**AN ORDINANCE** adopting Initiative 42, enacting it as an ordinance of the City of Seattle.

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<th>CF No.</th>
<th>118477</th>
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**Council Bill No.** 111606

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<th>Date Introduced:</th>
<th>1-21-97</th>
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<td>Date 1st Referred:</td>
<td>JAN 2 1 1997</td>
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<td>Date of Final Passage:</td>
<td>JAN 2 7 1997</td>
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<td>Date Presented to Mayor:</td>
<td>JAN 2 8 1997</td>
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<td>Date Returned to City Clerk:</td>
<td>FEB 5 1997</td>
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<td>Date Vetted by Mayor:</td>
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**Full Council Date:** 9-0

This file is complete and ready for presentation to Full Council. 

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<tr>
<th>Law Dept. Review</th>
<th>OMP Review</th>
<th>City Clerk Review</th>
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The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: Donaldson
Councilmember

Committee Action:

Full Council date: 9-0

This file is complete and ready for presentation to Full Council. Committee: ___________________________

(Initial/date)
ORDINANCE 118477

AN ORDINANCE adopting Initiative 42, enacting it as an ordinance of the City of Seattle.

WHEREAS, citizens of the City of Seattle circulated petitions seeking the enactment of Initiative 42 into law; and

WHEREAS, King County certified to the City of Seattle that Initiative 42 bore a sufficient number of validated signatures to qualify for transmittal to the City Council; and

WHEREAS, the City Council received Initiative 42 on December 16, 1996; and

WHEREAS, City Charter Article IV provides that the City Council may enact or reject such an initiative; and

WHEREAS, the City Council has, in Resolution 29521, stated it agrees with the general principles reflected in Initiative 42; and

WHEREAS, the City Council has, in Resolution 29521, directed the Department of Parks and Recreation to develop appropriate rules, policies, procedures, and guidelines to effectively implement Initiative 42; and

WHEREAS, section 4 of Initiative 42 states the initiated ordinance is to take effect "as provided by Article IV, Section 1 of the City Charter" but neither that nor any other part of the City Charter provides for the effective date of an ordinance adopted by the City Council, whether or not initiated by petition, and so to ensure that the Initiative takes effect the City Council has added section 5 to this ordinance to provide the normal and customary 30-day effective date; Now Therefore

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. All lands and facilities held now or in the future by The City of Seattle for park and recreation purposes, whether designated as park, park boulevard, or open space, shall be preserved for
such use; and no such land or facility shall be sold, transferred, or changed from park use to another usage, unless the City shall first hold a public hearing regarding the necessity of such a transaction and than enact an ordinance finding that the transaction is necessary because there is no reasonable and practical alternative and the City shall at the same time or before receive in exchange land or a facility of equivalent or better size, value, location and usefulness in the vicinity, serving the same community and the same park purposes.

Section 2. Within thirty days of the effective date of such an ordinance, any person may seek review in the Superior Court. The Superior Court shall set aside the proposed transaction if it is not necessary or the proposed substitution is not equivalent or better than the park exchanged. The Superior Court shall make its decision on the evidence as an issue of fact.

Section 3. Section 1 permits by duly enacted ordinance after a public hearing: a boundary adjustment of equivalents with an adjoining owner; or the transfer of a joint use agreement with Seattle School District No. 1 to another school site. Section 1 also permits by duly enacted ordinance after a public hearing and without providing replacement property: a transfer to the federal, state, or county governments for park and recreation uses; the reversion of right-of-way continuously owned by a City utility; the opening of an unimproved street for street use; a sub-surface or utility easement compatible with park use; and franchises or concessions that further the public use and enjoyment of a park.

Section 4. This ordinance shall take effect as provided by Article IV, Section 1 of the City Charter. However, if the City should sell, transfer, or change the use to a non-park use of any park property held on or after May 17, 1996 (including Bradner Playfield), the City shall replace it in kind with equivalent or better property or facilities in the same vicinity, serving the same community, unless
the City has already received as good or better land and facilities for park use in the same vicinity, serving the same community, in exchange for that transaction.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 27th day of January, 1997, and signed by me in open session in authentication of its passage this 27th day of January, 1997.

[Signature] President of the City Council

Approved by me this 4th day of February, 1997.

[Signature] Mayor

Filed by me this ___ day of ___________________, 1997.

[Signature] City Clerk

(Seal)
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

CTOT: 118473, 76-78

was published on

02/13/97

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

02/13/97

Notary Public for the State of Washington, residing in Seattle

Affidavit of Publication