

ORDINANCE No.

121586

COUNCIL BILL No.

115004

AN ORDINANCE relating to the Neighborhood Parks, Green Spaces, Trails, and Zoo Levy; authorizing the acquisition of real property commonly known as Fremont Peak Park Addition; authorizing acceptance of the deed for open space, park and recreation purposes; abandoning an appropriation; authorizing acceptance of a donation; increasing appropriations to the Department of Parks and Recreation in the 2004 Budget; all by a three-fourths vote of the City Council.

COMPTROLLER FILE No.

| | | | |
|-------------------------|--------------|-----------------|----------------------------------|
| Introduced: | SEP 7 - 2004 | By: | DELLA |
| Referred: | SEP 7 - 2004 | To: | Parks, Neighborhoods & Education |
| Referred: | | To: | |
| Referred: | | To: | |
| Reported: | | Second Reading: | |
| Third Reading: | 9/20/04 | Signed: | 9/20/04 |
| Presented to Mayor: | 9/21/04 | Approved: | |
| Returned to City Clerk: | 9-21-04 | Published: | Title 4 p |
| Vetoed by Mayor: | | Veto Published: | |
| Passed over Veto: | | Veto Sustained: | |

155017

The City of Seattle--Legislative

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 recommended that the

DP

Move: DD

2nd: JG

A: 3

N: 0

9/20/04 PASSED 9-0

Law Department

Committee Chair

Ems

SMEAD 45 YSP 17703

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 recommend that the same:

DP

Move: DD

2nd: JG

A: 3

N: 0

9/20/04 PASSED 9-0

Law Department

Committee Chair

SMEAD 45 YSP 17703

EMS

*As per note completed
by [initials]
May 11, 2004 H.A.
S. [initials]
Chairman
S. [initials]
Full text looks
good
No follow-up
No amendments*

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

ORDINANCE 121586

AN ORDINANCE relating to the Neighborhood Parks, Green Spaces, Trails, and Zoo Levy; authorizing the acquisition of real property commonly known as Fremont Peak Park Addition; authorizing acceptance of the deed for open space, park and recreation purposes; abandoning an appropriation; authorizing acceptance of a donation; increasing appropriations to the Department of Parks and Recreation in the 2004 Budget; all by a three-fourths vote of the City Council.

WHEREAS, Ordinance 120024 proposed the Neighborhood Parks, Green Spaces, Trails, and Zoo Levy (hereafter, 2000 Parks Levy) to provide funding for, among other things, property acquisitions identified by neighborhood and community groups; and

WHEREAS, the voters of Seattle approved the 2000 Parks Levy on November 7, 2000; and

WHEREAS, the 2000 Parks Levy program includes an Acquisition and Development Opportunity Fund (hereafter, Opportunity Fund), making available up to Ten Million Dollars (\$10,000,000) to fund acquisition and development projects not identified for funding in the remainder of the Levy program; and

WHEREAS, Ordinance 120024 established a Parks and Green Spaces Levy Oversight Committee (hereafter, Oversight Committee), with responsibilities to include adopting evaluation criteria and recommending Opportunity Fund awards to the Superintendent of Parks and Recreation, Mayor, and City Council; and

WHEREAS, at the urging of Fremont residents and business people, the City purchased the "Fremont Peak property" for open space, park and recreation purposes on August 23, 2002 under authority of Ordinance 120868; and

WHEREAS, the City has an opportunity to purchase a parcel adjacent to the "Fremont Peak property" (hereafter, Fremont Peak Park Addition); and

WHEREAS, the Oversight Committee recommended the purchase of the Fremont Peak Park Addition, with partial funding from the Opportunity Fund, at its July 26, 2004 meeting; and

WHEREAS, the Friends of Fremont Peak Park wish to make a donation to the City on behalf of the community for acquisition of Fremont Peak Park Addition; and

WHEREAS, the City has Seventy-eight Thousand Four Hundred Twenty-eight Dollars (\$78,428) of interest earnings remaining in the Open Space and Trails Bond Fund, which it may appropriate for open space acquisition; NOW, THEREFORE,



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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Contingent on receipt of the donation described in Section 4 below, the Superintendent of Parks and Recreation ("Superintendent") or his designee is authorized, on behalf of the City of Seattle, to acquire real property referred to as the Fremont Peak Park Addition for a purchase price not to exceed Four Hundred Thirty Thousand Dollars (\$430,000). The legal description of Fremont Peak Park Addition (also referred to hereafter as Property) is as follows:

The south 50 feet of Lot 13, Block 10, Palatine Hill Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 166, in King County, Washington.

Section 2. The Superintendent or his designee is authorized to execute such documents as he deems necessary or desirable to accomplish acquisition of the Property consistent with this ordinance. Upon delivery of the statutory warranty deed for the Property, the Superintendent or his designee is authorized to accept the deed on behalf of the City of Seattle by attaching to the deed his written acceptance thereof, and to record the same. The Property shall be accepted for open space, park, and recreation purposes, and placed under the jurisdiction of the Department of Parks and Recreation.

Section 3. The appropriation for the following is abandoned from the fund shown, as follows:

| Fund | Department | Budget Control Level/Capital Improvement Program | Amount |
|--|----------------------|--|-------------|
| 1989 Open Space and Trails Bond Fund (33620) | Parks and Recreation | Greenbelt Acquisitions K72902 | \$ (78,428) |

This abandoned appropriation is reappropriated in Section 5 below.

Section 4. The Superintendent is hereby authorized to accept a donation in the amount of Fifty-five Thousand Dollars (\$55,000) from the Friends of Fremont Peak Park for the acquisition of the Property. The funds, when received, shall be deposited in the receiving fund identified below as partial reimbursement for the appropriation from the 2000 Parks Levy Fund described in Section 5 below.

| Grantor | Purpose | Amount | Receiving Fund |
|------------------------------|---|----------|------------------------------|
| Friends of Fremont Peak Park | For the acquisition of Fremont Peak Park Addition | \$55,000 | 2000 Parks Levy Fund (33850) |

Section 5. To pay for the Property and for necessary related costs and expenses, the appropriations for the following in the 2004 Budget are increased from the funds shown, as follows:

| Fund | Department | Budget Control Level/Capital Improvement Program | Amount |
|--|----------------------|---|------------|
| 2000 Parks Levy Fund (33850) | Parks and Recreation | 2000 Parks Levy - Opportunity Fund Acquisitions Program K723007 | \$ 349,211 |
| 1989 Open Space and Trails Bond Fund (33620) | Parks and Recreation | 2000 Parks Levy - Opportunity Fund Acquisitions Program K723007 | \$ 78,428 |

Section 6. The foregoing appropriations are made to meet actual necessary expenditures of the City for which insufficient appropriation has been made due to causes that could not reasonably have been foreseen at the time of the adoption of the 2004 Budget.

Section 7. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.



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

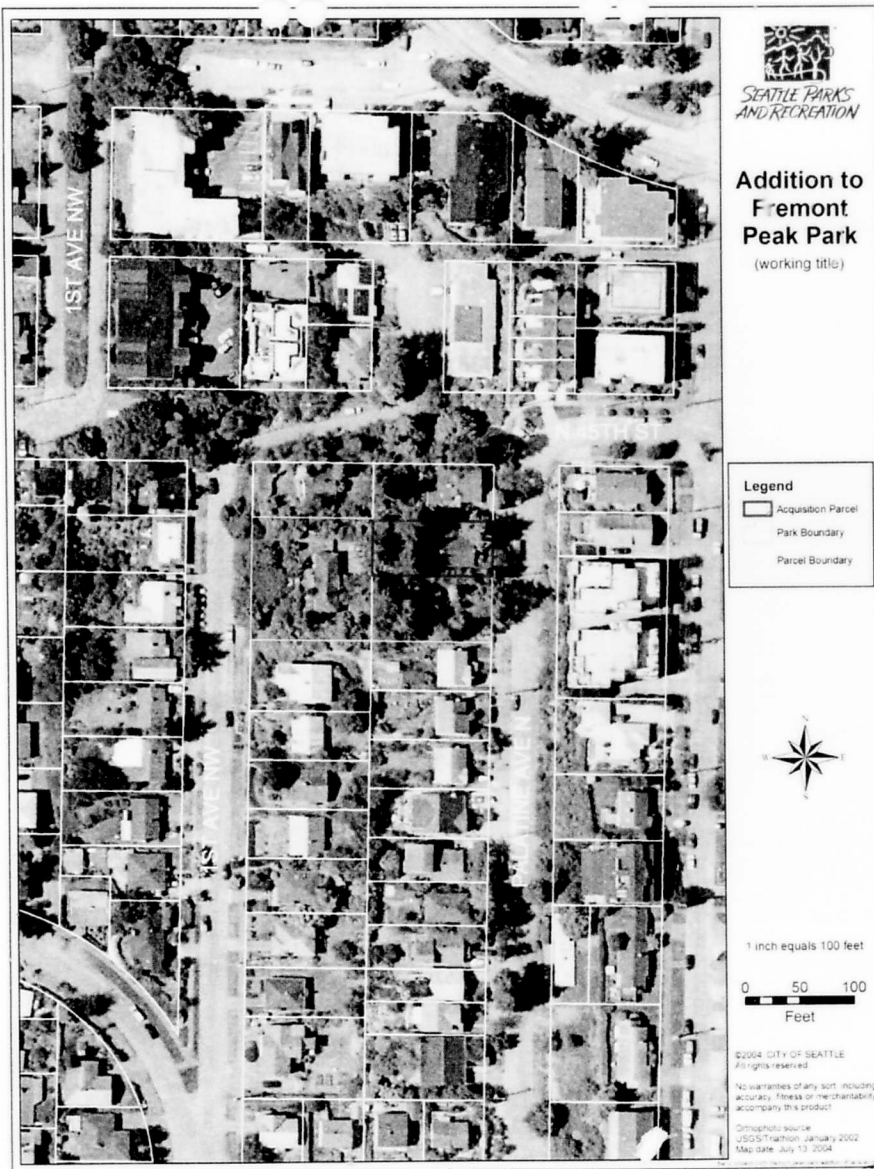
4
5 Passed by a three-fourths (3/4) vote of all the members of the City Council the 20th
6 day of September, 2004, and signed by me in open session in authentication of its passage this
7 20th day of September, 2004.

8
9 Kan Drago
10 President of the City Council

11 Approved by me this 21 day of September, 2004.
12 Gregory J. Nickels
13 Gregory J. Nickels, Mayor

14 Filed by me this 21 day of Sept., 2004.
15 Judith E. Papp
16 City Clerk

17 (Seal)
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Lise Ward/law
7/18/04
DPR Fremont Peak Ord:
Version #: 1

Form revised April 13, 2004

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|----------------------|------------------------|----------------------------|
| Parks and Recreation | Donald Harris/684-9018 | Marilynne Gardner/233-5109 |

Legislation Title:

AN ORDINANCE relating to the Neighborhood Parks, Green Spaces, Trails, and Zoo Levy; authorizing the acquisition of real property commonly known as Fremont Peak Park Addition; authorizing acceptance of the deed for open space, park and recreation purposes; abandoning an appropriation; authorizing acceptance of a donation; increasing appropriations to the Department of Parks and Recreation in the 2004 Budget; all by a three-fourths vote of the City Council.

Summary and background of the Legislation:

This proposed legislation would authorize the Department of Parks and Recreation (Department) to acquire real property, to accept of the deed, to accept a donation and would appropriate funds from the 2000 Parks Levy Fund and the 1989 Open Space and Trails Bond Fund to pay for acquisition and related costs. In 2002, the Parks Levy Oversight Committee voted to award \$2 million from the Levy Opportunity Fund for acquisition projects, including the August 2002 purchase of the property commonly known as "Fremont Peak Park." The community and the owner of a third adjoining parcel, Antony Murphy, desired to enhance the configuration of the park via the City's purchase of the referenced parcel. Unfortunately, Antony Murphy died last year and the personal representative for his estate is required to sell the property now. The City has a limited opportunity to purchase this addition to Fremont Peak Park.

| Project Name: | Project I.D. | Project Location: | Start Date: | End Date |
|----------------------------|--------------|---------------------|-------------|----------------|
| Fremont Peak Park Addition | K733169-02 | 4357 Palatine Ave N | June 2004 | September 2004 |

- Please check any of the following that apply:

☐ This legislation creates, funds, or anticipates a new CIP Project.

☐ This legislation does not have any financial implications.

☒ This legislation has financial implications.



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Appropriations:

| Fund Name and Number | Department | Budget Control Level* | 2004 Appropriation | 2005 Anticipated Appropriation |
|--|----------------------|---|--------------------|--------------------------------|
| 2000 Parks Levy Fund (33850) | Parks and Recreation | 2000 Parks Levy - Opportunity Fund Acquisitions Program K723007 | \$349,211 | \$0 |
| 1989 Open Space and Trails Bond Fund (33620) | Parks and Recreation | Greenbelt Acquisitions K72902 | <\$78,428> | \$0 |
| 1989 Open Space and Trails Bond Fund (33620) | Parks and Recreation | 2000 Parks Levy - Opportunity Fund Acquisitions Program K723007 | \$78,428 | \$0 |
| TOTAL | | | \$427,639 | \$0 |

*See budget book to obtain the appropriate Budget Control Level for your department.

Notes: The \$525,000 total project budget is met by new 2004 appropriations of \$349,211, existing \$97,361 of 2000 Parks Levy Opportunity Funds appropriated in Ordinance 120868, and existing \$78,428 of OSTB fund abandoned from appropriation contained in Ordinances 116440 and 119246 and reappropriated herein. Reimbursements to 2000 Parks Levy appropriations include \$95,000 of 2002 Conservation Futures, \$185,000 of 2003 Conservation Futures and \$55,000 from Friends of Fremont Peak Park. The project budget consists of \$430,000 for the acquisition, and \$95,000 for acquisition-related and other project management costs.

Spending Plan and Future Appropriations for Capital Projects:

| Spending Plan and Budget | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | Total |
|----------------------------|----------|------|------|------|------|------|----------|
| Spending Plan | \$25,000 | 0 | 0 | 0 | 0 | 0 | \$25,000 |
| Current Year Appropriation | \$25,000 | | | | | | |
| Future Appropriations | | 0 | 0 | 0 | 0 | 0 | 0 |

Notes: This plan assumes that this acquisition closes by 9/30/04 and the three structures on the Fremont Peak Park and Fremont Peak Park Addition sites are removed by 12/31/04.

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7/18/04
DPR Fremont Peak Ord.
Version #:1

Funding source:

| Funding Source (Fund Name and Number, if applicable) | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | Total |
|--|----------------|----------|----------|----------|----------|----------|----------------|
| 2000 Parks Levy Fund (33850) | 446,572 | 0 | 0 | 0 | 0 | 0 | 446,572 |
| 1989 Open Space and Trails Bond Fund (33620) | 78,428 | 0 | 0 | 0 | 0 | 0 | 78,428 |
| TOTAL | 525,000 | 0 | 0 | 0 | 0 | 0 | 525,000 |

Notes: Notes: \$525,000 project budget met by new 2004 appropriation of \$349,211, existing \$97,361 of 2000 Parks Levy Opportunity Funds appropriated in ordinance 120868, and existing \$78,428 of OSTB fund abandoned from appropriation contained in Ordinances 116440 and 119246 and reappropriated. Reimbursements to 2000 Parks Levy Fund appropriations include \$95,000 of 2002 Conservation Futures, \$185,000 of 2003 Conservation Futures and \$55,000 from Friends of Fremont Peak Park.

Bond Financing Required: Not applicable.

| Type | Amount | Assumed Interest Rate | Term | Timing | Expected Annual Debt Service/Payment |
|--------------|--------|-----------------------|------|--------|--------------------------------------|
| TOTAL | | | | | |

Uses and Sources for Operation and Maintenance Costs for the Project:

| O&M | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | Total |
|--------------------------|------|-------|-------|-------|-------|-------|-------|
| Uses | | | | | | | |
| Start Up | - | 1,000 | - | - | - | - | 1,000 |
| On-going | - | - | 1,020 | 1,040 | 1,060 | 1,080 | 4,200 |
| Sources (itemize) | | | | | | | |
| 2000 Levy | - | 1,000 | 1,020 | 1,040 | 1,060 | 1,080 | 5,200 |

Notes:

The maintenance tasks for this site will include encampment removal, litter removal, illegal dumping control, mowing and general grounds maintenance, graffiti removal, tree maintenance, and fence maintenance. Please note that the cost listed above only addresses the O&M for the specific parcel being purchased and assumes maintaining the park in an undeveloped state. The O&M numbers listed above assume a 2% inflation rate in each successive year. Funding available from the 2000 Parks Levy for the project-related O&M ends in 2008 and an alternative funding strategy has yet to be determined for the following years. This estimate is not included in the Department's Proposed 2005/06 Budget, since the

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7/18/04
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Version #:1

property transaction had not been completed by the time budget information was developed and submitted.

Periodic Major Maintenance costs for the project: *Not applicable.*

| Major Maintenance Item | Frequency | Cost | Likely Funding Source |
|------------------------|-----------|------|-----------------------|
| | | | |
| TOTAL | | | |

Funding sources for replacement of project: As real property, this acquisition will not be subject to replacement.

Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE Impact: *Not applicable.*

| Position Title and Department* | Fund Name | Fund Number | Part-Time/Full Time | 2004 Positions | 2004 FTE | 2005 Positions** | 2005 FTE** |
|--------------------------------|------------|-------------|---------------------|----------------|----------|------------------|------------|
| | | | | | | | |
| TOTAL | N/A | | | | | | |

* List each position separately

** 2005 positions and FTE are total 2005 position changes resulting from this legislation, not incremental changes. Therefore, under 2005, please be sure to include any continuing positions from 2004.

Notes:

- **Do positions sunset in the future?:** *Not applicable.*
- **What is the financial cost of not implementing the legislation:**
The originating Neighborhood Parks, Green Spaces, Trails, and Zoo Levy ordinance (120024) set \$10 million aside for the express purpose of funding opportunity fund acquisitions and development. Absent this proposed legislation, DPR would lack approval as well as the expenditure authority necessary to progress with this project and take advantage of the leveraging opportunity afforded by the Conservation Futures and community donations.
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives:** No alternatives exist; the originating 2000 Parks Levy ordinance (120024) requires City Council approval of all acquisitions of real property and appropriation of all parks development funding.
- **Is the legislation subject to public hearing requirements:** *No.*



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- **Other Issues:**

Please list attachments to the fiscal note below:

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 17, 2004

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

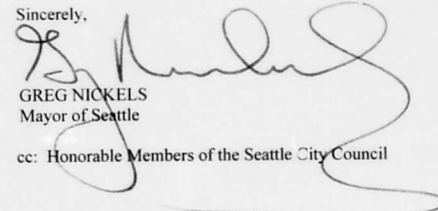
Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill that authorizes the acquisition of an addition to Fremont Peak Park as part of the Neighborhood Parks, Green Spaces, Trails, and Zoo Levy (2000 Parks Levy). This acquisition was recently recommended by the Levy Oversight Committee. The Council Bill also authorizes deed acceptance, abandons and reappropriates funding, accepts a community donation, and increases appropriations to the Department of Parks and Recreation's 2004 Budget.

In 2002, Ordinance 120868 approved a slate of projects for acquisition funding from the Levy's Acquisition and Development Opportunity Fund. Ordinance 120868 authorized the purchase of two parcels comprising the Fremont Peak Park property. The City now has an opportunity to purchase a third parcel from the executor of an estate. The purchase of this parcel has been considered an integral part of the property intended to comprise the park, in that it would complete the rectangular configuration and enhance its utility (see attached map). The heirs of the estate wish to sell the property as soon as possible.

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

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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STATE OF WASHINGTON - KING COUNTY

--SS.

177099
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE TITLE ONLY

Affidavit of Publication

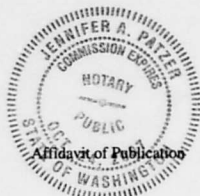
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:121586 ORD TITLE ONLY

was published on

9/23/2004



Michael Del...

Subscribed and sworn to before me on

9/23/2004

Samuel...

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 ordinance, passed by the City Council on September 20, 2004, 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 804-3344.

ORDINANCE NO. 121886

AN ORDINANCE relating to the Neighborhood Parks, Green Spaces, Trails, and Zoo Levy; authorizing the acquisition of real property commonly known as Fremont Park Park Addition; authorizing acceptance of the deed for open space, park, and recreation purposes; abandoning an appropriation; authorizing acceptance of a donation; increasing appropriations to the Department of Parks and Recreation in the 2004 Budget; all by a three-fourths vote of the City Council.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, September 23, 2004.
8728177099

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STATE OF WASHINGTON - KING COUNTY

--SS.

177522
CITY OF SEATTLE, CLERKS OFFICE

No. 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 121586, 596-605

was published on

10/5/2004



Mel D.

Subscribed and sworn to before me on

10/5/2004

[Signature]

Notary Public for the State of Washington,
residing in Seattle

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City of Seattle

TITLE-ONLY PUBLICATION

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ORDINANCE NO. 121605

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

ORDINANCE NO. 121604

AN ORDINANCE amending the 2004 Adopted Budget, changing appropriations to various departments and from various funds in the Budget, all by a three-fourths vote of the City Council.

ORDINANCE NO. 121603

AN ORDINANCE authorizing Seattle Public Utilities to enter into a memorandum of agreement regarding the construction, funding and maintenance of a natural drainage system pilot project at Seattle Housing Authority's High Point Redevelopment.

ORDINANCE NO. 121602

AN ORDINANCE relating to Seattle Public Utilities; authorizing the grant of an easement to King County for roadway and storm drainage purposes over, under and across a portion of the City of Seattle's Cedar River Pipeline right of way, in Section 15, Township 22 North, Range 6 East, W.M., in King County, Washington.

ORDINANCE NO. 121601

AN ORDINANCE relating to a Seattle Public Utilities water main, declaring that water main surplus to the City's needs, authorizing sale of that water main to Northshore Utility District, and authorizing execution of documents necessary to accomplish the sale.

ORDINANCE NO. 121600

AN ORDINANCE relating to the transfer of real property from King County to the City of Seattle; authorizing the Mayor to enter into an intergovernmental land transfer agreement with King County providing for the transfer to the City of real property located at 9026 4th Avenue South in the South Park neighborhood for park, recreation, and open space purposes; and authorizing the acceptance of the deed.

ORDINANCE NO. 121599

AN ORDINANCE authorizing the Superintendent of Parks & Recreation to enter into a management and maintenance agreement with the Finn Hill Park and Recreation District (FHRD) for Oran O. Denny Park.

ORDINANCE NO. 121598

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the execution of a Memorandum of Agreement with the Seattle School District No. 1, to fund, develop and manage the Rainier Beach Public Plaza.

ORDINANCE NO. 121597

AN ORDINANCE relating to the Seattle Center Department; authorizing execution of a lease agreement with Seattle Works for space in the West Court Building at Seattle Center.

ORDINANCE NO. 121596

AN ORDINANCE relating to the Seattle Center Department; authorizing execution of a lease agreement with The Basketball Club of Seattle, LLC for space in the West Court Building at Seattle Center.

ORDINANCE NO. 121595

AN ORDINANCE relating to the Neighborhood Parks, Green Spaces, Trails, and Zoo Levy; authorizing the acquisition of real property commonly known as Fremont Park Addition; authorizing acceptance of the deed for open space, park and recreation purposes; authorizing an appropriation; authorizing acceptance of a donation; increasing appropriations to the Department of Parks and Recreation in the 2004 Budget; all by a three-fourths vote of the City Council.

Publication ordered by JUDITH PIPPIN, City Clerk.
Date of publication in the Seattle Daily Journal of Commerce, October 5, 2004.
1056177524

State of Washington, King County



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