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in land and other  
acts 1, 2 and 3,  
20, Denny-Fuhrman  
of Seattle; and  
eplat of Blocks 30  
re Lands and Replat  
of Blocks 4, 19, 20,  
y-Fuhrman Addition,  
all in City of  
Washington, for  
open space purposes  
on Lake Union (CIP

**Law Department**

**The City of Seattle--Legislative Department**

Date Reported  
and Adopted

**REPORT OF COMMITTEE**

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_  
report that we have considered the same and respectfully recommend that the same:

Land Use Committee 3-0 Do Pass 12/8/93

Full Council Vote 9-0

\_\_\_\_\_  
Committee Chair

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LAND USE  
COMMITTEE  
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ORDINANCE 116989

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AN ORDINANCE providing for the acquisition by condemnation of certain land and other property rights in Tracts 1, 2 and 3, unrecorded plat of Block 20, Denny-Fuhrman Addition to the City of Seattle; and Tracts 8, 9 and 10, Replat of Blocks 30 and 31, Lake Union Shore Lands and Replat of undivided portions of Blocks 4, 19, 20, 35, 36, 44 and 45, Denny-Fuhrman Addition, an unrecorded plat; all in City of Seattle, King County, Washington, for park, recreation and open space purposes (Olnsted-Fairview Park on Lake Union (CIP 72603)).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity demand that the following described real property situated in Seattle, King County, Washington, to wit:

Parcel A:

Commencing on the easterly margin of Fairview Avenue 100 feet southerly from the intersection of the easterly margin of Fairview Avenue and southerly margin of Shelby Street at the TRUE POINT OF BEGINNING;  
thence easterly on a line parallel with said Shelby Street 75 feet to the alley in Block 20;  
thence southerly along said alley 50 feet;  
thence westerly on a line parallel with said Shelby Street 75 feet to Fairview Avenue;  
thence northerly along Fairview Avenue 50 feet to the TRUE POINT OF BEGINNING;

(BEING KNOWN AS Tract 3, unrecorded plat of Block 20, Denny-Fuhrman Addition to the City of Seattle, as recorded in Volume 7 of Plats, page 34, in King County, Washington).

Parcel B:

That portion of Block 20, Denny-Fuhrman Addition to the City of Seattle, according to the plat thereof recorded in Volume 7 of Plats, page 34, in King County, Washington, described as follows:

Beginning at the intersection of the easterly line of Fairview Avenue and the southerly line of Shelby Street;  
thence easterly along said southerly line of Shelby Street, 75 feet to the westerly line of alley in said Block;  
thence southerly along said westerly line of alley, 100 feet;  
thence westerly parallel to the said southerly line of Shelby Street, 75 feet to the easterly line of Fairview Avenue;  
thence northerly along said easterly line, 100 feet to the beginning;

(BEING KNOWN AS Tracts 1 and 2, unrecorded plat of Block 20, Denny-Fuhrman Addition to the City of Seattle).

Parcel C:

That portion of Block 35, Denny-Fuhrman Addition to the City of Seattle, according to the plat thereof recorded in Volume 7 of Plats, page 34, in King County, Washington, described as follows:

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1 Commencing at the intersection of the northerly margin of  
2 Shelby Street with the easterly margin of Fairview Avenue  
3 North;  
4 thence northerly, along said easterly margin of Fairview  
5 Avenue North, 50 feet;  
6 thence easterly, parallel to Shelby Street to the westerly  
7 margin of alley in said Block 35;  
8 thence southerly, along the westerly margin of said alley, to  
9 the northerly margin of Shelby Street;  
10 thence westerly, along the northerly margin of Shelby Street  
11 to the point of beginning;

12 (ALSO KNOWN AS Tract 10, Replat of Blocks 30 and 31, Lake  
13 Union Shore Lands and Replat of undivided portions of Blocks  
14 4, 19, 20, 35, 36, 44 and 45, Denny-Fuhrman Addition, an  
15 unrecorded plat).

16 **Parcel D:**

17 Beginning at the easterly margin of Fairview Avenue 400 feet  
18 southerly from the intersection of said Fairview Avenue and  
19 the southwesterly line of Allison Street;  
20 thence easterly on a line parallel with said Allison Street  
21 75.05 feet to the alley in Block 35, Denny Fuhrman Addition  
22 to the City of Seattle, according to the plat thereof  
23 recorded in Volume 7 of Plats, page 34, in King County,  
24 Washington;  
25 thence southerly along said alley 50 feet;  
26 thence westerly on a line parallel with said Allison Street  
27 75.05 feet to the easterly line of Fairview Avenue;  
28 thence northerly along said easterly line of Fairview Avenue  
29 50 feet to the point of beginning.

30 (ALSO KNOWN AS Tract 9, Replat of Blocks 30 and 31, Lake  
31 Union Shore Lands and Replat of undivided portions of Blocks  
32 4, 19, 20, 35, 36, 44, and 45, Denny-Fuhrman Addition, an  
33 unrecorded plat).

**Parcel E:**

Beginning at a point on the southeasterly line of Fairview  
Avenue 345 feet southerly of the intersection of the  
southerly margin of Allison Street and the southeasterly  
margin of Fairview Avenue;  
thence south  $62^{\circ}26'31''$  east  $37\frac{1}{2}$  feet to the TRUE POINT OF  
BEGINNING;  
thence south  $62^{\circ}26'31''$  east to the alley in said Block 35;  
thence southerly along said alley 55 feet;  
thence north  $62^{\circ}26'31''$  west  $37\frac{1}{2}$  feet;  
thence north  $27^{\circ}33'37.4''$  east 55 feet to the TRUE POINT OF  
BEGINNING.

(ALSO KNOWN AS the Westerly half of Tract 8, Replat of Blocks  
30 and 31, Lake Union Shore Lands and Replat of undivided  
portions of Blocks 4, 19, 20, 35, 36, 44 and 45, Denny-  
Fuhrman Addition, an unrecorded plat).

**Parcel F:**

Beginning at the intersection of the southerly margin of  
Allison Street and the easterly margin of Fairview Avenue;  
thence southerly along the easterly margin of Fairview Avenue  
345 feet to the point of beginning;  
thence south  $62^{\circ}26'31''$  east  $37\frac{1}{2}$  feet;  
thence south  $27^{\circ}33'37.4''$  west 55 feet;

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1 thence north 62°26'31" west 37-1/2 feet to Fairview Avenue;  
2 thence northerly along the easterly margin of Fairview  
Avenue, 55 feet to the point of beginning.

3 (ALSO KNOWN AS the Easterly half of Tract 8, Replat of Blocks  
4 30 and 31, Lake Union Shore Lands and Replat of undivided  
portions of Blocks 4, 19, 20, 35, 36, 44 and 45, Denny-  
5 Fuhrman Addition, an unrecorded plat).

6 together with all rights, privileges and other property pertaining  
7 thereto be and the same are hereby condemned, appropriated, and  
8 taken for public use, namely for park, recreation and open space  
9 purposes (Olmsted-Fairview Park on Lake Union (CIP 72603)).

10 Section 2. Said lands, rights, and privileges, and other  
11 property, are to be appropriated and taken only after just  
12 compensation has been made or paid into court for the owners  
13 thereof in the manner provided by law.

14 Section 3. The entire cost of the acquisition provided for  
15 in this ordinance shall be paid for from the Shoreline Park  
16 Improvement Fund or from such general fund of The City of Seattle  
17 as may be provided by law.

18 Section 4. The City Attorney is hereby authorized and  
19 directed to begin and prosecute proceedings in the manner provided  
20 by law to condemn, take, damage and appropriate the lands and  
21 other property necessary to carry out the provisions of this  
22 ordinance and to stipulate for the purpose of minimizing damages.

23 Section 5. Any acts made consistent with the authority and  
24 prior to the effective date of this ordinance are hereby ratified  
25 and confirmed.

26 Section 6. This ordinance shall take effect and be in force  
27 thirty days from and after its passage and approval, if approved  
28 by the Mayor; otherwise it shall take effect at the time it shall  
29 become a law under the provisions of the City Charter.  
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Passed by the City Council the 13 day of December,  
1993, and signed by me in open session in authentication of its  
passage this 13 day of December, 1993.

Geo. V. Benson  
President of the City Council

Approved by me this 17 day of December, 1993.

Norman B. Rice  
Norman B. Rice, Mayor

Filed by me this 20 day of December, 1993.

Margaret Costa  
Deputy City Clerk

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**Seattle  
Department of  
Parks and Recreation**



Holly Miller, Superintendent  
Norman B. Rice, Mayor

November 16, 1993

The City Council  
City of Seattle

RECEIVED OMB  
NOV 17 1993

Via Mayor Norman B. Rice

Attention: Diana H. Gale, Director, Office of Management and Budget

Subject: Fairview-Olmsted Park: Acquisition of Properties by Condemnation

Dear Councilmembers:

The Department of Parks and Recreation is herein proposing legislation to acquire by condemnation property owned by the Catania family (the property is referred to hereafter as the "Fairview-Olmsted Park property") for the creation of a new park in the Eastlake community on Lake Union.

This history of the City's interest in the Fairview-Olmsted Park property follows:

- 1903 Olmsted Brothers Report to the Board of the Park Commissioners identified this approximate location for a park on the east shore of Lake Union.
- In 1988 the Eastlake community formed the Fairview-Olmsted Park Commission advocating acquisition of property on the east shore of Lake Union to preserve a P-patch and for park purposes. They marshalled significant public support.
- The Fairview-Olmsted Park project has continued to be supported in the Department of Parks and Recreation's Complan process and Open Space Opportunity Fund process. After a year long public review process, the SPIF Citizens Steering Committee ranked this project fourth out of twenty-six projects on its final list of recommended acquisition and development projects, which was approved by Ordinance 28762.
- While the Department of Parks and Recreation and the sellers have been able to agree on a sales price of \$1,250,000 and relocation assistance to the occupants of the four rental houses on the Fairview-Olmsted Park property (approved per Ordinance 116713), we have failed to reach agreement on two of the sellers' conditions of sale. These two conditions relate to the potential impact of the Fairview-Olmsted Park on the sellers' future development of their adjoining property, and the sellers' current access to the

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Letter - Miller to the City Council  
November 16, 1993  
Page 2

basement of the existing building on their adjoining property. Meeting these conditions would require the City to vacate upper East Shelby Street to the sellers, construct an access road over a mapped critical area, and relinquish any rights to condition future development on the Catania family's adjacent property based on existence of the Fairview-Olmsted Park. Meeting the conditions would add significant unwarranted expense to the project and would impair the City's obligation to review future development proposals under the State Environmental Policy Act.

- The Department of Parks and Recreation has offered compromise solutions but alternatives are not acceptable to the sellers.

Because we do not see any way to resolve this impasse, we recommend that the City use its power of eminent domain to acquire the property.

The proposed acquisition of the Fairview-Olmsted Park property will help fulfill the community's dream of a new park on the east shore of Lake Union. The park will provide public and small boat access to the 235 feet wide Waterway 11, a picnic area, the continuation of the existing P-patch, open play space, better views to the water, turnarounds on Fairview Avenue East and parking.

If the Fairview-Olmsted Park property is acquired through condemnation, as opposed to by agreement, the acquisition will be ineligible for \$480,000 of Washington State Interagency Committee for Outdoor Recreation/Washington Wildlife Recreation Program ("WSIAC/WWRP") grant funding because the State Legislature has precluded the use of this funding to acquire property by condemnation. However, we have received tentative agreement from the State to transfer this funding to the Madison/McGilvra property acquisition project so the funds would not necessarily be lost to the City. The Madison/McGilvra acquisition project is also on the SPIF-recommended project list, though lower in priority.

It is our recommendation that the additional funding to acquire the Fairview-Olmsted Park property by condemnation come from the SPIF-recommended Fairview-Olmsted Park development budget of \$760,667. Depending on the final jury determination, we would anticipate some funding remaining for initial development or, if WSIAC/WWRP funding is reallocated to the Madison/McGilvra project, the SPIF funding for Madison/McGilvra (depending on expenditures on higher priority projects) could be reallocated to the Fairview-Olmsted Park property development.

Sincerely,

*Holly Miller*  
Holly Miller  
Superintendent

Attachment

HM:pmw  
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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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Joseph Amador*

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

CS 20 78

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# City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director  
Norman B. Rice, Mayor



November 22, 1993

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 Parks and Recreation

SUBJECT: AN ORDINANCE providing for the acquisition by condemnation of certain land and other property rights in Tracts 1, 2 and 3, unrecorded plat of Block 20, Denny-Fuhrman Addition to the City of Seattle; and Tracts 8, 9 and 10, Replat of Blocks 30 and 31, Lake Union Shore Lands and Replat of undivided portions of Blocks 4, 19, 20, 35, 36, 44 and 45, Denny-Fuhrman Addition, an unrecorded plat; all in City of Seattle, King County, Washington, for park, recreation and open space purposes (Olmstead-Fairview Park on Lake Union CIP 72603)).

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 Elaine Marklund at 684-8053.

Sincerely,

Norman B. Rice  
Mayor

by

A handwritten signature in cursive script, appearing to read "Diana Gale for".

DIANA GALE  
Budget Director

DG/emm/rsm

Enclosure

cc: Superintendent, Parks and Recreation

Accommodations for people with disabilities provided on request. An equal employment opportunity - affirmative action employer.  
Office of Management and Budget 300 Municipal Building, Seattle, Washington 98104-1826 (206) 684-8080 (TDD) 684-8118

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The full text of the following ordinances, passed by the City Council on December 12, 1993, and published here by title only, will be mailed, at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 894-8844.

**ORDINANCE NO. 116967**

AN ORDINANCE authorizing a grant agreement with the State of Washington, Department of Community Development for a prosecution task force; funding positions; and increasing certain expenditure allowances in the 1993 Budget of the Law Department, the unexpended portion of which will carry forward to 1994.

**ORDINANCE NO. 116968**

AN ORDINANCE relating to the Planning Department, Engineering Department and Office of Intergovernmental Relations; authorizing the Mayor to enter into an Interlocal Agreement with the Municipality of Metropolitan Seattle (Metro) for funds for High Capacity Transit planning purposes; increasing expenditure allowances in the 1993 Budget of the Planning Department, the Engineering Department and the Office of Intergovernmental Relations for the purpose of participating in the regional High Capacity Transit planning; and making reimbursable appropriations therefor.

**ORDINANCE NO. 116974**

AN ORDINANCE relating to the Department of Administrative Services; authorizing the Director to enter into an agreement with Pierce County and to receive reimbursement for activities undertaken in connection with mobilization of the Fire Department's Urban Search and Rescue Team; increasing expenditure allowances in the 1993 Budget of the Department of Administrative Services; and making a reimbursable appropriation from the Administrative Services Fund.

**ORDINANCE NO. 116975**

AN ORDINANCE relating to the Engineering Department; authorizing execution of a funding agreement with King County for continued implementation of the Commute Trip Reduction Plan for July 1, 1993, through June 30, 1995; and authorizing the acceptance of funds and depositing of same into the Engineering Department Operating Fund.

**ORDINANCE NO. 116978**

AN ORDINANCE authorizing an expenditure from the Judgment/Claims Fund to settle the claim of Paula L. Butterfield (C-53416), all by a two-thirds vote of the City Council.

**ORDINANCE NO. 116979**

AN ORDINANCE authorizing an expenditure from the Judgment/Claims Fund to be reimbursed by the Water Fund to settle the claim of Port of Seattle (C-54370), all by a two-thirds vote of the City Council.

**ORDINANCE NO. 116979**

AN ORDINANCE authorizing an expenditure from the Judgment/Claims Fund to be reimbursed by the Water Fund to settle the claim of Port of Seattle (C-54370), all by a two-thirds vote of the City Council.

AN ORDINANCE relating to the Department of Administrative Services, authorizing the execution of an easement agreement conveying to the Municipality of Metropolitan Seattle an easement for the construction and operation of an access portal to a subterranean transit way station over, under, through, upon and across the Public Safety Building.

**ORDINANCE NO. 116982**

AN ORDINANCE relating to the Engineering Department; authorizing the Mayor or his designee to sign agreements with the Washington State Department of Transportation for Central Puget Sound Public Transportation Account grants for the Multimodal Terminal and the Local Initiative for Neighborhood Circulation projects; and amending the 1994 Transportation Capital Improvement Program.

**ORDINANCE NO. 116983**

AN ORDINANCE relating to the City Light Department; authorizing City Light to operate a new Residential 21-4 Unit Weatherization Program; authorizing City Light to enter into contracts as necessary to conduct the program; and increasing expenditure allowances in the 1994 Budget of the City Light Department.

**ORDINANCE NO. 116984**

AN ORDINANCE approving a collective bargaining agreement between the Seattle-King County Department of Public Health and the Washington State Council of City and County Employees, AFSCME, Local 21, effective through December 31, 1995; and providing payment therefor.

**ORDINANCE NO. 116985**

AN ORDINANCE approving an Appendix "K" as supplemental to a collective bargaining agreement between King County and a Joint Crafts Council as negotiated between the Seattle-King County Department of Public Health and Public Service and Industrial Employees, Local 1239, effective through December 31, 1994; and providing payment therefor.

**ORDINANCE NO. 116986**

AN ORDINANCE approving a collective bargaining agreement between the Seattle-King County Department of Public Health and the International Federation of Professional and Technical Engineers, Local 17, effective through December 31, 1995; and providing payment therefor.

**ORDINANCE NO. 116987**

AN ORDINANCE approving a collective bargaining agreement between the Seattle-King County Department of Public Health and Washington State Nurses Association (Supervisors Unit), effective through December 31, 1995; and providing payment therefor.

**ORDINANCE NO. 116988**

AN ORDINANCE authorizing execution of Memoranda of Understanding with the International Federation of Professional and Technical Engineers, Local 17 (Professional and Technical and Administrative Support Units), amending certain collective bargaining agreement provisions as a result of changes to the City's employment process and the implementation of the Classification Project.

**ORDINANCE NO. 116989**

AN ORDINANCE providing for the acquisition by condemnation of certain land and other property rights in Tracts 1, 2 and 3, unrecorded plat of Block 20, Denny-Puhrman Addition to the City of Seattle; and Tracts 8, 9 and 10, Replat of Blocks 30 and 31, Lake Union Shore Lands and Replat of undivided portions of Blocks 4, 19, 20, 35, 36, 44 and 45, Denny-Puhrman Addition, an unrecorded plat; all in City of Seattle, King County, Washington, for park, recreation and open space purposes (Olmsted-Fairview Park on Lake Union (CIP 72603)).

**ORDINANCE NO. 116990**

AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in Blocks 6 and 7, Cascade View Addition to the City of Seattle, Block 9 Cascade View Addition Division Number 2, and the south half of Tract 30 of Subdivision of Section 16, Township 24 North, Range 4 East, for open space, park and recreation purposes (Cheasty Natural Area) under the Seattle Open Space and Trails Bond Program.

**ORDINANCE NO. 116991**

AN ORDINANCE creating a mandatory counseling program for persons convicted of prostitution and patronizing a prostitute so that those individuals may be informed as to the dangers of sexually transmitted diseases and HIV, as well as the manner in which HIV is transmitted and the manner in which the transmission may be prevented.

Publication ordered by JUDITH PIP-PIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, December 23, 1993. 12/23(36016)