heaven
1803 30th Avenue South
Seattle, WA 98144

(325-5218, FAX & phone)

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CITY OF SEATTLE

INITIATIVE

WHEREAS, developers and others are making demands on City officials to take over our parks for other uses; and
WHEREAS, some of our parks are protected by bond covenants that require an equivalent replacement if those parks are taken or converted to another use; and
WHEREAS, all of our parks need such protection in order to be preserved for public purposes and for our legacy of parks to be passed on to future generations; and
WHEREAS, this ordinance would continue and strengthen a City policy against diversion of park lands and facilities contained in Resolution 19689, passed in 1963;
NOW THEREFORE, be it ordained by the City of Seattle, as follows:

SECTION 1.

All lands and facilities held now or in the future by The City of Seattle for park and recreation purposes, whether designated as park, park boulevard, or open space, shall be preserved for such use; and no such land or facility shall be sold, transferred, or changed from park use to another usage, unless the City shall first enact an ordinance finding that the transaction is necessary because there is no reasonable and practical alternative and the City shall at the same time or before receive in exchange land or a facility of equivalent or better size, value, location and usefulness in the vicinity, serving the same community and the same park purposes.

SECTION 2.

Within thirty days of the effective date of such an ordinance, any person may seek review in the Superior Court. The Superior Court shall set aside the proposed transaction if it is not necessary or the proposed substitution is not equivalent or better than the park exchanged. The Superior Court shall make its decision on the evidence as an issue of fact.

SECTION 3.

Section 1 permits by duly enacted ordinance after a public hearing: a boundary adjustment of equivalents with an adjoining owner; the transfer of a joint use agreement with Seattle School District No. 1 to another school site; and without providing replacement property: a transfer to the federal, state, or county governments for park and recreation uses; the reversion of right-of-way continuously owned by a City utility; the opening of an unimproved street for street use; a sub-surface or utility easement compatible with park use; and franchises or concessions that further the public use and enjoyment of a park.

SECTION 4.

This ordinance shall take effect as provided by Article IV, Section 1 of the City Charter. However, if the City should sell, transfer, or change the use to a non-park use of any park property held on or after May 9, 1996 (including Bradner Playfield), the City shall replace it in kind with equivalent or better property or facilities in the same vicinity, serving the same community, unless the City has already received as good or better land or facilities for park use in the same vicinity, serving the same community, in exchange for that transaction.

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"WARNING

"Ordinance 942891 provides as follows:

"Section 1. It is unlawful for any person:

- (1) To sign or decline to sign any petition for a City ordinance initiative or referendum, or a City Charter amendment for any consideration or gratuity or promise thereof; or
- (2) To solicit or procure signatures upon a City ordinance initiative or referendum, or City Charter amendment petition for any consideration or promise thereof; or
- (3) To give or offer any consideration or gratuity to anyone to induce him to sign or not to sign, or to solicit or procure signatures upon, a City ordinance initiative or referendum, or City Charter, amendment petition; or
- (4) To interfere with or attempt to interfere with the right of any voter to sign or not to sign a City ordinance initiative or referendum, or City Charter amendment petition by threat, intimidation or any other corrupt means or practice; or
- (5) To sign a City initiative or referendum, or City Charter amendment petition with any other than his true name, or to knowingly sign more than one petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he is not a registered voter of The City of Seattle.

The provisions of this ordinance shall be printed as a warning on every petition for a City ordinance initiative or referendum or City Charter amendment.

"Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than five hundred dollars or by imprisonment in the City Jail for a period not to exceed six months, or by both such fine and imprisonment.

"INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL

"To the City Council of The City of Seattle:

We, the undersigned registered voters of The City of Seattle, State of Washington propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No., entitled and reading:

(here set forth the established ballot title of the measure),

a full, true and correct copy of which is included herein and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of the City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV Section 1 of the City Charter; and each of us for himself says: I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington in the precinct (if known) written after my name, and my residence address is correctly stated.

Petitioner's Signature	Printed Name	Residence address Street and Number	Precinct Name or Number (if known)
1.
2.
3.

etc."
(Ordinance 115050, § 1, 1990; Ord. 193892 § 4, 1974)

Bonnie Heaven
1803-30th Ave. S.
Seattle, WA 98144
324-5218 (FAX & phone)

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Protect our Parks

FILED
CITY OF SEATTLE

96 JUN -5 PM 6:47

CITY CLERK

June 5, 1996

Judith Pippin, City Clerk
The City of Seattle
Municipal Building
600 Fourth Ave.
Seattle, WA 98104

Dear Ms. Pippin,

In Initiative 42, Section 1, there are two typographical errors which we would like to change. The sentence fragment which says "unless the City shall first hold a public hearing regarding the necessity of such a transaction and then enact an ordinance" contains the errors. "Transaction" should read "transaction" and "than" should be "then". We anticipate printing more petitions with the typos corrected, although we have already got the first version in circulation. We will hand in both, if this is OK.

Thank you for your assistance in this matter.

Sincerely,



Bonnie Heaven
1803-30th Ave. S.
Seattle, WA 98144
(324-5218, FAX & phone)

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301226

City of Seattle
Legislative Department



Office of the City Clerk
Judith E. Pippin
City Clerk
May 30, 1996

Robert W. Bruce, Superintendent of Elections
Records and Elections Division
King County Administrative Building, Room 553
Seattle, WA 98104

RE: Initiative 42

Dear Mr. Bruce:

This is to inform you that a proposed initiative, Initiative 42, has been filed with the City Clerk's Office. The initiative relates to use of lands and facilities held by the City for park and recreation purposes. The proposed initiative was filed on May 17, 1996 at 2:04 PM. The City's Law Department, pursuant to Article IV, Section 1 of the City Charter, Seattle Municipal Code Section 08, and RCW 29.27.060, has approved the following ballot title:

"Shall The City of Seattle preserve for park and recreation purposes all lands and facilities held for such purposes unless:
(1) an ordinance is enacted, following a public hearing, finding transfer of such property or a change in its use necessary; and
(2) with certain exceptions, the subject property is replaced, at or before the time of transfer, by equivalent or better property in the vicinity, serving the same purposes and community (this replacement requirement applies retroactively)?"

The initiative's proponent has been informed that she must submit 18,323 valid signatures to this office by November 20, 1996, for subsequent submittal to your office for verification.

If you have any questions or if you need any additional information, please do not hesitate to call me at 684-8361.

Very truly yours,

Judith E. Pippin
City Clerk
jpippin@clerk.sea.wa.gov

cc: Norm Rice, Mayor
City Councilmembers
Carolyn VanDoy, Ethics and Elections

1000 101 Municipal Building, Seattle, Washington 98104-1802
(206) 468-3111 FAX: (206) 366-0925 TDD: (206) 233-0025

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City of Seattle
Legislative Department



Office of the City Clerk
Judith E. Pippin
City Clerk

May 24, 1996

Ms. Bonnie Heaven
1803 30th Avenue South
Seattle, WA 98144

RE: PROPOSED INITIATIVE 42

Dear Ms. Heaven:

The ballot title for proposed Initiative No. 42 has been approved as follows:

"Shall The City of Seattle preserve for park and recreation purposes all lands and facilities held for such purposes unless:

(1) an ordinance is enacted, following a public hearing, finding transfer of such property or a change in its use necessary; and

(2) with certain exceptions, the subject property is replaced, at or before the time of transfer, by equivalent or better property in the vicinity, serving the same purposes and community (this replacement requirement applies retroactively)?"

The initiative process is defined in Article IV Section 1 of the City Charter, Seattle Municipal Code Section 2.08, and Washington State Code (RCW) 29.27.050. You have received copies of these reference materials; if you need additional copies, please let me know.

The signed petitions for Initiative 42 must be filed with the City Clerk no later than 5:00 p.m. on November 20, 1996. When the signed petitions for Initiative 42 have been filed, they will then be transmitted to King County Elections Department for signature verification. A total of at least 18,323 valid Seattle resident registered voter signatures will be required to validate the initiative before transmittal to the City Council.

Please do not hesitate to contact me if you have any questions. I can be reached at 684-8361.

Very truly yours,

Judith E. Pippin
City Clerk

c: pipinit42-5.doc)

cc: Norm Rice, Mayor
City Councilmembers
Carolyn VanNoy, Ethics and Elections
King County Records and Elections

Room 101, Municipal Building, Seattle, Washington 98104-1802
(206) 684-8311 FAX: (206) 386-9025 TDD: (206) 233-0025

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301226

SEATTLE CITY ATTORNEY
MARK H. SIDRAN

MEMORANDUM

TO: Judith Pippin, City Clerk
FROM: Sandra L. Cohen, Assistant City Attorney *Sandra L. Cohen*
SUBJECT: Ballot Title for Proposed Initiative Measure No. 42
DATE: May 23, 1996

On behalf of City Attorney Mark Sidran, I am transmitting to you the "concise statement" called for by SMC 2.08.020, which will serve as the ballot title for Initiative 42 should the measure qualify for the ballot. The title, which SMC 2.08.020 requires you to file with King County's Director of Records and Elections, shall be as follows:

INITIATIVE MEASURE NO. 42

- Shall The City of Seattle preserve for park and recreation purposes all lands and facilities held for such purposes unless:
- (1) an ordinance is enacted, following a public hearing, finding transfer of such property or a change in its use necessary; and
 - (2) with certain exceptions, the subject property is replaced, at or before the time of transfer, by equivalent or better property in the vicinity, serving the same purposes and community (this replacement requirement applies retrospectively)?

If Ms. Heaven wishes to discuss the reasons we have redrafted her proposed title to better comport with the requirements of state caselaw, I would be glad to try to explain our thinking over the phone. Thank you.

FILED
CITY OF SEATTLE
95 MAY 23 PM 3:59
CITY CLERK

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City of Seattle
Legislative Department



Office of the City Clerk
Judith E. Pippin
City Clerk

MEMORANDUM

DATE: May 17, 1996
TO: The Honorable Mark Sidran
City Attorney
FROM: Judith E. Pippin, City Clerk
SUBJECT: Proposed Initiative Petition

I am forwarding with this memo Clerk File No. 301226, a resubmittal of a proposed initiative petition requiring preservation of all lands and facilities held by the City for park and recreation purposes, and requiring that no such land be sold or changed to another usage unless there is a public hearing, etc. The proposed initiative was filed with the City Clerk's Office May 17, 1996 at 2:04 p.m., and is submitted pursuant to Article IV, Section 1B of the City Charter, and Seattle Municipal Code 2.08.

The title of the Clerk File (301226) is:

Initiative Measure No. 42, "Protect Our Parks," regarding use of lands and facilities held by the City for park and recreation purposes.

This file is transmitted to you for preparation of a ballot title, or approval of the following proposed ballot title, proposed by the petitioner:

"Shall the city of Seattle preserve all land and facilities held for park and recreation purposes for such use only, requiring that any change from such use be first subject to a public hearing and then to the enactment of an ordinance finding that such change is necessary and simultaneously providing for an exchange of equal or better land or facilities serving the same community, in the same vicinity?"

The petitioner, Bonnie Heaven, is eager to discuss any concerns you may have regarding her proposed ballot title. She can be reached at 324-5218.

cc: Mayor Norm Rice
City Council Members

c:pip/init42-3.doc

Room 104, Municipal Building, Seattle, Washington 98101-1892
(206) 684-8344 FAX: (206) 386-9025 TDD: (206) 233-0025

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Protect our Parks

FILED
CITY OF SEATTLE

96 MAY 17 PM 2:04

CITY CLERK

May 17, 1996

Judith Pippin, City Clerk
The City of Seattle
Municipal Building
600 Fourth Ave.
Seattle, WA 98104

Dear Ms. Pippin:

Attached are five copies of a proposed initiative filed pursuant to Article IV, Section B of the City Charter and Chapter 2.08 of the Seattle Municipal Code. I have revised the words in the legislative title to read "An Ordinance..." instead of "Petition for City of Seattle Initiative..." upon your advice after your consultation with the city law department. Thank you very much for assisting in this matter.

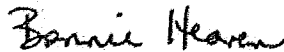
We look forward to receiving a title within 5 business days from today.

We have suggested this ballot title:

Shall The City of Seattle preserve all land and facilities held for park and recreation purposes for such use only, requiring that any change from such use be first subject to a public hearing and then to the enactment of an ordinance finding that such change is necessary and simultaneously providing for an exchange of equal or better land or facilities serving the same community, in the same vicinity?

Please contact me if you have any questions or concerns.

Sincerely,



Bonnie Heaven
1803-30th Ave. S.
Seattle, WA 98144
(324-5218, FAX & phone)

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AN ORDINANCE REQUIRING PRESERVATION OF ALL LANDS AND FACILITIES HELD NOW OR IN THE FUTURE BY THE CITY OF SEATTLE FOR PARK AND RECREATION PURPOSES; AND REQUIRING THAT NO SUCH LAND OR FACILITY SHALL BE SOLD, TRANSFERRED, OR CHANGED FROM PARK USE TO ANOTHER USAGE, UNLESS THE CITY SHALL FIRST HOLD A PUBLIC HEARING REGARDING THE NECESSITY OF SUCH A TRANSACTION AND THEN ENACT AN ORDINANCE FINDING THAT THE TRANSACTION IS NECESSARY.

WHEREAS, developers and others are making demands on City officials to take over our parks for other uses; and
WHEREAS, some of our parks are protected by bond covenants that require an equivalent replacement if those parks are taken or converted to another use; and
WHEREAS, all of our parks need such protection in order to be preserved for public purposes and for our legacy of parks to be passed on to future generations; and
WHEREAS, this ordinance would continue and strengthen a City policy against diversion of park lands and facilities contained in Resolution 19689, passed in 1963;
NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE, AS FOLLOWS:

SECTION 1.

All lands and facilities held now or in the future by The City of Seattle for park and recreation purposes, whether designated as park, park boulevard, or open space, shall be preserved for such use; and no such land or facility shall be sold, transferred, or changed from park use to another usage, unless the City shall first hold a public hearing regarding the necessity of such a transaction and then enact an ordinance finding that the transaction is necessary because there is no reasonable and practical alternative and the City shall at the same time or before receive in exchange land or a facility of equivalent or better size, value, location and usefulness in the vicinity, serving the same community and the same park purposes.

SECTION 2.

Within thirty days of the effective date of such an ordinance, any person may seek review in the Superior Court. The Superior Court shall set aside the proposed transaction if it is not necessary or the proposed substitution is not equivalent or better than the park exchanged. The Superior Court shall make its decision on the evidence as an issue of fact.

SECTION 3.

Section 1 permits by duly enacted ordinance after a public hearing: a boundary adjustment of equivalents with an adjoining owner; or the transfer of a joint use agreement with Seattle School District No. 1 to another school site. Section 1 also permits by duly enacted ordinance after a public hearing and without providing replacement property: a transfer to the federal, state, or county governments for park and recreation uses; the reversion of right-of-way continuously owned by a City utility; the opening of an unimproved street for street use; a sub-surface or utility easement compatible with park use; and franchises or concessions that further the public use and enjoyment of a park.

SECTION 4.

This ordinance shall take effect as provided by Article IV, Section 1 of the City Charter. However, if the City should sell, transfer, or change the use to a non-park use of any park property held on or after May 17, 1996 (including Bradner Playfield), the City shall replace it in kind with equivalent or better property or facilities in the same vicinity, serving the same community, unless the City has already received as good or better land and facilities for park use in the same vicinity, serving the same community, in exchange for that transaction.

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"WARNING

*Ordinance 94289 provides as follows:

*Section 1. It is unlawful for any person:

- (1) To sign or decline to sign any petition for a City ordinance initiative or referendum, or a City Charter amendment for any consideration or gratuity or promise thereof; or
- (2) To solicit or procure signatures upon a City ordinance initiative or referendum, or City Charter amendment petition for any consideration or promise thereof; or
- (3) To give or offer any consideration or gratuity to anyone to induce him to sign or not to sign, or to solicit or procure signatures upon, a City ordinance initiative or referendum, or City Charter, amendment petition; or
- (4) To interfere with or attempt to interfere with the right of any voter to sign or not to sign a City ordinance initiative or referendum, or City Charter amendment petition by threat, intimidation or any other corrupt means or practice; or
- (5) To sign a City initiative or referendum, or City Charter amendment petition with any other than his true name, or to knowingly sign more than one petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he is not a registered voter of The City of Seattle.

The provisions of this ordinance shall be printed as a warning on every petition for a City ordinance initiative or referendum or City Charter amendment.

*Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than five hundred dollars or by imprisonment in the City Jail for a period not to exceed six months, or by both such fine and imprisonment.

"INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL

*To the City Council of The City of Seattle:

We, the undersigned registered voters of the City of Seattle, State of Washington propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. entitled and reading:

(here set forth the established ballot title of the measure),

a full, true and correct copy of which is included herein and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of the City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV Section 1 of the City Charter: and each of us for himself says: I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington in the precinct (if known) written after my name, and my residence address is correctly stated.

Petitioner's Signature	Printed Name	Residence address Street and Number	Precinct Name or Number (if known)
1.			
2.			
3.			
etc.*			

(Ordinance 115050, § 1, 1990: Ord. 103892 § 4, 1974)

Bonnie Heaven
1803-30th Ave. S.
Seattle, WA 98144
324-5218 (FAX & phone)

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301226

City of Seattle
Legislative Department



Office of the City Clerk
Judith E. Pippin
City Clerk
May 16, 1996

Ms. Bonnie Heaven
1803 30th Avenue South
Seattle, WA 98144

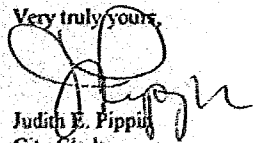
RE: PROPOSED INITIATIVE 42

Dear Ms. Heaven:

As we discussed yesterday on the telephone, this office has had to reject your proposed initiative due to its not being the proper form for an ordinance. As I explained, you will need to resubmit your proposed Initiative No. 42, and include a legislative title.

The City Charter states, in Article IV, Section 7, that "Every legislative act of said City shall be by ordinance. Every ordinance shall be clearly entitled and shall contain but one subject, which shall be clearly expressed in its title." An initiative is a legislative act of the City enacted by the people by ordinance, and so is subject to the same requirement that it have a clear legislative title expressing the subject ordinance.

If you will resubmit the ordinance with a legislative title, I will forward it to the City's Law Department for preparation of a ballot title. Please feel free to call me if you have any questions.

Very truly yours,

Judith E. Pippin
City Clerk

epip51142-1.doc

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City of Seattle
Legislative Department



Office of the City Clerk
Judith E. Pippin
City Clerk

MEMORANDUM

DATE: May 9, 1996
TO: The Honorable Mark Sidran
City Attorney
FROM: Judith E. Pippin, City Clerk
SUBJECT: Proposed Initiative Petition

I am forwarding with this memo Clerk File No. 301226, a proposed initiative petition regarding use of lands and facilities held now or in the future by the City for park and recreation purposes. The proposed initiative was filed with the City Clerk's Office May 9, 1996 at 11:26 a.m., and is submitted pursuant to Article IV, Section 1B of the City Charter, and Seattle Municipal Code 2.08.

The title of the Clerk File is:

Initiative Measure No. 42, "Protect Our Parks," regarding use of lands and facilities held by the City for park and recreation purposes.

The file is transmitted to you for preparation of a ballot title.

cc: Mayor Norm Rice
City Council Members

c:\pip\init42.ltr

COPY RECEIVED
MAY 10 AM 9:15
CITY ATTORNEY

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