

AA 62

Ordinance No. 106276

AN ORDINANCE designating as a Landmark, the tugboat Arthur Foss, United States Merchant Vessel Official Number 81233, specifying the particular features to be preserved in accordance with the Landmarks Preservation Ordinance (102229) while such vessel is within the City limits, exempting such Landmark from the payment of certain fees, and requiring a written assurance of responsibility for salvage while such Landmark is in any submerged street area or waterway in this City.

COMPTROLLER _____
 FILE NUMBER _____

2/21/77 Pass

Council Bill No. 98196

INTRODUCED: <u>FEB 22 1977</u>	BY: EXECUTIVE REQUEST
REFERRED: <u>FEB 22 1977</u>	TO: PLANNING & URBAN DEV.
REFERRED:	
REPORTED: <u>MAR 7 1977</u>	SECOND READING: <u>MAR 7 1977</u>
THIRD READING: <u>MAR 7 1977</u>	SIGNED: <u>MAR 7 1977</u>
PRESENTED TO MAYOR: <u>MAR 7 1977</u>	APPROVED: <u>MAR 14 1977</u>
REFD. TO CITY CLERK: <u>MAR 14 1977</u>	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

ORDINANCE 106276

1
2
3 AN ORDINANCE designating as a Landmark, the tugboat Arthur
4 Foss, United States Merchant Vessel Official Number
5 81233; specifying the particular features to be preserved
6 in accordance with the Landmarks Preservation Ordinance
7 (102229) while such vessel is within the City limits,
8 exempting such Landmark from the payment of certain
9 fees, and requiring a written assurance of responsibility
10 for salvage while such Landmark is in any submerged
11 street area or waterway in this City.

12
13 WHEREAS, Ordinance 102229 created the Landmarks Preservation
14 Board and established a procedure for the designation
15 and preservation of structures and areas having historical,
16 cultural, architectural, engineering or geographic
17 importance; and

18
19 WHEREAS, pursuant to Ordinance 102229 and due notice, the
20 Landmarks Preservation Board after a public hearing on
21 February 6, 1974 considered (a) the evidence and testimony
22 presented at such hearing, including the attached
23 Seattle Historic Building Data Sheet, and (b) the
24 conformance or lack of conformance of the proposed
25 designation with the Comprehensive Plan of Seattle and
26 with the purposes and standards of Ordinance 102229,
27 and based upon such evidence and consideration determined
28 that the tugboat Arthur Foss, United States Merchant
Vessel Official Number 81233, presently located at
Northwest Seaports, Kirkland, Washington satisfies each
of the following criteria required under Ordinance
102229 for designation of a Landmark:

Section 6(1) has significant character, interest,
or value, as part of the development, heritage or
cultural characteristics of the City, State or
Nation; or is associated with the life of a person
significant in the past;

and recommended to the City Council that the tugboat
Arthur Foss, United States Merchant Vessel Official
Number 81233 be designated a Landmark, that certain
features thereof should be preserved, that said vessel
be exempt for the payment of certain fees while in a
submerged street area or waterways in this City, and
that the City require a written assurance of responsibility
for salvage of that vessel should it sink, capsize or
burn while in submerged street area or a waterway in
the City; and

WHEREAS, the Planning and Urban Development Committee of
the City Council considered the report and recommendation
of the Landmarks Preservation Board at a public hearing
held pursuant to due notice, and reported to the City
Council in favor of such recommendation; Now, Therefore,

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

2 Section 1. That the attached report and recommendations
3 of the Landmarks Preservation Board are hereby approved and
4 the tugboat Arthur Foss, United States Merchant Vessel
5 Official Number 81233 is hereby designated a Landmark having
6 a special character or special historical, cultural, architectural,
7 engineering or geographic interest or value, based upon
8 characteristics specified in the attached report of the
9 Landmark Preservation Board, and the Secretary of the Landmark
10 Preservation Board is hereby directed, within ten days after
11 approval of this ordinance by the Mayor to send to the owner
12 of record of the property designated, by registered or
13 certified mail, and to the Superintendent of Buildings, a
14 copy of this ordinance and a letter outlining the basis for
15 such designation and the obligations and restrictions which
16 result from such designation while such vessel is within the
17 City limits.

18 Section 2. That while the vessel designated as a
19 Landmark in Section 1 above is within the limits of this
20 City and subject to the City's jurisdiction, the following
21 particular features of the Landmark designated in Section 1
22 above shall be preserved:

23 a. The entire vessel and all components thereof.

24 Section 3. That said Landmark is hereby exempted from
25 the fees required for use and occupancy of submerged street
26 areas and waterways in this City by Section 70 of the
27 Harbor Code (Ordinance 87983) and Section 13 of the Street
28 Use Ordinance (90047); Provided the owners or sponsors of
such Landmark shall furnish the Board of Public Works with
written assurance that they shall be responsible for the
salvage of such Landmark should it sink, capsize, or burn
while in any submerged street area or waterway in this City.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Neither the giving nor the receiving of such assurance shall be construed as a limitation upon any other right or remedy of the City of Seattle; and to the extent inconsistent herewith sections 70 of the Harbor Code (Ordinance 87983) and section 13 of the Street Use Ordinance (90047) are hereby superseded.

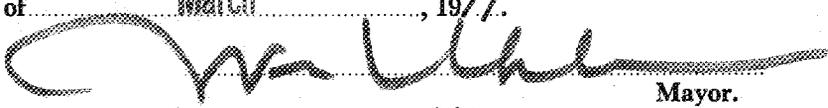
(To be used for all Ordinances except Emergency.)

Section ⁴..... 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.

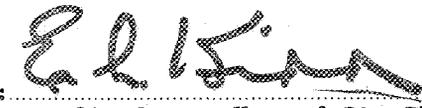
Passed by the City Council the 7 day of March, 1977,
and signed by me in open session in authentication of its passage this 7 day of
March, 1977.

President Pro Tem of the City Council.

Approved by me this 14 day of March, 1977.


Mayor.

Filed by me this 14 day of March, 1977.

Attest: 
City Comptroller and City Clerk.

(SEAL)

Published.....

By 
Deputy Clerk.

JAMES M. TAYLOR
 GORDON F. CRANDALL
 G. GRANT WILCOX
 THOMAS J. WETZEL
 ARTHUR T. LANE
 JORGEN G. BADER
 CHARLES R. NELSON
 LAWRENCE K. McDONELL
 J. ROGLER NOWELL
 E. NEAL KING
 JAMES B. HOWE, JR.
 DONALD H. STOUT
 PHILIP M. KING
 RICHARD E. MANN
 WALTER L. WILLIAMS
 JAMES G. BLAIR
 CHARLES D. BROWN
 DONA M. CLOUD
 ROSS A. RADLEY
 GORDON B. DAVIDSON
 DIANA F. THOMPSON
 MARIANNA S. COOKE

THE CITY OF SEATTLE

LAW DEPARTMENT

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

JOHN P. HARRIS, CORPORATION COUNSEL

CITY PROSECUTORS

RICHARD S. OETTINGER
 ROBERT M. ELIAS
 JACK B. REGAN
 ROBERT B. JOHNSON
 JOSEPH T. SCHLOSSER
 DAVID S. ADMIRE
 MYRON L. CORNELIUS
 ELIZABETH A. HUNEKE
 HARRIET M. CODY
 DAVID N. WALTON
 ANDRE WOOTEN

CLAIMS MANAGER

V. L. PORTER

February 10, 1977

Re: Request for legislation to
 designate six vessels as
 landmarks

Honorable Paul Kraabel, Chairman
 Planning & Urban Development Committee
 City Council
 Seattle

Dear Sir:

By City Council transmittal you transmitted a memorandum together with certain documents, and requested that we prepare legislation designating six vessels as landmarks, exempting them from certain fees and requiring a written assurance of responsibility for salvage. The requested legislation is transmitted herewith.

We advise that the City has authority to impose requirements for the preservation of certain features of such vessels only while such vessels are within the limits of this City and subject to its jurisdiction. Accordingly each ordinance expressly provides that such requirements apply only while the vessels are within the City limits and subject to the City's jurisdiction.

In such connection, we advise further that, for most purposes, the W.T. Preston is not subject to the jurisdiction of the City, even when within the City limits, so long as it is owned by the U.S. Army Corps of Engineers.

Yours very truly,

JOHN P. HARRIS
 Corporation Counsel

By

James B. Howe, Jr.
 JAMES B. HOWE, JR.
 Assistant

JBH:vf

Section 6 (1) has significant character, interest or value, as part of the development, heritage or cultural characteristics of the City, State of Nation; or is associated with the life of a person significant in the past;

Section 6 (2) is the site of an historic event with a significant effect upon society;

Section 6 (3) exemplifies the cultural, political, economic, social or historic heritage of the community;

Section 6 (4) portrays the environment in an era of history characterized by a distinctive architectural style;

Section 6 (5) embodies those distinguishing characteristics of an architectural-type or engineering specimen;

Section 6 (6) is the work of a designer whose individual work has significantly influenced the development of Seattle;

Section 6 (7) contains elements of design, detail, materials or craftsmanship which represent a significant innovation;

Section 6 (8) by being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif;

Section 6 (9) owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or city;

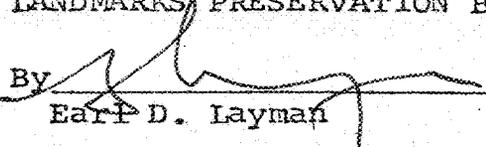
and recommends to the City Council that the foregoing tugboat Arthur Foss be designated as a Landmark and that the following features thereof should be preserved by the following controls:

"That with respect to the above described landmark, no person shall do or cause to be done, any of the following except pursuant to a Certificate of Approval duly issued by the Landmark Preservation Board (See Section 8 of Ordinance 102229):

- a. any proposed routine maintenance, including service or replacement of parts, that would change the appearance and character or historic significance;
- b. any changes, other than those required for routine maintenance, that would affect the appearance and character or historic significance;
- c. the commencement or continuation of a restoration program proposed for the vessel. Following issuance of a Certificate of Approval for a restoration program, the Board shall require that it be regularly informed in writing of program progress.

The Board also recommends that the tugboat Arthur Foss, as a Seattle Historic Landmark, under restoration and open to the public, shall be exempt from the payment of moorage fees when moored in a City waterway or submerged street. The City shall require a written assurance from the owners or sponsors of the vessel that they would be responsible for the salvage of that vessel should it sink, capsiz, or burn while in the waterway or submerged street.

LANDMARKS PRESERVATION BOARD

By 
Earl D. Layman

Historic Preservation Officer



Seattle City Council

Memorandum

Date: September 17, 1976

To: Honorable John Harris, Corporation Counsel

From: Paul Kraabel, Chairman, Planning and Urban Development Committee

Subject: City Council transmittal dated September 17, 1976, requesting legislation designating Old Main Street School, etc. as historic landmarks.

The Planning and Urban Development Committee has approved the recommendation of the Landmarks Preservation Board to designate the properties described in the attached materials as historic landmarks under the Landmarks Preservation Ordinance No. 102229. In each case the Landmarks Board has submitted a proposed draft ordinance.

In the case of the historic ships recommended by the Board, the Board has provided in its draft a section exempting the ship from the payment of fees when moored in public waterways. The Committee approved the fee exemptions, but noted that there is a question how this should best be accomplished. Please consult with Ms. Roberta Deering of the Office of Urban Conservation, Department of Community Development regarding the question of whether this exemption should be provided in the designating ordinance or by means of an amendment to the Harbor Code and Street Use Ordinance.

Thank you for your attention to this matter.

City of Seattle
LANDMARKS PRESERVATION BOARD
Suite 919 - ARCTIC BUILDING - Seattle, Washington 98104
625-4501

LPB-75a/76

August 16, 1976

The Honorable Paul Kraabel
Seattle City Council

ATTENTION: Warren McGee, Council Assistant

REFERENCES: (a) Letter dated 06/06/73 from: BPW (Alfred Petty, Chairman)
(b) Letter dated 11/15/73 from: BPW (Betty L. McFarlane, Execu.Secy.)

Dear Mr. Kraabel:

In accordance with agreements between your office and this office, we are returning for resumption of action by the Planning and Urban Development Committee on August 18, the following listed landmarks to be considered for designation. As noted in the tabulation all of these properties have previously been acted upon favorably by your Committee and in addition one of them was acted upon by the Council of the Whole. Since these properties were considered early on in the establishment of our landmark procedures, the formulation of designating legislation did not occur in the same sequence as it does now and you will recall that it was necessary that such legislation as had been drafted be recalled from Corporation Counsel by us with your acquiescence. It is our understanding, as with the other non-contested properties which your Committee acted on two weeks ago, that you are willing to consider these additional properties once more in order that the designation process may be completed at an early date.

<u>BUILDINGS</u>	<u>REFERENCE</u>	<u>ACTION</u>
Old Main Street School	CF 27980	Recommended by PUDC; legislation prepared.
Flatiron Building	CF 280066 CB 96133	Recommended by PUDC & City Council; legislation prepared.
Immaculate Conception Church	CF 27980	Recommended by PUDC; legislation deferred.
<i>- Not Included</i> Forest Ridge Convent/Hebrew Academy		Hearing advertised and deferred.

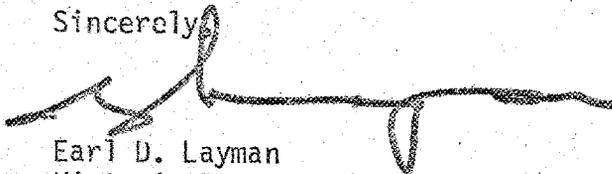
MORE-

SHIPS	REFERENCE	ACTION
Ferry San Mateo)		
The Wawona)		
Virginia V)	CF 279436	Recommended by PUDC;
Lightship Relief)	RESOLUTION 24836	blanket resolution pre-
W.T. Preston)		pared.
Arthur Foss Tug)		

We appreciate your willingness to exempt these properties from the moratorium on designation procedures and wish to assure you that we will be coordinating directly with Corporation Counsel in the refinement of the legislation as we have been doing with the first group. We are returning the 1974 Comptroller Files and earlier legislation.

You will note that in the proposed legislation for the several ships we have included a paragraph, "Section 4, Exemptions from the Provisions of the Harbor Code and Street Use Ordinance". The reasons for this provision are noted in the two reference letters from the Board of Public Works. We have responded directly to the suggestions of that Board that the provisions for moorage exemptions be handled by landmark designation or legislation on a ship by ship basis. However, in this office we are somewhat of the opinion at this time that it might be better to accomplish this through an amendment to the Harbor Code/Street Use Legislation. We shall also be glad to discuss this matter with your or with Corporation Counsel.

Sincerely,



Earl D. Layman
Historic Preservation Officer

cc: J. Peter Staten
Mrs. George Corley, Jr.

Attachments: References (a) and (b).

Enclosures: Data and Draft Legislation for Ten Properties
C.F. 279890
279436
280066
RES. 24836
C.B. 96133

Re: Historic Ships
Harbor Code Ordinance 100171

June 6, 1973

The Honorable Wes Uhlman
Mayor
City of Seattle

Dear Mayor Uhlman:

The Board of Public Works had before it, in regular session today, your communication of May 8 recommending that the Board investigate the possibility of amending existing legislation so that ships that are recognized by the City as being historic landmarks could be exempted from payment of fees when moored in public waterways. This matter had previously been referred to the City Engineer for a report and recommendation.

The City Engineer reported that by their very nature, most aged vessels, especially those classed as historic, require extensive repair and/or maintenance. Without constant care and supervision any vessel is in danger of sinking, capsizing, burning or vandalism. To cover this possibility most applications for waterway or submerged street use permits require that a surety bond or cash deposit be provided to cover the potential cost of removal, etc. The City Engineer indicated that he is convinced that this requirement is of the utmost importance and should not be waived for any but a governmentally sponsored body without some other form of protection.

In regard to amendments, none would be necessary if, as in Section 9.05.770(e) compliance is waived when the United States of America and its agencies, the State of Washington or any municipal corporation has made application for permission to use a waterway or submerged street.

The City Engineer further stated that, in his opinion, a firm distinction should be made between the many old vessels and those officially designated and registered as "Historic" ships. If an Historic Landmark Commission should soon be formed, it would seem proper that it alone should determine a ship's historic nature and under separate legislation exempt the vessel from the provisions of the Harbor Code and Street Use Ordinance. The Commission could then commit the City to assume responsibility for the salvage and removal of those so-designated vessels which suffer misfortune and sink or are otherwise destroyed in public area.

June 6, 1973

The Board, after due deliberation, concurred in the recommendation of the City Engineer that exemptions from payment of moorage fees be granted only as provided in the existing ordinance, or as specifically provided by the City Council in legislation responding to recommendations of the Historic Landmark Commission, which legislation would be on a ship-by-ship basis for proper control and also provide that the City assume responsibility for salvage when necessary. This legislation would obviate the need for bonds and insurance. (As there would be a financial impact on the City, perhaps the community in some way could accept some of the financial burden). In the case of governmental sponsors, the City could accept written assurance from the sponsor that it would be responsible for salvaga.

Respectfully submitted,

BOARD OF PUBLIC WORKS

Alfred Petty
Chairman

BIM:lm

cc: James Braman, Director of Community Development
Gerry Jones, Department of Community Development
Arthur Skolnik, Director of Pioneer Square Project
City Engineer
City Council
Gary Blomquist, Mayor's Office
L. Enry
R. W. Wilkinson, Director of Management
and Budget

November 15, 1973

Mr. Earl D. Layman
Historic Preservation Officer
Seattle Landmarks Preservation Board
Department of Community Development

Dear Mr. Layman:

For your information and assistance, we attach the Board of Public Works' communication to the Mayor of June 6, 1973, regarding requests for exemptions from payment of moorage fees for historic vessels.

It was the Board's recommendation that such requests be granted only as provided in the existing ordinances (Harbor Code/Street Use) or as specifically provided by the City Council in legislation responding to recommendations of the Landmarks Preservation Board, which legislation should be on a ship-by-ship basis for proper control.

Yours very truly,

BOARD OF PUBLIC WORKS

Betty L. McFarlane
Secretary

BLM:lm
Att.

cc: Mayor Wes Uhlman
City Council Members
Board of Public Works Members
Art Skolnik ✓

RECEIVED
DEC 10 1973
DESIGN & CONSTRUCTION

AN ORDINANCE designating tugboat ARTHUR FOSS as a Seattle historic Landmark, stating criteria for such designation, and establishing controls for preservation of that Landmark.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Purposes and Declaration of Designation.

The Seattle Landmarks Preservation Board, by the authority vested in it under Ordinance 102229, and in accordance with procedures established by that Ordinance, has recommended under the purpose and criteria of that Ordinance that the tugboat ARTHUR FOSS be designated a Seattle Historic Landmark. The City Council, in accordance with the procedures established by Ordinance 102229 hereby designates tugboat ARTHUR FOSS (off. no. 81233) as a Seattle Historic Landmark.

Section 2. Satisfaction of Criteria (Definition of Significance)

2a. Historical Significance:

The ARTHUR FOSS was launched in Portland, Oregon in 1889 as the steam tug WALLOWA. For nearly a decade she served on the Columbia River. In 1889 she joined the ships leading north following the Alaska Gold Rush. In the ensuing decades she logged thousands of miles between Alaska and Puget Sound ports. In 1930 she was sold to the Foss Launch and Tug Co. and renamed the ARTHUR FOSS. In 1934 her steam engine was replaced by a deisel. The Foss Launch and Tug Co. donated the tug in 1970 to Save Our Ships (Northwest Seaport Inc.) for restoration and inclusion in a maritime museum.

Section 3. Controls.

3a. Any routine maintenance, including service or replacement of parts, that does not affect the appearance and character or historic significance, shall not need Board approval.

3b. Any proposed routine maintenance, including service or replacement of parts, that would change the appearance and character or historic significance, shall be submitted to the Board in writing prior to its execution. Should the Board find that the proposed change would be detrimental to the vessel as a Historic Landmark, enforcement procedures prescribed in Ordinance 102229 shall be invoked.

3c. Any changes, other than those required for routine maintenance, that would affect the appearance and character or historic significance, shall not be made without the issuance of a Certificate of Approval from the Board in accordance with provisions of Section 8, of Ordinance 102229.

3d. In the event that a restoration program is proposed for the vessel, or that such a program is underway, the commencement or continuation of said program is subject to the issuance of a Certificate of Approval from the Board in accordance with provisions of Section 8 of Ordinance 102229, following which the Board shall require that it be regularly informed in writing of program progress.

3e. The Board in reviewing any proposed changes, shall do so in accordance with the procedures outlined in Ordinance 102229.

Section 4. Exemptions from the provisions of the Harbor Code and Street Use Ordinance.

4a. The tugboat ARTHUR FOSS as a Seattle Historic Landmark, under restoration and open to the public, shall be exempt from the payment of moorage fees when moored in a City waterway or submerged street. The City shall require a written assurance from the owners or sponsors of the vessel that they would be responsible for the salvage of that vessel should it sink, capsize, or burn while in the waterway or submerged street.

Landmarks Preservation Board

Seattle Historic Building Data Sheet

1. Name (common or present and/or historic) tugboat ARTHUR FOSS (off. no. 81233)

2. Street and Number P. O. Box 395 Block _____ Lot _____ Year Built 1889

3. Present Owner Northwest Seaport, Inc. Present Use Maritime Museum

4. Interim Owner(s) _____ Interim Use(s) _____

5. Original Owner Oregon Railway & Navigation Co Original Use tugboat (WALLOWA)

6. Architect _____ Builder ? Portland, Oregon

7. Assessed Value: Building _____ Land _____ Assessors File No. _____

8. Classification:

- Building
- Site
- Structure
- Object
- Other

- Public
- Private
- Both

- Occupied
- Unoccupied
- Preservation work in progress
- Threatened by demolition
- Unknown

- Open to Public:
- Yes
 - No
- Hours _____

Historic Ship

9. Neighborhood Information:

A. Compatibility With Neighborhood

Structure Yes _____ No _____

Use Yes _____ No _____

B. Importance to Neighborhood

Great _____

Moderate _____

Minor _____

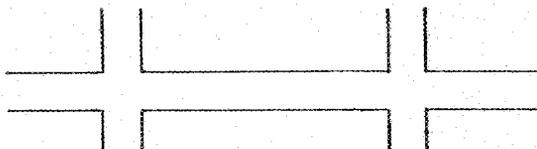
C. Architecturally Strong Neighborhood

Comments _____

10. Special Research Sources (Be Specific, list name or item and where found)

Northwest Seaports files - Kirkland, Washington

11. Cross Street Reference



12. Photos Attached & Photographer _____

13. Physical Description

A. Style of Architecture

B. Construction Material
wood hull
wood superstructure

C. No. of Stories

D. Condition
Excellent _____
Good X
Fair _____
Poor _____

E. Exterior Deselection of Original Design

None or little _____
Moderate amount X
Considerable _____

F. Architectural worth at Example of Its Style

Exceptional _____
Excellent _____
Good _____
Fair _____
Poor _____

G. Notable Features: (Be specific, i.e., detailing, craftsmanship, proportions, materials, colors, interior, etc. Refer to Guidelines of Landmarks Preservation Board).

ARTHUR FOSS is a wooden-hulled vessel, one deck, two masts, a sharp head, and a round stern. Registered length is 111.6 feet, registered breadth is 23.9 feet, and registered depth is 11.6 feet. Gross tonnage is 225, net tonnage 127.

14. Significance

A. Major Significance

- Historical
- Architectural
- Engineering
- Cultural
- Geographical
- Archaeological

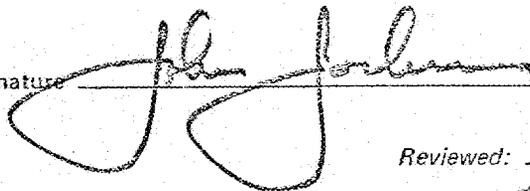
B. Level of Significance

- National
- State
- Community

C. Statement of Significance (Be specific, history, personages, events, etc.)

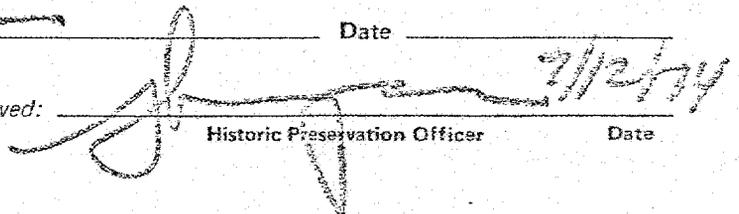
The ARTHUR FOSS was launched in Portland, Oregon in 1889 as the steam tug WALLOWA for the Oregon Railway and Navigation Company. For almost a decade she served on the Columbia River including towing sailing ships across the bar and into port. In 1898 the WALLOWA joined the armada of ships, tugs and barges that headed north following the discovery of gold in Alaska. Among her Gold Rush feats was a towing of the White Star ship, YOSEMITE, from Puget Sound to St. Michael, near Nome. On her return in November, 1898, while towing the bark COLUMBIA from Skagway to Seattle, the WALLOWA was driven ashore in a winter gale, but both the tug and her tow survived. In the ensuing decades she logged thousands of miles in Alaska and Puget Sound waters, including assisting sailing ships engaged in early-day lumber and wheat trade. Following a fire in 1927, her deckhouse was replaced, and in 1934 her steam engine was replaced by a Diesel. The WALLOWA was purchased by the Foss Launch and Tug Co. from the Merrell and Ring Lumber Co. in 1930 and renamed the ARTHUR FOSS. The name was given in honor of the first of three sons of Thea and Andrew Foss, founders of the Foss Launch and Tug Co. in 1889 with a single rowboat. In 1934 the ARTHUR FOSS basked in brief fame as the doughty tug, NARCISSUS, in the MGM motion picture, Tugboat Annie, from Norman Reilly Raine's Saturday Evening Post series inspired by the Foss family saga and starring Wallace Berry and Marie Dressler. In December, 1941, after delivering a military tow to Wake Island the ARTHUR FOSS narrowly escaped capture by the Japanese, being the last vessel to leave that beleaguered bastion and returning to Honolulu with lights out and under radio silence. Following military duty during the remainder of World War II, the ARTHUR FOSS rejoined the Foss fleet. When Foss launched the first of its supertugs in 1966, the name ARTHUR FOSS was passed to a new vessel and for a time the older tug operated under the name THEODORE FOSS. The name ARTHUR FOSS was restored to the tug in 1970 when it was donated to the Save Our Ships (Northwest Seaports, Inc. today) organization by the Foss company. Northwest Seaport, Inc. is presently restoring her for museum display.

Surveyor Signature



Date

Reviewed:



Historic Preservation Officer

Date

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported

and Adopted

MAR 7 1977

Your Committee on PLANNING & URBAN DEVELOPMENT

to which was referred

C.B. 98196

Designating as a Landmark, the tugboat Arthur Foss, United States Merchant Vessel Official Number 81233; specifying the particular features to be preserved in accordance with the Landmarks Preservation Ordinance (102229) while such vessel is within the City limits, exempting such Landmark from the payment of certain fees, and requiring a written assurance of responsibility for salvage while such Landmark is in any submerged street area or waterway in this City.

RECOMMEND THAT THE SAME DO PASS



P&UD
Chairman

Chairman

Committee

Committee

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORDINANCE NO 106276

was published on March 16, 1977

B. Abbott

Subscribed and sworn to before me on

March 16, 1977

E. Anderson

Notary Public for the State of Washington,
residing in Seattle.

ORDINANCE 166476

AN ORDINANCE designating as a Landmark the tugboat Arthur Foss, United States Merchant Vessel Official Number 81233, specifying the particular features to be preserved in accordance with the Landmarks Preservation Ordinance (162229) while such vessel is within the City limits, exempting such Landmark from the payment of certain fees, and requiring a written assurance of responsibility for salvage while such Landmark is in any submerged street area or waterway in this City.

WHEREAS, Ordinance 162229 created the Landmarks Preservation Board and established a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, engineering or geographic importance; and

WHEREAS, pursuant to Ordinance 162229 and due notice, the Landmarks Preservation Board after a public hearing on February 9, 1977 considered (a) the evidence and testimony presented at such hearing including the attached Seattle Historic Building Data Sheet, and (b) the conformance or lack of conformance of the proposed designation with the Comprehensive Plan of Seattle and with the purposes and standards of Ordinance 162229, and based upon such evidence and consideration determined that the tugboat Arthur Foss, United States Merchant Vessel Official Number 81233, presently located at Northwest Sea-ports, Kirkland, Washington satisfies each of the following criteria required under Ordinance 162229 for designation of a Landmark:

Section 6(1) has significant character, interest or value, as part of the development, heritage or cultural characteristics of the City, State or Nation; or is associated with the life of a person significant in the past;

and recommended to the City Council that the tugboat Arthur Foss, United States Merchant Vessel Official Number 81233 be designated a Landmark, that certain features thereof should be preserved, that said vessel be exempt for the payment of certain fees while in a submerged street area or waterways in this City, and that the City require a written assurance of responsibility for salvage of that vessel should it sink, capsize or burn while in submerged street area or a waterway in the City; and

WHEREAS, the Planning and Urban Development Committee of the City Council considered the report and recommendation of the Landmarks Preservation

Board at a public hearing held pursuant to due notice, and reported to the City Council in favor of such recommendation. Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the attached report and recommendations of the Landmarks Preservation Board are hereby approved and the tugboat Arthur Foss, United States Merchant Vessel Official Number 81233 is hereby designated a Landmark having a special character or special historical, cultural, architectural, engineering or geographic interest or value, based upon characteristics specified in the attached report of the Landmarks Preservation Board and the Secretary of the Landmarks Preservation Board is hereby directed, within ten days after approval of this ordinance by the Mayor to send to the owner of record of the property designated, by registered or certified mail, and to the Superintendent of Buildings, a copy of this ordinance and a letter outlining the basis for such designation and the obligations and restrictions which result from such designation while such vessel is within the City limits.

Section 2. That while the vessel designated as a Landmark in Section 1 above is within the limits of this City and subject to the City's jurisdiction, the following particular features of the Landmark designated in Section 1 above shall be preserved:

a. The entire vessel and all components thereof.

Section 3. That said Landmark is hereby exempted from the fees required for use and occupancy of submerged street areas and waterways in this City by Section 19 of the Harbor Code (Ordinance 21983) and Section 13 of the Street Use Ordinance (19647). Provided the owners or sponsors of such Landmark shall furnish the Board of Public Works with written assurance that they shall be responsible for the salvage of such Landmark should it sink, capsize or burn while in any submerged street area or waterway in this City. Neither the giving nor the receiving of such assurance shall be construed as a limitation upon any other right or remedy of the City of Seattle; and to the extent inconsistent herewith section 19 of the Harbor Code (Ordinance 21983) and section 13 of the Street Use Ordinance (19647) are hereby superseded.

Section 4. 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 5th day of March, 1977, and signed by me in open session in authentication of its passage this 7th day of March, 1977.

TIM HILL,
President Pro Tem. of the
City Council.

Approved by me this 14th day
of March, 1977.

WES UHLMAN,
Mayor.

Filed by me this 14th day of
March, 1977.

Attest: E. L. KIDD,
City Comptroller and
City Clerk.

By WAYNE ANGEVINE,
(Seal) Deputy Clerk.

Publication ordered by E. L. KIDD, Comptroller and City Clerk.

Date of Official Publication in
the Daily Journal of Commerce,
Seattle, March 16, 1977, p. 12A.