

ORDINANCE No. 120850

COUNCIL BILL No. 114213

*Law Department Peter Stewart*

The City of Seattle--Legislative

AN ORDINANCE vacating a portion of West Hayes Street in the Southwest Quarter of Section 23, Township 25 North, Range 3 East, W.M. on the petition of Seattle Department of Parks and Recreation and Anna Bowlds; finding the vacation together with the transfer of certain Parl. property necessary and authorizing the exchange of certain City-owned property for equivalent other property to be used as open space; and accepting deeds for said property.

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

*2-0 vs. 11 pass*

*7-15-02 Passed 9-0*

COMPTROLLER, FILE No.

Introduced: JUN 24 2002	By: CONLIN
Referred: JUN 24 2002	To: Parks, Education & Libraries TRANSPORTATION
Referred: JUL - 8 2002	To: Parks, Education & Libraries Committee
Referred:	To:
Reported: 7-15-02	Second Reading:
Third Reading: 7-15-02	Signed: 7-15-02
Presented to Mayor: 7-16-02	Approved: 7/18/02
Returned to City Clerk: 7/18/02	Published: Full 4pp.
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

*7/18/02  
Referred to  
PSL Committee  
changed to Council  
Committee*

*Richard Conlin*  
Committee Chair

Law Department *Peter Steinfurter* CONLIN

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported and Adopted

Honorable President:

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

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

2-0 PS. *pass*

7-15-02 Passed 9-0

2

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

street  
North,  
ment of  
location  
necessary  
property  
and

education  
TION  
ation &  
committee

2  
02  
4pp.

7/15/02  
Re-Refer to  
PSL committee  
Change to  
Circuit (12)

*Richard Conlin*  
Committee Chair

*E. Esquivel*  
FORWARDED  
NO Fiscal

d.kruger/e.mellinger  
Hayes Vac-Trade  
5/17/02  
V #1

ORDINANCE 120850

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

AN ORDINANCE vacating a portion of West Hayes Street in the Southwest Quarter of Section 23, Township 25 North, Range 3 East, W.M. on the petition of Seattle Department of Parks and Recreation and Anna Bowlds; finding the vacation together with the transfer of certain Park property necessary and authorizing the exchange of certain City-owned property for equivalent other property to be used as open space; and accepting deeds for said property.

WHEREAS, there has been filed with the City Council the petition of Seattle Department of Parks and Recreation and Anna Bowlds, Clerk File 304990 for the vacation of a portion of West Hayes Street in the Southwest Quarter of Section 23, Township 25 North, Range 3 East W.M., as herein fully described; and

WHEREAS, the Seattle Department of Parks and Recreation and Anna Bowlds have proposed an exchange of property subject to Ordinance 118477; and

WHEREAS, the Seattle Department of Parks and Recreation and Anna Bowlds have petitioned for the vacation and proposed the property exchange to resolve a long-standing property line issue which was the result of prior City of Seattle actions, and to acquire property for open space;

WHEREAS, in 1910, certain land was acquired by the City of Seattle for Magnolia Way W by condemnation under Ordinance 24332, using Park Funds, and said land, excluding W. Hayes Street, was accepted "for park drive and boulevard uses", and

WHEREAS, in 1959, the City determined that a portion of the land acquired by said Condemnation Ordinance 24332 was not needed, and authorized the reconveyance of a portion of Magnolia Way West lying north of W. Hayes Street by Ordinance 88527, and in 1976, the City also authorized reconveyance of a portion of Magnolia Way West lying immediately south of W. Hayes Street by Ordinance 105504, and

WHEREAS, the practical effect of those reconveyances was that a portion of W. Hayes Street has the appearance of a private driveway to the property abutting on the east and the undeveloped park land has hindered the development, improvement, and use of the adjacent private property; and

WHEREAS, a land trade involving the park land and the portions of vacated street right-of-way attaching thereto will accommodate development, improvement, and use of the adjacent lands, both public and private; and

WHEREAS, in accordance with the requirements of Ordinance 118477 (a.k.a. Initiative 42), the City Council has held a public hearing regarding the necessity of this action; and the City has identified land to replace the park property, such land being equivalent or better in size, value, location and usefulness and in the same vicinity, serving the same community and the same public purpose as the park land to be transferred; and

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



d.kruger/e.mellin,ger  
Hayes Vac-Trade  
5/17/02  
V #1

1 WHEREAS, a public hearing on said vacation petition was held on April 16, 2002; and

2  
3 WHEREAS, the City Council decision on the conditional approval of the vacation was  
4 based on the adopted Street Vacation Policies that provided that the land use code,  
5 SEPA regulations, and other City codes will be relied on to regulate post-vacation  
6 development; and

7  
8 WHEREAS, pursuant to Section 35.79.030, RCW, Seattle Municipal Code Chapter 15.62,  
9 and as a condition of this street vacation the petitioner has granted property of better  
10 value to the City, the appraised value of the property approved for vacation, the  
11 property to be transferred, and the property to be accepted in exchange, all according  
12 to an appraisal obtained by the Seattle Department of Parks and Recreation;

13  
14 **NOW THEREFORE,**

15  
16 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

17  
18 Section 1. That portion of West Hayes Street described as follows:

19 *Commencing at the SE corner of the west 1067.47 feet of Government Lot 4, Section 23,*  
20 *Township 25 North, Range 3 East, WM*

21 *Thence N 0°32'44" E along the easterly line of Magnolia Park Add, as per plat thereof*  
22 *recorded in Volume 15 of Plats, page 55, records of King County, Washington, a distance of*  
23 *242.00 feet;*

24 *Thence S 89°08'14" W along the north line of Block 3 and Block 4 of said Magnolia Park*  
25 *Add, a distance of 313.00 feet;*

26 *Thence N 0°32'44" E along the east line of said Block 3 of Magnolia Park Add a distance of*  
27 *426.81 feet to the intersection with the south margin of West Hayes Street as platted in said*  
28 *Magnolia Park Add and the TPOB;*

29 *Thence continuing N 0°32'44" E a distance of 30.00 feet to the north margin of West Hayes*  
30 *Street as platted in said Magnolia Park Add;*

31 *Thence S 89°32'16" W along said north margin of West Hayes Street a distance of 24.95*  
32 *feet to a point lying N 89°32'16" E and 119.46 feet from the intersection of said north*  
33 *margin of Hayes Street and the centerline of Dartmouth Ave as platted in Magnolia Park*  
34 *Add, said point also being the SW corner of a parcel of land described and conveyed by the*  
35 *City of Seattle per Ordinance 88527;*

36 *Thence S 12°12'47" W a distance of 30.75 feet to the intersection with the south margin of*  
37 *said West Hayes Street, said point lying N 12°12'47" E and 18.94 from the NW corner of a*  
38 *parcel of land described and conveyed by the City of Seattle per Ordinance 105504;*

39 *Thence N 89°32'16" E along said south margin of West Hayes Street a distance of 31.17*  
40 *feet to the TPOB.*

41 *Containing 842.0 square feet*  
42

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



d.kruger/e.mellinger  
Hayes Vac-Trade  
5/17/02  
V #1

1 be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all  
2 necessary slopes for cuts or fills upon the above-described property in the reasonable  
3 original grading of any rights-of-way abutting upon said property after said vacation.

4 Section 2. The City Council finds that the transfer of certain park property in exchange for  
5 equivalent or better property is necessary because there is no reasonable and practical  
6 alternative.

7 Section 3. The Superintendent of Parks and Recreation is hereby authorized to execute such  
8 documents as may be necessary to convey the following described property to Anna

9 Bowlds:

10 *Commencing at the SE corner of the west 1067.47 feet of Government Lot 4, Section 23,*  
11 *Township 25 North, Range 3 East, WM*

12 *Thence N 0°32'44" E along the easterly line of Magnolia Park Add, as per plat thereof*  
13 *recorded in Volume 15 of Plats, page 55, records of King County, Washington, a distance of*  
14 *242.00 feet;*

15 *Thence S 89°08'14" W along the north line of Block 3 and Block 4 of said Magnolia Park*  
16 *Add, a distance of 313.00 feet;*

17 *Thence N 0°32'44" E along the east line of said Block 3 of Magnolia Park Add a distance of*  
18 *426.81 feet to the intersection with the south margin of West Hayes Street as platted in said*  
19 *Magnolia Park Add and the TPOB;*

20 *Thence continuing N 0°32'44" E a distance of 30.00 feet, to the north margin of West Hayes*  
21 *Street as platted in said Magnolia Park Add;*

22 *Thence S 89°32'16" W along said north margin of West Hayes Street a distance of 24.95*  
23 *feet to a point lying N 89°32'16" E and 119.46 feet from the intersection of said north*  
24 *margin of Hayes Street and the centerline of Dartmouth Ave as platted in Magnolia Park*  
25 *Add, said point also being the SW corner of a parcel of land described and conveyed by the*  
26 *City of Seattle per Ordinance 88527;*

27 *Thence S 12°12'47" W a distance of 30.75 feet to the intersection with the south margin of*  
28 *said West Hayes Street;*

29 *Thence continuing S 12°12'47" W 18.94 feet to the NW corner of a parcel of land described*  
30 *and conveyed by the City of Seattle per Ordinance 105504;*

31 *Thence N 89°08'21" E along the north line of said parcel conveyed by said Ordinance*  
32 *105504 a distance of 35.01 feet to the east line of said Block 3 of Magnolia Park Addition;*

33 *Thence N 0°32'44" E along said east line of Block 3, a distance of 18.24 feet to the*  
34 *intersection with the south margin of West Hayes Street as platted in said Magnolia Park*  
35 *Add and the TPOB.*

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



d.kruger/e.mellinger  
Hayes Vac-Trade  
5/17/02  
V #1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

Containing 1449 square feet and to accept, in return, for park, recreation, and open space purposes, the following described property from Anna Bowlds:

Lot 24, Block 4, Hyde Park Addition to the City of Seattle, according to the Plat recorded in Volume 3 of Plats, page 87, records of King County, Washington. (Tax Parcel Number 354790-0465-03)

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

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.

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 15<sup>th</sup> day of July, 2002, and signed by me in open session in authentication of its passage this 15<sup>th</sup> day of July, 2002

*Peter Stember*  
\_\_\_\_\_  
President of the City Council

Approved by me this 18<sup>th</sup> day of July, 2002  
*[Signature]*  
\_\_\_\_\_  
Mayor

Filed by me this 18<sup>th</sup> day of July, 2002  
*[Signature]*  
\_\_\_\_\_  
City Clerk

(SEAL)



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



# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

June 6, 2002

Honorable Peter Steinbrueck  
President  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor

Dear Council President Steinbrueck:

I am transmitting the attached ordinance for Council consideration.

The ordinance vacates a portion of West Hayes Street and authorizes the exchange of park property to resolve a property line issue and the acquisition of equivalent property in the Magnolia Greenbelt for open space purposes.

The Department of Parks and Recreation and Anna Bowlds are co-petitioners requesting the vacation and exchange. This land exchange was considered by the Board of Park Commissioners at its regular meeting on March 28, 2002 and recommended for approval by the Board.

Specifically, the City would give up its interest in two separate properties, one dedicated as street (West Hayes Street) and an adjoining property classified as a boulevard and park property (Magnolia Way West). An 842 square foot portion of West Hayes Street (shown crosshatched in red on the attached map), is proposed for vacation (as governed by the City's adopted Street Vacation Policies), heard, and was separately approved by the Transportation Committee on June 4, 2002. The exchange of 607 square feet of Magnolia Way West (park property shown crosshatched in light blue) is subject to Ordinance 118477 (aka Initiative 42), and requires action by the Parks, Education and Libraries Committee. Both of these properties are proposed to be vacated or conveyed in exchange for a 2,500 square foot property (shown outlined in red on the attached map), which is part of the Magnolia Greenbelt and will be preserved as open space.

Thank you for your consideration of this legislation. Should you have questions please contact Donald Harris at 684-8018 or Donna Kruger at 684-7032.

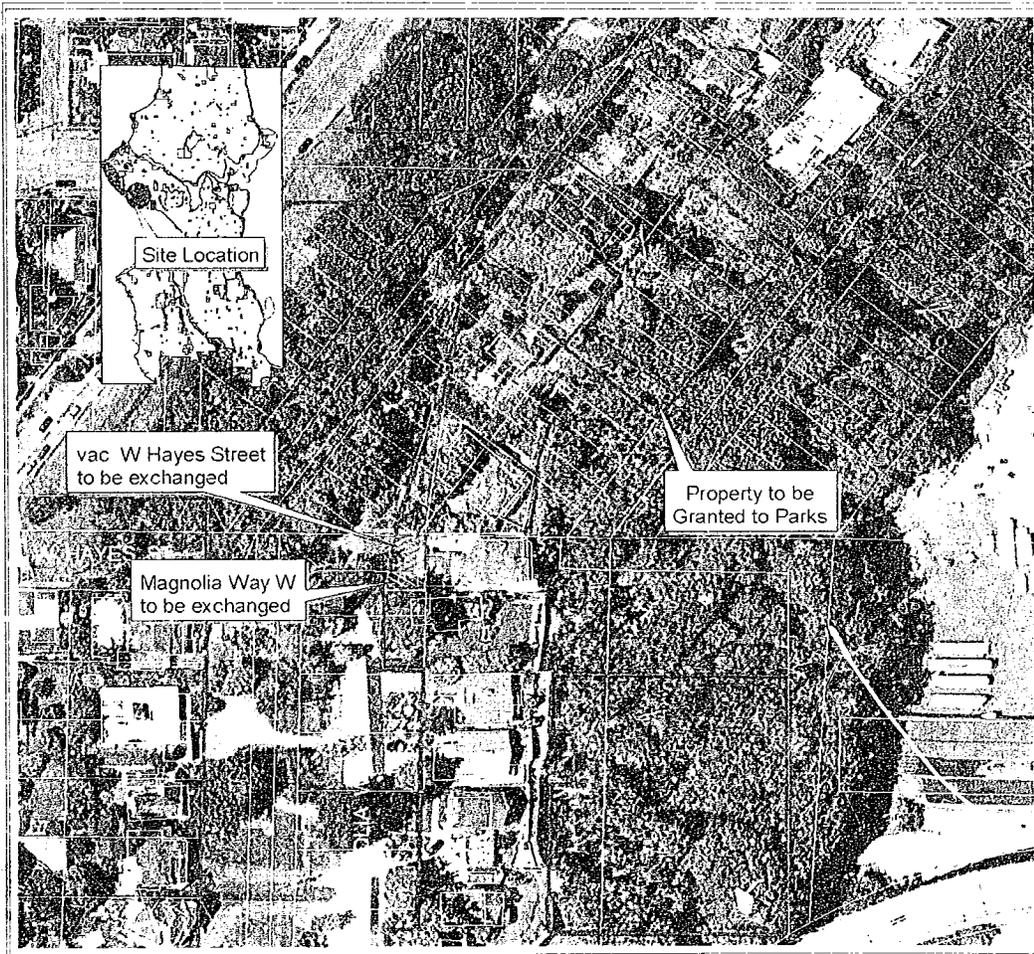
Sincerely,

GREG NICKELS  
Mayor of Seattle

Attachment: City Location Map

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





**W Hayes St  
Vac - Trade**

Orthophoto taken July 1998  
Map date: June 5, 2000

**LEGEND**

-  Park Boundary
-  Legal Boundary
-  Building Outline



Scale 1:1200

25 0 25 50 75 Feet

**CITY OF SEATTLE**  
All rights reserved

Map and data are for informational purposes only. The City of Seattle does not warrant the accuracy of the information presented on this map.

STATE OF WASHINGTON - KING COUNTY

--SS.

147702  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**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 12<sup>th</sup> 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

CT:ORDINANCE# 120850

was published on

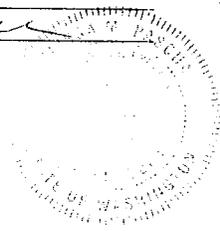
7/24/2002

*J. Stedman*  
\_\_\_\_\_  
Subscribed and sworn to before me on

7/24/2002

*She [Signature]*  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



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

Thence N 0° 32' 44" E along the easterly line of Magnolia Park Add as per plat thereof recorded in Volume 16 of Plats, page 65, records of King County, Washington, a distance of 242.00 feet;

Thence S 89° 08' 14" W along the north line of Block 3 and Block 4 of Magnolia Park Add, a distance of 213.00 feet;

Thence N 0° 32' 44" E along the east line of said Block 3 of Magnolia Park Add a distance of 432.47 feet to the intersection with the south margin of West Hayes Street as platted in said Magnolia Park Add and the TPOB;

Thence continuing N 0° 32' 44" E a distance of 30.00 feet, to the north margin of West Hayes Street as platted in said Magnolia Park Add;

Thence S 89° 32' 16" W along said north margin of West Hayes Street a distance of 84.83 feet to a point lying N 89° 32' 16" E and 119.46 feet from the intersection of said north margin of Hayes Street and the centerline of Bertrams Ave as platted in Magnolia Park Add, said point also being the SW corner of a parcel of land described and conveyed by the City of Seattle per Ordinance 88327;

Thence S 12° 12' 47" W a distance of 30.75 feet to the intersection with the south margin of said West Hayes Street;

Thence continuing S 12° 12' 47" W 18.94 feet to the NW corner of a parcel of land described and conveyed by the City of Seattle per Ordinance 105504;

Thence N 89° 08' 21" E along the north line of said parcel conveyed by said Ordinance 105504 a distance of 35.01 feet to the east line of said Block 3 of Magnolia Park Addition;

Thence N 0° 32' 44" E along said east line of Block 3, a distance of 18.24 feet to the intersection with the south margin of West Hayes Street as platted in said Magnolia Park Add and the TPOB;

Containing 1449 square feet and to accept, in return, for park, recreation, and open space purposes, the following described property from Anna Bowlds:

Lot 24, Block 4, Hyde Park Addition to the City of Seattle, according to the Plat recorded in Volume 3 of Plats, page 87, records of King County, Washington. (Tax Parcel Number 354790-0465-00)

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

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.

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 18th day of July, 2002, and signed by me in open session in authentication of its passage this 18th day of July, 2002.

PETER STEINBUECK,  
President of the City Council.

Approved by me this 18th day of July, 2002.

GREGORY L. NICKELS,  
Mayor.

Filed by me this 18th day of July, 2002.

(Seal) JUDITH PIPPIN,  
City Clerk.

Publication ordered by JUDITH PIPPIN,  
City Clerk.

Date of publication in the Seattle Daily  
Journal of Commerce, July 24, 2002.

728(147702)

## State of Washington, K

### City of Seattle

#### ORDINANCE 118850

AN ORDINANCE vacating a portion of West Hayes Street in the Southwest Quarter of Section 23, Township 25 North, Range 3 East, W.M. on the petition of Seattle Department of Parks and Recreation, and Anna Bowlds, finding the vacation together with the transfer of certain Park property necessary and authorizing the exchange of certain City-owned property for equivalent other property to be used as open space; and accepting deeds for said property.

WHEREAS, there has been filed with the City Council the petition of Seattle Department of Parks and Recreation and Anna Bowlds, Clerk File 202-30 for the vacation of a portion of West Hayes Street in the Southwest Quarter of Section 23, Township 25 North, Range 3 East, W.M., as herein fully described; and

WHEREAS, the Seattle Department of Parks and Recreation and Anna Bowlds have proposed an exchange of property subject to Ordinance 118477; and

WHEREAS, the Seattle Department of Parks and Recreation and Anna Bowlds have petitioned for the vacation of a portion of the property hereinafter described, a long-standing prior City of Seattle action, and to acquire property for open space;

WHEREAS, in 1910, certain land was acquired by the City of Seattle for Magnolia Way W by condemnation under Ordinance 24522, using Park Funds, and said land, including W. Hayes Street, was accepted "for park drive and boulevard use"; and

WHEREAS, in 1959, the City determined that a portion of the land acquired by said Ordinance 24522 was not needed, and authorized the reconveyance of a portion of Magnolia Way West lying north of W. Hayes Street by Ordinance 68671, and in 1976, the City also authorized reconveyance of a portion of Magnolia Way West lying immediately south of W. Hayes Street by Ordinance 105504, and;

WHEREAS, the practical effect of those reconveyances was that a portion of W. Hayes Street has the appearance of a private driveway to the property abutting on the east and the undeveloped park land has hindered the development, improvement, and use of the adjacent private property; and

WHEREAS, a land trade involving the park land and the portions of vacated street right-of-way attaching thereto will accommodate development, improvement, and use of the adjacent lands, both public and private; and

WHEREAS, in accordance with the requirements of Ordinance 118477 (s.k.a. Initiative 42), the City Council has held a public hearing regarding the necessity of this action; and the City has identified land to replace the park property, such land being equivalent or better in site, value, location and usefulness and in the same vicinity, serving the same community and the same park purpose as the park land to be transferred; and

WHEREAS, a public hearing on said vacation petition was held on April 16, 2002; and

WHEREAS, the City Council decision on the conditional approval of the vacation was based on the adopted Street Vacation Policies that provided that the land use code, SEPA regulations, and other City codes will be relied on to regulate post-vacation development; and

WHEREAS, pursuant to Section 35.79.030, RCW, Seattle Municipal Code Chapter 15.52, and as a condition of this street vacation the petitioner has granted property of better value to the City, the appraised value of the property approved for vacation, the property to be transferred, and the property to be accepted in exchange, all according to an appraisal obtained by the Seattle Department of Parks and Recreation;

#### NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That portion of West Hayes Street described as follows:

Commencing at the SE corner of the west 1067.47 feet of Government Lot 4, Section 23, Township 25 North, Range 3 East, WM

Thence N 0° 32' 44" E along the easterly line of Magnolia Park Add, as per plat thereof recorded in Volume 16 of Plats, page 65, records of King County, Washington, a distance of 242.00 feet;

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

AN ORDINANCE vacating a portion of West Hayes Street in the Southwest Quarter of Section 23, Township 25 North, Range 3 East, W.M., to a portion of Seattle Department of Parks and Recreation, and with the transfer of certain Park property to be used as open space, and excepting deeds in said property.

GREGORY L. NICKELS, Mayor. Filed on the 18th day of July, 2002. (Said) JUDITH PIPPIN, City Clerk. Publication ordered by JUDITH PIPPIN, City Clerk. Date of publication in the Seattle Daily Journal of Commerce, July 24, 2002, 7/24(14772)

WHEREAS, there has been filed with the City Council the petition of Seattle Department of Parks and Recreation and Anna Bowlds, C/P - File 934990 for the vacation of a portion of West Hayes Street in the Southwest Quarter of Section 23, Township 25 North, Range 3 East W.M., as herein fully described; and

WHEREAS, the Seattle Department of Parks and Recreation and Anna Bowlds have proposed an exchange of property subject to Ordinance 118477; and

WHEREAS, the Seattle Department of Parks and Recreation and Anna Bowlds have petitioned for the vacation and proposed the property exchange to resolve a long-standing property line issue which was the result of prior City of Seattle actions, and to create property for open space;

WHEREAS, in 1910, certain land was required by the City of Seattle for Magnolia Way by condemnation under Ordinance 24352, using Park Funds, and said land, including W. Hayes Street, was acquired for park drive and boulevard uses; and

WHEREAS, in 1959, the City determined that a portion of the land acquired by said Condemnation Ordinance 24352 was not needed, and authorized the reconveyance of a portion of Magnolia Way West lying north of W. Hayes Street by Ordinance 88031, and in 1976, the City also authorized reconveyance of a portion of Magnolia Way West lying immediately south of W. Hayes Street by Ordinance 108504; and

WHEREAS, the practical effect of these reconveyances was that a portion of W. Hayes Street has the appearance of a private driveway to the property abutting on the east and the undeveloped park land has hindered the development, improvement, and use of the adjacent private property; and

WHEREAS, a land trade involving the park land and the portions of vacated street right-of-way attaching thereto will accommodate development, improvement, and use of the adjacent lands, both public and private; and

WHEREAS, in accordance with the requirements of Ordinance 110777, a.k.a. Initiative 42, the City Council has held a public hearing regarding the necessity of this action; and the City has identified land to replace the park property, such land being equivalent or better in size, value, location and usefulness and in the same vicinity, serving the same community and the same park purpose as the park land to be transferred; and

WHEREAS, a public hearing on said vacation petition was held on April 16, 2002; and

WHEREAS, the City Council decision on the conditional approval of the vacation was based on the adopted Street Vacation Policies that provided that the land use code, SEPA regulations, and other City codes will be revised, and on to regulate post-vacation development; and

WHEREAS, pursuant to Section 35.73.030, RCW, Seattle Municipal Code Chapter 15.52, and as a condition of this street vacation the petitioner has granted the property of better value to the City; the property to be transferred, and the value of the property to be accepted in exchange, all according to an appraisal obtained by the Seattle Department of Parks and Recreation;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That portion of West Hayes Street described as follows:

Commencing at the SE corner of the west 1067.47 feet of Government Lot 4, Section 23, Township 25 North, Range 3 East, WM

Thence N 0° 32' 44" E along the easterly line of Magnolia Park Add. as per plat thereof recorded in Volume 18 of Plats, page 55, records of King County, Washington, a distance of 242.00 feet;

Thence S 89° 08' 14" W along the north line of Block 3 of Magnolia Park Add a distance of 426.81 feet to the intersection with the south margin of West Hayes Street as plotted in said Magnolia Park Add and the TPOB;

Thence continuing N 0° 32' 44" E a distance of 30.00 feet to the north margin of West Hayes Street as plotted in said Magnolia Park Add;

Thence S 89° 32' 16" W along said north margin of West Hayes Street a distance of 24.85 feet to a point lying N 85° 52' 15" E and 119.46 feet from the intersection of said north margin of Hayes Street and the centerline of Dartmouth Ave as plotted in Magnolia Park Add, said point also being the SW corner of a parcel of land described and conveyed by the City of Seattle per Ordinance 88957;

Thence S 12° 12' 47" W a distance of 90.75 feet to the intersection with the south margin of said West Hayes Street, said point lying N 12° 12' 47" E and 18.94 from the NW corner of a parcel of land described and conveyed by the City of Seattle per Ordinance 105504;

Thence N 89° 32' 16" E along said south margin of West Hayes Street a distance of 31.17 feet to the TPOB.

Containing 642.0 square feet be and the same is hereby vacated; RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any right-of-way abutting upon said property after said vacation.

Section 2. The City Council finds that the transfer of certain park property in exchange for equivalent or better property is necessary because there is no reasonable and practical alternative.

Section 3. The Superintendent of Parks and Recreation is hereby authorized to execute such documents as may be necessary to convey the following property to Anna Bowlds:

Commencing at the SE corner of the west 1067.47 feet of Government Lot 4, Section 23, Township 25 North, Range 3 East, WM

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