

Ordinance No. 120629

Council Bill No. 113929

AN ORDINANCE relating to the City Light Department; authorizing the sale of real property, divided into four parcels, in King County, Washington, commonly known as "Linden Avenue Parcels" (PM#260419-2-301, 260419-2-302A and 302B, 260419-2-303) by negotiated sale to abutting owners or by public bid; authorizing the Superintendent of the City Light Department to offer said property for sale, accept the best offers to purchase and to execute Quit Claim Deeds; designating the disposition of sales proceeds; and ratifying and confirming prior actions.

CF No. _____

Date Introduced: <u>OCT 22 2001</u>	
Date 1st Referred: <u>OCT 22 2001</u>	To: (committee) <u>Energy & Environmental Policy Committee</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>11-19-01</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor: <u>11-20-01</u>	Date Approved: <u>11/26/01</u>
Date Returned to City Clerk: <u>11/26/01</u>	Date Published: <u>11/26/01</u>
Date Vetoes by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: _____

Committee Action:

11/15/01 PASSED 2-0 H.W. R

11-19-01 Passed 9-0

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

LAW DEPARTMENT

Law Dept. Review

OMP
Review

City Clerk
Review

C

The City of Seattle - Legislative Department

WILLS

Council Bill/Ordinance sponsored by: WILLS
Councilmember

Committee Action:

11/15/01 PASSED 2-0 HW, RC
11-19-01 Passed 9-0
[REDACTED]

This file is complete and ready for presentation to Full Council. Committee: _____
(Initial/date)

LAW DEPARTMENT

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

*Approved
Fully vetted & loaded
11/19/01*

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City & Environmental Committee
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SEL:sel
October 17, 2
PM#260419-2-301 et al
Linden Ave.

ORDINANCE 120629

AN ORDINANCE relating to the City Light Department; authorizing the sale of real property, divided into four parcels, in King County, Washington, commonly known as "Linden Avenue Parcels" (PM#260419-2-301, 260419-2-302A and 302B; 260419-2-303) by negotiated sale to abutting owners or by public bid; authorizing the Superintendent of the City Light Department to offer said property for sale, accept the best offers to purchase and to execute Quit Claim Deeds; designating the disposition of sales proceeds; and ratifying and confirming prior actions.

WHEREAS, the four parcels along Linden Avenue North are unused transmission line right-of-way and are surplus to the needs of the City Light Department; and

WHEREAS, the fair market value of the property, as determined by an independent appraiser as of May 21, 2001, was found and declared to be Parcel A: \$250,000; Parcel B: \$385,000; Parcel C: \$350,000; and Parcel D: \$350,000; and

WHEREAS, the City Light Department and the Fleets and Facilities Department have recommended, and the Real Estate Oversight Committee has concurred with the recommendation, that the property be offered for sale by negotiation with the abutting owners or by public bid; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE:

Section 1. Pursuant to the provisions of RCW 35.94.040 and after a public hearing, the following described real property in King County, Washington:

Parcel A

The West 50 feet of the East 90 feet of the North Half of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 19, Township 26 North, Range 4 East, W.M., King County, Washington, less County road, EXCEPT the North 15 feet thereof. (PM#260419-2-302B

Parcel B



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SEL:sel
October 17, 2
PM#260419-2-30. et al
Linden Ave.

The West 50 feet of the East 90 feet of the South Half of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 19, Township 26 North, Range 4 East, W.M., King County, Washington, less the South 30 feet for road. (PM#260419-2-302A)

Parcel C

The East 50 feet of the West 90 feet of the South Half of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 19, Township 26 North, Range 4 East, W.M., King County, Washington, less the South 30 feet for a road. (PM#260419-2-303)

Parcel D

The East 50 feet of the West 90 feet of the North Half of the Southeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 19, Township 26 North, Range 4 East, W.M., King County, Washington, less the North 30 feet for a road. (PM#260419-2-301)

all known as Linden Avenue Parcels, are hereby found and declared to be no longer required for providing public utility service and are hereby declared surplus to the City's needs.

Section 2. As requested by the Superintendent of the City Light Department and recommended by the Mayor in the attachments hereto, said Superintendent is authorized to offer said surplus property for sale to the abutting owners. If any abutting owner does not purchase said property then the Superintendent is authorized to sell the remaining property by public bid. The Superintendent is further authorized to accept the offer for the purchases within 10% of the appraised value; and to execute and deliver, for and on behalf



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SEL:sel
October 17, 2
PM#260419-2-301 et al
Linden Ave.

of The City of Seattle, Quit Claim Deeds substantially in the form attached hereto as
“Exhibit A”, pursuant to which real properties legally described in Section 1 above, will be
conveyed to the purchaser/s.

Section 3. Proceeds from the sale authorized herein shall be deposited into the City
Light Fund.

Section 4. Any act pursuant to the authority of this ordinance and prior to its
effective date is hereby ratified and confirmed.



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SEL:sel
October 17, 2001
PM#260419-2-300 et al
Linden Ave.

Section 5. 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 19th day of November, 2001,
and signed by me in open session in authentication of its passage this 19th day of November, 2001.

Marcus D. Pappas
President of the City Council

Approved by me this 26th day of NOVEMBER, 2001.

Paul Scell
Mayor

Filed by me this 26th day of November, 2001.

Judith E. Pappas
City Clerk

(Seal)



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City of Seattle

Paul Schell, Mayor

Seattle City Light

Gary Zarker, Superintendent

October 12, 2001

The Honorable Margaret Pagler, President
Seattle City Council
600 Fourth Avenue
11th Floor Municipal Building
Seattle, Washington 98104-1873

Dear Councilmember Pagler:

Request for Legislation Authorizing the Sale of Surplus Property in King County,
Washington Originally Acquired for Transmission Line Purposes.

Attached for City Council review and adoption is legislation relating to the City Light Department authorizing the sale of four parcels of real property in Seattle, Washington, commonly known as "Linden Avenue Parcels" located at Linden Avenue North between North 143rd Street and 145th Street, Seattle, WA. The Ordinance permits the Superintendent of the City Light Department to offer said parcels to the abutting owners by negotiated sale, or by public bid, at the appraised value; to accept the best offers to purchase, to execute Quit Claim Deeds; to designate the disposition of sales proceeds; and ratify and confirm prior actions. (PM#260419-1-301; 260419-2-302A; 260419-2-302B; 260419-2-303)

The City purchased these parcels of transmission line right-of-way from Puget Sound Power and Light (PSP&L) in 1951 during the transition of electric power from PSP&L to the City of Seattle. It is excess property lying outside the area where transmission poles are located; hence the property has never been used. The parcels are strips of land, as shown on the attached map, and are believed to be best utilized by the abutting owners. The abutting owners have been interested in purchasing these parcels, however, if any of the owners fail to acquire then City Light would sell the remaining parcels by public bid.

City Light and Fleets and Facilities Department have determined that no other City of Seattle Departments or governmental agencies have any interest in this surplus property.

Fair market valuation of the parcels has been established and determined by an independent Real Estate Appraiser. The opinion of total fair market value for the four

700 Fifth Avenue, Suite 3300, Seattle, WA 98104-5031

Tel: (206) 684-3000, TTY: (206) 233-7241, Fax: (206) 625-3709

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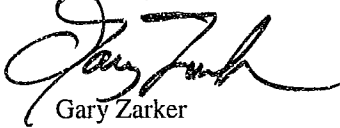
Honorable Margaret Pagler, President
October 12, 2001
Page 2

parcels as of May 21, 2001 was established at One Million Three Hundred Thirty Five Thousand Dollars (\$1,335,000.00).

City Light Department and the Fleets and Facilities Department are recommending, and the Real Estate Oversight Committee has concurred that the Linden Avenue Parcels be offered for sale by negotiation with the abutting owners, or by public bid, at the above-appraised value; but if no offers are received for the appraised value, that a sale within 10% of said value can be transacted. I therefore recommend that legislation be passed authorizing the Superintendent of City Light to offer the property as indicated.

If you have any further questions, please contact Shirley Lukhang, City Light Real Estate Services, at 684-3687.

Sincerely,



Gary Zarker
Superintendent

SEL:sel

Enclosures: Ordinance
Map
Quit Claim Deed

cc: Paul Schell, Mayor
City Council Members
Joan Walters, Budget Director
Will Patton, Seattle Law Department

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EXHIBIT "A"

WHEN RECORDED RETURN TO:
SEATTLE CITY LIGHT
REAL ESTATE SERVICES,KT3012
700 5TH AVENUE, SUITE 3300
SEATTLE, WA 98104-5031

QUITCLAIM DEED

P.M. #
Tax Parcel #

THE GRANTOR, The City of Seattle, a municipal corporation, for and in consideration of _____ Dollars () in hand paid, conveys and quitclaims to _____

all its right, title and interest in the following described real estate located in King County, Washington to wit:

(Legal Description)

Subject to all easements of record.

Reserving to the Grantor, its successors and assigns, an easement over the (West/East) 10-foot of the above legal description, for the construction operation and maintenance of the Grantor's electric transmission and distribution systems. Structures will not be allowed within the 10-foot easement area.

IN WITNESS WHEREOF, The City of Seattle has caused this instrument to be executed by the Superintendent of City Light pursuant to Ordinance _____ on this _____ day of _____, 200__.

THE CITY OF SEATTLE

Gary Zarker, Superintendent
Seattle City Light

SEL:sel
QCD, Linden Ave.
10/09/01



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PRELIMINARY REPORT
EVALUATION OF REUSE AND DISPOSAL OPTIONS FOR
PMA No. 545

Resolution 29799 directs the Executive is to make its recommendations on the reuse or disposal of excess property on a case by case basis, using *the Procedures for Evaluation of the Reuse and Disposal of the City's Real Property* adopted by that resolution. Additionally, the Resolution identifies guidelines that are to be considered in making a recommendation. This report addresses each of the guidelines outlined in Resolution 29799 in support of the recommendation.

Property Management Area: PMA No. 545 – Linden Avenue Properties
Four parcels on Linden Avenue North between N. 143rd and N. 145th

BACKGROUND INFORMATION

Legal Description:

Parcel A: The west 50 feet of the east 90 feet of the north half of the northwest quarter of the northeast quarter of the northwest quarter of Section 19, Township 26 North, Range 4 East, W.M., in King County, Washington, less county road: EXCEPT the north 15 feet thereof.

Parcel B: The west 50 feet of the east 90 feet of the south half of the northwest quarter of the northeast quarter of the northwest quarter of Section 19, Township 26 North, Range 4 East, W.M., in King County, Washington, less the south 30 feet for county road.

Parcel C: The east 50 feet of the west 90 feet of the south half of the northeast quarter of the northeast quarter of the northwest quarter of Section 19, Township 26 North, Range 4 East, W.M., in King County, Washington, less the south 30 feet for a road.

Parcel D: The east 50 feet of the west 90 feet of the north half of the southeast quarter of the northeast quarter of the northwest quarter of Section 19, Township 26 North, Range 4 East, W.M., in King County, Washington, less the south 30 feet for a road.

Physical Description and Related Factors:

PMA No. 545 is comprised of two tax parcels which have been split up into four separate parcels for this report. Although all four parcels are of comparable size and shape and lie alongside the Linden Avenue North corridor, each parcel has unique attributes and will be described separately.

All of these properties were transferred to Seattle City Light from Puget Power and Light in 1951 when agreement was reached between the two utilities on service boundaries. With the exception of overhead transmission lines for which City Light retains a 10 foot transmission and distribution easements running along the parcels' conjunction with the Linden Avenue N. right-of-way, the parcels have not been used for operational purposes since then.



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Parcel A: This is a 14,319 SF site. It is located on the West Side of Linden Avenue, immediately south of North 145th Street. It is 50 feet deep along the West Side of Linden Avenue and slopes downward from the street. There are very few improvements but does provide access to the Linden Tree Apartments for which the owner has a temporary use permit for a driveway. A rockery retaining wall has been built along the west boundary with the apartments and may be encroaching on city-owned property. Zoning is L-3 for multifamily use.

Parcel B: This is a 15,070 SF lot located at the northwest corner of N. 143rd Street and Linden Avenue north. It is located directly south of Parcel A. It is a 50-foot deep strip running along the West Side of Linden Avenue which is minimally improved but for some cyclone fencing which benefits the adjacent Cedar Point Apartments. It is primarily being used for parking; some permitted by City Light, some not. It is zoned L-3 for multifamily.

Parcel C: This 15,070 SF parcel is located on the northeast corner of North 143rd and Linden Avenue North. Like the others, it is a 50-foot strip running along the East Side of Linden Avenue. It fronts a single story apartment building of six units and at the northern end, local business Western Cedar has a temporary use permit for a 50 foot wide access easement. It is zoned C2-65, which allows for automobile-oriented, mainly non-retail uses such as offices, light manufacturing, and warehouses.

Parcel D: This lot is located on the southeast corner of Linden Avenue N. and N. 143rd Street. It is a 15,070 SF 50-foot wide strip running along the East Side of Linden Avenue. Situated on this parcel are mobile homes and mobile home pads for the Crest Motel and mobile home park. The abutting owner, James Oh, has a temporary use permit from City Light that allows for the mobiles to be present. The present zoning is C2-65.

GUIDELINE A: CONSISTENCY

The analysis should consider the purpose for which the property was originally acquired, funding sources used to acquire the property, terms and conditions of original acquisition, the title or deed conveying the property, or any other contract or instrument by which the City is bound or to which the property is subject, and City, state or federal ordinances, statues and regulations.

The property was acquired in fee simple in 1951 from Puget Power as part of a service boundary agreement. It has not been used for operations since its acquisition. City Light would retain its existing electrical transmission and distribution easements over the east 10 feet of parcels A and B and would reserve comparable easements over the west 10 feet of Parcels C and D when the upon sale of the properties. The access easements and other permitted uses on the parcels are all revocable on 30 to 90 day notice to the permittee.

GUIDELINE B: COMPATIBILITY AND SUITABILITY

The recommendation should reflect an assessment of the potential for use of the property in support of adopted Neighborhood Plans, as or in support of low-income housing, in support of

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economic development, in support of affordable housing, for park or open space; in support of Sound Transit Link Light Rail station area development; as or in support of child care facilities, and in support of other priorities reflected in adopted City policies.

Context

These parcels are located just south of the City of Seattle's northern boundary line at N. 145th Street. It is located within the Broadview -Haller Lake- Bitter Lake neighborhood planning area. Street improvements along Linden Avenue N. between N. 130th and N. 145th were the first priority of the Vision 2020 Neighborhood Plan. City Light, which has been wont to dispose of these four parcels for a number of years, agreed to postpone sale until a design for the street improvements along Linden Avenue was established. A concept design for the street improvements approved by the Bitter Lake community in November 2000. City Light's retained utility easements will not be incorporated into the street design's landscaped sidewalks; however, City Light agreed to encourage any prospective purchasers to include the design elements of the street plan into their own development and to assist with street lighting along the new and improved Linden Avenue.

The parcels zoned L-3 on the west side of Linden are suitable for affordable housing development; however, once the 10 foot wide retained easements reduce the buildable area by approximately 3000 square feet, they become less desirable as sites for multifamily housing development. Also, since City Light intends to grant an ongoing easement for ingress and egress over Parcel A to the Linden Tree Apartments, it would be cut in half by the driveway and its developability compromised.

These four parcels are located too close to Linden Avenue North to be seriously considered for park and open space use. Linden Avenue bears a steady burden of commercial and materials delivery truck traffic that mitigates against turning these immediately adjacent strips of property into a recreational facility.

These parcels are not located within a Sound transit corridor and are thusly not needed for or in support of Light Rail

Station area development. There are no other known city priorities or policies that could be served by the use of this property.

Range of Options.

The options for disposition of this property include sale by public bid, negotiated sale, long-term ground lease, or retention by the city. After circulation of the property in July 1998, no city department or other public entity identified a current or future use or need for these parcels. Accordingly, neither a long-term lease nor retention of the property is justified, practical or in the city's best interest. Sale by public bid, with sufficient notice provided to all property owners within the immediate neighborhood, is the optimal way of realizing the best return to the city. However, City Light has received bonafide and realistic inquiries from adjoining property owners. These neighborhood residents are willing to work with the Linden Avenue Street Improvement Committee and would be most likely to recognize and respect the street design in any development of the property. Also, it makes particular sense for the parcels which will remain servient to access easements to abutting owners, such as with Parcels A and C, to be conveyed to those abutting owners. A negotiated sale to the abutting owners, with the price set at the mid-range of the current appraisal values, should be attempted. If such plan fails to produce a fair and reasonable return for the City Light, then the properties should go to public bid.

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GUIDELINE C: OTHER FACTORS

The recommendation should consider the highest and best use of the property, compatibility of the proposed use with the physical characteristics of the property and with surrounding uses, timing and term of the proposed use, appropriateness of the consideration to be received, unique attributes that make the property hard to replace, potential for consolidation with adjacent public property to accomplish future goals and objectives, conditions in the real estate market, and known environmental factors that make affect the value of the property.

Highest and Best Use

Parcels A and B are zoned L-3, which supports lowrise multifamily uses and allows greater potential than a Single Family zone. As such, these parcels could support a maximum of one single-family residence per 800 SF, or 17 units. However, Parcel A also contains an environmentally critical slope area that, along with the driveway easement for the Linden Tree Apartments, will severely limit the feasibility of development.

The maximally productive and Highest and Best Use of Parcels A and B is development with smaller to mid-sized apartment type projects, with one to three building on each site or a lower density multiple building townhouse project. An alternate use would be purchase by the adjoining owners who presently use the parcels by permit or encroachment. Appraisal range of value:

- Parcel A: \$220,000 to \$285,000
- Parcel B: \$340,000 to \$435,000

Parcels C and D are both zoned C2-65 that allows a wide variety of commercial, retail, and office uses with a 65-foot height limitation. Any residential use in this zone could only be allowed through the procurement of a conditional use permit, an uncertain and very speculative undertaking. Both parcels have good access and topography. Restrictions on the maximum attainable density of development will be the "no build" access and utility easement across the north 20 feet of Parcel C and the two 5 foot utility easements across the width of the parcel.

The Maximally Productive and Highest and Best Use of Parcels C and D would be development with smaller to mid-sized destination-type or owner/user type commercial projects, with one to three buildings on each parcel. An alternate use would be development as part of a larger parcel assemblage type development with the adjacent property owners to the east. Appraisal range of value:

- Parcel C: \$315,000 to \$375,000
- Parcel B: \$315,000 to \$ 375,000

Compatibility with the physical characteristics:

With the exception of Parcel A which exhibits several steep slope areas, all of these parcels are extremely level and suitable for purchase and development. City Light's intention to honor the existing permits by creating permanent easements for the adjoining apartments on Parcel A and for the commercial businesses on Parcel C and its desire to retain and reserve 10-foot utility easements along Linden Avenue accurately reflect and support the flavor of the Linden Avenue corridor. Successful sale of these parcels to the adjoining owners will further support and influence development that is consistent with the Linden Avenue Street Improvement Plan.

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Furthermore, City Light has agreed to encourage prospective purchasers to include consistent design elements when the property is developed and to help with the street lighting

Compatibility with surrounding uses:

The development of Parcels A and B into multifamily housing, consistent with its zoning of L-3 or their sale to the adjoining owners who already own apartment complexes, for incorporation and development with their property, would be compatible with the character of the west side of Linden Avenue North,

The development of Parcels C and D into small commercial enterprises would be consistent with the existing character of the East Side of Linden Avenue North. Assemblage with a larger development fronted on Aurora Avenue North is less compatible with the existing flavor of the Linden Avenue North corridor neighborhood and would need to be design-managed to be harmonious with the future street improvements.

Potential for Consolidation with adjacent public property:

The only nearby city-owned properties are the Bitter Lake Community Center, Bitter Lake Playfields, Bitter Lake, and the Bitter Lake Reservoir. None of them lie immediately adjacent to the four City Light parcels.

Consolidation of the City Light parcels, which are long narrow 50 foot by 300 foot strips of land that run along the Linden Avenue North right-of-way, with any of these PMA's is neither beneficial nor feasible. No city department expressed an interest in using or co-locating with these parcels during the circulation process.

Timing and Term of Proposed Use:

City Light does not propose any specific use for these parcels. Whether the successful purchaser is an adjoining owner or from outside the neighborhood City Light will encourage him/her to develop the properties in a manner that is consistent with the neighborhood character and street improvement design.

Appropriateness of the consideration:

Pursuant to RCW 35.94.040, these parcels must be sold for Fair market value and according to such terms and conditions as the legislative authority deems to be in the best public interest. The Fair Market Value is outlined above.

Conditions in the real estate market:

The real estate market in the northern Seattle area has remained strong over the past four years. Recent worldwide events have resulted in a noticeable drop-off in property speculation although undeveloped and bare parcels are yet a premium item.

Known environmental factors:

An Environmental Transaction Screening Checklist in 1997 concluded that the sites do not need a Phase I or Phase II Assessment. There was no evidence of extensive contamination or

past use of large amounts of hazardous materials. No industrial activity has occurred on or adjacent to the property.

GUIDELINE D: SALE

The recommendation should evaluate the potential for selling the property to non-City public entities and to members of the general public.

Non-city public entities were notified concerning the surplus nature of this property in July, 1998 and none expressed an interest in acquiring it for their particular purposes or needs. The potential for selling these properties to adjoining owners is very strong. If that is not successful, then a sale to the general public by competitive bid should also generate substantial revenue.

RECOMMENDATION

The Real Estate Services Division of the Fleets and Facilities Department recommends that PMA No 545 be offered for sale, as four separate parcels, to the adjoining property owners so long as City Light is able to negotiate a price within the range of Fair Market Values as determined in the most recent appraisal.

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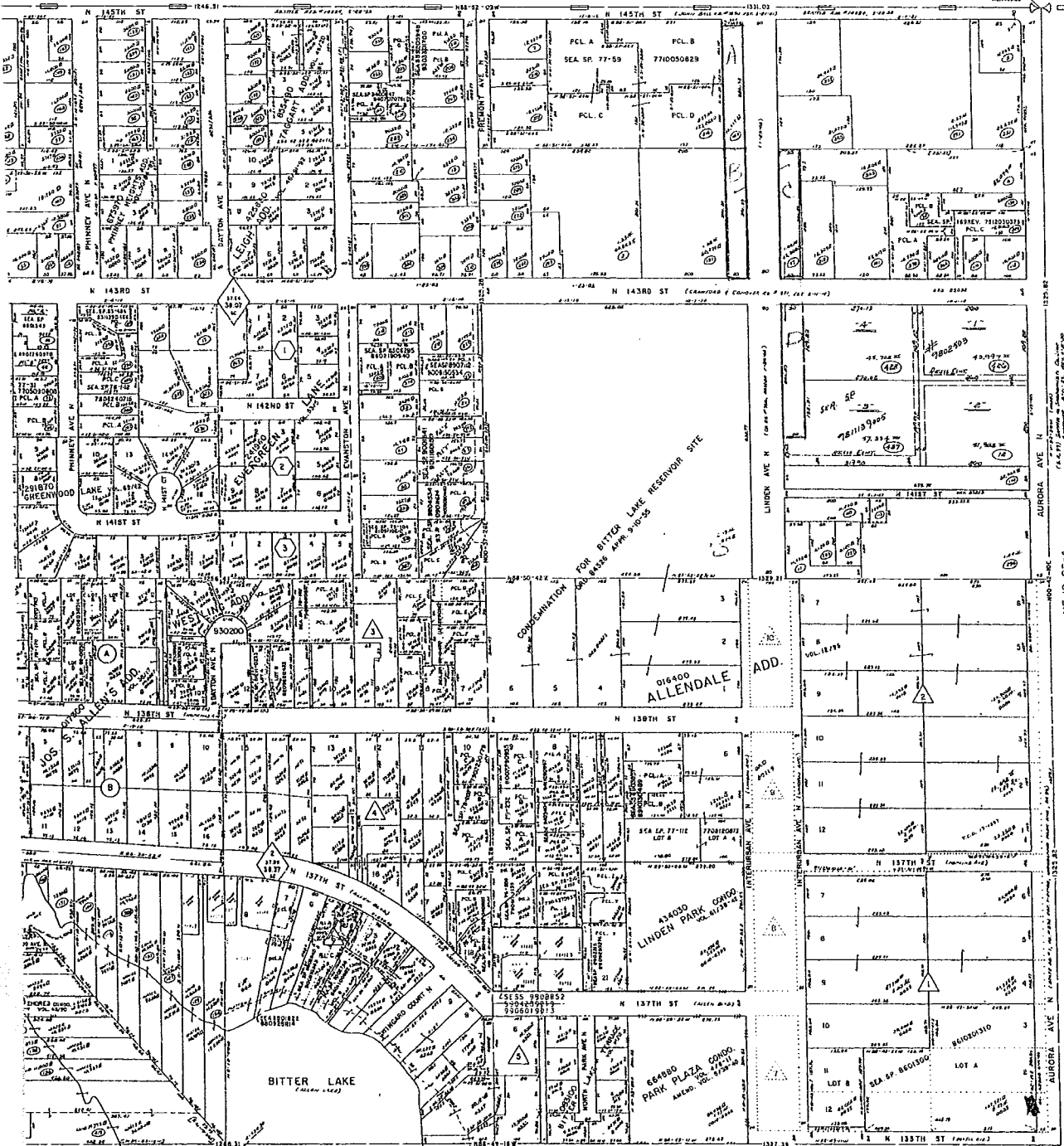
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ASSISTING IN LOCATING YOUR
PROPERTY AND IS NOT GUARANTEED
TO SHOW ACCURATE MEASUREMENT.

SW 18-26-4

ENTIRE MAP
CITY OF SEATTLE

lc 3473
IW 19-26-4
SCALE: 1" = 100'

MAP REV. #



SW 19-26-4

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TIME

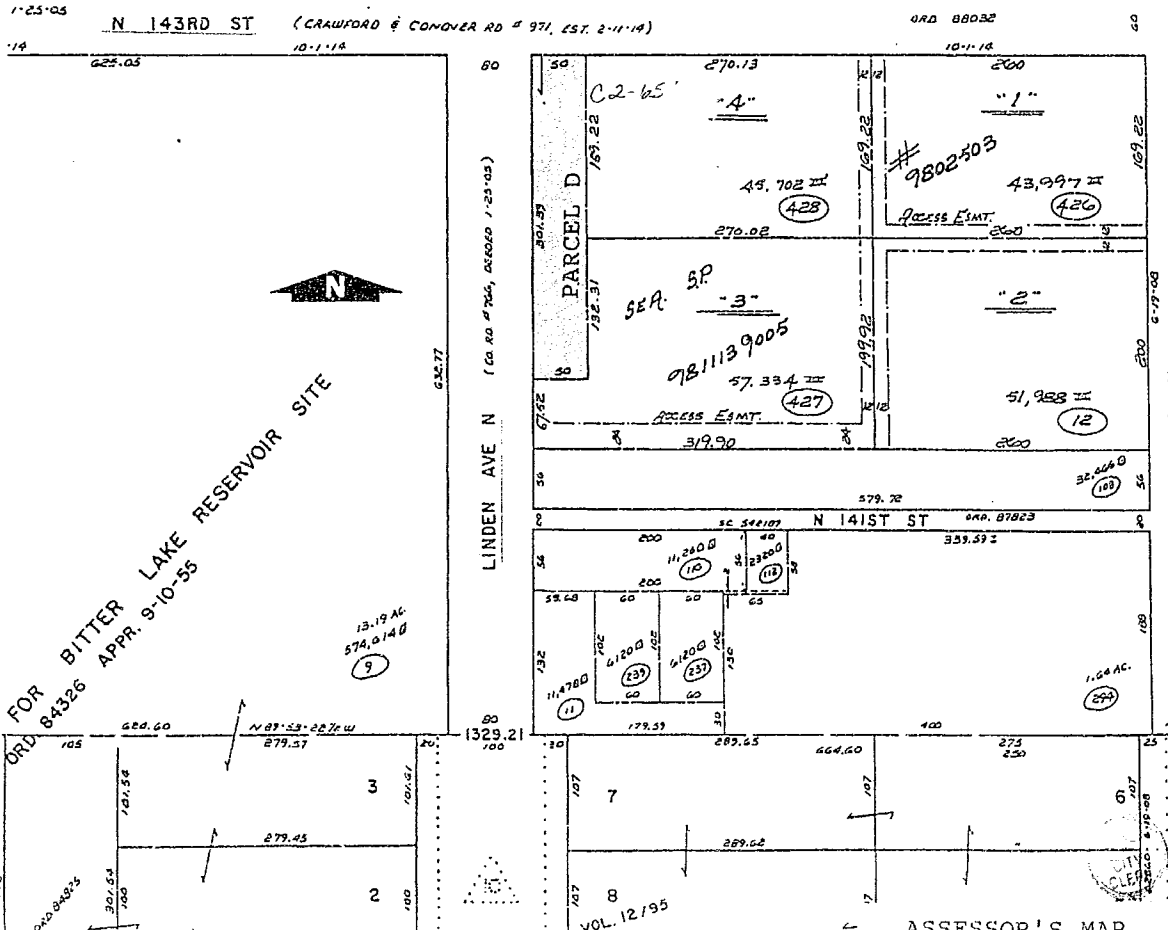
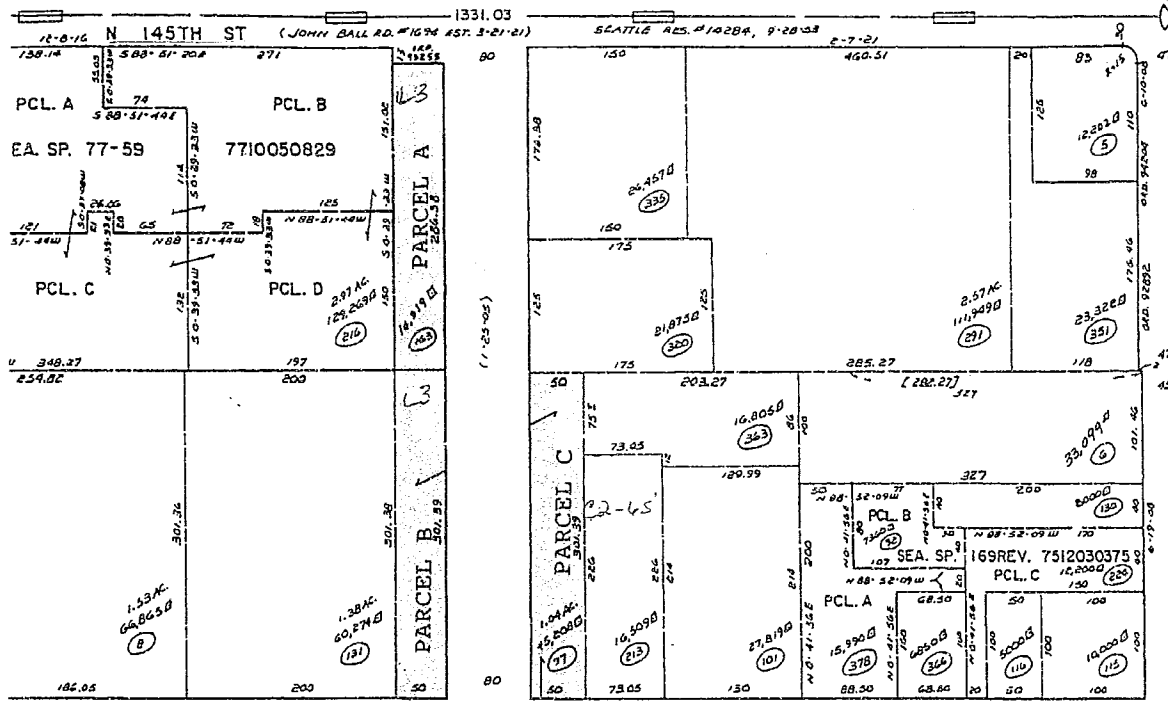
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SEA TILE 374

SCALE: 1" = 100'

11-30-98

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FOR BITTER LAKE RESERVOIR SITE
ORD 84326 APPR. 9-10-55

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