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AN ORDINANCE related to the Police Department; ratifying the acquisition of real property as a result of a drug forfeiture proceeding and authorizing the sale thereof.

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The City of Seattle - Legislative Department

File Number
and Address

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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Committee Staff

ORDINANCE

114506

1 AN ORDINANCE related to the Police Department; ratifying the
2 acquisition of real property as a result of a drug
3 forfeiture proceeding and authorizing the sale thereof.

4 WHEREAS, the King County Superior Court forfeited certain real
5 property known as 5412 - 30th Avenue Southwest, Seattle
6 Washington (the "Property") to The City of Seattle under
7 King County Cause No. 89-2-19604-2 on May 22, 1991; and

8 WHEREAS, a Notice of Appeal was filed in the Washington State
9 Court of Appeals on June 21, 1991, case number 28703-6-I;
10 and

11 WHEREAS, a Settlement Agreement and Addendum to the Settlement
12 Agreement were signed by the parties on July 28, 1992, in
13 Washington State Court of Appeals case number 28703-6-I;
14 and

15 WHEREAS, the Property must be sold in order that the proceeds
16 from the sale may be distributed pursuant to the
17 Settlement Agreement and Addendum to the Settlement
18 Agreement and as further set forth in RCW 69.50.505; Now,
19 Therefore,

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

21 Section 1. As requested by the Chief of Police and
22 recommended by the Mayor, the acquisition of real property as a
23 result of a drug forfeiture action described as follows:

24 Lots 5 and 6, Block 8, of Westside
25 Addition to West Seattle, Plat No. 1,
26 as per plat recorded in Volume 7 of
27 Plats, Page 48, records of King County:
28 (Account No. 928480-0840-05).

Situate in the County of King, State of Washington,
commonly known as:

5412-30th Avenue Southwest
Seattle, Washington

is hereby ratified and confirmed.

Section 2. The Chief of Police and/or his designee, is
authorized to sell the Property, to contract with a licensed
real estate broker or agent to sell the same, to pay all
reasonable selling costs, to deposit the net proceeds from the
sale of the Property into the Treasurer's Clearing Fund and to
make distribution as required by the Settlement Agreement and
Addendum to Settlement Agreement and as required by RCW
69.50.505.

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(To be used for all Ordinances except Emergency.)

Section 3. Any act performed pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

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 14th day of December, 1992,
and signed by me in open session in authentication of its passage this 14th day of
December, 1992 [Signature]
President of the City Council.

Approved by me this 20th day of December, 1992

[Signature] Mayor.
Filed by me this 21st day of December, 1992.

(SEAL)

Published.....

By Margaret Carter
Deputy Clerk.

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Seattle Police Department

Patrick S. Fitzsimons, Chief of Police
Norman B. Rice, Mayor

August 21, 1992

RECEIVED OMB

AUG 24 1992



President George Benson
Seattle City Council
Municipal Building
Seattle, Washington 98104

(VIA OMB)

Dear Council President Benson:

The Seattle Police Department requests that the City Council adopt the attached ordinance that will ratify and accept the acquisition of real property. The property was acquired as the result of a drug seizure under state law (RCW 59.60.505) and subsequent forfeiture hearing initiated by the Seattle Police Department, in King County Superior Court. A copy of the Settlement Agreement is attached.

The ordinance will authorize the immediate sale of this property and reduce maintenance expenses to the City. It will also allow the Chief of Police to contract with a licensed real estate broker or agent to sell the property. The Police Department has been advised by the Law Department that the acquisition and sale of real property by the City must be authorized by city ordinance.

The seized property under consideration is a house, located at 5412-30th Avenue S.W. It's appraised market value is estimated to be \$70,000 (low estimate).

The total estimated cost associated with selling the house is \$47,000, summarized below:

- \$20,000 = Payoff mortgage (after "catch-up" costs)
- 8,000 = Contractors will perform necessary plumbing and electrical work, per arrangement by a Realtor. Payment will be deferred until after closure of house sale.
- 7,000 = Cost Recovery by the City, as allowed by the "Seizure statute," to compensate for investigative and prosecutor time
- 7,000 = Realty agent fees associated with closing costs
- 5,000 = Legal fees paid to defendant's attorney, as determined by settlement agreement

\$47,000 = Total Estimated Cost Associated with Selling

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President George Benson
August 21, 1992
Page two

The estimated Sale Proceeds will be \$23,000, which will be divided between the City and the Defendant's Estate, per settlement agreement:

\$70,000 = Appraised Market Value
47,000 = Total Selling Costs
\$23,000 = Sale Proceeds

\$13,800 = City of Seattle (60% of Sale Proceeds)
9,200 = Defendant's Estate (40% of Sale Proceeds)

The estimated Gross Proceeds to the City will be \$20,800:

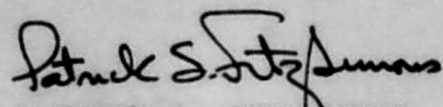
\$13,800 = 60% Share of Sale Proceeds
7,000 = Cost Recovery
\$20,800 = Gross Proceeds to the City

The City of Seattle's estimated Net Proceeds will be \$18,720 and the State's will be \$2,080:

\$18,720 = Net Proceeds to City Drug Forfeiture Fund (90%)
2,080 = Net Proceeds to Washington State (10%)

If you have any questions, please contact Sergeant Robert Peters at 684-5797 or Leo Poort, Legal Advisor, at 684-5577.

Very truly yours,


PATRICK S. FITZSIMONS
Chief of Police

RJC:lp

Enclosure

cc: Office of Management and Budget
Captain Dan Bryant, Narcotics Section
Connie Curtin, Inspectional Services Division

(Ref. RC LK08182)

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**SEATTLE CITY ATTORNEY
MARK H. SIDRAN**

January 24, 1992

Bryan C. Tipp
1800 Seattle Tower
1218 Third Avenue
Seattle, WA 98101

Re: City v. Jansen

Dear Bryan:

This letter confirms our settlement discussions of January 17, 1992.

I understand our agreement, pending final approval by the estate's representative, to be:

1. That the property be sold at fair market value;
2. That the City would be paid its costs from the proceeds of the sale, not to exceed \$7,000.00;
3. That the proceeds that remain be split between the parties with the City receiving 60% and the estate receiving 40%; and
4. That the defendant agrees to dismiss any pending suit and hereby agrees to release and forever discharge the City and its agents from any claims arising from the seizure of both the Burien and West Seattle property, including any and all claims brought or that could have been brought by the defendant with respect to these properties.


An initial analysis of the City's costs with regard to the subject property shows that the costs exceed \$7,000.00. However, the City in its last offer agreed to settle its costs for \$7,000.00.

If you have any questions or comments please call me.

Very truly yours,

MARK H. SIDRAN
City Attorney

By:


WILLIAM M. NORTON
Assistant City Attorney

ESM/na
cc: Debbie Allen, SPD

CIVIL DIVISION
600 FOURTH AVENUE, 18TH FLOOR, SEATTLE, WASHINGTON 98101-3177
(206) 464-3300 FAX (206) 464-3304

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20668844378-3

20668844378-4

SENT BY FAX TO RECD 7020 : 8-18-92 : 14:13 :

COPY RECEIVED SETTLEMENT AGREEMENT

This agreement is between the City of Seattle and the Estate of Eugene C. Jensen relating to the property and the house commonly known as 5412 30th Avenue SW, Seattle, Washington, which property is currently subject to a case pending before the Court of Appeals of the State of Washington, Division I, Cause No. 28703-6-I, Seattle v. Jensen. The undersigned, by their signatures, hereby agree to settle the above-noted case, regarding the above-noted property, as follows:

- A. Said property shall be prepared for sale at the expense of the City;
- B. Said property shall be sold by the City in a commercially reasonable manner and at Fair Market Value;
- C. The proceeds of the sale of the property shall be allocated in the following order:
 - 1) The outstanding mortgage held by Source One shall be paid;
 - 2) The City shall recover any and all costs incurred in the preparation of the property for said sale;
 - 3) In addition to the above recovery of costs, the City shall recover its costs in the seizure and forfeiture of said property in the maximum amount of \$7,000.00;
 - 4) Tipp Mitchell and Associates shall recover its attorney's fees on behalf of the Estate in the amount of \$5,000.00;
 - 5) The remainder of the sale proceeds, after payment of the above-noted costs and expenses, shall be allocated as follows: The City shall receive sixty percent (60%) of the remaining proceeds, and the Estate shall receive forty percent (40%) of the remaining proceeds.

T.J.C.

COPY RECEIVED
92 JUL 24 PM 2:27
SEATTLE CITY ATTORNEY

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SETTLEMENT AGREEMENT - 1


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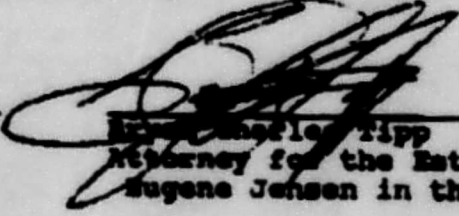
20888444379-

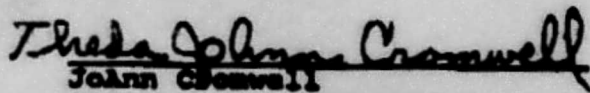
SENT BY: XEROX TO: copier 7020 : 8-18-92 : 14:14 :


- D. The Estate of Eugene Jensen, its representatives, successors and assigns agree to and do hereby release, compromise and fully, finally, completely and forever discharge the City of and from any and all claims and demands, suits and causes of action whatsoever which they now have or may hereafter have which arise out of or relate in any way to the seizure of the property at 5412 30th Avenue SW, Seattle, Washington.

The above-noted agreement is the entire agreement between the parties, and the undersigned parties agree to be bound hereby.


Patrick Pittsinger
Chief of Police
City of Seattle


Robert Charles Fipp
Attorney for the Estate of
Eugene Jensen in this matter


John Cromwell
Personal Representative of the
Estate of Eugene Jensen


Richard Satterberg
Attorney for the Estate of
Eugene Jensen

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SETTLEMENT AGREEMENT - 2

200004010107:0 5

200004010107:0 5

SENT BY: Kerox Telex 7080 : 0-10-82 : 14:15 :

ADDENDUM TO SETTLEMENT AGREEMENT

This Addendum to the Settlement Agreement is between the City of Seattle and the Estate of Eugene C. Jansen relating to the sale of the property and the house commonly known as 5412 30th Avenue SW, Seattle, Washington, which property is currently subject to a case pending before the Court of Appeals of the State of Washington, Division I, Cause No. 28703-6-I, Seattle v. Jansen. In addition to the Settlement Agreement previously signed by the parties, the undersigned, by their signatures, hereby agree to this Addendum as follows:

1. The property will be sold through a duly licensed real estate agency chosen by the Seattle Police Department;
2. If, in order to qualify for a loan, any work on the property is required to comply with any housing code requirement, a work order shall issue;
3. All closing costs and work done pursuant to any work order that may issue shall be deducted from the sale proceeds.

The above-noted Settlement Agreement and this Addendum to Settlement Agreement constitutes the entire agreement between the parties, and the undersigned parties agree to be bound hereby.

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ADDENDUM TO SETTLEMENT AGREEMENT - 1

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MARK H. SIDRAN
City Attorney

Dated: _____

Eileen M. Norton, WESA #20009
Assistant City Attorney
Attorneys for Plaintiff
The City of Seattle

Dated: 7/22/92

Patrick Pitts
Patrick Pitts
Chief of Police
City of Seattle

Dated: July 22, 1992

Evelyn M. Tipp, WESA #17808
Attorney for the Estate of
Eugene Jensen in this matter

Dated: July 17, 1992

JoAnn Crowell
JoAnn Crowell
Personal Representative of the
Estate of Eugene Jensen

Dated: July 20, 1992

Richard Satterberg
Richard Satterberg, WESA #2954
Attorney for the Estate of
Eugene Jensen

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ADDENDUM TO SETTLEMENT AGREEMENT - 2

2088844378-7

2088844378-7

SENT BY: Xerox Telecopier 7020 : 8-18-92 : 14:16

City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director
Norman B. Rice, Mayor

September 9, 1992

OK
(P)

92-244
COPY RECEIVED
SEP - 9 PM 3:34
CITY ATTORNEY

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Police

SUBJECT: AN ORDINANCE related to the Police Department; ratifying
the acquisition of real property as a result of a drug forfeiture
proceeding and authorizing the sale thereof.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding
this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return
the legislation to OMB. Any specific questions regarding the legislation can be directed to
Doug Carey, at 4-8080.

Sincerely,

Norman B. Rice
Mayor

by *Diana Gale* for

DIANA GALE
Budget Director

DG\dc\lwa

Enclosure

cc: Chief of Police

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Margaret Ogeler

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

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STATE OF WASHINGTON - KING COUNTY

24883
City of Seattle

-S-

No. ORD. TITLE ON

City of Seattle

TITLE ONLY PUBLICATION

The full text of the following is
hereby published by the City of Seattle
on December 30, 1992, and is hereby
made a part of the City Code, and shall
be read and published in the City Code
and the City Code shall be read and
published in the City Code.

ORDINANCE NO. 116504

Relating to the Water Department
and the City of Seattle, and providing
for the City of Seattle to acquire
the right to use the water of the
City of Seattle, and providing for
the City of Seattle to acquire the
right to use the water of the City
of Seattle.

ORDINANCE NO. 116505

Relating to the City of Seattle
and providing for the City of Seattle
to acquire the right to use the water
of the City of Seattle, and providing
for the City of Seattle to acquire
the right to use the water of the
City of Seattle.

ORDINANCE NO. 116506

Relating to the City of Seattle
and providing for the City of Seattle
to acquire the right to use the water
of the City of Seattle, and providing
for the City of Seattle to acquire
the right to use the water of the
City of Seattle.

ORDINANCE NO. 116507

Relating to the City of Seattle
and providing for the City of Seattle
to acquire the right to use the water
of the City of Seattle, and providing
for the City of Seattle to acquire
the right to use the water of the
City of Seattle.

ORDINANCE NO. 116508

Relating to the City of Seattle
and providing for the City of Seattle
to acquire the right to use the water
of the City of Seattle, and providing
for the City of Seattle to acquire
the right to use the water of the
City of Seattle.

ORDINANCE NO. 116509

Relating to the City of Seattle
and providing for the City of Seattle
to acquire the right to use the water
of the City of Seattle, and providing
for the City of Seattle to acquire
the right to use the water of the
City of Seattle.

Affidavit of Publication

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

10:116504-116508

was published on
12/30/92

The amount of the fee charged for the foregoing publication is
the sum of \$ _____ which amount has been paid in full.

12/30/92

Subscribed and sworn to before me on

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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