

ORDINANCE No. 121273

COUNCIL BILL No. 114669

The City of Seattle--Legislative

AN ORDINANCE authorizing the acquisition of real estate in Lot 13, Block 2, Hillman City Division No. 3, commonly referred to as Hillman Orchard; accepting a Warranty Deed for said property, when received; and assigning jurisdiction for said property.

REPORT OF COMMITTEE

Honorable President:

Your Committee on Transportation

to which was referred the within Council Bill No. _____ report that we have considered the same and respectfully recommend

9/5/03 passed 1 concur
abstention - McIVER
9-9-03 Hold 1 week
9-15-03 Passed 8-0 (Excused: Drago)

COMPTROLLER FILE No. _____

Introduced: SEP 2 - 2003	By: <u>Richard Conlin</u>
Referred: SEP 2 - 2003	To: <u>Land Use Committee</u>
Referred:	To:
Referred:	To:
Reported: <u>9-15-03</u>	Second Reading:
Third Reading: <u>9-15-03</u>	Signed: <u>9-15-03</u>
Presented to Mayor: <u>9-16-03</u>	Approved: <u>9/26/03</u>
Returned to City Clerk: <u>9/26/03</u>	Published: <u>Julie app.</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Law Department

[Signature]
Committee Chair

The City of Seattle--Legislative Department

Date Reported and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on Transportation

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

9/5/03 passed 1 concur

abstention - McIVER

9-8-03 Hold 1 week

9-15-03 Passed 8-0 (Excused: Drago)

Law Department
Law Department

[Signature]
Committee Chair

9/15/03

[Handwritten notes]
Final vote taken 9/15/03
9/15/03
No revision made
Bruce B. Bell

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Conlin

sp.

ORDINANCE 121273

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3 AN ORDINANCE authorizing the acquisition of real estate in Lot 13, Block 2, Hillman City
4 Division No. 3, commonly referred to as Hillman Orchard; accepting a Warranty Deed for
said property, when received; and assigning jurisdiction for said property

5 WHEREAS, a vacant parcel in close proximity to the Hillman P-Patch in the Hillman City
6 neighborhood was made available by King County for a price of \$1,000; and

7 WHEREAS, the Friends of the Orchard have generously donated \$2,000 toward development of
8 the property as a communally-managed open space; and

9 WHEREAS, Ordinance 120707 made a year 2002 allocation of \$800,000 from the Neighborhood
10 Matching Subfund to Small and Simple Projects and authorized the Mayor or his designee
to expend funds from this allocation; and

11 WHEREAS, pursuant to Ordinance 120707 the Department of Neighborhoods awarded \$7,095
12 of this total to assist the community develop Hillman Orchard in cooperation with the P-
13 Patch program; NOW, THEREFORE,

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

15 Section 1. The Fleets and Facilities Director is hereby authorized, for and on behalf of the
16 City, to negotiate for and acquire all rights, title, and interest in the real property legally described
17 as follows:

18 Lot 13, Block 2, Hillman City Division No. 3, as recorded in Volume 11 of Plats, page 38,
19 Records of King County, Washington, EXCEPT that portion taken for street.

20
21 Section 2. From the total amount allocated by Ordinance 120707 from the Neighborhood
22 Matching Subfund to Small and Simple Projects, the Director of the Department of
23 Neighborhoods is authorized to expend Two Thousand Dollars (\$2,000) for the acquisition of
24 real property and property rights identified in Section 1 above.
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1 Section 3. The Fleets and Facilities Director is authorized, for and on behalf of the City,
2 to accept the Warranty Deed for the property describe d in Section 1, which property, when
3 received, shall be placed under the jurisdiction of the Department of Neighborhoods.

4 Section 4. Any acts made consistent with the authority and prior to the effective date of
5 this ordinance are hereby ratified and confirmed.

6 Section 5. This ordinance shall take effect and be in force thirty (30) days after its
7 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
8 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
9

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12
13 Passed by the City Council the 15th day of September 2003, and signed by me in open
14 session in authentication of its passage this 15th day of September 2003.

15
16 Peter Stembur
17 President _____ of the City Council

18 Approved by me this 26 day of September, 2003.

19 G. Nickels
20 Gregory J. Nickels, Mayor

21 Filed by me this 26th day of Sept., 2003

22
23 Judith E Pippin
24 City Clerk

25
26 (Seal)





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 11, 2003

Honorable Peter Steinbrueck
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Steinbrueck:

The attached ordinance authorizes the City's acquisition of property in the Hillman City neighborhood from King County, the site's current owner; accepts the deed for this property; and approves the expenditure of \$2,000 for the purchase. These funds were derived from an award of \$7,095 that the Department of Neighborhoods (DON) has already granted to this project from the Small and Simple Subaccount of the Neighborhood Matching Fund. The funds to back this award were appropriated from the Neighborhood Matching Subfund 2002 Budget prior to the Council Budget Proviso prohibiting the use of the Neighborhood Matching Subfund for property acquisitions.

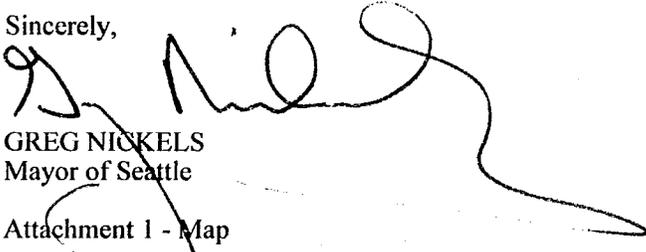
The Hillman City site shall be used as open space in a neighborhood that is currently deficient in community gathering areas. Development of the site will be funded from the \$5,095 remaining from of the Small and Simple award, as well as a \$2,000 commitment from the community itself (organized as Friends of the Orchard).

The Hillman Orchard neighbors will likely turn the site into communally managed open space. Communal gardens have been a recent addition of the P-Patch Program and involve groups of individuals or organizations, with the assistance of P-Patch Program staff, collectively gardening a whole site. P-Patch staff believes that this model will well suit the Hillman Orchard site.

Community input will help shape a design that will promote ongoing community stewardship. Ongoing maintenance will be a cooperative effort between neighbors and P-Patch. Neighbors will be responsible for payment of water bills and DON will review plans to ensure financial sustainability.

Thank you for your consideration of this legislation. Should you have questions, please contact Hillary Hamilton (684-0421) in Fleets and Facilities Department or Anne Takekawa (684-4523) in DON.

Sincerely,



GREG NICKELS
Mayor of Seattle

Attachment 1 - Map

cc: Honorable Members of the Seattle City Council

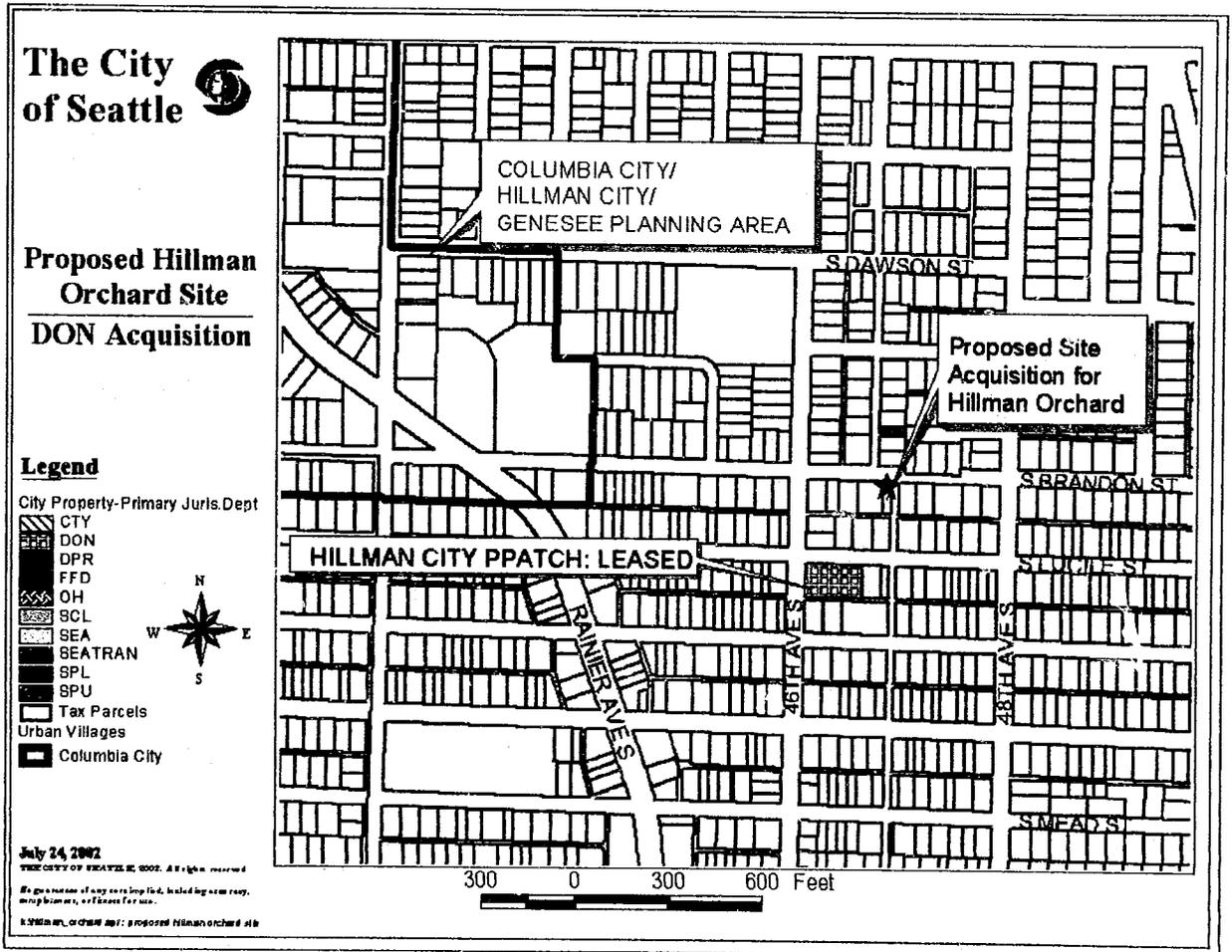
600 Fourth Avenue, 7th Floor, Seattle, WA 98104

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.wa.us

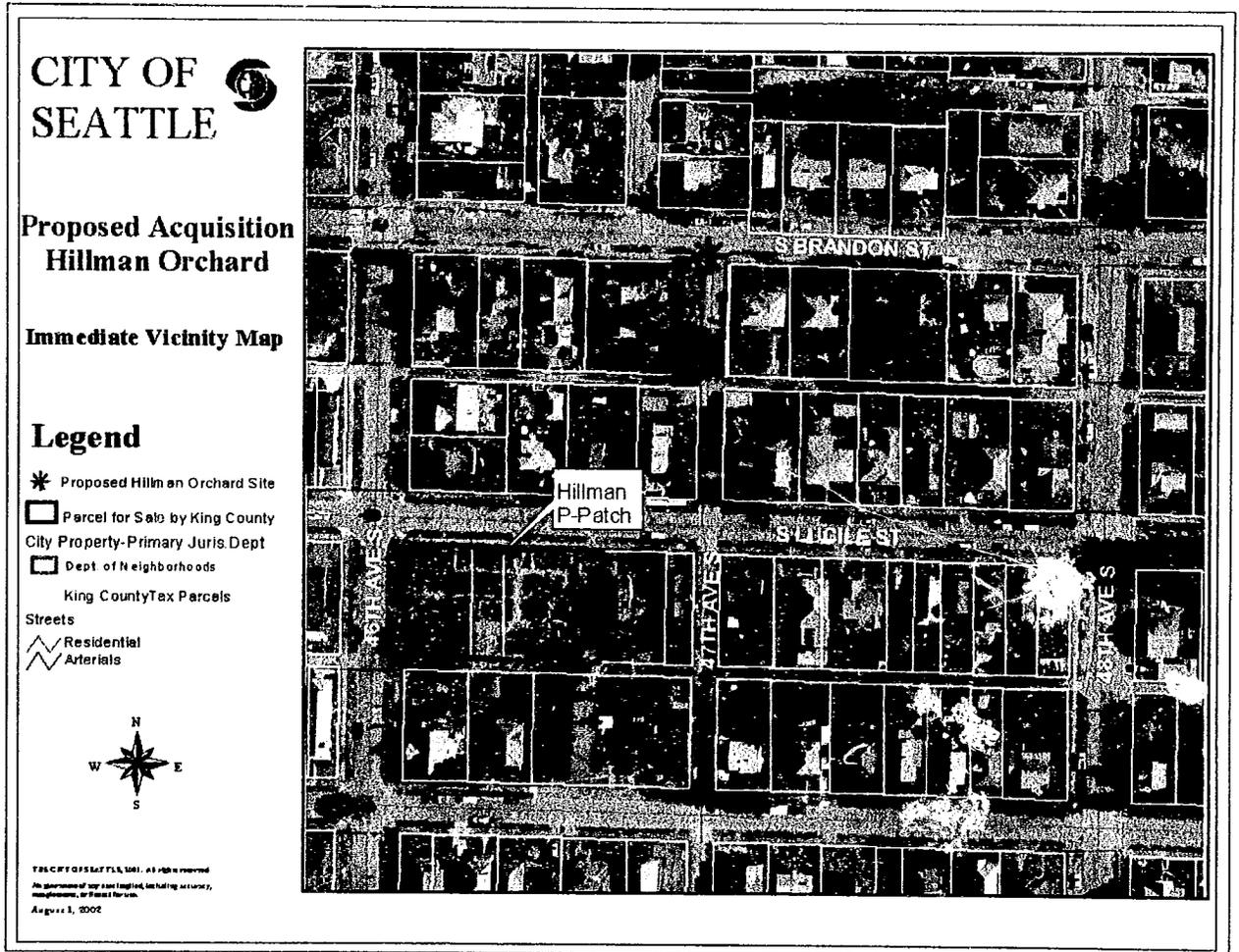
An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



Map



Map



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Fleets and Facilities	FFD Hillary Hamilton/4-0421 DON Rich Macdonald/6-0088	Lee Belland/3-3778 Sara Levin/4-8691

Legislation Title:

An ordinance authorizing the acquisition of real estate in Lot 13, Block 2, Hillman City Division No. 3, commonly referred to as Hillman Orchard; accepting a Warranty Deed for said property, when received; and assigning jurisdiction for said property.

Summary of the Legislation:

The ordinance authorizes the Fleets and Facilities Department to complete the purchase of a single-family lot in the Hillman City Neighborhood from King County for the purchase price of \$2,000 and approves this \$2,000 expenditure from funds that were previously appropriated from the 2002 Budget of the Neighborhood Matching Subfund. The legislation also authorizes the City's acceptance of the deed for the property, once it is received, and assigns jurisdiction of the property to the Department of Neighborhoods.

Background (Include brief description that states the purpose and context of legislation, the expected useful life, anticipated customers/users, assumed level of LEED or other sustainable design elements. Also include record of previous legislation and funding history, if applicable):

The property at 47th Ave. S. and S. Brandon St. is owned by King County. Although the County offered the property to low-income housing developers, neighbors organized as Friends of the Orchard to promote an alternative use of the property for open space in an area deficient in community gathering areas. The community contacted various City agencies that manage open space, including the Department of Neighborhoods' P-Patch Program and the Department of Parks and Recreation. The P-Patch Program expressed willingness to manage the property as they do with three other P-Patch sites (see below). Ultimately the County agreed to sell the lot to the City for open space for the price of \$2,000. The assessed value of the parcel is \$51,000.

The purchase of the property will be funded from \$2,000 of a \$7,095 Neighborhood Matching Fund award for which funds have already been appropriated under Ordinance 120707. Development costs will be funded from the remainder of the NMF award as well as \$2,000 raised by the neighborhood (organized as Friends of the Orchard).

Owing to its size, its proximity to an existing P-Patch and neighborhood preference, Hillman Orchard will not be a traditional P-Patch. Typically the P-Patch Program either owns or leases



IT IS DUE TO THE QUALITY OF THE DOCUMENT.

land, then rents small plots to gardeners who collectively manage communal elements like perennial beds, neighborhood gathering spots, and food bank plots. It is anticipated that the Hillman Orchard neighbors will instead turn this site into communally managed open space. Communal gardens have been a recent addition of the P-Patch Program and involve groups of individuals or organizations, with assistance of the P-Patch Program, collectively gardening a whole site. DON staff believe that this model will well suit the Hillman Orchard.

As with any P-Patch, design and development will be managed by the neighborhood with help from staff of the P-Patch Program. The ideas already expressed - small fruit trees, fruit-bearing native shrubs and a community gathering area - will form the backbone of a design that will promote ongoing community stewardship. With its probable simple xeriscape design, development costs should be easily funded by the remainder of the aforementioned Small and Simple Neighborhood Matching Fund plus the \$2,000 raised by the community. Ongoing maintenance will be a cooperative effort between neighbors and the P-Patch Program which, as it does with all gardens, administratively assists by helping maintain member lists, securing resources, and meeting with site leadership to organize stewardship from year-to-year. Neighbors will be responsible for payment of water bills; DON will review plans to ensure financial sustainability.

Project Name:	Project Location:	Start Date:	End Date:
Hillman Orchard (DON Project No. INS2002, Activity No. S02080)	47th Ave. S. and S. Brandon St	August 2003	December 2003

- Please check one of the following:

This legislation does not have any financial implications. (Stop here and delete the remainder of this document prior to saving and printing.)

This legislation has financial implications. (Please complete the boxes below and all relevant sections that follow.)

Appropriations (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2003 Appropriation	2004 Anticipated Appropriation
NONE				
TOTAL				

* This is true of business for operating budgets, and program or project for capital improvements.

Notes: Appropriations for this project were already made under Ordinance 120707.



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Anticipated Revenue/Reimbursement (in \$1,000's):

Fund Name and Number	Department	Revenue Source	2003 Revenue	2004 Revenue
N/A				
TOTAL				

Notes:

Spending Plan and Future Appropriations for Capital Projects (Estimate cost of legislation over time; list timing of anticipated appropriation authority requests and expected spending plan. Please identify your cost estimate methodology including inflation assumptions and key assumptions related to the timing of appropriation requests and expected expenditures. In addition, include the projected costs of meeting the LEED Silver standard in all facilities and buildings with over 5,000 gross square feet of occupied space. Also, be sure to include percent for art and percent for design as appropriate):

Spending Plan and Budget	2003	2004	2005	2006	2007	2008	Total
Spending Plan	9	-	-	-	-	-	9
Current Year Appropriation	-						0
Future Appropriations		-	-	-	-	-	0

Key Assumptions:

The spending shown above will cover the purchase (\$2,000) and development (approximately \$7,000). The appropriations are shown as zero, as they were already made in the Neighborhood Matching Subfund 2002 budget. The spending amount also includes \$2,000 in community contributions that will be available for site development.

Funding source (Identify funding sources including revenue generated from the project and the expected level of funding from each source):

Funding Source	2003	2004	2005	2006	2007	2008	Total
Neighborhood Matching Subfund (Fund 00165) – NOTE: already appropriated under Ord. 120707	7,000	-	-	-	-	-	7,000
Community Contribution (Friends of the Orchard)	2,000	-	-	-	-	-	2,000
TOTAL	9,000	-	-	-	-	-	9,000



IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Bond Financing Required (If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount):

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
NONE					
TOTAL					

Uses and Sources for Operation and Maintenance Costs for the Project (Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost):

O&M	2003	2004	2005	2006	2007	2008	Total
Uses							
Start Up	-	-	-	-	-	-	
On-going	\$200	\$200	\$200	\$200	\$200	\$200	\$1,200
Sources (itemize)							
Community (Plot Fees)	\$200	\$200	\$200	\$200	\$200	\$200	\$1,200

Key Assumptions:

The annual cost of \$200 represents the cost of water and will be funded wholly from a fee structure (e.g., plot fees).

Periodic Major Maintenance costs for the project (Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency):

Major Maintenance Item	Frequency	Cost	Likely Funding Source
NONE			
TOTAL			

Funding sources for replacement of project (Identify possible and/or recommended method of financing the project replacement costs):

--

Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE Impact:

Position Title*	Part-Time/ Full Time	2003 Positions	2003 FTE	2004 Positions**	2004 FTE**
None					
TOTAL					



IT IS DUE TO THE QUALITY OF THE DOCUMENT.

- **Fund Name and Number:** Not applicable.
- **Department:** Not applicable.

* *List each position separately.*

** *2004 positions and FTE are total 2004 position changes resulting from this legislation, not incremental changes from 2003.*

- **Do positions sunset in the future?** *(If yes, identify sunset date):*
N/A

- **What is the financial cost of not implementing the legislation:** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):*

If this legislation is not implemented, the project may or not be implemented (see below), and the NMF award could potentially be reallocated to another project. The City would potentially forego the opportunity to leverage the NMF funds with the money raised by Friends of the Orchard.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives** *(Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):*

The Friends of the Orchard could work with King County, the current property owner, to utilize the land for garden purposes. However, continued ownership by King County creates uncertainty as to the site's long-term availability, and would reduce the community's incentive to develop and maintain the site as open space.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*
No.

- **Other Issues** *(including long-term implications of the legislation):*

Acquisition of the property from King County does require a minimal level of commitment from the City and the Friends of the Orchard to water and maintain the communal garden. No additional funding from the City would be required.

STATE OF WASHINGTON - KING COUNTY

--SS.

163716
City of Seattle, Clerk's Office

No. ORDINANCE TITLE ONLYS

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 , 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:121269,271-273,79&80

was published on

10/3/2003



Affidavit of Publication

Jennifer Pitzer
Subscribed and sworn to before me on

10/3/2003

Melissa Dowd
Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on September 15, 2003, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 694-8344.

ORDINANCE NO. 121260

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

ORDINANCE NO. 121270

AN ORDINANCE relating to the Department of Neighborhoods; authorizing the Department of Neighborhoods to accept grant funding from the Washington State Department of Community, Trade and Economic Development Office of Archaeology and Historic Preservation (OAH) for survey and inventory of the Columbia City Landmark District; and increasing the Department of Neighborhoods' expenditures authority in the 2003 Budget, all by three-fourths vote of the City Council.

ORDINANCE NO. 121269

AN ORDINANCE relating to the Department of Neighborhoods; authorizing the Department of Neighborhoods to accept grant funding from the State of Washington's Division of Developmental Disabilities for the Involving All Neighbors program; and increasing the Department of Neighborhoods' expenditure authority in the 2003 Budget, all by a three-fourths vote of the City Council.

ORDINANCE NO. 121271

AN ORDINANCE relating to the Department of Neighborhoods; authorizing implementation of certain Neighborhood Matching Fund projects in 2003.

ORDINANCE NO. 121272

AN ORDINANCE authorizing the Department of Executive Administration to close certain funds and subfunds; to transfer all unexpended and unencumbered balances and other assets and liabilities of such funds and subfunds; and abandoning from those funds and subfunds certain unexpended appropriation authority.

ORDINANCE NO. 121273

AN ORDINANCE authorizing the acquisition of real estate in Lot 13, Block 2, Hillman City Division No. 3, commonly referred to as Hillman Orchard; accepting a Warranty Deed for said property, when received; and assigning jurisdiction for said property.

Date of publication in the Seattle Daily Journal of Commerce, October 3, 2003.

10/3(163716)