

ORDINANCE No. 122666

COUNCIL BILL No. 116170

*Tom Ramm*

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

AN ORDINANCE relating to the Neighborhood Parks, Green Spaces, Trails and Zoo Levy; authorizing the acquisition of real property located at 7028 9th Avenue Northwest, otherwise known as Lots 30 through 45, inclusive, except the south 10 feet of said Lot 30, Block 19, Ballard Park Addition, according to the plat thereof recorded in Volume 4 of Plats, page 80, in King County, Washington; authorizing acceptance of the deed; and increasing appropriations to the Department of Parks and Recreation in the 2008 Budget; all by a three-fourths vote of the City Council.

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:

YES - TR, RC, TB                      NO - ~~Ø~~

4-14-08 Passed 8-0 (Excused: Licata)

Introduced: <u>03-31-08</u>	By:
Referred: <u>03-31-08</u>	To: Parks and Seattle Center (PSC)
Referred:	To:
Referred:	To:
Reported: <u>4-14-08</u>	Second Reading:
Third Reading: <u>4-14-08</u>	Signed: <u>4-14-08</u>
Presented to Mayor: <u>4-15-08</u>	Approved: <u>4-23-08</u>
Returned to City Clerk: <u>4-23-08</u>	Published: <u>Time 4</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

*Law Department*

\_\_\_\_\_  
Committee Chair



# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

March 18, 2008

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

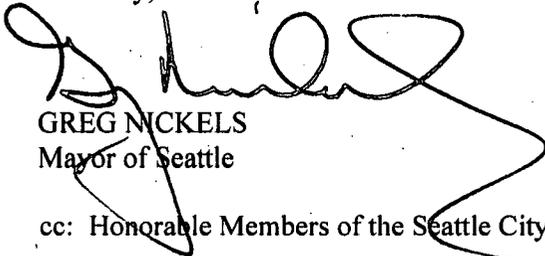
Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that authorizes the acquisition of a 39,000 square foot property located in Ballard at 7028 9<sup>th</sup> Avenue NW. The property is currently owned by the Seventh Elect Church in Israel.

Acquisition of this property will satisfy Seattle's Park and Recreation Comprehensive Plan, and Seattle's Parks and Recreation Plan 2000 goals of encouraging the acquisition of 10,000 square feet or more to meet open space needs in underserved areas. The property acquisition authorized by this legislation will help meet the City's goal of providing parks within walking distance for residents in and around our urban villages. Additionally, the proposed legislation would authorize the Superintendent to study the feasibility of moving an existing house from the center of the property to the north or south edge of the property for resale, thereby reducing its likelihood of demolition during the course of future park development.

We are fortunate to have an opportunity to purchase this property for future development as a park that will serve the Ballard neighborhood. 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) 615-0476 Fax: (206) 684-5360, Email: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

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ORDINANCE 122666

AN ORDINANCE relating to the Neighborhood Parks, Green Spaces, Trails and Zoo Levy; authorizing the acquisition of real property located at 7028 9<sup>th</sup> Avenue Northwest, otherwise known as Lots 30 through 45, inclusive, except the south 10 feet of said Lot 30, Block 19, Ballard Park Addition, according to the plat thereof recorded in Volume 4 of Plats, page 80, in King County, Washington; authorizing acceptance of the deed; and increasing appropriations to the Department of Parks and Recreation in the 2008 Budget; all by a three-fourths vote of the City Council.

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

WHEREAS, the Oversight Committee conducted an extensive public process regarding acquisition and development projects to be funded in the first cycle of the Opportunity Fund; and

WHEREAS, the Oversight Committee recommended an allocation of Six Million Dollars (\$6,000,000) for the Opportunity Fund's first funding cycle, including Five Million Dollars (\$5,000,000) for acquisition projects and One Million Dollars (\$1,000,000) for development projects; and

WHEREAS, the Oversight Committee recommended first-cycle allocations for property acquisitions in multiple locations in Ballard, subsequently approved by the City Council in Ordinance 120869; and



1 WHEREAS, in 1990, the Ballard community proposed that the City purchase the 39,000 square-  
2 foot property at 7028 9<sup>th</sup> Avenue Northwest (the "Property") for park and open space  
3 purposes; and

4 WHEREAS, in 2001, the Ballard community again proposed purchase of the Property; and

5 WHEREAS, the City now has an opportunity to purchase the Property because it has recently  
6 been listed for sale; and

7 WHEREAS, the Property contains an existing single-family structure, and it may be feasible to  
8 move the structure from the center of the Property to the north or south edge of the  
9 Property, to establish a legal lot up to 5,000 square feet in size and to sell the new lot and  
10 relocated structure in order to preserve useable housing; and

11 WHEREAS, the Property meets the criteria established in Seattle's Park and Recreation  
12 Comprehensive Plan and Seattle's Parks and Recreation Plan 2000 and would continue to  
13 do so if the single-family structure and a 5,000 square foot lot were sold;

14 NOW, THEREFORE,

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

16 Section 1. The Superintendent of Parks and Recreation, or his designee, is authorized, on  
17 behalf of the City of Seattle, to acquire real property commonly known as: 7028 9<sup>th</sup> Avenue  
18 Northwest for a purchase price not to exceed Three Million Dollars (\$3,000,000). The legal  
19 description of the real property (referred to hereafter as the "Property") is as follows:

20 Lots 30 through 45, inclusive, EXCEPT the south 10 feet of said Lot 30, Block 19,  
21 Ballard Park Addition, according to the plat thereof recorded in Volume 4 of Plats, page 80,  
22 in King County, Washington

23 Section 2. The Superintendent of Parks and Recreation ("Superintendent") or his  
24 designee is authorized to execute such documents as he deems necessary or desirable to  
25 accomplish acquisition of the Property consistent with this ordinance. Upon delivery of the  
26 statutory warranty deed for the Property, the Superintendent or his designee is authorized to



1 accept the deed on behalf of the City by attaching to the deed his written acceptance thereof, and  
2 to record the same. The Property shall be accepted for open space, park, and recreation purposes,  
3 and placed under the jurisdiction of the Department of Parks and Recreation.

4  
5 Section 3. To pay for the Property and for necessary related costs and expenses, the  
6 appropriation for the following in the 2008 Adopted Budget is increased from the fund shown, as  
7 follows:

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9

Fund	Department	Capital Improvement Program: Program (Number)	Amount
2000 Parks Levy Fund (33850)	Parks and Recreation	2000 Parks Levy - Opportunity Fund - Acquisition (K723007)	\$2,376,193

10  
11  
12

13 Section 4. To attempt to preserve useable housing stock, the Superintendent of Parks and  
14 Recreation is authorized to study the cost and feasibility of moving an existing single-family  
15 structure from the center of the Property to the north or south edge of the Property, establishing a  
16 lot up to 5,000 square feet in size, and selling the new lot with relocated single-family structure  
17 and to report on such study to the City Council. Any sale requires City Council approval by  
18 ordinance.  
19

20  
21 Section 5. If the City determines to sell a portion of the Property with the relocated  
22 single-family structure, the requirements of City Council Ordinance 118477 shall not apply to  
23 such sale.

24  
25 Section 6. Any act consistent with the authority and prior to the effective date of this  
26 ordinance is hereby ratified and confirmed.

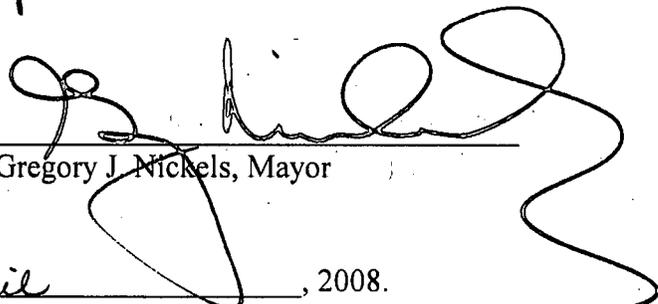


1 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

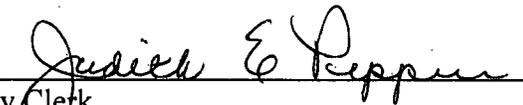
4 Passed by a three-fourths (3/4) vote of all the members of the City Council the 14<sup>th</sup> day  
5 of April, 2008, and signed by me in open session in authentication of its passage this  
6 14<sup>th</sup> day of April, 2008.

7  
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11   
12 President \_\_\_\_\_ of the City Council

13 Approved by me this 23<sup>rd</sup> day of April, 2008.

14  
15   
16 Gregory J. Nickels, Mayor

17  
18 Filed by me this 23 day of April, 2008.

19  
20   
21 City Clerk

22 (Seal)



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Department of Parks and Recreation	Donald Harris / 684-8018	Jennifer Devore / 615-1328

**Legislation Title:**

AN ORDINANCE relating to the Neighborhood Parks, Green Spaces, Trails and Zoo Levy; authorizing the acquisition of real property located at 7028 9<sup>th</sup> Avenue Northwest, otherwise known as Lots 30 through 45, inclusive, except the south 10 feet of said Lot 30, Block 19, Ballard Park Addition, according to the plat thereof recorded in Volume 4 of Plats, page 80, in King County, Washington; authorizing acceptance of the deed; and increasing appropriations to the Department of Parks and Recreation in the 2008 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 (DPR) to acquire real property located at 7028 9<sup>th</sup> Avenue NW, appropriate funds, and accept transfer of the deed to the property for open space, park, and recreation purposes.

The Ballard community proposed acquisition of this 39,000 square-foot property in 1990, in connection with the Open Space and Trails Bond Fund Program. At that time, the owner (Seventh Elect Church in Israel) was unwilling to sell, but now the Church has listed the property for sale and is a willing seller. Acquisition of this property will satisfy Seattle's Park and Recreation Comprehensive Plan, and Seattle's Parks and Recreation Plan 2000 goals of encouraging the acquisition of park sites sized at 10,000 square feet or larger to meet open space needs in underserved areas. The property acquisition authorized by this legislation will help meet the City's goal of providing parks within walking distance for residents in and around our urban villages.

The site contains both an old dormitory and a single-family house. The dormitory would need to be demolished to make way for the park. However, the house has the potential to be moved from the center of the site to the north or south end of the site and sold with a 5,000 square-foot lot, thereby avoiding its demolition. This action, if ultimately taken, would reduce the size of the park from 39,000 square-feet to 34,000 square-feet, still well above the minimum size goals of Seattle's Parks and Recreation Plan 2000. The recovered funds could be placed back into the 2000 Parks Levy Fund for future acquisitions or development. This proposed legislation authorizes the Superintendent to study the cost and feasibility of such a move.



<b>Project Name:</b>	<b>Project I.D.</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date</b>
2000 Parks Levy - Opportunity Fund Acquisitions	K733175	Citywide	August 2002	December 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>2008 Appropriation</b>	<b>2009 Anticipated Appropriation</b>
2000 Parks Levy Fund (33850)	Parks and Recreation	2000 Parks Levy- Opportunity Fund Acquisition Program K723007	\$2,376,193	\$0
<b>TOTAL</b>			<b>\$2,376,193</b>	<b>\$0</b>

**Notes:** The budget for the acquisition is \$3,176,193. The actual purchase price of the property is \$3,000,000. There is already \$800,000 available in budget authority for this purchase. The additional appropriation of \$2,376,193 is necessary for the purchase price and related costs and expenses associated with property acquisition, including, but not limited to title, appraisal, closing costs, survey, Lot Boundary Adjustment, environmental assessment and remediation, negotiation, due diligence, feasibility study and potential house move, dormitory demolition, and grant administration.

The 2000 Parks Levy acquisition projects have accrued a significant amount of supplemental funding as reimbursement (primarily from King County Conservation Futures Funds) for properties acquired in the 3 acquisition program categories; Neighborhood Parks, Greenspaces and Opportunity Fund. The funding for this project is derived in part from those funds as well as from interest earnings accruing to the 2000 Parks Levy Fund and the King County Conservations Futures Fund.



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

Spending Plan and Budget	2008	2009	2010	2011	2012	2013	Total
Spending Plan	\$3,076,193	\$100,000	\$0	\$0	\$0	\$0	\$3,176,193
Current Year Appropriation	\$2,376,193						
Future Appropriations		\$0	\$0	\$0	\$0	\$0	\$0

**Notes:** Of the \$3,176,193 project budget, \$800,000 is comprised of funds appropriated prior to 2008.

**Funding source:**

Funding Source (Fund Name and Number, if applicable)	2008	2009	2010	2011	2012	2013	Total
2000 Parks Levy Fund (33850)	\$3,176,193	\$0	\$0	\$0	\$0	\$0	\$3,176,193
<b>TOTAL</b>	<b>\$3,176,193</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,176,193</b>

**Notes:** None

**Bond Financing Required:**

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



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

O&M	2008	2009	2010	2011	2012	2013	Total
<b>Uses</b>							
Start Up							
On-going	\$7,989	\$16,298	\$16,624	\$16,956	\$17,295	\$17,641	\$92,083
<b>Sources (itemize)</b>							
Park and Recreation Fund (10200)	\$7,989	\$16,298	\$16,624	\$16,956	17,295	\$17,641	\$92,083
<b>Total</b>	<b>\$7,989*</b>	<b>\$16,298</b>	<b>\$16,624</b>	<b>\$16,956</b>	<b>\$17,295</b>	<b>\$17,641</b>	<b>\$92,083</b>

**Notes:** The estimate above reflects the O & M costs of for this 39,000 square foot property with 3 structures (1 house- 1,280 square feet, a dormitory style building - 4,841 square feet, and a garage of 624 square feet) bordered by single-family homes to the north, east and south.

The dollars listed above assume that a caretaker will be living in the house and watching over the property in an "as is" condition and performing minimal maintenance. DPR grounds staff will be responsible for the majority of grounds maintenance work on the property. The two larger buildings on the site were built pre-1920 and are 2-story wood frame (building quality is listed at low cost on the assessors information). The existing systems in the building have not been inspected; however, given their age, it is expected that various maintenance issues will need to be addressed at some point that could include: electrical and plumbing systems; sewer backups; HVAC systems; graffiti removal; repairs to locks/doors, and major debris pick up. These costs assume the buildings will remain on the site until 2013. The building maintenance costs would be reduced if the structures are demolished or removed from the site at some point.

\* The O&M costs for 2008 are not included in the 2008 Adopted Budget since it was not known at the time the budget was developed that this acquisition would occur. DPR will absorb the 2008 costs in its current budget and request funds for the O&M in 2009 and beyond in the 2009/2010 budget process.

Note that a 2% inflation factor has been used for each successive year.

**Periodic Major Maintenance costs for the project:**

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

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



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

Position Title and Department*	Position # for Existing Positions	Fund Name & #	PT/FT	2008 Positions	2008 FTE	2009 Positions **	2009 FTE **
<b>TOTAL</b>	N/A						

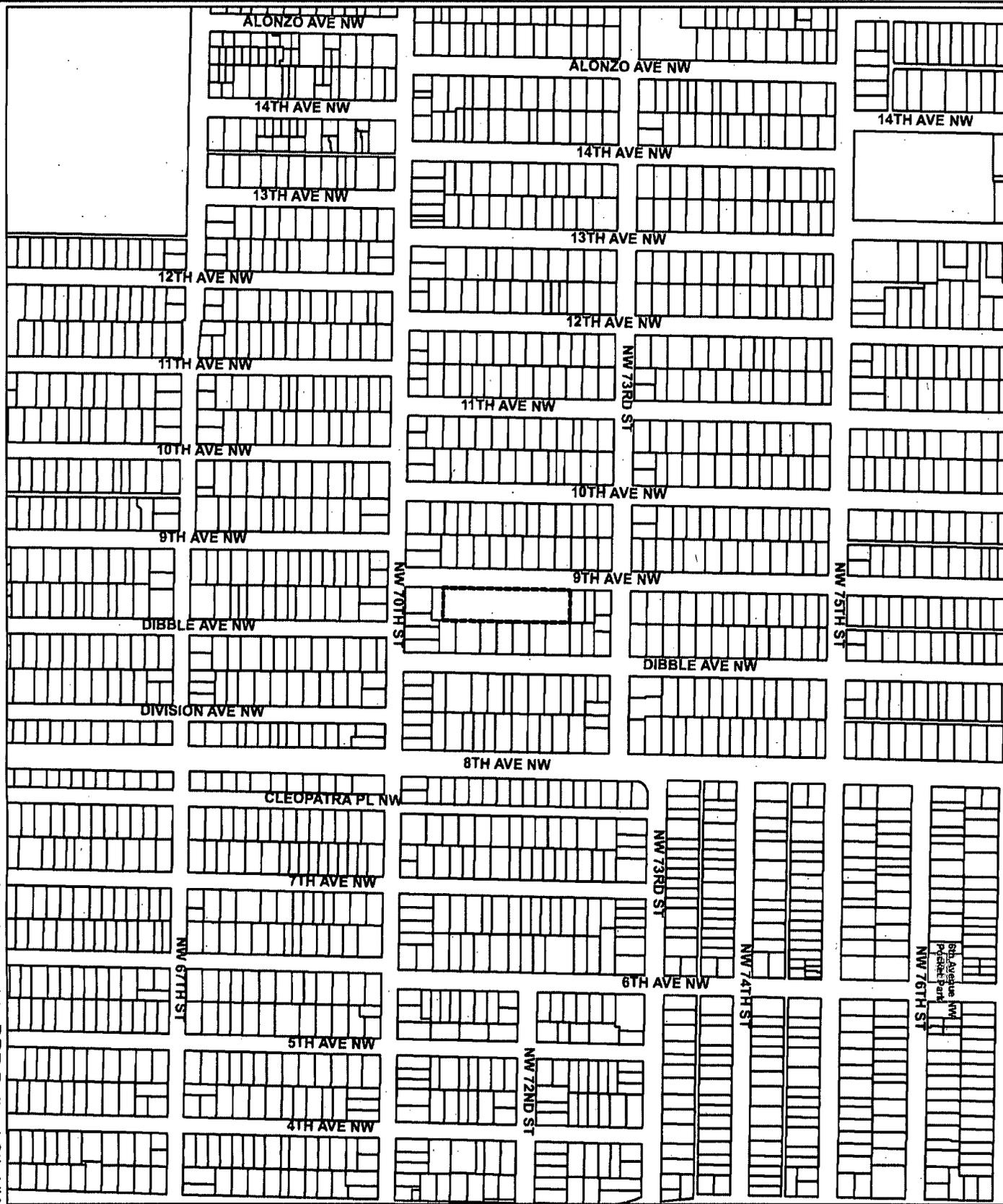
**Notes:** Not applicable.

- **Do positions sunset in the future?:** Not applicable.
- **What is the financial cost of not implementing the legislation:** Achievement of one of the goals of the Neighborhood Park Acquisition category of the 2000 Parks Levy Ordinance (120024), which is acquiring real property for development of new parks using funding from the Opportunity Fund subcategory for this area, 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 this would require spending additional resources and would delay the area acquisition goal as mentioned in the 2000 Parks Levy. City Council approval is required for authorization to acquire and accept a deed for real property.
- **Is the legislation subject to public hearing requirements:** No.
- **Other Issues:** None.

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

Attachment 1: Ballard 9<sup>th</sup> NW and NW 70th (map)





**Ballard**  
**9th NW and**  
**NW 70th**  
**(0461005265)**



**Legend**

- Parcel of Interest
- Park Boundary
- Parcel Boundary



Attachment 1 to DPR Ballard-9th NW-NW 70th Acq FISC

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 Map date: February 27, 2008