

Ordinance No. 121468

Council Bill No. 114889

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE relating to the regulation of floating homes and floating home moorages, amending SMC 7.20.080 concerning the criteria to be considered by the Hearing Examiner when reviewing rent increases, amending SMC 7.20.130 to require that floating home tenants be informed in advance of moorage sales and amending SMC 7.20.150 to change the penalties for noncompliance.

CF No.

Date Introduced:	APR 20 2004	
Date 1st Referred:	APR 20 2004	To: (committee) Urban Development & Planning
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	5-3-04	Full Council Vote: 9-0
Date Presented to Mayor:	5-4-04	Date Approved: 5/12/04
Date Returned to City Clerk:	5/14/04	Date Published: EPP
Date Vetoes by Mayor:		Y.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Passed Over Veto:		Date Veto Published:
		Veto Sustained:

5-3-04 Passed

This file is complete and ready

Law Dept. Review

Council Bill/Ordinance sponsored by: _____

Peter Steinbrueck

Councilmember

Committee Action:

*Approve 3-0
PS, TR, RC*

5-3-04 Passed 9-0

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

Committee: _____

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Revision...
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Full text...
Case bill...

Law Dept. Review

OMP Review

City Clerk Review

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Indexed

ORDINANCE 121468

AN ORDINANCE relating to the regulation of floating homes and floating home moorages, amending SMC 7.20.080 concerning the criteria to be considered by the Hearing Examiner when reviewing rent increases, amending SMC 7.20.130 to require that floating home tenants be informed in advance of moorage sales and amending SMC 7.20.150 to change the penalties for noncompliance.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 7.20.080 of the Seattle Municipal Code, which was last amended by Ordinance 120794, is amended as follows:

SMC 7.20.080 Moorage fee increases -- Hearing.

A. A moorage owner seeking a moorage fee increase shall give the floating home owners affected thereby a written notice, at least thirty (30) days before the increase will go into effect, stating the amount of the increase, financial computations demonstrating the need for the increase, and the effective date of the increase. If the proposed moorage fee increase is to be based, in whole or in part, on a cost basis established by a sale, lease or other transaction concerning the moorage property or facilities, then the notice shall include identification of the parties to the transaction, all material terms of the transaction and an explanation as to whether and how the transaction resulted in a genuine change in control of the property or facilities so as to justify the use of a new cost basis.

B. If at least one-half (1/2) of the floating home moorage site lessees in a floating home moorage, excluding the moorage owner and those who have an ownership interest in the moorage, who are subject to a moorage fee increase in the same percentage amount (plus or minus one percentage point (1%)) believe that the demanded fee increase is unreasonable, they



1 may collectively file a petition for review with the Hearing Examiner. The petition shall be in
2 the form of a sworn statement which shall: (1) be signed by each petitioning moorage site lessee;
3 (2) list separately the name and floating home address of each such moorage site lessee; and (3)
4 include a statement of the intention of each moorage site lessee to contest the proposed moorage
5 fee increase. In determining whether at least half of those affected have petitioned only one
6 signature per moorage site will be counted. The petition shall be filed within fifteen (15) days of
7 receipt of written notification of the moorage fee increase. The person or persons filing a
8 petition for review shall pay a filing fee of Twenty-five Dollars (\$25.00) per petitioner, with a
9 maximum fee of Seventy-five Dollars (\$75.00), to the City Director of Executive
10 Administration, which fee shall be refunded if no hearing is required. The Hearing Examiner
11 may consolidate the petitions contesting moorage fee increases at the same moorage.

12 C. The Hearing Examiner's review shall to the extent possible be based upon written
13 memoranda, sworn statements, and affidavits submitted by the parties. The moorage owner
14 shall, as soon after the filing of the petition as practicable, file with the Hearing Examiner and
15 serve upon the petitioning floating home moorage site lessees or their representative, a
16 memorandum and any necessary affidavits or sworn statements in support of the proposed
17 increase. The floating home moorage site lessees shall submit a responsive memorandum and
18 affidavits within fifteen (15) days of receipt of the moorage owners' submission. The Hearing
19 Examiner shall review the memoranda, affidavits, and sworn statements and advise the parties in
20 writing of: (1) the legal and factual issues to be resolved; (2) the time and place for the hearing;
21 and (3) the length of time that each party will have to present his or her case. In connection with
22 such review the Hearing Examiner may require any party to the proceedings to provide any
23



1 information needed to determine whether the demanded moorage fee increase is reasonable.
2 Either party's failure to provide information requested by the Hearing Examiner may, at the
3 Hearing Examiner's discretion, result in a finding or findings against the party refusing to
4 provide the information as regards facts that could be proved or disproved by the requested
5 information.

6 D. 1. The Hearing Examiner shall find whether that portion of the proposed moorage
7 fee increase which is in excess of that permitted in Section 7.20.090, or an increase in a lesser
8 amount, or no increase in excess of that permitted in Section 7.20.090, is necessary to assure a
9 fair and reasonable return to the moorage owner and shall order such increase as is found
10 necessary to assure a fair and reasonable return. In making the determination, the Hearing
11 Examiner, in addition to any other factors deemed relevant, shall consider the following factors:

12 (a) the purchase or lease price of the moorage and the terms of any transaction relied upon to
13 establish the cost basis for the moorage; (b ((1))) increases or decreases since the last moorage
14 fee increase in the expenses of operation and maintenance of the floating home moorage;
15 provided, that such expenses are for services, repairs, property maintenance, or any other
16 expenses which are reasonable and necessary for the continued operation of a floating home
17 moorage; (c ((2))) the reasonable costs of capital improvements since the last moorage fee
18 increase to the floating home moorage property which benefit the floating home owners
19 occupying moorage sites at the floating home moorage; (d ((3))) increases or decreases since the
20 last moorage fee increase in necessary or desirable services furnished by the floating home
21 moorage owner or operator where such increased or decreased services affect the person or
22 persons initiating the fact-finding proceedings; (e ((4))) substantial deterioration since the last
23

1 moorage fee increase in the facilities provided for the occupants of moorage sites at such floating
2 home moorage due to failure of the moorage owner or operator to perform ordinary repairs,
3 replacement and maintenance of the floating home moorage property and improvements; (f ((5)))
4 comparability with moorage fees charges for other floating home moorage sites in the City; and
5 (g ((6))) a reasonable return on leased land.

6 2. Whenever the sale or lease price of a moorage or the terms of any transaction concerning the
7 moorage are cited as a factor in demonstrating that a rent increase or any part thereof is
8 necessary to assure a fair and reasonable return to the owner, the Examiner will allow sufficient
9 time for discovery as appropriate under applicable Hearing Examiner Rules. The Hearing
10 Examiner may rely on this factor as supporting a rent increase or any part thereof only if the
11 moorage owner demonstrates at hearing that the sale or other transaction relied upon resulted in a
12 genuine change in control of the moorage sufficient to justify a new cost basis for the moorage.

13 E. No contested moorage fee increase shall take effect until approved by the Hearing
14 Examiner's written decision; provided that the moorage owner or operator may recover
15 retroactively from the date of the notice of the increase, with interest at the prevailing rate for
16 United States Treasury bills on the date of the decision, such increases as are found reasonable
17 by the Hearing Examiner. It shall be unlawful for a moorage owner or operator to demand,
18 charge, or collect any moorage fee in excess of the amount approved by the Hearing Examiner
19 for a period of one (1) year from the effective date of any permitted fee increase, unless the
20 moorage owner can show either that extraordinary damage to the moorage occurring after the
21 decision has necessitated cost increases which make it impossible to realize a reasonable return
22 without a fee increase, or that the floating home owner has rented the floating home to another at
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1 a profit; provided, that moorage owners may increase fees in the amount of any increases in state
2 lease or City license fees whenever such increases are incurred, and may increase fees for the
3 purpose of recovering the costs of capital improvements authorized by Section 7.20.090
4 whenever such improvements are required. Any fee increase necessitated by extraordinary
5 damage shall be subject to Hearing Examiner review whenever such review is requested by at
6 least one-half (1/2) of the floating home moorage site lessees affected, any other provision in this
7 chapter to the contrary notwithstanding.

8 Section 2. Section 7.20.130 of the Seattle Municipal Code, which was enacted by
9 Ordinance 11526, is amended as follows:

10 **SMC 7.20.130 Notices.**

11 A. It is unlawful to sell, lease or rent a floating home or moorage facility without
12 advising the prospective purchaser, lessee, or renter, in writing of the existence of this chapter,
13 and it is unlawful to fail to provide the owner or operator of a floating home moorage with
14 written notice of a proposed change in occupancy, sale, or rental of a floating home located at the
15 moorage at least fifteen (15) days in advance of the proposed change in occupancy.

16 B. It is unlawful for a moorage owner to fail to notify each floating home moorage
17 site lessee at that moorage that the moorage is being offered for sale. This notification shall be in
18 writing and shall be provided at least ninety (90) days but not more than one year prior to the
19 date the moorage owner takes any action to offer the moorage for sale. Actions triggering the
20 notice requirement of this subsection include, but are not limited to, entering into a listing
21 agreement with respect to the moorage or advertising the moorage for sale in any public forum.

1 C. It is unlawful for a new moorage owner to fail to give, within seven (7) days of a
2 change in ownership of the moorage, notice to each floating home moorage site lessee of the
3 change of ownership and address and telephone number of the new moorage owner.

4 Section 3. Section 7.20.150 of the Seattle Municipal Code, which was last amended by
5 Ordinance 115390, is amended as follows:

6 **SMC 7.20.150 Violation — Penalty—Additional Remedies**

7 A. Civil Penalty. Any person who violates or fails to comply with any of the
8 provisions of this chapter is subject to a civil penalty in the amount of One Hundred Dollars
9 (\$100) per day for each violation or failure to comply. Each day a person violates or fails to
10 comply with any of the provisions of this chapter may be considered a separate violation for
11 which a penalty may be imposed.

12 B. Alternative Criminal Penalty. Any person who violates or fails to comply with
13 any of the provisions of this chapter is guilty of a misdemeanor subject to the provisions of
14 Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation
15 or failure to comply, and none of the mental states described in Section 12A.04.030 need be
16 proved. Each day a person violates or fails to comply with any of the provisions of this chapter
17 may be considered a separate violation. The City Attorney may prosecute such violation or
18 failure to comply criminally as an alternative to the civil penalty provided by this section.

19 C. Additional remedies. Commission of any of the acts made unlawful by the
20 provisions of Sections 7.20.040, 7.20.050, 7.20.060, 7.20.070, 7.20.080, 7.20.090, 7.20.100,
21 7.20.110, 7.20.115 or 7.20.130, or the intentional misrepresentation of any material fact in any
22 statement required by this chapter, ((shall)) entitles persons injured thereby to recover actual
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1 damages and reasonable attorney's fees incurred as a result of the violation or misrepresentation;
2 shall be available as a ground for injunctive relief, and shall be available as a defense in actions
3 concerning the right to possession, where appropriate. ~~((; and shall constitute a violation subject
4 to the provisions of Chapter 12A.01 and Chapter 12A.02 of the Seattle Criminal Code, and any
5 person convicted thereof may be punished by a civil fine or forfeiture not to exceed Five
6 Hundred Dollars (\$500). Each week's violation shall constitute a separate offense.))~~

7 Section 4. Severability. The provisions of this ordinance are declared to be separate
8 and severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion
9 of this ordinance, or the invalidity of the application thereof to any person or circumstance shall
10 not affect the validity of the remainder of this ordinance, or the validity of its application to other
11 persons or circumstances.



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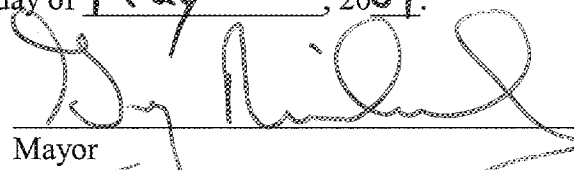
Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by a majority vote of all the members of the City Council the 3rd day of May, 2004, and signed by me in open session in authentication of its passage this 3rd day of May, 2004.



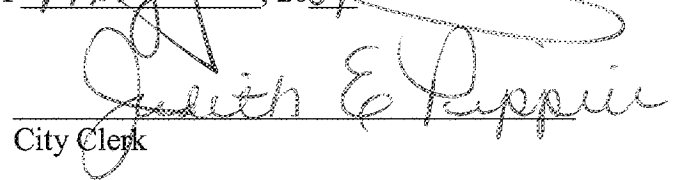
President of the City Council

Approved by me this 12 day of May, 2004.



Mayor

Filed by me this 14 day of May, 2004



City Clerk

(SEAL)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Rebecca Herzfeld/615-1674	Not Applicable

Legislation Title:

AN ORDINANCE relating to the regulation of floating homes and floating home moorages, amending SMC 7.20.080 concerning the criteria to be considered by the Hearing Examiner when reviewing rent increases and amending SMC 7.20.130 to require that floating home tenants be informed in advance of moorage sales and amending 7.20.150 to change the penalties for noncompliance.

• **Summary of the Legislation:**

This bill would require that floating home owners be given advance notice that their floating home moorage facility is being offered for sale. In addition, if a transaction is used to establish a new cost basis which justifies a moorage fee increase, notice of the fee increase must include the terms of the transaction and explain how it justifies the use of a new cost basis. If the rent increase is subject to a Hearing Examiner petition, the Hearing Examiner shall also review and consider the terms of any transaction relied upon to establish the cost basis for the moorage. The penalty section for Chapter 7.20 is also updated by this ordinance to include the potential for civil penalties as well as the current criminal ones, and to provide for recovery of reasonable attorney's fees.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

In 2001, the State Supreme Court made a decision that invalidated the City's requirement that floating home owners be given the right of first refusal if their moorage is offered for sale. In light of this decision, the intent of this bill is to maintain the balance of interests between floating home owners and their moorage owning landlords by providing advanced notice of actions that may affect moorage rental rates, and ensuring that moorage fee increases are justified by actual increases in the cost basis of the moorage.

• *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 all relevant sections that follow.)*

ORDINANCE _____

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B. If at least one-half (1/2) of the floating home moorage site lessees in a floating home moorage, excluding the moorage owner and those who have an ownership interest in the moorage, who are subject to a moorage fee increase in the same percentage amount (plus or minus one percentage point (1%) believe that the demanded fee increase is unreasonable, they



1 may collectively file a petition for review with the Hearing Examiner. The petition shall be in
2 the form of a sworn statement which shall: (1) be signed by each petitioning moorage site lessee;
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1 information needed to determine whether the demanded moorage fee increase is reasonable.
2 Either party's failure to provide information requested by the Hearing Examiner may, at the
3 Hearing Examiner's discretion, result in a finding or findings against the party refusing to
4 provide the information as regards facts that could be proved or disproved by the requested
5 information.

6 D. 1. The Hearing Examiner shall find whether that portion of the proposed moorage
7 fee increase which is in excess of that permitted in Section 7.20.090, or an increase in a lesser
8 amount, or no increase in excess of that permitted in Section 7.20.090, is necessary to assure a
9 fair and reasonable return to the moorage owner and shall order such increase as is found
10 necessary to assure a fair and reasonable return. In making the determination, the Hearing
11 Examiner, in addition to any other factors deemed relevant, shall consider the following factors:

- 12 (a) the purchase or lease price of the moorage and the terms of any transaction relied upon to
13 establish the cost basis for the moorage; (b ((+))) increases or decreases since the last moorage
14 fee increase in the expenses of operation and maintenance of the floating home moorage;
15 provided, that such expenses are for services, repairs, property maintenance, or any other
16 expenses which are reasonable and necessary for the continued operation of a floating home
17 moorage; (c ((2))) the reasonable costs of capital improvements since the last moorage fee
18 increase to the floating home moorage property which benefit the floating home owners
19 occupying moorage sites at the floating home moorage; (d ((3))) increases or decreases since the
20 last moorage fee increase in necessary or desirable services furnished by the floating home
21 moorage owner or operator where such increased or decreased services affect the person or
22 persons initiating the fact-finding proceedings; (e ((4))) substantial deterioration since the last
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1 moorage fee increase in the facilities provided for the occupants of moorage sites at such floating
2 home moorage due to failure of the moorage owner or operator to perform ordinary repairs,
3 replacement and maintenance of the floating home moorage property and improvements; (f ((5)))
4 comparability with moorage fees charges for other floating home moorage sites in the City; and
5 (g ((6))) a reasonable return on leased land.

6 2. Whenever the sale or lease price of a moorage or the terms of any transaction concerning the
7 moorage are cited as a factor in demonstrating that a rent increase or any part thereof is
8 necessary to assure a fair and reasonable return to the owner, the Examiner will allow sufficient
9 time for discovery as appropriate under applicable Hearing Examiner Rules. The Hearing
10 Examiner may rely on this factor as supporting a rent increase or any part thereof only if the
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12 genuine change in control of the moorage sufficient to justify a new cost basis for the moorage.

13 E. No contested moorage fee increase shall take effect until approved by the Hearing
14 Examiner's written decision; provided that the moorage owner or operator may recover
15 retroactively from the date of the notice of the increase, with interest at the prevailing rate for
16 United States Treasury bills on the date of the decision, such increases as are found reasonable
17 by the Hearing Examiner. It shall be unlawful for a moorage owner or operator to demand,
18 charge, or collect any moorage fee in excess of the amount approved by the Hearing Examiner
19 for a period of one (1) year from the effective date of any permitted fee increase, unless the
20 moorage owner can show either that extraordinary damage to the moorage occurring after the
21 decision has necessitated cost increases which make it impossible to realize a reasonable return
22 without a fee increase, or that the floating home owner has rented the floating home to another at
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1 a profit; provided, that moorage owners may increase fees in the amount of any increases in state
2 lease or City license fees whenever such increases are incurred, and may increase fees for the
3 purpose of recovering the costs of capital improvements authorized by Section 7.20.090
4 whenever such improvements are required. Any fee increase necessitated by extraordinary
5 damage shall be subject to Hearing Examiner review whenever such review is requested by at
6 least one-half (1/2) of the floating home moorage site lessees affected, any other provision in this
7 chapter to the contrary notwithstanding.

8 Section 2. Section 7.20.130 of the Seattle Municipal Code, which was enacted by
9 Ordinance 11526, is amended as follows:

10 **SMC 7.20.130 Notices.**

11 A. It is unlawful to sell, lease or rent a floating home or moorage facility without
12 advising the prospective purchaser, lessee, or renter, in writing of the existence of this chapter,
13 and it is unlawful to fail to provide the owner or operator of a floating home moorage with
14 written notice of a proposed change in occupancy, sale, or rental of a floating home located at the
15 moorage at least fifteen (15) days in advance of the proposed change in occupancy.

16 B. It is unlawful for a moorage owner to fail to notify each floating home moorage
17 site lessee at that moorage that the moorage is being offered for sale. This notification shall be in
18 writing and shall be provided at least ninety (90) days but not more than one year prior to the
19 date the moorage owner takes any action to offer the moorage for sale. Actions triggering the
20 notice requirement of this subsection include, but are not limited to, entering into a listing
21 agreement with respect to the moorage or advertising the moorage for sale in any public forum.

1 C. It is unlawful for a new moorage owner to fail to give, within seven (7) days of a
2 change in ownership of the moorage, notice to each floating home moorage site lessee of the
3 change of ownership and address and telephone number of the new moorage owner.

4 Section 3. Section 7.20.150 of the Seattle Municipal Code, which was last amended by
5 Ordinance 115390, is amended as follows:

6 **SMC 7.20.150 Violation — Penalty—Additional Remedies**

7 A. Civil Penalty. Any person who violates or fails to comply with any of the
8 provisions of this chapter is subject to a civil penalty in the amount of One Hundred Dollars
9 (\$100) per day for each violation or failure to comply. Each day a person violates or fails to
10 comply with any of the provisions of this chapter may be considered a separate violation for
11 which a penalty may be imposed.

12 B. Alternative Criminal Penalty. Any person who violates or fails to comply with
13 any of the provisions of this chapter is guilty of a misdemeanor subject to the provisions of
14 Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation
15 or failure to comply, and none of the mental states described in Section 12A.04.030 need be
16 proved. Each day a person violates or fails to comply with any of the provisions of this chapter
17 may be considered a separate violation. The City Attorney may prosecute such violation or
18 failure to comply criminally as an alternative to the civil penalty provided by this section.

19 C. Additional remedies. Commission of any of the acts made unlawful by the
20 provisions of Sections 7.20.040, 7.20.050, 7.20.060, 7.20.070, 7.20.080, 7.20.090, 7.20.100,
21 7.20.110, 7.20.115 or 7.20.130, or the intentional misrepresentation of any material fact in any
22 statement required by this chapter, ((shall)) entitles persons injured thereby to recover actual
23

1 damages and reasonable attorney's fees incurred as a result of the violation or misrepresentation;
2 shall be available as a ground for injunctive relief, and shall be available as a defense in actions
3 concerning the right to possession, where appropriate, ~~((; and shall constitute a violation subject
4 to the provisions of Chapter 12A.01 and Chapter 12A.02 of the Seattle Criminal Code, and any
5 person convicted thereof may be punished by a civil fine or forfeiture not to exceed Five
6 Hundred Dollars (\$500). Each week's violation shall constitute a separate offense.))~~

7 Section 4. Severability. The provisions of this ordinance are declared to be separate
8 and severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion
9 of this ordinance, or the invalidity of the application thereof to any person or circumstance shall
10 not affect the validity of the remainder of this ordinance, or the validity of its application to other
11 persons or circumstances.

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

15 Passed by a majority vote of all the members of the City Council the ____ day of
16 _____, 20____, and signed by me in open session in authentication of its passage this
17 ____ day of _____, 20____.

18
19 _____
President of the City Council

20 Approved by me this ____ day of _____, 20____.

21
22 _____
Mayor
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Filed by me this _____ day of _____, 20__

City Clerk

(SEAL)



STATE OF WASHINGTON – KING COUNTY

--SS.

172340
CITY OF SEATTLE, CLERKS 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 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

CT:121468 ORD IN FULL

was published on

5/20/2004

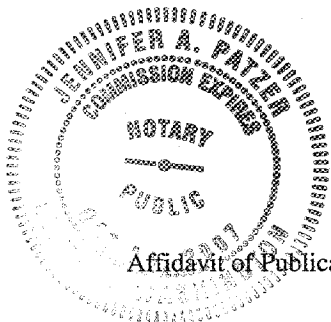
Mel Duml

Subscribed and sworn to before me on

5/20/2004

Jennifer A. Patzer

Notary public for the State of Washington,
residing in Seattle



Affidavit of Publication

Stephen M Matzer
 Jackson St, Tac
 4985, filed on M
 Michael Free R
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 9316 57th Ave
 04-16797, filed
 Ronda Lynn
 1100-5665, 6800
 Ref 04-16797, filed
 Gregory Nickels
 Mayor
 Filed by me this 14th day of May, 2004
 (Seal) Judith Pippin, City Clerk
 Publication ordered by JUDITH PIPPIN,
 City Clerk.
 Date of publication in the Seattle Daily
 Journal of Commerce, May 20, 2004.
 5/20(172349)

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Section 4. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

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 a majority vote of all the members of the City Council the 3rd day of May, 2004, and designed by me in open session in authentication of its passage this 3rd day of May, 2004.

Jan Drago
 President of the City Council
 Approved by me this 12th day of May, 2004.
 Gregory Nickels
 Mayor
 Filed by me this 14th day of May, 2004
 (Seal) Judith Pippin, City Clerk
 Publication ordered by JUDITH PIPPIN,
 City Clerk.
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STATE OF WASHINGTON – KING COUNTY

--SS.

172325
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE TITLE ONLY

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.

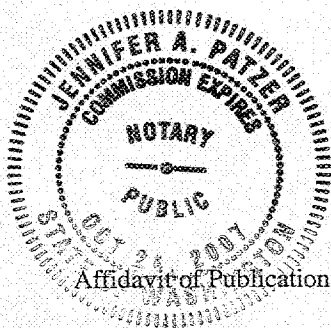
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121458-464,466-470

121469

was published on

5/20/2004



Melinda

Subscribed and sworn to before me on

5/20/2004

Jennifer Patzer

Notary public for the State of Washington,
residing in Seattle

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on May 4, 2004, and published here for title only, will be available upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 894-8944.

ORDINANCE NO. 121470

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

ORDINANCE NO. 121469

AN ORDINANCE authorizing the Superintendent of Parks and Recreation to sign all documents necessary to complete the sale of a "Tunnel Easement" to the Central Puget Sound Regional Transit Authority (Sound Transit) allowing for the construction and operation of light rail transportation facilities located at 42nd Avenue in the Viewpoint.

ORDINANCE NO. 121467

AN ORDINANCE relating to the City Light Department, declaring property commonly known as the High Park Substation located in Seattle, Washington, surplus to the City's needs and not required for providing continued public utility services and authorizing its sale to the Housing Authority of the City of Seattle, a municipal corporation of the State of Washington, (P.M.#24-032-2-201).

ORDINANCE NO. 121466

AN ORDINANCE relating to the sale of surplus City Light property, declaring property known as Fremont Substation, located at 8522 Alderson Place, Seattle, King County, Washington, surplus to the City's needs and not required for providing continued municipal utility services, and authorizing the sale of such property to 8581160 to Capital Hill Housing Improvement Program, a Washington public corporation, and directing the execution of sale documents and directing the deposit of proceeds to the Light Fund.

ORDINANCE NO. 121464

AN ORDINANCE relating to the Financial Natural Drainage System Project of Seattle Public Utilities, authorizing acceptance of a Washington State Public Works Trust Fund loan for the project, increasing the appropriation to Seattle Public Utilities in the 2004-2005 Budget, and amending the total dollar amount shown for the project in 2004 in the 2004-2005 Adopted Capital Improvement Program.

ORDINANCE NO. 121463

AN ORDINANCE relating to the Cedar River Watershed, authorizing the cutting and removal of certain trees for the commercial purposes and reasons consistent with the Cedar River Watershed Urban Conservation Plan (UCP) and Ordinances 121440 and 121424, Township of North, Range T. East, W.M., describing the trees resulting from such action to be removed by the City's needs, authorizing the sale of such trees pursuant to applicable City contracts or surplus property sale procedures, directing deposit of the proceeds therefrom to the Water Fund for the purposes of UCP implementation, and increasing an appropriation to Seattle Public Utilities in the 2004 Budget.

ORDINANCE NO. 121462

AN ORDINANCE relating to road segments and facilities to be used at the Kent Highlands Landfill in Kent, Washington, declaring certain property adjacent to the Landfill surplus to the City's needs and not required for providing continued public utility services, authorizing the sale of such property and easements to the City of Kent, authorizing acquisition of, and acceptance of the deed for, property located within the Landfill from the City of Kent, authorizing execution of all documents for these conveyances, and the approval of the acquisition or receipt of facilities used in connection with the Landfill, authorizing the execution of a 1977 agreement with the City of Kent with respect to such facilities, and a permit for work related to the Landfill, authorizing and executing conveyances pursuant to the Capital Improvement Program for the Best Water Fund, and

increasing the appropriation to Seattle Public Utilities with respect to that project.

ORDINANCE NO. 121461

AN ORDINANCE relating to the Technology Matching Fund Program, authorizing and making allocations for the Technology Matching Fund Program, and creating a position in the Department of Information Technology to manage the program.

ORDINANCE NO. 121460

AN ORDINANCE authorizing the Superintendent of Parks and Recreation to sign all documents necessary to

State of Washington, King County

