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Ordinance No. 106172

AN ORDINANCE relating to The Central Waterfront Park and providing for the designation of a twenty-foot strip along the west side of Alaskan Way, from a point approximately 136 feet south to a point approximately 482 feet north of the south margin of Pike Street, as parkway, park drive and boulevard, and providing for payment of compensation where applicable.

1/19/77 196 Pass

COMPTROLLER
FILE NUMBER _____

Council Bill No. 98081

INTRODUCED: JAN 17 1977	BY: EXECUTIVE REQUEST
REFERRED: JAN 17 1977	TO: Parks & Public Grounds
REFERRED:	
REFERRED:	
REPORTED: JAN 24 1977	SECOND READING: JAN 24 1977
THIRD READING: JAN 24 1977	SIGNED: JAN 24 1977
PRESENTED TO MAYOR: JAN 25 1977	APPROVED: JAN 28 1977
RETD. TO CITY CLERK: JAN 28 1977	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

LAW DEPARTMENT

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Park
W. H.

FUS
BLDG. (RC)
ENG.
E. O. X
A. C.
S. E.
C. O.
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ORDINANCE 106172

AN ORDINANCE relating to The Central Waterfront Park and providing for the designation of a twenty-foot strip along the west side of Alaskan Way, from a point approximately 136 feet south to a point approximately 482 feet north of the south margin of Pike Street, as parkway, park drive and boulevard, and providing for payment of compensation where applicable.

WHEREAS, pursuant to RCW 35.21.190, the Superintendent of Parks and Recreation of the City of Seattle has requested and the Mayor has recommended in the attachments hereto that in connection with the Waterfront Park a street segment twenty feet in width on the westerly side of Alaskan Way, from a point approximately 136 feet south to a point approximately 482 feet north of the south margin of Pike Street, which segment is more particularly described hereinbelow, be designated as parkway, park drive, and boulevard, and that all care, maintenance, improvement, and management of the surface thereof be transferred to the Department of Parks and Recreation; and

WHEREAS, it is deemed necessary to preserve for the owners, occupants, and persons otherwise interested in the properties abutting such redesignated area a reasonable right of ingress and egress in respect to such properties; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the following described portion of Alaskan Way in the City of Seattle lying above elevation 5.47 feet City of Seattle Datum be and the same hereby is designated as parkway, park drive, and boulevard, to wit:

Portion of Alaskan Way lying above elevation 5.47 feet City of Seattle Datum described as follows: Beginning at a point on the easterly line of Lot 2, Block 176, Seattle Tide Lands distant 11.90 feet northerly of the most southerly corner of said Lot 2; thence south 87° 43'56.2" east, 28.27 feet to a line 20 feet easterly of and parallel with the westerly line of Alaskan Way; thence northwesterly along a curve to the left, having a radius of 1,419.98 feet, a distance of 161.99 feet to a point of tangency; thence north 48°49'51" west 459.72 feet to a point distant 30.38 feet east of the mid-point of the easterly line of Lot 6, Block 173, Seattle Tide Lands; thence west 30.38 feet to said mid-point; thence south 48°49'51" west along the easterly line of said Block 173 and southerly production of said Block 173, 482.59 feet,

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to a point of curvature; thence southeasterly along a curve to the right, having a radius of 1,399.98 feet, a distance of 139.87 feet to the point of beginning.

Section 2. That no improvements or construction shall be undertaken in the area described in Section 1 hereof until the just compensation, if any, due the owners, occupants or persons otherwise interested in the properties abutting said segment of Alaskan Way and University Street has been made or paid into the registry of the court in the manner provided by law.

Section 3. That the City Engineer for and on behalf of The City of Seattle and the Department of Parks and Recreation is hereby authorized to secure appraisals, if necessary, and to negotiate for and to purchase, unless the same shall be offered as a gift, the property rights necessary to carry out the provisions of Sections 1 and 2 of this ordinance, including the limitation of the class, character, and extent of use of said designated street segment to parkway, park drive, or boulevard purposes.

Section 4. That jurisdiction over the real property or property rights described in Sections 1 and 3 hereof be and the same is hereby transferred from the Engineering Department to the Department of Parks and Recreation for parkway, park drive, and boulevard purposes.

Section 5. That a reasonable right of egress and ingress is reserved to the owners, occupants, and persons otherwise interested in the property abutting upon that portion of Alaskan Way described in Section 1 hereof, provided such right shall not include the

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right to stand or store vehicles not actively loading or unloading and shall be subject to reasonable regulation as to the number and location of crossings and curb cuts.

Section 6. That such change in the designation and utilization of the real property described or referred to in Sections 1 and 3 hereof shall be wholly in accordance with the plans and specifications prepared pursuant to Ordinance 99999 and approved by the Superintendent of Parks and Recreation and the Board of Public Works.

Section 7. That the cost of acquisition of such property rights as are required under the provisions of this ordinance shall be paid from the Park Acquisition and Development Fund or from such other or general funds of the City of Seattle as may be provided by law.

Section 8. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 24 day of January, 1977, and signed by me in open session in authentication of its passage this 24 day of January, 1977

[Signature]
President of the City Council.

Approved by me this 28 day of January, 1977

[Signature]
Mayor.

Filed by me this 28 day of January, 1977

Attest: *[Signature]*
City Comptroller and City Clerk.

(SEAL)

Published

By *[Signature]*
Deputy Clerk.

Your City, Seattle

Executive Department-Office of Management and Budget

Waller R. Hundley, Director
Wes Uhlman, Mayor



January 11, 1977

Honorable E. L. Kidd
City Comptroller
City of Seattle

Dear Mr. Kidd:

Attached is legislation which has been prepared by Corporation Counsel and reviewed by OMB. It is now requested that this legislation be introduced to the City Council as an Executive Request.

Sincerely,

Wes Uhlman
Mayor

by

Walter R. Hundley
Walter R. Hundley
Budget Director

WRH:JAL:jw

Attachment

cc: Sam Smith, President, City Council
Dave Towne, Department of Parks and Recreation

ASSISTANT CORPORATION COUNSEL

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THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104
AREA CODE 206 TELEPHONE 625-2402

JOHN P. HARRIS, CORPORATION COUNSEL

December 1, 1976

CITY PROSECUTORS

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ANDRE WOOTEN

CLAIMS MANAGER

V. L. PORTER

RECEIVED

DEC 15 1976

OFFICE OF MANAGEMENT
& BUDGET

Walter R. Hundley
Budget Director
The City of Seattle

Dear Sir:

By letter dated October 8, 1976 transmitting proposed Department of Parks and Recreation draft legislation regarding the redesignation of a portion of Alaskan Way as Park Drive and Boulevard, you wrote as follows:

"The Mayor is proposing to the City Council that legislation be adopted as requested in the attached correspondence from the Superintendent of the Department of Parks and Recreation regarding the redesignation of a portion of Alaskan Way as Park Drive and Boulevard. It is requested that review of the draft legislation provided specifically address the question of compensation to owners of property abutting the identified segment of Alaskan Way and University Street. OMB would like information regarding the specific requirements of RCW 34.21.190 with respect to property owner compensation as well as an explanation of why the restriction regarding compensation is required in Section 2 of the draft legislation if the City owns all the adjacent property."

The partial redesignation contemplated by the request involves a statutory procedure spelled out in RCW 35.21.190 which reads as follows:

"PARKWAYS, PARK DRIVES AND BOULEVARDS. Any city or town council upon request of the board of park commissioners, shall have authority to designate such streets as they may see fit as parkways, park drives, and boulevards, and to

Walter R. Hundley
December 1, 1976
Page 2

transfer all care, maintenance and improvement of the surface thereof to the board of park commissioners, or to such authority of such city or town as may have the care and management of the parks, parkways, boulevards and park drives of the city.

"Any city or town may acquire, either by gift, purchase or the right of eminent domain, the right to limit the class, character and extent of traffic that may be carried on such parkways, park drives and boulevards, and to prescribe that the improvement of the surface thereof shall be made wholly in accordance with plans of such board of park commissioners, but that the setting over of all such streets for such purposes shall not in any wise limit the right and authority of the city council to construct underneath the surface thereof any and all public utilities nor to deprive the council of the right to levy assessments for special benefits. In the construction of any such utilities, any damages done to the surface of such parkways, park drives or boulevards shall not be borne by any park funds of such city or town."

Section 2 of the draft legislation is required because an abutting owner's easement for light, air, access and view extends the entire width of the street to the opposite street right-of-way line. Therefore, even though the City is the owner of all of the property abutting on the west side of Alaskan Way, the partial redesignation may not be accomplished without considering the rights of the abutters on the east side of Alaskan Way.

Inquiry of the Parks and Recreation Department may reveal that the east side abutters have no objection to the redesignation and will readily give their consent. Nonetheless, Forward Thrust funds are involved and procedures may not be ignored.

After consultation with Mr. John D. Tiemeyer, Parks and Recreation Department Director of Project Management, we have deleted from the description of the property to be redesignated park drive and boulevard all of University Street because the use thereof by the City is for the time being governed to a considerable extent by Ordinance 103757 authorizing an agreement with the owner of the property abutting on the south pertaining in part to the occupancy of said street area by park appurtenances including extensions of Pier 57.

Walter R. Hundley
December 1, 1976
Page 3

Pursuant to your request, we have prepared appropriate draft legislation and return it to you for your review.

Very truly yours,

JOHN P. HARRIS
Corporation Counsel

By 
G. GRANT WILCOX
Assistant

GGW:ph
enc.

**Your
Seattle
Parks and Recreation**

David L. Towne, Superintendent
Wes Uhlman, Mayor

RECEIVED

OCT 4 1976

OFFICE OF MANAGEMENT
& BUDGET
September 27, 1976



The City Council
The City of Seattle

Via Mayor Wes Uhlman, Attention: Mr. Walter R. Hundley, Director
Office of Management and Budget

Dear Members:

Subject: Redesignation of a portion of Alaskan Way as "Park Drive
and Boulevard"

In October 1973, a portion of Alaskan Way was redesignated as "Park Drive and Boulevard" by Ordinance 102696 which authorized the first portion of the Waterfront Park Promenade. The Department of Parks and Recreation now desires to extend the Promenade the entire length of the Waterfront Park and include the University Street end in the redesignation. This will allow the use of Forward Thrust funds to provide ingress and egress to Pier 57 as required. The change in designation is required because Forward Thrust funds cannot be utilized for park improvement in a street area. Corporation Counsel has rendered an opinion that a change to Park Drive and Boulevard would allow Forward Thrust funds to be used for park improvement.

It is requested that the areas shown in red on the attached map be redesignated as "Park Drive and Boulevard." The area in green was previously designated parkway. A draft ordinance with a legal description for the redesignation is also attached.

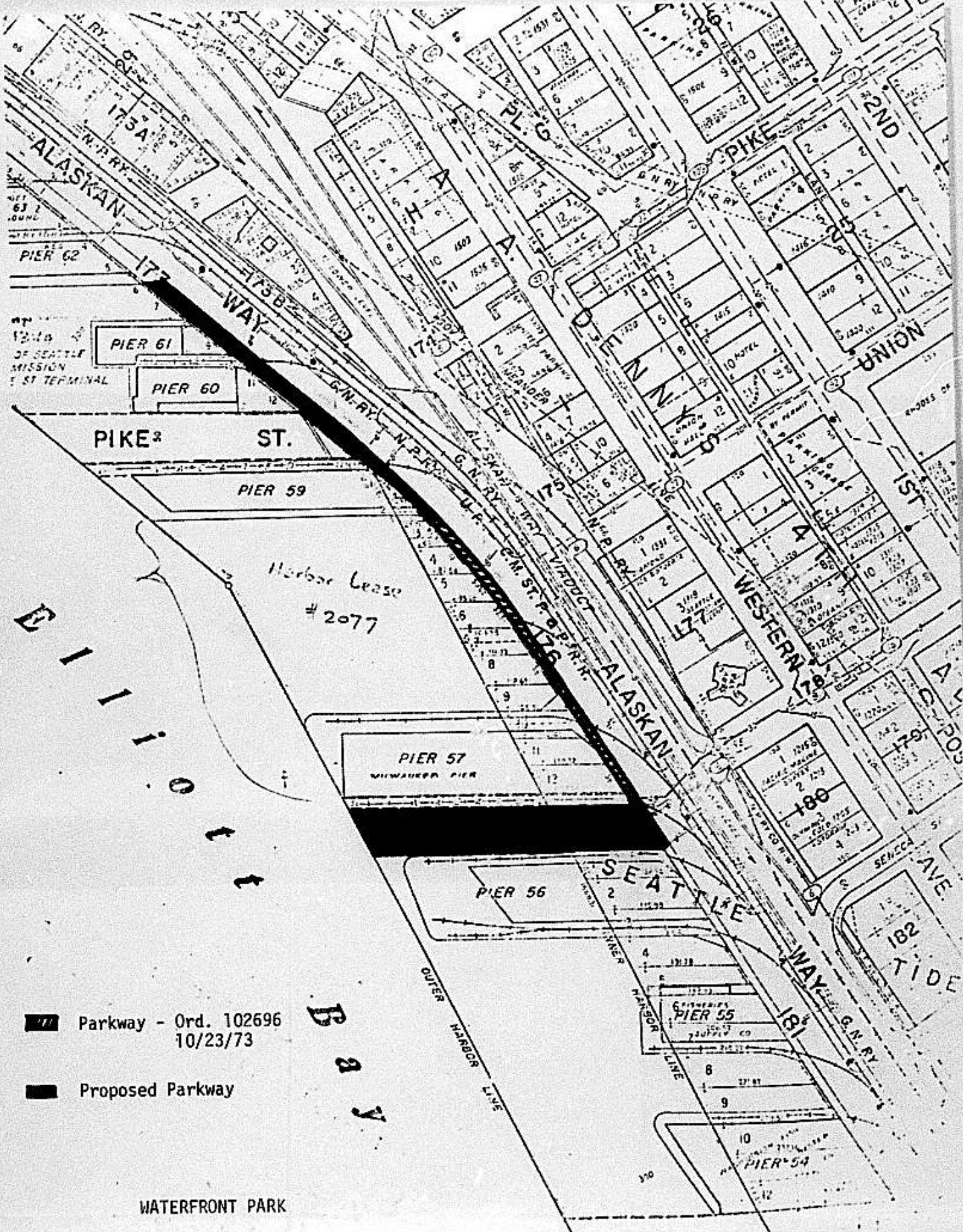
The statute (RCW 34,21.190) which allows the City to make this designation change also provides for compensation to abutting owners. But it is anticipated that no money will be required to make this requested change because the City now owns all the adjacent property on the west side of Alaskan Way. However, the wording of the legislation should suggest a pattern directed to the possibility of expanding the promenade in front of privately owned property at a later time if considered desirable by the City Council.

For additional information please contact Bill Griffin, Project Manager, at 625-2982.

Sincerely,

David L. Towne
Superintendent

DLT:fhs
cc: Mike Waller, OPP



WATERFRONT PARK

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on

PARKS & PUBLIC GROUNDS

JAN 24 1977

to which was referred

C.B. 98081

Relating to The Central Waterfront Park and providing for the designation of a twenty-foot strip along the west side of Alaskan Way, from a point approximately 136 feet south to a point approximately 482 feet north of the south margin of Pike Street, as parkway, park drive and boulevard, and providing for payment of compensation where applicable.

RECOMMEND THAT THE SAME DO PASS

John R. Miller P&PG
~~Chairman~~

Chairman

Committee

Committee