

ORDINANCE No. 117996

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Law Department

COUNCIL BILL No. 111100

INDEXED

The City of Seattle--Legislative

AN ORDINANCE relating to the Seattle Center; authorizing the reconveyance or conveyance of certain real property and the relinquishment of the City's interest in certain real property that was all conveyed to the City of Seattle.

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

1/24/96 Parks, Public Grounds & R

Full Council vote 7

COMPTROLLER FILE No. _____

Introduced: <u>JAN 22 1996</u>	By: <u>DONALDSON</u>
Referred: <u>JAN 22 1996</u>	To: <u>Parks and Public Grounds</u>
Referred:	To:
Referred:	To:
Reported: <u>JAN 29 1996</u>	Second Reading: <u>JAN 29 1996</u>
Third Reading: <u>JAN 29 1996</u>	Signed: <u>JAN 29 1996</u>
Presented to Mayor: <u>JAN 30 1996</u>	Approved: <u>FEB 1 - 1996</u>
Returned to City Clerk: <u>FEB 2 - 1996</u>	Published: <u>little (4)</u> 
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

NO DISK

Committee Chair

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Law Department

INDEXED

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:

1/24/96 Parks, Public Grounds & Recreation 1-0

Full Council vote 7-0

Committee Chair

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ORDINANCE 117996

AN ORDINANCE relating to the Seattle Center; authorizing the reconveyance or conveyance of certain real property and the relinquishment of the City's interest in certain other property that was all conditionally given to The City of Seattle.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

WHEREAS, in early 1986, the Kreielshaimer Foundation donated to The City of Seattle more than one half of the block bounded by 2nd and 3rd Avenues North and Roy and Mercer Streets contingent upon, among other requirements, the redevelopment of such property as a portion of the site for one or more facilities to be principally used and dedicated for visual and performing arts purposes, which generous gift was accepted by the City through Ordinance 112729 and recorded April 10, 1986, under King County Recorder's File No. 8604100705; and

WHEREAS, following the City's acceptance of that donation of land from the Kreielshaimer Foundation, such property was proposed as the site for a new concert hall for the Seattle Symphony Orchestra; and

WHEREAS, to further the development of such property as the site for a new concert hall for the Seattle Symphony Orchestra, in 1993, the Kreielshaimer Foundation leased another portion of the block on which the previously donated property is located, which lease included an option to purchase such leased property; and

WHEREAS, the Kreielshaimer Foundation then made a gift assignment to The City of Seattle of said Foundation's option to purchase such leased property, subject to various terms and conditions as set forth in the Gift Assignment of Option (including but not limited to all of the terms and conditions of the Deed of Gift accepted by Ordinance 112729), and promised to provide to the City a further gift in the form of funds necessary to pay the purchase price for such leased property under the terms of the option, less certain credits, and to pay all closing costs incurred by the purchaser, which donation was accepted by Ordinance 116734; and

WHEREAS, the Deed of Gift of the Kreielshaimer Foundation accepted by Ordinance 112729 provides that if, within a period of four years after the City's acceptance of such property, the City has not redeveloped the donated site or secured irrevocable commitments for the site's redevelopment in order to enhance, improve and expand

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the Seattle Center by the construction on such site of one or more facilities to be principally used and dedicated for visual or performing arts purposes, the City shall sell the property and donate the proceeds to various specified arts organizations; and

WHEREAS, the Kreielsheimer Foundation extended the time period allowed to the City to secure irrevocable commitments for the donated sites' redevelopment until December 1, 1994; and

WHEREAS, the Seattle Planning Commission and Seattle Design Commission's June 1994 "Downtown Design Forum" generated a recommendation that a new Concert Hall for the Seattle Symphony be constructed in Downtown Seattle, rather than at Seattle Center; and

WHEREAS, the Mayor's Concert Hall Task Force, which studied various options for a new Concert Hall for the Seattle Symphony, also proposed the development of such a facility in Downtown Seattle rather than at Seattle Center, which proposal was concurred in by the Mayor and City Council in August, 1994, through Resolution 28967; and

WHEREAS, on October 31, 1995, the City and Seattle Symphony Orchestra agreed upon various terms and conditions for the joint financing, and the Symphony's design and construction, for the City, of a new Concert Hall in Downtown Seattle to be principally used by the Seattle Symphony Orchestra, all as specified in a Master Agreement, Design Agreement and Construction Agreement, the City's execution of which was authorized by Ordinance 117855; and

WHEREAS, the conditions to which the Kreielsheimer Foundation's Deed of Gift and Gift Assignment of Option to the City were subject have not been satisfied within the extended time period allowed by the Kreielsheimer Foundation for their fulfillment; and

WHEREAS, as a consequence of the non-satisfaction of the conditions associated with the Deed of Gift accepted pursuant to Ordinance 112729, the Kreielsheimer Foundation may request the City to sell the property that was donated by the Kreielsheimer Foundation to the City by said Deed of Gift and to distribute the net proceeds from such sale to the entities specified in such Deed of Gift or, in lieu thereof, may request the City to reconvey the property to the Kreielsheimer Foundation or to convey such property to the Kreielsheimer Foundation's designee; and

WHEREAS, as an additional consequence of the non-satisfaction of the conditions associated with the Gift Assignment of Option accepted pursuant to Ordinance 116734, the Kreielsheimer Foundation may request the City to relinquish the option rights assigned to the City by the Kreielsheimer Foundation with respect to the property that is the subject of said ordinance; and

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1 WHEREAS, it is appropriate that the City honor the Kreielshemer Foundation's requests
2 with respect to the donations accepted by Ordinances 112729 and 116734; Now,
3 Therefore,

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

5
6 Section 1. As requested by the Seattle Center Director and recommended by the
7 Mayor, the Seattle Center Director is hereby authorized to execute, for and on behalf of The
8 City of Seattle, such documents as the Kreielshemer Foundation may request and the City
9 Attorney may approve, that will effectuate the conveyance from The City of Seattle to such
10 grantee as may be specified by the Kreielshemer Foundation, of the following described real
11 property situated in the City of Seattle, King County, Washington:

12
13 Lots 1, 2, 3, 5 and 6; the East 28 feet of Lots 7 and 8; and the North 10 feet, less the
14 East 28 feet, of Lot 7; all in Block 24, Mercer's 2nd Addition to North Seattle, as
recorded in Volume 2 of Plats, page 7, Records of King County, Washington;

15 and the distribution of the net proceeds of such sale in the manner contemplated in the Deed
16 of Gift accepted by Ordinance 112729 or, in lieu of such actions, the reconveyance of such
17 property to the Kreielshemer Foundation.

18 Section 2. The Seattle Center Director is also hereby authorized to execute, for
19 and on behalf of The City of Seattle, such other documents as the Kreielshemer Foundation
20 may request and the City Attorney may approve, that will effectuate the relinquishment to the
21 Kreielshemer Foundation, of the City's interest in the option to purchase the following real
22 property situated in the City of Seattle, King County, Washington:

23
24 Lot 4 in Block 24, Mercer's 2nd Addition to North Seattle, according to the plat
25 thereof recorded in Volume 2 of Plats, page 7, Records of King County, Washington.
26

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January 17, 1996

The Honorable Jan Drago
President, Seattle City Council
1100 Municipal Building
Seattle, Washington 98104

Via: Mayor's Office

Attention: Tom Tierney, Director
Office of Management and Planning

Subject: ORDINANCE AUTHORIZING THE RETURN OF THE
KREIELSHEIMER PROPERTY TO THE KREIELSHEIMER
FOUNDATION

Dear Councilmember Drago:

The attached legislation authorizes the City to return to the Kreielsheimer Foundation the property which the Foundation gave to the City under the condition that the land be used as the site of one or more facilities for visual or performing arts purposes.

The 1986 deed of gift to the City provided that if within four years the City had not secured irrevocable commitments to redevelop the site for one or more visual or performing arts facilities, the City shall sell the property and donate the proceeds to various specified arts organizations.

To provide the City more time to develop a new concert hall on the Kreielsheimer property, the Foundation extended the original four year time period until December 1, 1994. In August 1994, the Mayor and City Council decided to develop a new concert hall downtown rather than on the Kreielsheimer property.

In lieu of having the City sell the property, the Kreielsheimer Foundation is willing to accept reconveyance of the property to the Foundation. The Foundation is planning to remove deteriorated structures from the site and to transform the site into a surface parking lot, both of which actions will benefit the surrounding community.

This ordinance authorizes the Seattle Center Director to execute documents, as approved by the Law Department, to return the property from the City to the Kreielsheimer Foundation. There are actually two parcels of property involved.

305 Harrison Street
Seattle, WA
98109-4605

Virginia Anderson
Director
Norman B. Rice
Vice President

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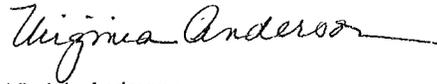
The Honorable Jan Brago
January 17, 1996
Page 2

One was a gift to the City, and the other was a gift of an option to purchase leased property, and included a further commitment to gift to the City the necessary funds to purchase the leased property.

The attached ordinance was drafted by the Law Department and approved by the attorney for the Kreielsheimer Foundation. I urge your approval of this legislation in order that the Kreielsheimer Foundation may move forward with improvements to this property.

If you would like additional information regarding this legislation, please call Ned Dunn at 684-7212.

Sincerely,



Virginia Anderson

Attachments

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with copy
1-17-96

City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor



January 17, 1996

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: Seattle Center

SUBJECT: AN ORDINANCE relating to the Seattle Center; authorizing the reconveyance or conveyance of certain real property and the relinquishment of the City's interest in certain other property that was all conditionally given to the City of Seattle.

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 OMP. Any specific questions regarding the legislation can be directed to Celia Grether at 684-8048.

Sincerely,

Norman B. Rice
Mayor

by

Celia Grether
Mr Tom Tierney, Director

legis:grether58

Enclosure

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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:

Justin Malden

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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STATE OF WASHINGTON - KING COUNTY

64392
City of Seattle, City Clerk

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No. ORDINANCE 11

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on January 29, 1996, 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 684-8344.

ORDINANCE NO. 117993

AN ORDINANCE relating to community and economic development and job creation in the Central Area; authorizing a Grant Agreement with the United States Department of Housing and Urban Development ("HUD") for an Economic Development Initiative grant ("EDI"); authorizing an amendment to Ordinance 117877, and authorizing related agreements.

ORDINANCE NO. 117984

AN ORDINANCE relating to the Police Department; authorizing the execution of a grant agreement with the Washington State Traffic Safety Commission through the Washington Association of Sheriffs and Police Chiefs for financial assistance to purchase two laptop computers to enable officers to expedite paperwork and return to the field and to enhance reports that aid in successful prosecution, increasing expenditure allowances in the 1996 Budget of the Police Department; and making an appropriation therefor, all by a three-fourths vote of the City Council.

ORDINANCE NO. 117995

AN ORDINANCE relating to the Seattle Department of Parks and Recreation, authorizing acceptance of a grant from the Washington State Department of Natural Resources (DNR) Aquatic Lands Enhancement Account (ALEA) for financial assistance to support The Seattle Aquarium Master Plan, increasing the expenditure allowance in the Department's 1996 budget, authorizing an agreement with the Seattle Aquarium Society (SEAS), and making a reimbursable appropriation from the Park Fund therefor, all by three-fourths vote of the City Council.

ORDINANCE NO. 117998

AN ORDINANCE relating to the Seattle Center; authorizing the conveyance or conveyance of certain real property and the relinquishment of the City's interest in certain other property that was all conditionally given to The City of Seattle.

Publication ordered by JUDITH PIP-PIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, February 12, 1996. 2/12(64392)

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

CITOT: 117993-117998

was published on

02/12/96

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

Subscribed and sworn to before me on

[Signature]

[Signature]

Notary Public for the State of Washington, residing in Seattle

Affidavit of Publication

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