

ORDINANCE No. 118007

COUNCIL BILL No. 111102

AN ORDINANCE relating to the Water Department, declaring Water Department property surplus to the City's needs and not required for providing continued public utility services; authorizing a negotiated sale to the City of Kent; and establishing the fair market value thereof.

was

Law Department

The City of Seattle--Legislative D

INDEXED

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

COMPTROLLER FILE No. _____

Introduced: JAN 22 1996	By: PAGERER
Referred: JAN 22 1996	To: UTILITIES & ENVIRONMENTAL MANAGEMENT COMMITTEE
Referred:	To:
Referred:	To:
Reported: FEB - 5 1996	Second Reading: FEB - 5 1996
Third Reading: FEB - 5 1996	Signed: FEB - 5 1996
Presented to Mayor: FEB - 5 1996	Approved: FEB 12 1996
Returned to City Clerk: FEB 14 1996	Published: <i>title</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Full Council vote 9-0

Committee Chair

NO DED



ORDINANCE 118007

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AN ORDINANCE relating to the Water Department, declaring Water Department property surplus to the City's needs and not required for providing continued public utility services; authorizing a negotiated sale to the City of Kent; and establishing the fair market value thereof.

WHEREAS, the real property hereinafter described, acquired for the municipal water system, is now surplus to the City's needs and is not and will not be used or useful for any Water Department or other municipal purpose; and

WHEREAS, the Superintendent of the Water Department has recommended the sale and conveyance to the City of Kent of such property; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE as follows:

Section 1. Pursuant to the provision of RCW 35.94.040 and after a public hearing, the following described real property:

That portion of the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 22, Township 22 North, Range 4 East, W.M., King County, Washington described as follows: Beginning at the southwest corner of said Northeast Quarter of the Northwest Quarter, and running thence east along the south line of the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter 1400.53 feet; thence north parallel to the west line of said Northeast Quarter of the Northwest Quarter 261.00 feet; thence west parallel to the south line thereof to the west line of said Northeast Quarter of the Northwest Quarter, thence south along said west line 261.00 feet to the point of beginning. EXCEPT the portion of the south 261.00 feet of the Northeast Quarter of the Northwest Quarter of said Section 22, lying westerly of the westerly right-of-way margin of 36th Avenue South (Military Road) as now existing.

AND that portion of the North half of the Southeast Quarter of the Northwest Quarter of Section 22 Township 22 North, Range 4 East, W.M., King County, described as follows: Beginning at a point on the north line of said subdivision which is 996.51 feet west of the northeast corner thereof; thence south a distance of 70.88 feet; thence South 53°59'00" West, a distance of 350 feet more or less to a point on the easterly line of 38th Avenue South as now surveyed; thence northerly along said easterly line to its intersection with the east line of 36th Avenue South; thence north along said east line to the north line of said subdivision; thence east along said north line to the point of beginning.

AND that portion of Section 22, Township 22 North, Range 4 East, W.M., King County, Washington, described as follows: Commencing at the northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 22; thence South 89°52'19" East along the north line of said Southeast Quarter of the Northwest Quarter 68.40 feet to the east margin of 36th Avenue South; thence South 0°21'42" East along said east margin 207.45 feet; thence South 89°52'19" East, 81.12 feet to the true point of beginning, thence continuing South 89°52'19" East, 352.92 feet; thence North 50°35'00" West, 215.67 feet; thence South 53°59'00" West, 231.52 feet to the true point of beginning.

is hereby found and declared to be no longer required for providing public utility service and to be surplus to the City's needs.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 2. The appraised fair market value of the above described property is hereby found and declared to be One Hundred Eighty Seven Thousand Dollars (\$187,000).

Section 3. As requested by the Superintendent of the Water Department and recommended by the Mayor, the Superintendent is authorized to sell said surplus property to the City of Kent consistent with the terms and conditions contained in the attached Exhibit A, at the stated fair market value. The Superintendent is also hereby authorized to execute a Quit Claim Deed, which includes an easement reservation to the City, attached as Exhibit "B", to effectuate the real property sale herein.

Section 4. Proceeds from the sale of this property shall be deposited in the Water Fund.

Section 5. Any act pursuant to the authority of this ordinance and prior to its effective date is hereby ratified and confirmed.

Section 6 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 5 day of February, 1996, and signed by me in open session in authentication of its passage this 5 day of February, 1996.

Jan Luago
President of the City Council

Approved by me this 12 day of February, 1996.

Jan Luago
Mayor Pro Tem

Filed by me this 14 day of February, 1996.

Jeanette E. Pippini
City Clerk

(Seal)

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EXHIBIT "A"

1994

PURCHASE AGREEMENT
CITY OF SEATTLE, WATER DEPARTMENT
MIDWAY RESERVOIR SITE

The undersigned, City of Kent, hereinafter referred to as "Purchaser", agrees to buy from the City of Seattle, Water Department, hereinafter referred to as the "City", real property commonly known as the Midway Reservoir Site, located in King County, Washington, legally described as follows:

see attached legal description

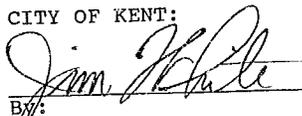
1. PURCHASE PRICE. The total purchase price is One Hundred Eighty Seven Thousand Dollars (\$187,000.00). Terms of payment shall be all cash at closing or; Twenty percent (20%) down (\$37,400), at 7% interest, on a 10 year Deed of Trust (DOT), one annual (yearly) payment.
2. CONDITION OF TITLE AND PROPERTY: The property is sold "as is" and is subject to existing encumbrances, if any. The City does not take responsibility and makes no warranty as to the condition and suitability of the property for any purpose. The purchaser is responsible for ascertaining the usefulness and condition of the property.
3. HAZARDOUS SUBSTANCES: The City has no knowledge of contamination on the site. The purchaser will be required to waive all claims and release the City from all liability associated in any way with contamination, hazardous substances, wastes or materials used or on the site. If financing is provided the purchaser will be required to comply with all environmental laws during the term of the Deed of Trust and indemnify the City if the failure to do so results in liability. If during the use of the easement area the City releases any hazardous substances, the City at its own expense shall remove, dispose or otherwise handle such hazardous substances as necessary in accordance with applicable laws.
4. CONVEYANCE: The City shall convey title of the property by Quit Claim Deed.
5. CLOSING COSTS: Cost of title insurance shall be at the sole expense of the Purchaser. The City shall pay for the cost of escrow, closing, recording fees and appraisals. Closing will occur after the Seattle City Council accepts and authorizes the sale.
6. EASEMENT RESERVATION: The Purchaser understands that the City will reserve an easement for future underground facilities.

The easement area will abut Military Road (36th Avenue South), and will be approximately 67,600 square feet (260 foot sided square). The exact location along Military Road to be negotiated between the Purchaser and the City. Said easement area may be developed by the Purchaser, except for a building structure. The development over the easement area shall be reviewed and approved by the City's Water Department before construction. If the Water Department constructs underground facilities in the future, the Purchaser must remove, relocated and/or replace their improvements at their own cost. Other terms and conditions of the easement shall be negotiated between the Purchaser and the City. If sometime in the future the City determines that the easement area is no longer necessary the City will relinquish the easement area by recorded document.

7. AUTHORIZATION: The Purchasers understand that the sale of the above described real property is subject to authorization by the Seattle City Council by ordinance. If the Seattle City Council does not authorize the sale of this property this offer is automatically rescinded and all parties will be released from further obligation.

Signed this 17th day of March 1995

CITY OF KENT:

By: 

Address 220 4th Ave. S, Kent, WA 98032

Please indicate your method of payment:

- Cash at closing
 20% on Note/Deed of Trust

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Exhibit "B"

QUIT CLAIM DEED

THE GRANTOR, THE CITY OF SEATTLE, a municipal corporation of the State of Washington, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, conveys and quit claims to, The City of Kent, a municipal corporation of the State of Washington, the following described real property, situated in the King County, Washington, described as follows:

That portion of the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 22, Township 22 North, Range 4 East, W.M., King County, Washington described as follows: Beginning at the southwest corner of said Northeast Quarter of the Northwest Quarter, and running thence east along the south line of the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter 1400.53 feet; thence north parallel to the west line of said Northeast Quarter of the Northwest Quarter 261.00 feet; thence west parallel to the south line thereof to the west line of said Northeast Quarter of the Northwest Quarter, thence south along said west line 261.00 feet to the point of beginning, EXCEPT the portion of the south 261.00 feet of the Northeast Quarter of the Northwest Quarter of said Section 22, lying westerly of the westerly right-of-way margin of 36th Avenue South (Military Road) as now existing.

AND: That portion of the North half of the Southeast Quarter of the Northwest Quarter of Section 22 Township 22 North, Range 4 East, W.M., King County, described as follows: Beginning at a point on the north line of said subdivision which is 996.51 feet west of the northeast corner thereof; thence south a distance of 70.88 feet; thence South 53°59'00" West, a distance of 350 feet more or less to a point on the easterly line of 38th Avenue South as now surveyed; thence northerly along said easterly line to its intersection with the east line of 36th Avenue South; thence north along said east line to the north line of said subdivision; thence east along said north line to the point of beginning.

AND that portion of Section 22, Township 22 North, Range 4 East, W.M., King County, Washington, described as follows: Commencing at the northwest corner

of the Southeast Quarter of the Northwest Quarter of said Section 22; thence South 89°52'19" East along the north line of said Southeast Quarter of the Northwest Quarter 68.40 feet to the east margin of 36th Avenue South; thence South 0°21'42" East along said east margin 207.45 feet; thence South 89°52'19" East, 81.12 feet to the true point of beginning; thence continuing South 89°52'19" East, 352.92 feet; thence North 50°35'00" West, 215.67 feet; thence South 53°59'00" West, 231.52 feet to the true point of beginning.

Reserving to the City of Seattle an underground easement described as follows:

That portion of Section 22, Township 22 North, Range 4 East, W.M., King County, Washington described as follows:

Commencing at the northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 22; thence South 89°52'19" East along the north line of said Southeast Quarter of the Northwest Quarter 68.40 feet to the east margin of 36th Avenue South and the true point of beginning; thence South 0°21'42" East along said

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ORDINANCE _____

1 AN ORDINANCE relating to the Water Department, declaring Water
2 Department property surplus to the City's needs and not required for providing
3 continued public utility services; authorizing a negotiated sale to the City of
4 Kent; and establishing the fair market value thereof.

5 WHEREAS, the real property hereinafter described, acquired for the
6 municipal water system, is now surplus to the City's needs and is not and will not
7 be used or useful for any Water Department or other municipal purpose; and

8 WHEREAS, the Superintendent of the Water Department has
9 recommended the sale and conveyance to the City of Kent of such property;
10 Now Therefore,

11 BE IT ORDAINED BY THE CITY OF SEATTLE as follows:

12 Section 1. Pursuant to the provision of RCW 35.94.040 and after
13 a public hearing, the following described real property:

14 That portion of the Northwest Quarter of the Northeast Quarter and the Northeast
15 Quarter of the Northwest Quarter of Section 22, Township 22 North, Range 4
16 East, W.M., King County, Washington described as follows: Beginning at the
17 southwest corner of said Northeast Quarter of the Northwest Quarter, and running
18 thence east along the south line of the Northeast Quarter of the Northwest Quarter
19 and the Northwest Quarter of the Northeast Quarter 1400.53 feet; thence north
20 parallel to the west line of said Northeast Quarter of the Northwest Quarter 261.00
21 feet; thence west parallel to the south line thereof to the west line of said
22 Northeast Quarter of the Northwest Quarter, thence south along said west line
23 261.00 feet to the point of beginning. EXCEPT the portion of the south 261.00
24 feet of the Northeast Quarter of the Northwest Quarter of said Section 22, lying
25 westerly of the westerly right-of-way margin of 36th Avenue South (Military
26 Road) as now existing.

27 AND: That portion of the North half of the Southeast Quarter of the Northwest
28 Quarter of Section 22 Township 22 North, Range 4 East, W.M., King County,
described as follows: Beginning at a point on the north line of said subdivision
which is 996.51 feet west of the northeast corner thereof; thence south a distance
of 70.88 feet; thence South 53°59'00" West, a distance of 350 feet more or less to a
point on the easterly line of 38th Avenue South as now surveyed; thence northerly
along said easterly line to its intersection with the east line of 36th Avenue South;
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of the Southeast Quarter of the Northwest Quarter of said Section 22; thence
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East, 81.12 feet to the true point of beginning; thence continuing South 89°52'19"
East, 352.92 feet; thence North 50°35'00" West, 215.67 feet; thence South 53°
59'00" West, 231.52 feet to the true point of beginning.

is hereby found and declared to be no longer required for providing public utility service
and to be surplus to the City's needs.

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Section 2. The appraised fair market value of the above described property is hereby found and declared to be One Thousand Eight Hundred Seventy Dollars (\$187,000)

Section 3. As requested by the Superintendent of the Water Department and recommended by the Mayor, the Superintendent is authorized to sell said surplus property to the City of Kent consistent with the terms and conditions contained in the attached Exhibit A, at the stated fair market value. The Superintendent is also hereby authorized to execute a Quit Claim Deed, which includes an easement reservation to the City, attached as Exhibit "B", to effectuate the real property sale herein.

Section 4. Proceeds from the sale of this property shall be deposited in the Water Fund.

Section 5. Any act pursuant to the authority of this ordinance and prior to its effective date is hereby ratified and confirmed.

Section 6 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, this ___ day of _____ 1995, and signed by me in open session in authentication of its passage this ___ day of _____, 1995.

President of the City Council

Approved by me this ___ day of _____ 1995.

Norman B. Rice, Mayor

Filed this ___ day of _____ 1995.

(SEAL)

Published _____ By _____
Deputy Clerk

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Diana Gale, Superintendent
Norman B. Rice, Mayor

December 5, 1995

City Council
City of Seattle

Via Mayor Norman B. Rice
Attention: Office of Management and Budget

Re: Request for Legislation Authorizing the Sale of Midway Reservoir Parcels
042222-NW

The Seattle Water Department requests enactment of legislation for the sale of surplus property located in Kent, Washington, to the City of Kent. Kent has been interested in developing a neighborhood park at this site for a number of years.

Three parcels (abutting one another) were purchased in 1966, 1967 and 1975 for a reservoir site. This was during a period when the Water Department felt there may be a need for water service in the southeast area of King County. The reservoir and pipeline (proposed Cedar River Pipeline #5 from Lake Youngs to this area) was not constructed because the need to serve the area never occurred. The Department has no current use for the property and would like to sell, however, due to the uncertainty of future water issues, particularly the Tacoma-Intertie, we have decided to reserve an easement in the Deed. The easement would preserve a small piece of this property which could accommodate an underground reservoir, if needed in the future.

Other City departments and government agencies did review the parcel. The City of Kent responded with a request to purchase the property at the appraised value is \$187,500. Earnings from this property have been included in the revenue projections for the past several years.

The Seattle Water Department recommends that after a public hearing, legislation be passed declaring the property surplus, allowing the Department to proceed with the sale to the City of Kent as proposed in the attached Ordinance.

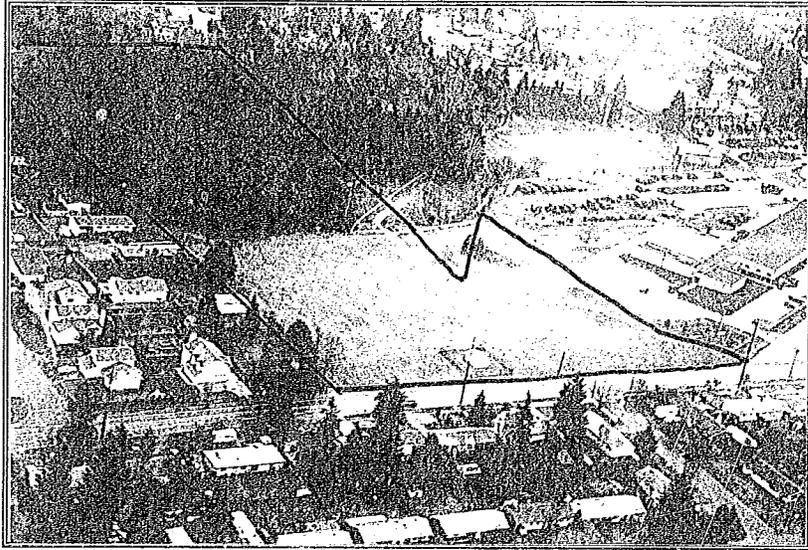
Sincerely,

for 
Diana Gale
Superintendent

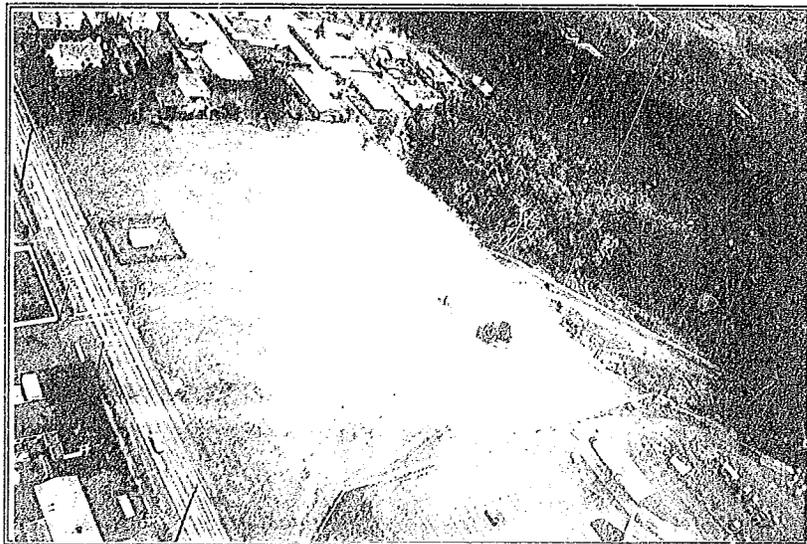
Enclosures: Proposed Ordinance
Sketch.

cc: Mayor Norman B. Rice
Office of Management and Budget

Subject property, facing Southeast



Subject property, facing Northeast



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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 Pugh

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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City of Seattle

Executive Department—Office of Management and Planning

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

December 8, 1995

The Honorable Mark Sidran
City Attorney
City of Seattle

COPY RECEIVED

95 DEC 12 AM 10:10

SEATTLE CITY ATTORNEY



Dear Mr. Sidran:

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

REQUESTING DEPARTMENT: Water

SUBJECT: AN ORDINANCE relating to the Water Department; declaring Water Department property surplus to the City's needs and not required for providing continued public utility services; authorizing a negotiated sale to the City of Kent; and establishing the fair market value 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 OMP. Any specific questions regarding the legislation can be directed to Judith Noble at 684-8078.

Sincerely,

Norman B. Rice
Mayor

by
Judith Noble
for
Tom Tierney, Director

legis/noble85

Enclosure

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STATE OF WASHINGTON - KING COUNTY

64616
City of Seattle, City Clerk

-ss.

No. ORD TITLES

Affidavit of Publication

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on February 6, 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 884-8344.

ORDINANCE NO. 118007

AN ORDINANCE relating to the Water Department, declaring Water Department property surplus to the City's needs and not required for providing continued public utility services; authorizing a negotiated sale to the City of Kent; and establishing the fair market value thereof.

ORDINANCE NO. 118008

AN ORDINANCE relating to the Water Department; authorizing the Department to enter into a consultant services contract in support of a design/build/operate ("DBO") solicitation process for the new Tolt River Water Treatment Facilities.

ORDINANCE NO. 118010

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by JUDITH PIP-PIN, City Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, February 16, 1996. 2/16/96

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

CTOT: 118007, 008, 010

was published on

02/16/96

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
 02/16/96

 Notary Public for the State of Washington,
 residing in Seattle

Affidavit of Publication

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