

ORDINANCE No. 121777

COUNCIL BILL No. 115215

The City of Seattle--Legislative

REPORT OF COMMITTEE

AN ORDINANCE relating to the disposition of surplus city property located along the easterly side of Martin Luther King Jr. Way and north of 502 Martin Luther King Jr. Way; authorizing the transfer of jurisdiction of said property from the Fleets and Facilities Department to the Department of Neighborhoods for the establishment of a community garden; and further authorizing sale of portions of said surplus property to abutting property owners and execution of Quietclaim Deeds in connection therewith; and designating the disposition of the sales proceeds.

Honorable President:

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

4/6/05 Pass RM, RC
4-11-05 Passed 80 (Enclosed) ST

COMPTROLLER FILE No. _____

Introduced: <u>MAR 28 2005</u>	By: <u>McIVER</u>
Referred: <u>MAR 28 2005</u>	To: <u>Finance & Budget</u>
Referred:	To:
Referred:	To:
Reported: <u>4-11-05</u>	Second Reading:
Third Reading: <u>4-11-05</u>	Signed: <u>4-11-05</u>
Presented to Mayor: <u>4-12-05</u>	Approved: <u>4/18/05</u>
Returned to City Clerk: <u>4/19/05</u>	Published: <u>THE 3pp</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Law Department

(Signature)

Committee Chair

Richard J. McDev

The City of Seattle--Legislative Department

Date Reported
and Adopted

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:

4/6/05 Pass R.M., RC

4-11-05 Passed 8-0 (Excused: Stemberger)

Law Department

(Signature)

Committee Chair

(Signature)

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ORDINANCE 121777

1
2 AN ORDINANCE relating to the disposition of surplus city property located along the easterly
3 side of Martin Luther King Jr. Way and north of 502 Martin Luther King Jr. Way;
4 authorizing the transfer of jurisdiction of said property from the Fleets and Facilities
5 Department to the Department of Neighborhoods for the establishment of a community
6 garden; and further authorizing sale of portions of said surplus property to abutting
property owners and execution of Quitclaim Deeds in connection therewith; and
designating the disposition of the sales proceeds.

7 WHEREAS, Resolution 29799 adopted policies, procedures, and a process for notifying City
8 departments or other governmental agencies of the potential availability of property in
excess to a department's needs; and

9 WHEREAS, Resolution 30194 directed the Executive Services Department (now the Fleets and
10 Facilities Department) to work with the P-Patch program to identify surplus City-owned
11 land holdings suitable for community gardens; and

12 WHEREAS, the City of Seattle acquired the property described below for general municipal
13 purposes pursuant to Ordinance 69608 in 1939, Ordinance 77360 in 1948, Ordinance
14 84354 in 1955, and Ordinance 86067 in 1957; and

15 WHEREAS, the availability of the property has been circulated to City departments and public
16 agencies as excess to the requirements of the City's Fleets and Facilities Department and
17 no non-City public agency has indicated interest in assuming jurisdiction over said
property; and

18 WHEREAS, the Department of Neighborhoods P-Patch community garden program submitted a
proposal for siting a community garden on the property; and

19 WHEREAS, the development of a community garden on the property will provide increased
20 gardening opportunities in the Central Area and advance the City's Race and Social
21 Justice Initiative; and

22 WHEREAS, property owners adjoining the property have expressed an interest in purchasing
23 portions of the property that are not needed for the community garden; and

24 WHEREAS, the Fleets and Facilities Department and the Real Estate Oversight Committee,
25 having reviewed the suitability of the property against the criteria adopted in Resolution
26 29799, recommend the transfer of jurisdiction of the subject property from the Fleets and
27 Facilities Department to the Department of Neighborhoods and sale of portions of the
28 property not used for the community garden to the adjoining landowners; **NOW,**
THEREFORE,

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

2 Section 1. The Director of the Fleets and Facilities Department is hereby authorized to
3 transfer the following described property to the Department of Neighborhoods for its intended
4 use as a community garden:
5

6 Lots 5, 7, 8, 9, and 11, Block 10, Gamma Poncin's Addition to the City of Seattle, as
7 recorded in Vol. 20 of Plats, page 51, records of King County, Washington, EXCEPT
8 those portions taken for street under Ordinances 60444 and 84354.

9 Section 2. Those portions of the above-described property not needed for use as a
10 community garden are hereby declared to be surplus.

11 Section 3. The Director of the Fleets and Facilities Department is hereby authorized to
12 execute and deliver, for and on behalf of The City of Seattle, a Quitclaim Deed for the sale to
13 adjoining property owners of those portions of the above-described property not needed for use
14 as a community garden, in substantially the form attached hereto as "Exhibit A."
15

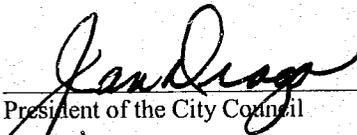
16 Section 4. Proceeds from the sales authorized herein shall first be used to reimburse the
17 Fleets and Facilities Department for the costs of survey, sale, and lot boundary adjustments and
18 the remainder shall be deposited in the Unrestricted Subaccount of the Cumulative Reserve
19 Subfund (00164) in accordance with Seattle Municipal Code 5.80.030, to be appropriated
20 consistent with Council Resolution 30379.
21

22 Section 5. Any act pursuant to the authority of this ordinance and prior to its effective
23 date is hereby ratified and confirmed.
24
25
26
27
28

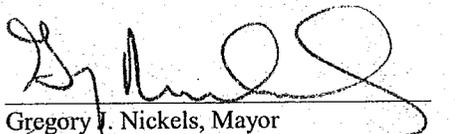


1 Section 6. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

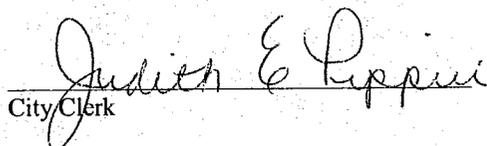
4 Passed by the City Council the 11th day of April, 2005, and signed by me in open
5 session in authentication of its passage this 11th day of April, 2005.
6

7
8 
9 _____
President of the City Council

10 Approved by me this 18th day of April, 2005.

11
12 
13 _____
Gregory J. Nickels, Mayor

14
15 Filed by me this 19th day of April, 2005.

16
17 
18 _____
City Clerk

19
20 (Seal)

21
22 Exhibit A: Quitclaim Deed
23
24
25
26
27
28



EXHIBIT A

After recording, return to:

QUITCLAIM DEED
(Unimproved Property)

Grantor: The City of Seattle

Grantee:

Legal Description:

Assessor's Property Tax Parcel Account Number(s):

Grant. The City of Seattle, a Washington municipal corporation ("Grantor"), hereby conveys and quit claims to _____ ("Grantee"), for and in consideration of the sum of _____ (\$ _____), and subject to the COVENANT set forth below that certain real property located in the City of Seattle, King County, Washington, and legally described as follows:

COVENANT REGARDING ENVIRONMENTAL CONDITIONS

The Property described herein is conveyed AS-IS, WHERE-IS, WITH-ALL-FAULTS, AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, AS TO ITS CONDITION, ENVIRONMENTAL OR OTHERWISE, OR ITS SUITABILITY OR SUFFICIENCY FOR THE GRANTEE'S INTENDED USES AND PURPOSES. Grantee acknowledges that adverse physical, economic or other conditions (including without limitation, adverse environmental soils



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and ground-water conditions), either latent or patent, may exist on the Property and assumes Grantor's responsibility for all environmental conditions of the Property, known or unknown, including but not limited to responsibility, if any, for investigation, removal or remediation actions relating to the presence, release or threatened release of any Hazardous Substance or other environmental contamination relating to the Property. Grantee also releases and shall indemnify, defend, and hold Grantor and its past, present and future officials, employees, and agents, harmless from and against any and all claims, demands, penalties, fees, damages, losses, expenses (including but not limited to regulatory agencies, attorneys, contractors and consultants' fees and costs), and liabilities arising out of, or in any way connected with, the condition of the Property including but not limited to any alleged or actual past, present or future presence, release or threatened release of any Hazardous Substance in, on, under or emanating from the Property, or any portion thereof or improvement thereon, from any cause whatsoever; it being intended that Grantee shall so indemnify Grantor and such personnel without regard to any fault or responsibility of Grantor or Grantee. The obligation to complete all environmental investigation, removal or remediation of the Property and the acknowledgement, release and indemnification touch and concern the Property, restrict the use of the Property, constitute an assessment against the Property and are intended to run with the land and bind Grantee and Grantee's heirs, successors and assigns, and inure to the benefit of Grantor and its successors and assigns.

For purposes of this COVENANT, the term "Hazardous Substance" shall mean petroleum products and compounds containing them; flammable materials; radioactive materials; polychlorinated biphenyls ("PCBs") and compounds containing them; asbestos or asbestos-containing materials in any friable form; underground or above-ground storage tanks; or any substance or material that is now or hereafter becomes regulated under any federal, state, or local statute, ordinance, rule, regulation, or other law relating to environmental protection, contamination or cleanup.

Grantee's release includes both claims by Grantee against Grantor and cross-claims against Grantor by Grantee based upon claims made against Grantee by any and all third parties. The obligation to indemnify and defend shall include, but not be limited to, any liability of Grantor to any and all federal, state or local regulatory agencies or other persons or entities for remedial action costs and natural resources damages claims. The obligation to complete all environmental investigation, removal or remediation of the Property and the acknowledgement, release and indemnification touch and concern the Property, restrict the use of the Property, constitute an assessment against the Property and are intended to run with the land and bind Grantee and Grantee's heirs, successors and assigns, and inure to the benefit of Grantor and its successors and assigns. This release means that Grantee accepts the Property "as-is, where-is and with-all-faults," and that Grantee assumes all responsibility of Grantor to investigate, remove and remediate any environmental conditions on the Property and has no recourse against Grantor or any of its officers, employees or agents for any claim or liability with respect to the Property.



EXHIBIT A

Grantor has the right to defend itself and seek from Grantee recovery of any damages, liabilities, settlement awards and defense costs and expenses incurred by Grantor if Grantee does not accept unconditionally Grantor's tender to Grantee of the duty to investigation, remove and/or remediate environmental conditions on the Property and/or defend and indemnify Grantor against any such claim, suit, demand, penalty, fee, damages, losses, cost or expense. This Covenant shall apply regardless of whether or not Grantee is culpable, negligent or in violation of any law, ordinance, rule or regulation. This Covenant is not intended, nor shall it, release, discharge or affect any rights or causes of action that Grantor or Grantee may have against any other person or entity, except as otherwise expressly stated herein, and each of the parties reserves all such rights including, but not limited to, claims for contribution or cost recovery relating to any Hazardous Substance in, on, under or emanating from the Property.

Executed this ____ day of _____, 2005, pursuant to Ordinance _____ of The City of Seattle.

THE CITY OF SEATTLE

By: _____
Fleets & Facilities Director

_____, the Grantee(s)/Purchaser(s) herein does/do hereby acknowledge and accept all of the terms, conditions, and provisions of the foregoing Covenant Regarding Environmental Conditions.

Date: _____

By: _____

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Departments:	Contact Persons/Phones:	DOF Analyst/Phone:
Fleets and Facilities	David Hemmelgarn 4-0701	Candice Chin 3-7014
Department of Neighborhoods	Rich Macdonald 6-0088	Sara Levin 4-8691

Legislation Title:

AN ORDINANCE relating to the disposition of surplus city property located along the easterly side of Martin Luther King Jr. Way and north of 5th Avenue; authorizing the transfer of jurisdiction of said property from the Fleets and Facilities Department to the Department of Neighborhoods for the establishment of a community garden; and further authorizing sale of portions of said surplus property to abutting property owners and execution of Quitclaim Deeds in connection therewith; and designating the disposition of the sales proceeds.

- **Summary of the Legislation:** This proposed legislation transfers jurisdiction of a parcel of excess city property to the Department of Neighborhoods (DON) for the establishment of a community garden and authorizes the Fleets and Facilities Department (FFD) to sell portions of the surplus property to adjoining property owners. The property presently serves no public purpose. Because the garden plan does not require the land immediately adjacent to the abutting properties, and in order to generate goodwill for the garden, the Department of Neighborhoods agrees to sell a 10-foot wide buffer to interested abutting owners. Proceeds will be used to reimburse Fleets and Facilities for survey and transaction costs, and the remainder will be deposited in the Unrestricted Subaccount of the Cumulative Reserve Subfund in accordance with SMC 5.80.030.
- **Background:** From 1939 to 1957, various ordinances authorized acquisition of this property and other parcels to lay-off, widen, and realign Martin Luther King, Jr. Way. The subject property, identified as PMA No. 4324 in the city's Real Property Asset Management System, was excess to street needs and was designated for General Municipal Purposes. This property has remained practically unused for public needs since its acquisition. Adjoining property owners have used it for yard space, storage, and activities over the years. The new garden will serve as a component of Seattle's Race and Social Justice Initiative in the Central Area by increasing community involvement in P-Patch programs. The sale of the 10-foot wide buffer will generate revenue (see 'Anticipated Revenue/Reimbursement' below).

The expected treatment of the P-Patch's development and operating expense is discussed below, under **Other Issues**.

- *Please check one of the following:*



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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.)

Appropriations:

None.

Anticipated Revenue/Reimbursement: Resulting From This Legislation:

Fund Name and Number	Department	Revenue Source	2005 Revenue	2006 Revenue
Cumulative Reserve Subfund Unrestricted Subaccount (00164)	FFD	Private Purchasers	\$15,000	\$7,000
TOTAL			\$15,000	\$7,000

Notes:

The above revenues are estimated amounts based on sale of 1,760 square feet of surplus land at \$12.50/SF to five of the adjoining property owners. The revenue is estimated to span two years because while FFD projects that adjoining property sales will close in 2005, not all the payments may be received in that year.

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

Not applicable.

Spending/Cash Flow:

Not applicable.

• **What is the financial cost of not implementing the legislation?**

The costs of not implementing this legislation are twofold. The first is the ongoing FFD maintenance and upkeep costs for a property that currently serves no public purpose. The



second is the opportunity cost of forfeiting potential revenue generated from the sale of buffer property to the adjacent property owners.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

There are no alternatives that could achieve the dual objectives of establishing a community garden and generating income from land sales. The entire parcel could be allocated to the community garden project. However, cooperation with the abutting owners is seen as a benefit to the garden project to build goodwill and involvement in the project.

- **Is the legislation subject to public hearing requirements:**

No.

- **Other Issues:**

P-Patch Development. The Department of Neighborhoods is responsible for development of the site into a P-Patch. A Vista volunteer will work with DON to assist community members in forming a group to write a Neighborhood Matching Fund Small and Simple grant to pay for development of the site. Other funding sources could include private grants and donations.

Operating Costs. The P-Patch's ongoing operations and maintenance expense will be funded as with other P-Patches, resulting in no net cost to the City. DON staff provide administrative support (managing applications and collecting fees) and provide support to the community volunteers who manage the garden. This site will have approximately 30 plots; application fees for these plots are anticipated to cover projected annual expenses of approximately \$700 per year for water, fertilizer, and other miscellaneous items.

Please list attachments to the fiscal note below:

Attachment 1 - Preliminary Report (Reuse and Disposition Analysis) for property
Attachment 2 - Maps



PRELIMINARY REPORT
EVALUATION OF REUSE AND DISPOSAL OPTIONS FOR

PMA #4324 - North of 502 MLK Jr. Way

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

Property Management Area: PMA #4324 – North of 502 Martin Luther King Jr Way

BACKGROUND INFORMATION

Legal Description: Lots 5, 7, 8, 9, 10 and 11, Block 10, Gamma Poncin's Addition to the City of Seattle, as recorded in Vol. 20 of Plats, page 51, records of King County, Washington, EXCEPT those portions taken for street under Ordinances 60444 and 84354.

Physical Description and Related Factors: The site is irregularly shaped with a lot area of 11,529 square feet, according to the King County Assessor records. The property lies along the eastern side of Martin Luther King, Jr. Way as it travels north of E. Jefferson Street. The land slopes four to five feet down to street grade. It's odd and elongated shape is the result of it being created by the taking of parts of several platted lots for the widening and improvement of Empire Way South in the mid-1950's. It has a southern boundary of 67.5 feet and measures 300 feet along its eastern boundary line. With the exception of its western boundary along the street, the parcel is surrounded and adjoined on all its remaining sides by single-family residential lots. The portion of platted Lot 6 of Block 10 is city property but not included in PMA No. 4324 as it was never under the jurisdiction of the Fleets and Facilities Department. Rather, it is a SDOT property. The parcel is relatively level after climbing the embankment next to the sidewalk. It holds a few shade trees and has a history of sprouting bamboo and blackberries and receiving informal use and care from its neighbors. It is located in a middle-class neighborhood with a diverse mix of housing styles. It is identified by the King County Tax Assessor as Tax Parcel No. 684070-0450.

GUIDELINE A: CONSISTENCY

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

The property was acquired under the authority of various ordinances for laying off, widening and re-aligning of Martin Luther King, Jr. Way. Some of the parcels were acquired through condemnation and others were acquired from King County through foreclosure proceedings.



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The General Fund or the Tax Property Sales Fund was the source of monies for the acquisition of this parcel. Those portions of the property not needed for street purposes were set aside for General Municipal Purposes. The property has not been used for any specific public purpose since its acquisition. In 1984, the Department of Administrative Services engaged in discussions with several of the adjoining property owners about their interest in purchasing parts of PMA No. 4324, but no transactions were completed. The property is not bound by any contracts or instruments and is not subject to any extraordinary laws or regulations.

GUIDELINE B: COMPATIBILITY AND SUITABILITY

The recommendation should reflect an assessment of the potential for use of the property in support of adopted Neighborhood Plans, as or in support of low-income housing, in support of economic development, in support of affordable housing, for park or open space; in support of Sound Transit Link Light Rail station area development; as or in support of child care facilities, and in support of other priorities reflected in adopted City policies.

Context Transferring the jurisdiction for this property is consistent with continuing to provide communal gardening opportunities in City neighborhoods as called for in Resolution 30194. (Central Area Plan Approval and Adoption Matrix Recommendation: ND-11 "Insure replacement of P-Patch lost at 24th and Marion"). It is not suitable for use in support of any other identified city policy or priority. The development of the community garden on this site is a supporting component of the Race Relations and Social Justice Initiative as it serves to keep neighborhoods safe and clean and heighten community awareness.

Range of Options Options include retention by the city, negotiated sale, or sale by public bid. No other city department has identified any current or future use of the property. The Department of Neighborhoods has made a viable proposal for developing a community garden on the site. There is a need for community gardening opportunities in the area. Two options are recommended. Part of the property will be transferred to the Department of Neighborhoods and interested adjoining property owners may purchase 10-foot extensions to their yards.

GUIDELINE C: OTHER FACTORS

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

Highest and Best Use: The property has not been appraised. From a market perspective, the highest and best use of the site would be development consistent with current zoning; namely, Single-Family – 5000 SF lot minimum (SF 5,000). However, the configuration of the property and its location fronting on this block of Martin Luther King JR Way make residential development difficult.



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Compatibility with surrounding uses: Lowrise apartments and single-family residences make up the balance of the neighborhood. Development of a community garden will benefit the neighborhood by providing cultivated and open spaces for community use.

Potential for Consolidation with adjacent public property: There is no adjacent public property available for consolidation.

Timing and Term of Proposed Use: The P-Patch Program will begin development of the gardening space as soon as legislation is passed. Sales will be completed with the adjoining neighbors once a survey is completed and legislative authority has been obtained.

Appropriateness of the consideration: No funding is involved in this transfer of jurisdiction from Fleets and Facilities Department to the Department of Neighborhoods. The current fair market value for the site has not been determined through a separate appraisal process as this is a transfer of jurisdiction between two General Fund departments. Sales of the buffer strips to the immediate neighbors will be priced at \$12.50 per square foot. Based on comparable sales in the vicinity for developable lots, a 25% discount was made for the small size and narrow dimensions of the buffer strips. These buffer strips have virtually no economic value to any but the adjoining owners, yet do not significantly increase the development potential of the adjoining neighbors' property.

Known environmental factors: There are no known environmental problems and no clean-up or other remedial treatment indicated for the property.

GUIDELINE D: SALE

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

Information concerning the availability of the property was circulated to all City departments and other public agencies that may have an interest in publicly-owned property. This circulation took place in September 2002. No public agency has expressed any interest in acquiring the property. Adjoining property owners received notification of the city's plans to create a community garden. As a result of discussions with these neighbors, the city has discovered a potential to dispose of some of the land not needed for the garden. The city proposes to sell 10-foot portions of PMA No. 4324 to those parties that wish to augment their back yards. These sales will promote goodwill with the neighbors and dispose of property not needed for the community garden.

RECOMMENDATION

The Fleets and Facilities Department and the Department of Neighborhoods jointly recommend that the jurisdiction for this property be transferred from the Fleets and Facilities Department to the Department of Neighborhoods. The Departments further recommend that adjoining property owners be offered an opportunity to purchase ten-foot wide parcels as extensions to their existing yards.



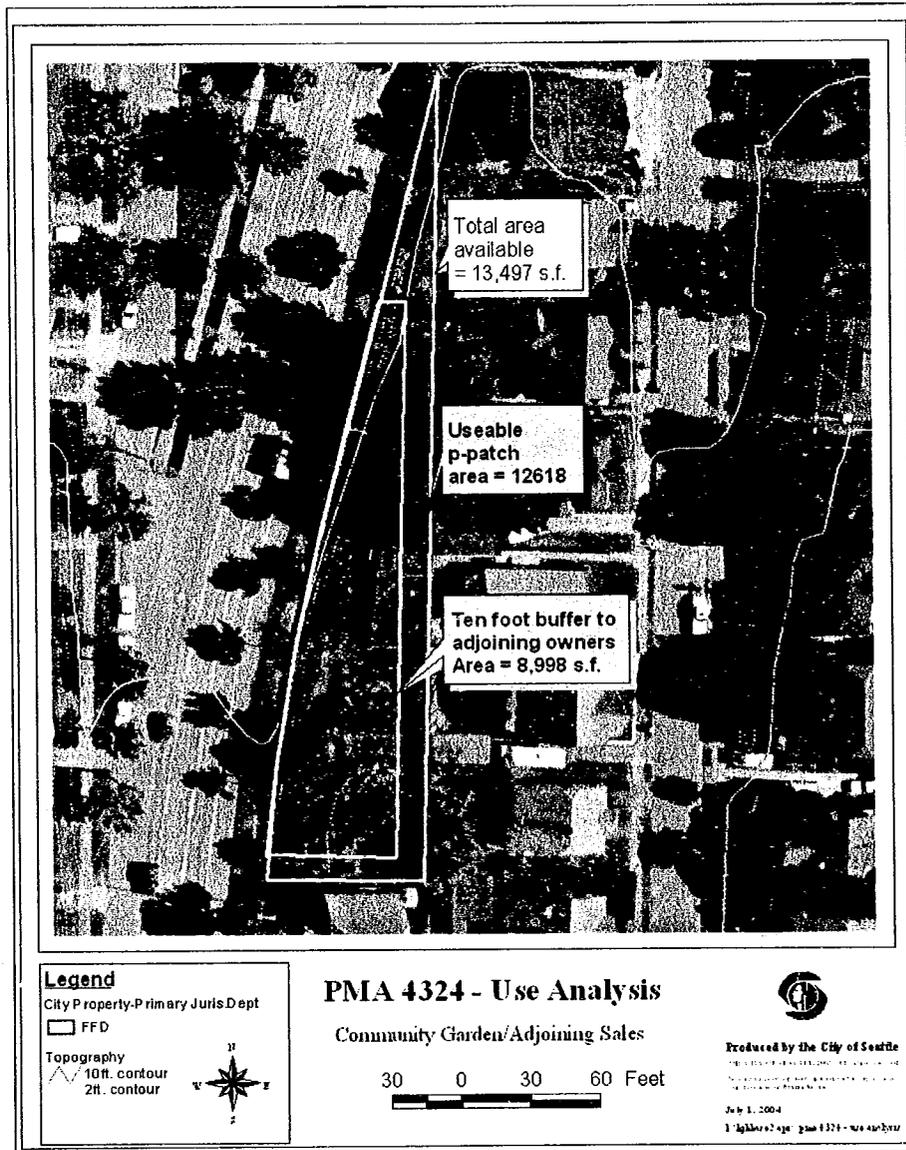
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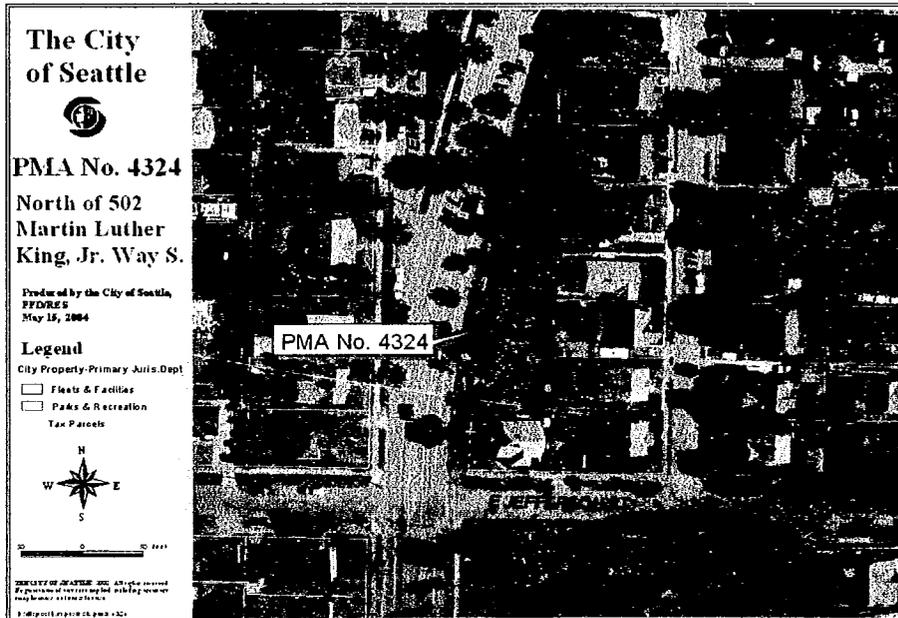
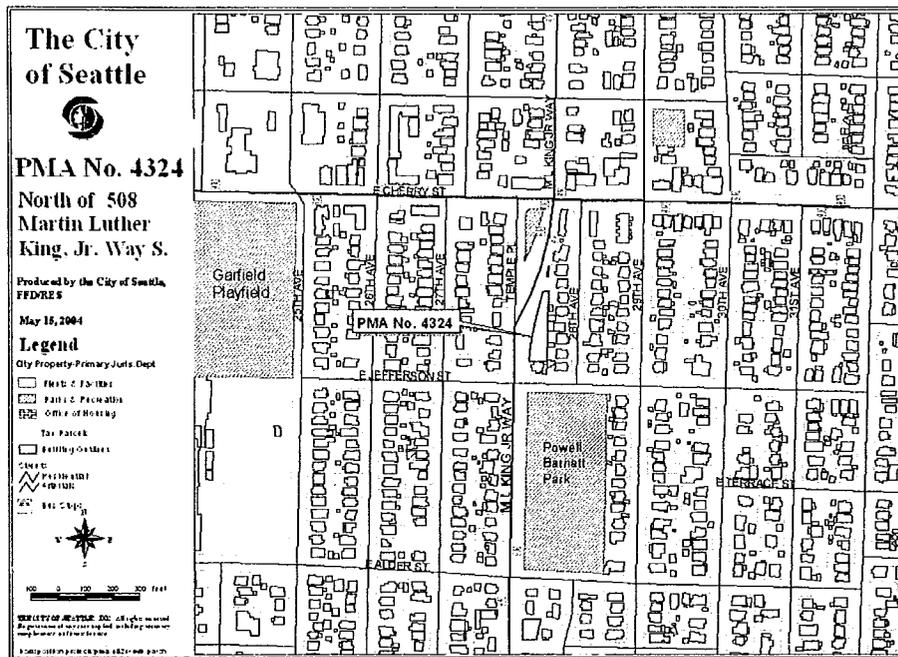
PROPERTY REVIEW PROCESS DETERMINATION FORM	
Property Name:	PMA No. 4324 – Excess FFD Property
Address:	North of 502 Martin Luther King, Jr. Way
PMA ID:	4324 Subject Parcel #: 1515
Dept./Dept ID:	FFD Current Use: Vacant, unimproved
Area (Sq. Ft.):	11,529 Zoning: SF 5000
Est. Value:	\$220,000 Assessed Value: \$257,000
PROPOSED USES AND RECOMMENDED USE	
<i>Department/Governmental Agencies:</i>	<i>Proposed Use:</i>
Department of Neighborhoods	P-Patch
<i>Other Parties wishing to acquire:</i>	<i>Proposed Use:</i>
Adjoining Property Owners	Additions to Private Yard Area
RES'S RECOMMENDED USE: Transfer jurisdiction to the Department of Neighborhoods; Sell portions to abutters	
PROPERTY REVIEW PROCESS DETERMINATION (circle appropriate response)	
1.) Is more than one City dept/Public Agency wishing to acquire?	<input type="radio"/> No / <input type="radio"/> Yes 15
2.) Are there any pending community proposals for Reuse/ Disposal?	<input type="radio"/> No / <input type="radio"/> Yes 10
3.) Have citizens, community groups and/or other interested parties contacted the City regarding any of the proposed options?	No <input checked="" type="radio"/> Yes 10
4.) Will consideration be other than cash?	No <input checked="" type="radio"/> Yes 10
5.) Is Sale or Trade to a private party being recommended?	No <input checked="" type="radio"/> Yes 25
6.) Will the proposed use require changes in zoning/other regulations?	<input checked="" type="radio"/> No / <input type="radio"/> Yes 20
7.) Is the estimated Fair Market Value between \$250,000-\$1,000,000?	<input checked="" type="radio"/> No / <input type="radio"/> Yes 10
8.) Is the estimated Fair Market Value over \$1,000,000?	<input checked="" type="radio"/> No / <input type="radio"/> Yes 45
Total Number of Points Awarded for "Yes" Responses: 45	
Property Classification for purposes of Disposal review: <input checked="" type="radio"/> Simple / <input type="radio"/> Complex (circle one) (a score of 45+ points results in "Complex" classification)	
Signature: <u>David Hemmelgarn</u>	Department: <u>FFD</u> Date: <u>05/20/04</u>

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

February 22, 2005

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

Dear Council President Drago:

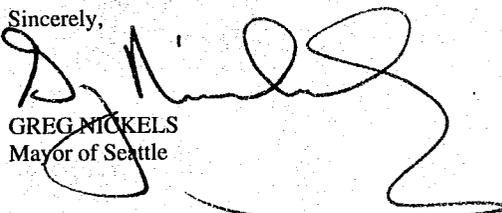
I am pleased to submit the attached proposed Council Bill, which authorizes the reuse and disposition of surplus City-owned property located along the eastern side of Martin Luther King, Jr. Way, north of E. Jefferson Street. The legislation would transfer the majority of the property identified as PMA No. 4324 from the Fleets and Facilities Department to the Department of Neighborhoods, for the development of a P-Patch community garden. The Bill also authorizes the sale of small portions of the property to the adjoining property owners.

The City of Seattle originally acquired the property between 1939 and 1957 in connection with the widening of Martin Luther King, Jr. Way. As the land was not used or needed for street purposes, the property was taken for general municipal purposes and paid for with General Fund monies.

The proposed use of the subject property for a P-Patch community garden supports several City objectives. First, siting a P-Patch in the Central Area satisfies the neighborhood plan goal of replacing gardens previously lost to development, while promoting the P-Patch Program's Race Relations and Social Justice Initiative by increasing community participation in P-Patch programs. Additionally, the sale of small buffer portions of the land to abutting property owners will increase neighborhood awareness and acceptance of the garden, and will generate revenue for the City.

The proposed legislation is in accordance with Council Resolution 29799, which adopted policies and procedures for governing the acquisition, reuse, or disposal of City-owned real property. Should you have questions, please contact David Hemmelgarn in Fleets and Facilities Real Estate Services at 684-0701.

Sincerely,


GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

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101777

STATE OF WASHINGTON - KING COUNTY

--SS.

184831
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE TITLE ONLY

Affidavit of Publication

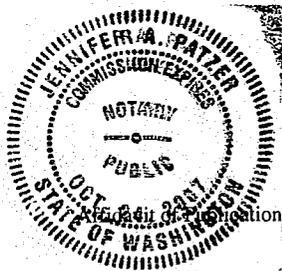
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:121772-121778

was published on

04/25/05



Handwritten signature

Subscribed and sworn to before me on

04/25/05

Handwritten signature: Jennifer Patzer

Notary public for the State of Washington,
residing in Seattle

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State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on April 11, 2005, 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 684-8344.

ORDINANCE NO. 121775

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

ORDINANCE NO. 121777

AN ORDINANCE relating to the disposition of surplus city property located along the easterly side of Martin Luther King Jr. Way and north of 502 Martin Luther King Jr. Way; authorizing the transfer of jurisdiction of said property from the Fleets and Facilities Department to the Department of Neighborhoods for the establishment of a community garden; and further authorizing sale of portions of said surplus property to abutting property owners and execution of Quitclaim Deeds in connection therewith; and designating the disposition of the sales proceeds.

ORDINANCE NO. 121776

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the execution of a five (5) year concession agreement with one five (5) year option, with Healthfit Distribution, Inc. to provide food and beverage services at Green Lake Park.

ORDINANCE NO. 121775

AN ORDINANCE relating to Conservation Futures Levy proceeds; authorizing the Mayor to amend the Interlocal Cooperation Agreement between the City of Seattle and King County as authorized by City Ordinance 114978; and authorizing deposit of 2003 allocations from King County Conservation Futures Levy proceeds into the City's 2000 Parks Levy Fund.

ORDINANCE NO. 121774

AN ORDINANCE relating to the Off-Leash Area Account; transferring expenditure authority for the Off-Leash Area Account in the General Donations and Gift Trust Fund from the Director of Finance to the Superintendent of Parks and Recreation; and eliminating an obsolete provision; all by amending Ordinance 118097.

ORDINANCE NO. 121772

AN ORDINANCE relating to the 2005 Adopted Budget, removing a restriction that prevents the Department of Parks and Recreation's spending on the Pioneer Square - Area Park Renovations Project.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, April 25, 2005.

4/25(184831)

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