

ORDINANCE No. 122451

COUNCIL BILL No. 115929

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property located at 414 6th Avenue South, otherwise known as Lots 3 and 4, Block 41, Town of Seattle, as laid out by D. S. Maynard, commonly known as D.S. Maynard's Plat of Seattle according to the plat thereof recorded in Volume 1 of Plats, page 23, in King County, Washington; authorizing acceptance of the deed for open space, park, and recreation purposes; and authorizing acquisition by condemnation.

# 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 recommed that the same:

COMPROLLER FILE No. \_\_\_\_\_

Introduced: <u>7-2-07</u>	By: <u>DELIA</u>
Referred: <u>7-2-07</u>	To: <u>PARKS, Education, Libraries, AND LABOR</u>
Referred:	To:
Referred:	To:
Reported: <u>8-6-07</u>	Second Reading:
Third Reading: <u>8-6-07</u>	Signed: <u>8-6-07</u>
Presented to Mayor: <u>8-2-07</u>	Approved: <u>8-13-07</u>
Returned to City Clerk: <u>8-13-07</u>	Published: <u>Title 3</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

18<sup>th</sup> July 2007  
 (E) (Y) Approved a amendment = JD, RC, DD  
Yea = DD, RC  
Nay = 0  
absjamed = J.D.  
 (E)

8-6-07 Passed 9-0

*Law Department*

Committee Chair

**ORDINANCE** 122451

1  
2 AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the  
3 acquisition of real property located at 414 6<sup>th</sup> Avenue South, otherwise known as Lots 3  
4 and 4, Block 41, Town of Seattle, as laid out by D. S. Maynard, commonly known as D.S.  
5 Maynard's Plat of Seattle according to the plat thereof recorded in Volume 1 of Plats,  
6 page 23, in King County, Washington; authorizing acceptance of the deed for open space,  
7 park, and recreation purposes; and authorizing acquisition by condemnation.

8  
9 WHEREAS, the Neighborhood Parks, Green Spaces, Trails, and Zoo Levy (2000 Parks Levy), as  
10 proposed by Ordinance 120024 and approved by City of Seattle voters on November 7,  
11 2000, provides funds for the acquisition of new neighborhood parks and green spaces;  
12 and

13  
14 WHEREAS, the 2000 Parks Levy program includes an Acquisition and Development  
15 Opportunity Fund (hereafter, Opportunity Fund), making available up to Ten  
16 Million Dollars (\$10,000,000) to fund acquisition and development projects not  
17 identified for funding in the remainder of the Levy program; and

18  
19 WHEREAS, Ordinance 120024 established a Parks and Green Spaces Levy Oversight  
20 Committee (hereafter, Oversight Committee), with responsibilities to include  
21 adopting evaluation criteria and recommending Opportunity Fund awards to the  
22 Superintendent of Parks and Recreation, Mayor, and City Council; and

23  
24 WHEREAS, in 2001-2002, the Oversight Committee conducted an extensive public  
25 process regarding acquisition and development projects to be funded in the first  
26 cycle of the Opportunity Fund; and

27  
28 WHEREAS, in 2002, the Oversight Committee recommended a cumulative Opportunity  
Fund award of \$3 million to support the purchase of yet-to-be identified properties  
in the following Urban Center Villages: Pioneer Square/International District,  
Denny Triangle, and the University District; and

WHEREAS, the Chinatown-International District Neighborhood Plan prioritizes physical design  
and programming as strategies for safe and dynamic public spaces and the City used these  
and other criteria to evaluate numerous community-proposed open space sites; and

WHEREAS, the Chinatown, Japantown, Little Saigon – International District Urban Design  
Streetscape and Open Space Master Plan dated February 2004 recommended acquiring an  
adjacent parcel to an existing open space in the Japantown/Chinatown area; and



1 WHEREAS, the City has determined that acquiring the property at 414 6<sup>th</sup> Avenue South,  
2 in order to expand Hing Hay Park, will address open space needs for the  
3 Chinatown-International District Neighborhood as established in Seattle's Park  
4 and Recreation Comprehensive Plan and Seattle's Parks and Recreation Plan  
2000, and that it is in the public's best interest to acquire the same for open space,  
park, and recreation purposes;

5 WHEREAS, the Executive has stated that it will encourage the United States Postal  
6 Service (USPS) to retain the provision of postal services in the area and that it will  
work with USPS in its efforts to do so; NOW, THEREFORE,

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

8 Section 1. Public convenience and necessity require that the following described real  
9 property, situated in the City of Seattle, County of King, State of Washington, and commonly  
10 known as 414 6<sup>th</sup> Avenue South, together with all rights, privileges and other property pertaining  
11 thereto, be acquired for open space, park, and recreation purposes:

12 *Lots 3 and 4, Block 41, Town of Seattle, as laid out by D. S. Maynard, commonly known as D.S.*  
13 *Maynard's Plat of Seattle, according to the plat thereof recorded in Volume 1 of Plats, page 23,*  
14 *in King County, Washington; EXCEPT the north 9 feet thereof.*

15  
16 (hereafter referred to as the "Property").

17  
18 Section 2. The Superintendent of Parks and Recreation, or his or her designee, is  
19 authorized, on behalf of the City of Seattle, to negotiate and to enter into agreements to acquire  
20 the Property upon payment of just compensation therefore, and to accept a deed for the Property  
21 by attaching to the deed the Superintendent's written acceptance thereof, and recording the same.  
22 The Property shall be accepted for open space, park, and recreation purposes, and placed under  
23 the jurisdiction of the Seattle Department of Parks and Recreation.  
24  
25  
26  
27  
28



1 Section 3. The Seattle City Attorney is authorized to commence and prosecute  
2 proceedings in the manner provided by law to condemn, take, damage and appropriate in fee  
3 simple the Property, after just compensation has been made or paid into court for the owners  
4 thereof, in the manner provided by law; and to stipulate for the purposes of minimizing damages.

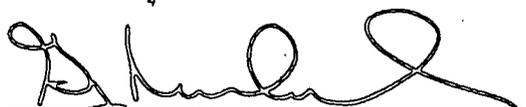
5 Section 4. The entire cost of the acquisition provided for above shall be paid from the  
6 2000 Parks Levy Fund or from such general fund of the City of Seattle as may be provided by  
7 law.  
8

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

13 Passed by the City Council the 6<sup>th</sup> day of August, 2007, and signed by me in open  
14 session in authentication of its passage this 6<sup>th</sup> day of August, 2007.

15  
16   
17 President \_\_\_\_\_ of the City Council

18 Approved by me this 13<sup>th</sup> day of August, 2007.

19  
20   
21 Gregory I. Nickels, Mayor

22 Filed by me this 13<sup>th</sup> day of August, 2007.

23  
24   
25 City Clerk

26 (Seal)



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Parks and Recreation	Donald Harris/4-8018	Tyler Running Deer/4-8075

**Legislation Title:**

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property located at 414 6<sup>th</sup> Avenue South, otherwise known as Lots 3 and 4, Block 41, Town of Seattle, as laid out by D. S. Maynard, commonly known as D.S. Maynard's Plat of Seattle according to the plat thereof recorded in Volume 1 of Plats, page 23, in King County, Washington; authorizing acceptance of the deed for open space, park, and recreation purposes; and authorizing acquisition by condemnation.

**Summary and background of the Legislation:**

This proposed legislation authorizes the Department of Parks and Recreation (Parks) to acquire real property located at 414 6<sup>th</sup> Avenue South in the Chinatown/International District by negotiation or condemnation. The legislation also allows for the acceptance of the deed to the subject property for open space, park, and recreation purposes.

The Neighborhood Parks, Green Spaces, Trails, and Zoo Levy (2000 Parks Levy) provides funds for the acquisition of new neighborhood parks and green spaces. The 2000 Parks Levy program includes an Acquisition and Development Opportunity Fund (Opportunity Fund), making available up to \$10 million to fund acquisition and development projects not identified for funding in the remainder of the Levy program. The 2000 Parks Levy established a Parks and Green Spaces Levy Oversight Committee (Oversight Committee), with responsibilities to include adopting evaluation criteria and recommending Opportunity Fund awards to the Superintendent, Mayor and City Council.

In 2001-2002, the Oversight Committee conducted an extensive public process regarding acquisition and development projects to be funded in the first cycle of the Opportunity Fund. In 2002, the Oversight Committee recommended a cumulative Opportunity Fund award of \$3 million to support the purchase of yet-to-be identified properties in the following Urban Center Villages: Pioneer Square/International District, Denny Triangle, and the University District. Ordinance 120869 authorized the Superintendent of Parks and Recreation to identify, evaluate, and recommend parcels for acquisition in the Urban Center Villages recommended by the Oversight Committee.

A major focus of the Chinatown/International District Neighborhood Plan is parks, public safety and pedestrian space. As a result, specific attention was paid to the needs for specific programming, physical design, additional police presence, and pedestrian improvements resulting in safe and dynamic public spaces. The strategy included acquisition of new open space.



As no suitable sites in Pioneer Square have yet been identified, DPR staff has moved forward with actively siting additional open space in the Chinatown/International District.

Parks staff met and communicated with Chinatown/International District community groups during park acquisition planning and in sponsoring a public meeting. Many sites were compared to the Neighborhood Plan acquisition criteria of parks, public safety, and pedestrian space, both west of I-5 and east of I-5 (the Little Saigon neighborhood). There was support for expanding an existing park to enhance sight lines and increase programming opportunities, thus enhancing public safety. Hing Hay Park presented itself as the best opportunity for expansion via the purchase of the adjoining property to its west.

The International District Post Office is a tenant on that property. Existing postal operations will not be interrupted since the lease runs until 2010 and the Post Office has an option to renew through 2013. The City will administer the lease and maintain building systems as required. Park development is projected to occur in 2014.

<b>Project Name:</b>	<b>Project I.D.</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date</b>
Pioneer Square/International District Acquisition	K733183	414 – 6 <sup>th</sup> Ave S	November 2002	January 2008

- *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.**

***Appropriations:***

<b>Fund Name and Number</b>	<b>Department</b>	<b>Budget Control Level*</b>	<b>2007 Appropriation</b>	<b>2008 Anticipated Appropriation</b>
<b>TOTAL</b>				

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

**Notes:** Costs for this acquisition shall be appropriated from the 2000 Parks Levy Fund (33850) by separate budget ordinance.



***Spending Plan and Future Appropriations for Capital Projects:***

<b>Spending Plan and Budget</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>Total</b>
Spending Plan							
Current Year Appropriation							
Future Appropriations							

**Notes:** Costs for this acquisition shall be appropriated from the 2000 Parks Levy Fund (33850) by separate ordinance.

***Funding source:***

<b>Funding Source (Fund Name and Number, if applicable)</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>Total</b>
<b>TOTAL</b>							

**Notes:** Costs for this acquisition shall be appropriated from the 2000 Parks Levy Fund (33850) by separate ordinance.

***Bond Financing Required: Not applicable.***

<b>Type</b>	<b>Amount</b>	<b>Assumed Interest Rate</b>	<b>Term</b>	<b>Timing</b>	<b>Expected Annual Debt Service/Payment</b>
<b>TOTAL</b>					



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

O&M	2007	2008	2009	2010	2011	2012	Total
<b>Uses</b>							
Start Up							
On-going	\$0	\$14,000	\$14,300	\$14,600	\$14,900	\$15,200	<b>\$73,000</b>
<b>Sources (itemize)</b>							
2000 Parks Levy Fund (33850)	\$0	\$14,000	\$0	\$0	\$0	\$0	<b>\$14,000</b>
Funding TBD	\$0	\$0	\$14,300	\$14,600	\$14,900	\$15,200	<b>\$59,000</b>
<b>Total</b>	<b>\$0</b>	<b>\$14,000</b>	<b>\$14,300</b>	<b>\$14,600</b>	<b>\$14,900</b>	<b>\$15,200</b>	<b>\$73,000</b>

**Notes:** The City currently expects to acquire the property in January 2008. DPR plans to honor the existing United States Postal Service lease (expiring in 2010) with a renewal option (expiring in 2013) until the site is developed into a park. At present, DPR anticipates the developed park to come online in 2014.

Maintenance tasks prior to development would include maintaining the building's water, heat, and air conditioning systems as stated in the United States Postal Service lease.

DPR's estimates for the cost of maintaining the developed park are based on the following assumption: a passive, urban park with plants and trees, and hard surfaces with benches, tables, and possible art or building structures. General maintenance tasks associated with a developed park could include the following: garbage collection, litter pickup, irrigation, pressure washing, blowing, weeding, tree trimming, and graffiti removal, maintenance of hardscapes, benches, structures, electrical components and plumbing.

The annual operation and maintenance (O&M) costs for a developed park are \$39,300 given current assumptions about site development. Precise O&M costs for the site once it is developed are not known at this point. Accurate O&M estimates can only be made once DPR has gone through planning and public involvement processes to determine the magnitude of development. Once the site is developed, additional O&M may be needed to maintain added design features.

Note that a 2% inflation factor has been used for each successive year. Operations and maintenance costs associated with the 2000 Parks Levy projects are to be funded from Levy proceeds through 2008. An alternative funding strategy has not been determined for the following years.

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

Major Maintenance Item	Frequency	Cost	Likely Funding Source
<b>TOTAL</b>	NA		



***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	2007 Positions	2007 FTE	2008 Positions**	2008 FTE**
<b>TOTAL</b>							

\* List each position separately

Notes: None.

- **Do positions sunset in the future?** Not applicable.
- **What is the financial cost of not implementing the legislation:** Achievement of the goal of acquiring property using the Opportunity Fund Acquisitions category of the 2000 Parks Levy Ordinance (120024) would be delayed. This delay and further staff cost to meet this goal with another effort would consume additional and unanticipated resources from the 2000 Parks Levy Fund.
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives:** DPR could try to find another opportunity like this in the same area, but to do so would require spending additional resources and delay the goal for park acquisition and development in this underserved area as mentioned in the 2000 Parks Levy. City Council approval is required for authorization to acquire and accept a deed for real property or to acquire by condemnation.
- **Is the legislation subject to public hearing requirements:** No.
- **Other Issues:** No.

**Please list attachments to the fiscal note below:**

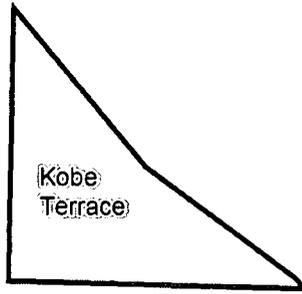
Attachment 1: International District Acquisition - Hing Hay Park Expansion (map)



# Attachment 1



**International District Acquisition - Expansion of Hing Hay Park**  
(working project name)



5TH AVE S

6TH AVE S

MAYNARD AVE S

7TH AVE S

5247801935

Hing Hay Park

Intern'l  
Children's  
Park

International  
District (CC)

**Legend**

- Parcels of Interest
- Parcel Boundary
- Park Boundary



1 inch equals 200 feet

0 100 200  
Feet

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No warranties of any sort, including accuracy, fitness or merchantability accompany this product.





# City of Seattle

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Gregory J. Nickels, Mayor

## Office of the Mayor

April 17, 2007

Honorable Nick Licata  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

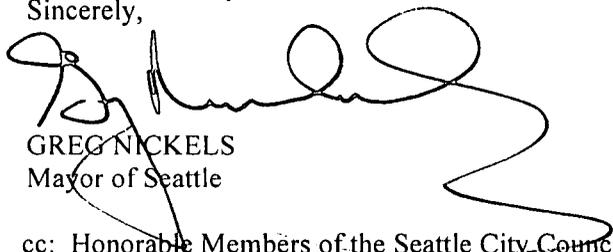
Dear Council President Licata:

I am transmitting the attached proposed Council Bill that authorizes the acquisition of property located at 414 6<sup>th</sup> Avenue South to expand the size of Hing Hay Park in the Chinatown/International District. The expansion of Hing Hay Park will serve the needs of the Chinatown/International District's growing population by providing additional park space that will improve programming opportunities and enhance public safety. To date, Department of Parks and Recreation staff have presented two offers based on an appraisal of the property, both of which have been declined. The property owners, however, have agreed to obtain their own appraisal and to continue discussions. While we hope to reach a negotiated agreement, it may become necessary to acquire the property through condemnation.

The subject property is currently leased to the United States Postal Service (USPS). The City is committed to ensuring that postal services remain conveniently located in the Chinatown/International District and is working with USPS staff to achieve that end.

Acquisition of the subject property satisfies the goals set forth in Seattle's Park and Recreation Comprehensive Plan, and Park and Recreation Plan 2000, which call for adding open space to serve population growth in the Chinatown/International District Urban Center Village. 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

---

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

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

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



**ORDINANCE** \_\_\_\_\_

1  
2 AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the  
3 acquisition of real property located at 414 6<sup>th</sup> Avenue South, otherwise known as Lots 3  
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28 WHEREAS, in 2002, the Oversight Committee recommended a cumulative Opportunity  
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WHEREAS, the Chinatown-International District Neighborhood Plan prioritizes physical design  
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and other criteria to evaluate numerous community-proposed open space sites; and

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4 and Recreation Comprehensive Plan and Seattle's Parks and Recreation Plan  
2000, and that it is in the public's best interest to acquire the same for open space,  
park, and recreation purposes; NOW, THEREFORE,

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

6 Section 1. Public convenience and necessity require that the following described real  
7 property, situated in the City of Seattle, County of King, State of Washington, and commonly  
8 known as 414 6<sup>th</sup> Avenue South, together with all rights, privileges and other property pertaining  
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19 by attaching to the deed the Superintendent's written acceptance thereof, and recording the same.  
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21 the jurisdiction of the Seattle Department of Parks and Recreation.  
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23 Section 3. The Seattle City Attorney is authorized to commence and prosecute  
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2 thereof, in the manner provided by law; and to stipulate for the purposes of minimizing damages.

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

10 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2007, and signed by me in open  
11 session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2007.

12  
13  
14 \_\_\_\_\_  
15 President \_\_\_\_\_ of the City Council

16 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2007.

17  
18 \_\_\_\_\_  
19 Gregory J. Nickels, Mayor

20 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2007.

21 \_\_\_\_\_  
22 City Clerk

23 (Seal)

122451  
2

STATE OF WASHINGTON – KING COUNTY

--SS.

214650  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

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

CT:122451-122455 TITLE

was published on

08/20/07

The amount of the fee charged for the foregoing publication is the sum of \$ 97.65, which amount has been paid in full.



*Samela Cglabky*

Subscribed and sworn to before me on

08/20/07

*Jennifer A. Meyer*

Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on August 6, 2007, 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. 122455

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

#### ORDINANCE NO. 122454

AN ORDINANCE authorizing the Superintendent of Parks and Recreation to enter into an Agreement with the Arboretum Foundation relating to the implementation of the Washington Park Arboretum - Pacific Connections Project; authorizing acceptance of funds from the Arboretum Foundation for such purpose; and increasing the expenditure authority in the Department of Parks and Recreation's 2007 Adopted Budget, all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 122453

AN ORDINANCE relating to the City's purchase of an interest in real property owned by Chief Seattle Club; removing a budget proviso restricting expenditure of an appropriation in the 2007 Budget; increasing an appropriation in the 2007 Adopted Budget of the Human Services Department; decreasing an appropriation in the 2007 Adopted Budget of Finance General; transferring cash between funds; and authorizing the purchase and acceptance of an easement with restrictive covenants from Chief Seattle Club to provide for social and community services uses on the property at 410 Second Avenue Extension South, Seattle, Washington for a period of ten years and the expenditure of funds therefore; all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 122452

AN ORDINANCE relating to the Seattle Chinatown-International District Public Development Authority; authorizing the City to provide a guaranty in support of bonds to be issued by the Authority, establishing the terms and conditions under which the City will provide such guaranty; and authorizing an agreement and such related documents and agreements as are necessary between the City and the Authority with regard to the Authority's issuance of the bonds and the City's guaranty.

#### ORDINANCE NO. 122451

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property located at 414 6th Avenue South, otherwise known as Lots 3 and 4, Block 41, Town of Seattle, as laid out by D. S. Maynard, commonly known as D.S. Maynard's Plat of Seattle according to the plat thereof recorded in Volume 1 of Plats, page 23, in King County, Washington; authorizing acceptance of the deed for open space, park, and recreation purposes; and authorizing acquisition by condemnation.

Publication ordered by JUDITH PIPPIN,  
City Clerk

Date of publication in the Seattle Daily  
Journal of Commerce, August 20, 2007.

8/20(214650)