

Ordinance No. 122932

Council Bill No. 116465

AN ORDINANCE relating to the Burke-Gilman Trail; authorizing acquisition and acceptance of real property rights in the vicinity of 28th Avenue NW by purchase or eminent domain (condemnation) for extension of the Burke-Gilman Trail.

CF No. _____

Date Introduced:	<u>2-23-09</u>	
Date 1st Referred:	To: (committee)	
<u>2-23-09</u>	<u>Transportation</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>3/9/09</u>	<u>6-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>3/9/09</u>	<u>3-16-09</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/>
<u>3-17-09</u>	<u>3</u>	F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Jan Prago
Councilmember

Committee Action:

3/3 Pass JD, RM, SC 3-0
3/9 Pass 6-0 (except JD, TB, RM)

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

February 17, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill that authorizes the acquisition of property interests through negotiation or use of eminent domain (condemnation) from B-Box, LLC for the extension of the Burke-Gilman Trail.

This proposed Council Bill will provide Seattle's Department of Transportation with the authority to purchase or condemn property interests in the vicinity of 28th Ave NW to complete the Burke-Gilman Trail. Completion of the trail has been a longstanding goal for the City and, once completed, the Burke-Gilman will be part of a continuous regional trail system from Seattle's Golden Gardens to Issaquah, via the Sammamish River Trail and the East Lake Sammamish Trail.

Thank you for your consideration of this legislation. Should you have any questions, please contact Larry Huggins at 684-5001.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a circular stamp that partially overlaps the text below.

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

Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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



1 The southerly 12.00 feet of the following described property:

2 That portion of the southwest quarter of Section 11, Township 25
3 North, Range 3 East, Willamette Meridian, in King County, Washington, described as
4 follows:

5 Beginning at the intersection of the southerly margin of N.W. Market
6 Street and the east-line of the west 20.00 feet of Lot 10, Block A,
7 H. W. Treat's First Addition to Ballard, according to the plat
8 thereof, recorded in Volume 13 of Plats, page 5, in King County, Washington;
9 Thence south 00°06'35" west along said east line 167.20 feet to the
10 TRUE POINT OF BEGINNING;
11 Thence continuing south 00°06'35" west 22.78 feet;
12 Thence south 81°04'16" west along a line which is 10.00 feet
13 northerly and parallel to the centerline of the existing Ballard Terminal Railroad (formerly
14 Great Northern Railroad) tracks 132.06 feet to the easterly margin of 28th Avenue N.W. (as
15 established by the City of Seattle Conditional Ordinance 30733);
16 Thence north 00°56'08" west along said easterly margin 22.72 feet;
17 Thence north 81°04'16" east 132.48 feet to the TRUE POINT OF
18 BEGINNING.

19 **Section 2.** The Director of Transportation or her designee is authorized, on behalf of the
20 City of Seattle, to determine which portions and interests in the real property described in Section 1
21 above are necessary for the Burke-Gilman Trail Extension project and to negotiate and enter into
22 written agreements for and acquire, after payment of just compensation, such real property interests
23 as are necessary for the project and to accept and record deeds and other written instruments on
24 behalf of the City of Seattle by attaching to the instrument the Director's written acceptance thereof
25 for multi-purpose trail and transportation purposes, and recording the same. The real property
26 interests acquired shall be placed under the jurisdiction of the Seattle Department of Transportation.
27 The cost of the acquisitions including purchase price and transaction costs, together with relocation
28 benefits to the extent required by law, shall be paid from the funds appropriated for the Burke-
Gilman Trail Extension project.



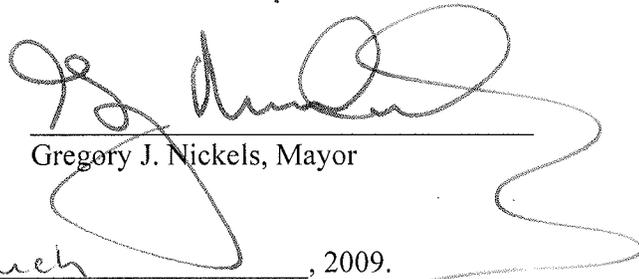
1 **Section 3.** The City Attorney is authorized to commence and prosecute proceedings in the
2 manner provided by law to condemn, take, damage, and appropriate such real property interests
3 determined by the Director of Transportation or her designee to be necessary for the Burke-Gilman
4 Trail Extension project, provided said real property interests are to be appropriated and taken only
5 after just compensation has been made or paid into court for the owners thereof, in the manner
6 provided by law; and to stipulate for the purpose of minimizing damages.
7

8 **Section 4.** This ordinance shall take effect and be in force thirty (30) days from and after its
9 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
10 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

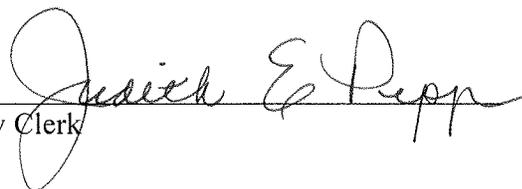
11 Passed by the City Council the 9th day of March, 2009, and
12 signed by me in open session in authentication of its passage this
13 9th day of March, 2009.

14 
15 _____
16 President _____ of the City Council

17 Approved by me this 16th day of March, 2009.

18 
19 _____
20 Gregory J. Nickels, Mayor

21 Filed by me this 17th day of March, 2009.

22 
23 _____
24 City Clerk

25 (Seal)



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Department of Transportation	Larry Huggins/4-5001	Stephen Barham/3-9084

Legislation Title:

AN ORDINANCE relating to the Burke-Gilman Trail; authorizing acquisition and acceptance of real property rights in the vicinity of 28th Avenue NW by purchase or eminent domain (condemnation) for extension of the Burke-Gilman Trail.

Summary and background of the Legislation:

This legislation authorizes the acquisition of property interests in the vicinity of 28th Ave NW through negotiation or use of eminent domain (condemnation) for the Burke-Gilman Trail Extension project.

The City is in the process of completing the final segment of the Burke-Gilman Trail, between 17th Avenue NW and the Ballard Locks. The City needs to acquire an approximately 12-foot wide strip of land between 26th Avenue NW and 28th Avenue NW in order to have sufficient right-of-way width for the trail and existing rail in that area.

Project Name:	Project I.D.	Project Location:	Start Date:	End Date
Burke-Gilman Trail Extension	TC364830	Various	1Q 1995	4Q 2011

- *Please check any of the following that apply:*

This legislation creates, funds, or anticipates a new CIP Project. *(Please note whether the current CIP is being amended through this ordinance, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)*

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: *This table should detail existing appropriations and reflect appropriations that are a direct result of this legislation. In the event that the projects associated with this ordinance had, or will have, appropriations in other legislation, please provide details in the Notes section below. If this legislation does not directly change an appropriation, but results in budget authority being moved within a Budget Control Level, or to another Budget Control Level (up to*



10%), please explain in the Notes section below.

Fund Name and Number	Department	Budget Control Level*	Existing 2008 Appropriation	New 2008 Appropriation (if any)	2009 Anticipated Appropriation
TOTAL					

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

Notes: Appropriations to support this legislation are included in the 2009-2010 Adopted Budget

Spending Plan and Future Appropriations for Capital Projects: Please list the timing of anticipated appropriation authority requests and expected spending plan. In addition, please identify your cost estimate methodology including inflation assumptions, the projected costs of meeting applicable LEED standards, and the percent for art and design as appropriate.

Spending Plan and Budget	2009	2010	2011	2012	2013	2014	Total
Spending Plan							
Current Year Appropriation							
Future Appropriations							

Notes: The spending plan and future anticipated appropriations are included in the 2009-2014 Adopted Capital Improvement Program.

Funding source: Identify funding sources including revenue generated from the project and the expected level of funding from each source.

Funding Source (Fund Name and Number, if applicable)	2009	2010	2011	2012	2013	2014	Total
TOTAL							

Notes: Funding sources to support this legislation are included in the 2009-2014 Adopted Capital Improvement Program.

Bond Financing Required: If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount.



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

Notes: Bond financing sources to support this legislation are included in the 2009-2010 Adopted Budget.

Uses and Sources for Operation and Maintenance Costs for the Project: Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost.

O&M	2008	2009	2010	2011	2012	2013	Total
Uses							
Start Up							
On-going							
Sources (itemize)							

Notes: N/A

Periodic Major Maintenance costs for the project: Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency.

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

Funding sources for replacement of project: Identify possible and/or recommended method of financing the project replacement costs.

Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact: This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.



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

* List each position separately

** 2009 positions and FTE are total 2009 position changes resulting from this legislation, not incremental changes. Therefore, under 2009, please be sure to include any continuing positions from 2008.

Notes:

- **Do positions sunset in the future?** (If yes, identify sunset date): No
- **What is the financial cost of not implementing the legislation:** (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

Without the legislation, the Burke-Gilman Trail Extension project cannot be completed. The property rights to be acquired are necessary to complete design and construction of this segment of the trail. The City has invested significant resources to complete the other sections of the trail.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives** (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

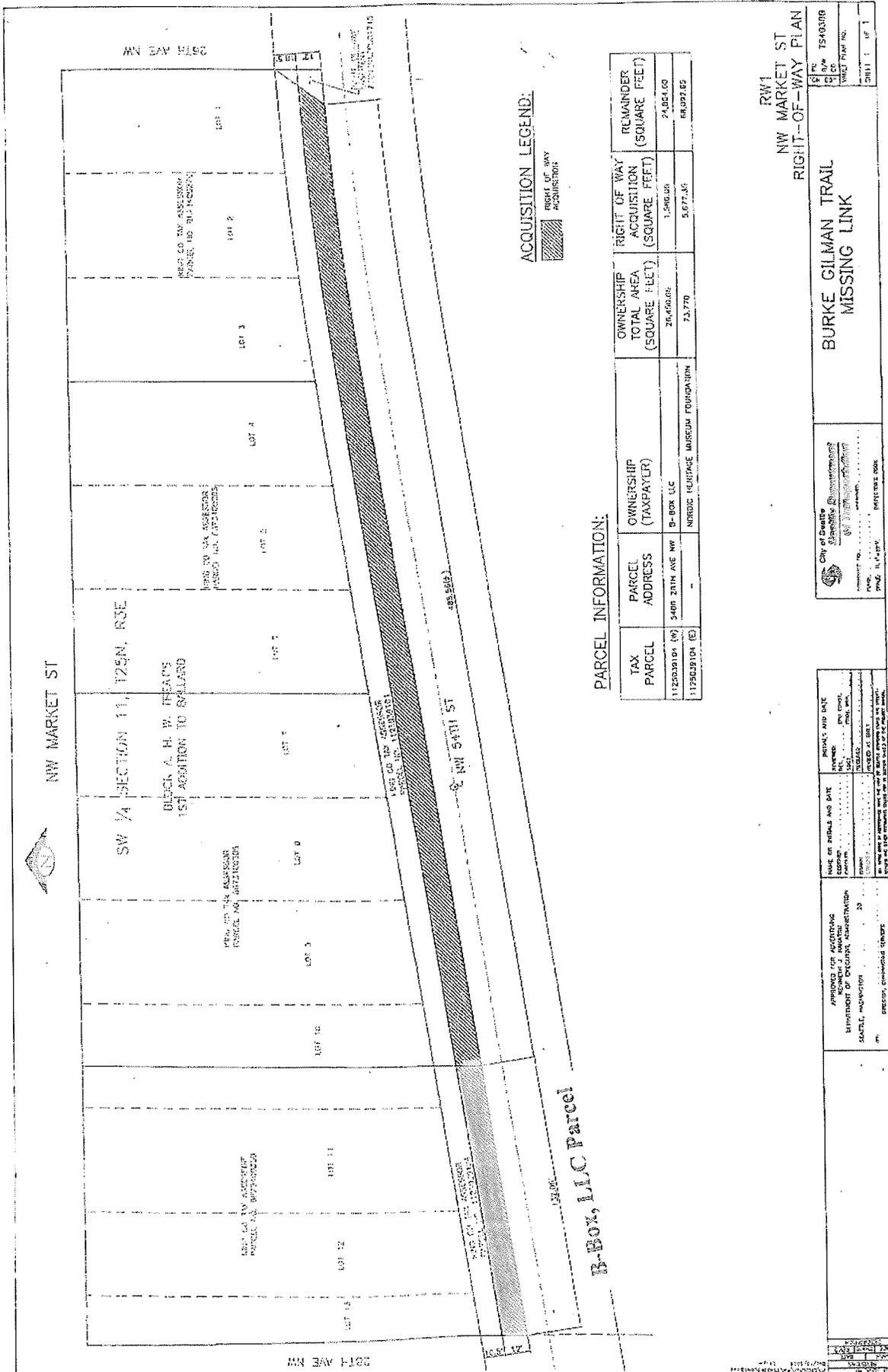
None. The proposed legislation is required in order to design and construct this segment of the Burke-Gilman Trail.

- **Is the legislation subject to public hearing requirements:** (If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future?)
- **Other Issues** (including long-term implications of the legislation):

Please list attachments to the fiscal note below:

Attachment #1: Map of property necessary for completion of the Burke-Gilman Trail.





ACQUISITION LEGEND:
 RIGHT OF WAY ACQUISITION

PARCEL INFORMATION:

TAX PARCEL	PARCEL ADDRESS	OWNERSHIP (TAXPAYER)	OWNERSHIP TOTAL AREA (SQUARE FEET)	RIGHT OF WAY ACQUISITION (SQUARE FEET)	REMAINDER (SQUARE FEET)
112503104 (N)	5400 201st Ave NW	B-BOX LLC	26,430.68	1,568.08	24,862.60
112503104 (E)	-	NORDIC HERITAGE MUSEUM FOUNDATION	23,770	5,677.65	18,092.35

RW1
 NW MARKET ST
 RIGHT-OF-WAY PLAN

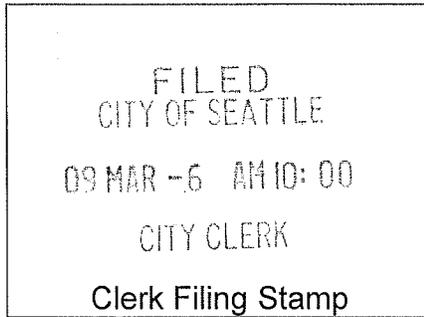


NAME ON BILLS AND DATE	PRINT'S AND DATE
DATE ON BILLS AND DATE	DATE ON BILLS AND DATE

APPROVED FOR ACQUISITION
 AUTHORITY: AMOUNT
 SEATTLE, WASHINGTON

DATE	BY	FOR





**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
C.B. 116465 and C.B. 116466**

I, Gretchen M. Haydel, Real Property Paralegal, hereby certify as follows:

(Check all that apply below.)

- 1. On the 19th day of February, 2009, I mailed via US Postal Service Certified Mail a notice of condemnation or other _____, a true and correct representative copy of which is attached and designated as Attachment A, to those persons whose names and addresses appear on the attached list as Attachment B.
- 2. For condemnation legislation: The notice designated in Attachment A constitutes adequate notice to property owners, pursuant to RCW 8.12 and 8.25, that the City may take final action to authorize condemnation of the subject property.
- 3. The notice designated in Attachment A was published in the Seattle Times on February 20, 2009 & February 26, 2009 and the Daily Journal of Commerce on February 20, 2009 & February 26, 2009.
- 4. This Certificate of Mailing and Publication and complete Attachments A and B are hereby filed with the City Clerk of the City of Seattle.

Dated this 5th day of March, 2009.

The City of Seattle, Washington

Gretchen M. Haydel


(Signature)

Real Property Paralegal

Department of Transportation

(206) 233-5140





Gregory J. Nickels, Mayor

Seattle Department of Transportation

Grace Crunican, Director

February 19, 2009

BY CERTIFIED MAIL

COPY

Attention: Mr. M. Edward Robinson
B-Box, LLC
2622 NW Market Street, Suite A
Seattle, WA 98107

Re: City of Seattle Burke-Gilman Trail Extension Project

Notice of Seattle City Council Transportation Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property for Public Purposes through Negotiation and the Exercise of Eminent Domain (Condemnation)

Tax Parcel Nos. 1125039104

Dear Mr. Robinson:

The purpose of this notice is to inform you that the City of Seattle City Council is expected to vote to approve an ordinance authorizing the Seattle Department of Transportation to acquire all property rights needed for completion of the Burke-Gilman Trail Extension Project. These acquisitions will provide a contiguous path through this portion of the project that is currently broken by portions of privately owned property. A copy of the proposed ordinance and a map indicating the project alignment are enclosed for your information.

This ordinance, if adopted, will contain authorization to use condemnation. The City is required by RCW 8.25.290 to provide each property owner affected by the ordinance with formal written notice before the City takes final action authorizing condemnation of property. You are identified as the owner of property affected by this legislation. The time, date and place of the final action to approve the ordinance are described below.

The City will introduce the ordinance at the Seattle City Council Transportation Committee for discussion and possible vote as a regular part of the committee meeting beginning 9:30 a.m. on Tuesday, March 3, 2009. Public testimony will also be taken at that time. If you wish to attend this Transportation Committee meeting, the committee meets in the City Council Chambers, which are located at 600 4th Avenue, 2nd Floor, Seattle, WA. The Council's chambers and offices are physically accessible; print and



Key Tower, 700 5th Avenue, Suite 3900, Seattle, WA 98104-5043
Tel: (206) 684-ROAD (684-7623), TTY/TDD (206) 684-4009, FAX: (206) 684-5180

Internet address: <http://www.seattle.gov/transportation>

An equal employment opportunity employer.

Accommodations for people with disabilities provided on request.



communications access are provided on request. Call 206-684-8888 (TDD: 206-233-0025) for further information.

If you would like, you will have the opportunity to express your views on the ordinance during the public comment section of the Transportation Committee meeting. Public comments are received by the committee at the start of the meeting and are generally limited to a total of 10 minutes of comments for each agenda item. If you have questions about the committee meeting format, the agenda for the meeting, or the public comment section, please contact Jodie Vice or Katherine Fountain (Transportation Committee Staff) at (206) 684-8801, or visit the Transportation Committee's website at the following address: http://www.seattle.gov/council/committees/transportation_comm.htm.

If the Transportation Committee approves the ordinance, it will then be scheduled for final City Council action. Final action on the ordinance by the City Council is expected to occur on Monday, March 9, 2009, at 2:00 p.m., in the City Council Chambers, which are located at 600 4th Avenue, 2nd Floor, Seattle, WA. After approval of the ordinance by the full City Council, the City of Seattle will be authorized to acquire property for the Burke-Gilman Trail Extension Project from you through negotiation, or may use its powers of eminent domain to condemn your property.

Thank you.



Grace Hartley, SR/WA
SDOT Real Property
Seattle Department of Transportation – SMT 39-00
P.O. Box 34996
Seattle, WA 98124-4996
(206) 684-5150

Enclosures

cc: Councilmember Jan Drago, Chair, Transportation Committee
Councilmember Sally Clark, Vice-Chair, Transportation Committee

1 The southerly 12.00 feet of the following described property:

2 That portion of the southwest quarter of Section 11, Township 25
3 North, Range 3 East, Willamette Meridian, in King County, Washington, described as
4 follows:

5 Beginning at the intersection of the southerly margin of N.W. Market
6 Street and the east line of the west 20.00 feet of Lot 10, Block A,
7 H. W. Treat's First Addition to Ballard, according to the plat
8 thereof, recorded in Volume 13 of Plats, page 5, in King County, Washington;

9 Thence south 00°06'35" west along said east line 167.20 feet to the
10 TRUE POINT OF BEGINNING;

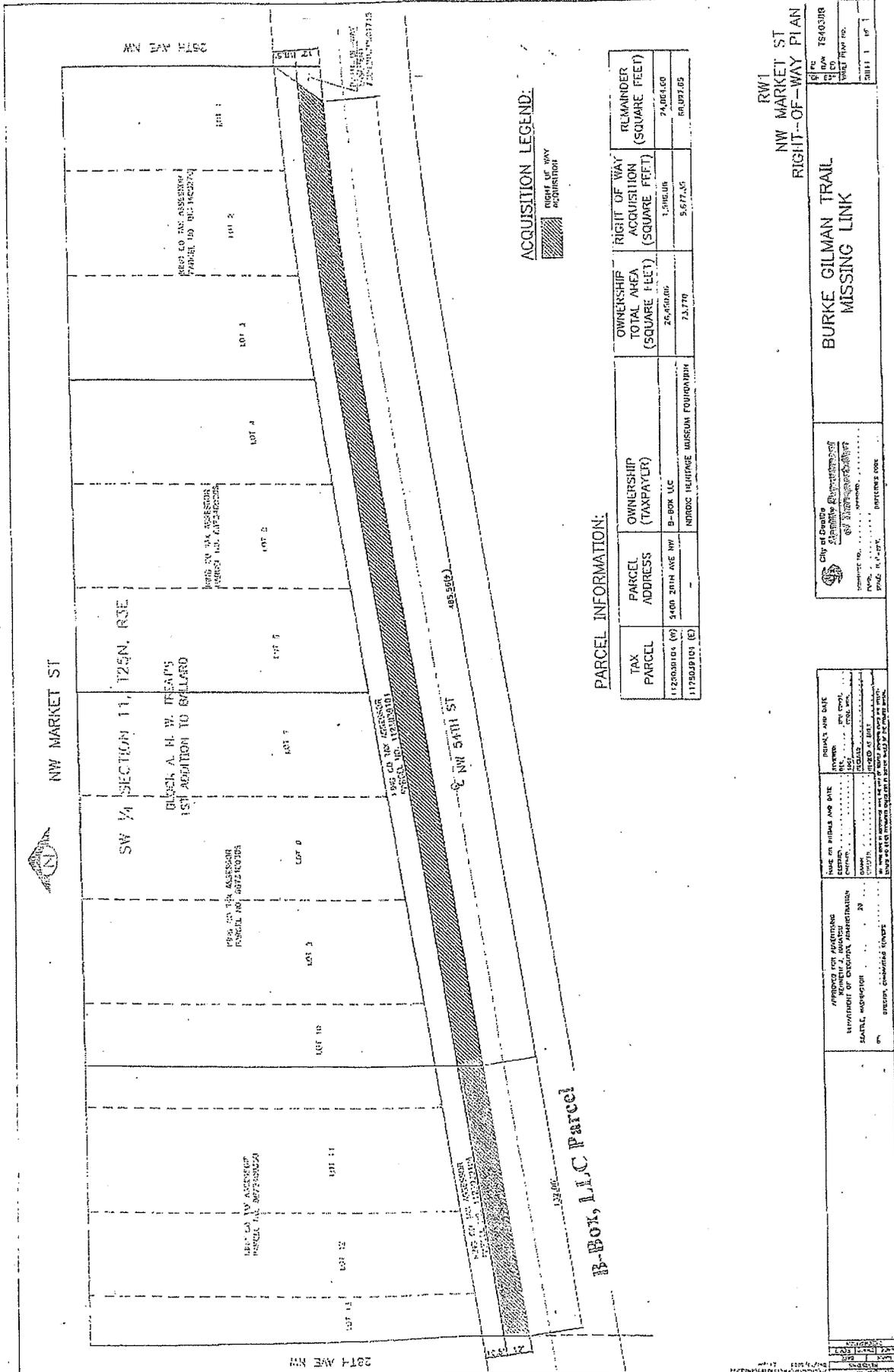
11 Thence continuing south 00°06'35" west 22.78 feet;

12 Thence south 81°04'16" west along a line which is 10.00 feet
13 northerly and parallel to the centerline of the existing Ballard Terminal Railroad (formerly
14 Great Northern Railroad) tracks 132.06 feet to the easterly margin of 28th Avenue N.W. (as
15 established by the City of Seattle Conditional Ordinance 30733);

16 Thence north 00°56'08" west along said easterly margin 22.72 feet;

17 Thence north 81°04'16" east 132.48 feet to the TRUE POINT OF
18 BEGINNING.

19 **Section 2.** The Director of Transportation or her designee is authorized, on behalf of the
20 City of Seattle, to determine which portions and interests in the real property described in Section 1
21 above are necessary for the Burke-Gilman Trail Extension project and to negotiate and enter into
22 written agreements for and acquire, after payment of just compensation, such real property interests
23 as are necessary for the project and to accept and record deeds and other written instruments on
24 behalf of the City of Seattle by attaching to the instrument the Director's written acceptance thereof
25 for multi-purpose trail and transportation purposes, and recording the same. The real property
26 interests acquired shall be placed under the jurisdiction of the Seattle Department of Transportation.
27 The cost of the acquisitions including purchase price and transaction costs, together with relocation
28 benefits to the extent required by law, shall be paid from the funds appropriated for the Burke-
Gilman Trail Extension project.



ACQUISITION LEGEND:
 right of way acquisition

PARCEL INFORMATION:

TAX PARCEL	PARCEL ADDRESS	OWNERSHIP (TAXPAYER)	OWNERSHIP TOTAL AREA (SQ. FEET)	RIGHT OF WAY ACQUISITION (SQ. FEET)	REMAINDER (SQ. FEET)
112503101 (N)	5400 28TH AVE NW	B-BOX LLC	26,450.00	1,316.00	25,134.00
112503101 (E)	-	NORRIS HISTORIC MUSEUM FOUNDATION	23,770	5,617.45	18,152.55

RW1
 NW MARKET ST
 RIGHT-OF-WAY PLAN
 7540318
 7540319
 7540320

BURKE GILMAN TRAIL MISSING LINK

City of Seattle
 Department of Transportation
 3500 Aurora Avenue North
 Seattle, WA 98103

DATE OF R/W ACQUISITION: 12/15/2011
 DATE OF R/W ACQUISITION: 12/15/2011
 DATE OF R/W ACQUISITION: 12/15/2011
 DATE OF R/W ACQUISITION: 12/15/2011

APPROVED BY: [Signature]
 TITLE: [Title]
 DATE: [Date]



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Attention: Mr. M. Edward Robinson
B-Box, LLC
2622 NW Market St.
Suite A
Seattle, WA 98107

2. Arti
(Tra

PS Fo

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
David Robinson

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

02595-02-M-154



**Attachment B to
Certificate of Mailing**

**Mailing List for Burke-Gilman Trail Extension Acquisition Ordinances
C.B. 116465 and C.B. 116466**

Name	Address
Nordic Heritage Museum Foundation Attention Margie Wright, President	3014 NW 67 th St. Seattle, WA 98117
C/O Ballard Property Maintenance Nordic Heritage Museum Foundation Attention: Property Manager	2622 NW Market St., Suite A Seattle, WA 98107
B-Box, LLC Attention: Mr. M. Edward Robinson	2622 NW Market St., Suite A Seattle, WA 98107



The Seattle Times



REPRESENTING THE **Seattle Post-Intelligencer**
PO Box 70, Seattle, WA 98111

SEATTLE DEPT OF TRANS
GRETCHEN HAYDEL
PO BOX 34996
SEATTLE, WA 98124

Re: Advertiser Account #13551904
Ad #: 778137300

Affidavit of Publication

4000231 / 1

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times and representing the Seattle Post-Intelligencer, separate newspapers of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times and the Seattle Post-Intelligencer have been approved as legal newspapers by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper	Publication Date
The Seattle Times	02/26/09

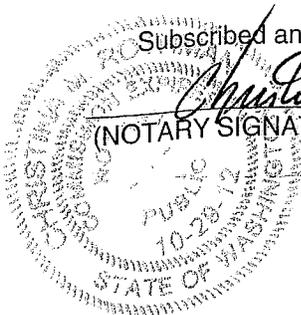
Agent Debbie Collantes Signature Debbie Collantes

Subscribed and sworn to before me on

Feb 26, 2009
(DATE)

(NOTARY SIGNATURE)

Christina M. Rothman
Notary Public in and for the State of Washington, residing at Seattle



The Seattle Times



REPRESENTING THE **Seattle Post-Intelligencer**

Re Advertiser Account #13551904

Ad # 778137300

Ad TEXT: Notice of Public Meeting and Planned Final Action by the Seattle City Council Regarding the Burke-Gilman Trail Extension Project Property Acquisition Ordinance and Authorizing Property Acquisition by Negotiation and/or Eminent Domain (Condemnation).

Attention all parties holding an interest in, or any portion thereof, the following King County Tax Parcel Number located in Seattle, Washington: 1125039104.

The City of Seattle hereby notifies you of a planned public meeting to consider an ordinance of the Seattle City Council authorizing the acquisition of all property rights needed for the Burke-Gilman Trail Extension project for public purposes, through negotiation and/or the exercise of eminent domain (condemnation). The City will introduce the ordinance at the Seattle City Council Transportation Committee meeting for discussion and possible vote at 9:30 a.m. on Tuesday, March 3, 2009. The committee meets in the City Council chambers, which are located at 600 4th Avenue, 2nd Floor, Seattle, WA. Public testimony will also be taken at this time.

If the Transportation Committee approves the ordinance, it will then be scheduled for full City Council action on Monday, March 9, 2009 at 2:00 p.m. at the City Council's chambers, which are located at 600 4th Avenue, 2nd Floor, Seattle, WA. At this meeting, the City

Council is expected to take final action on the proposed ordinance, which authorizes acquisition by negotiation and/or condemnation of all or a portion of the property identified above, either temporarily or permanently, for the project. The City is required by State law SHB 1458 (Chapter 68, Laws of 2007) to provide you with this notice before the City takes final action authorizing condemnation of property.

If you have questions about the project, proposed ordinance, or City Council meeting, please contact Grace E. Hartley, SDOT Senior Real Property Agent, at (206) 684-5150, or visit the City Council's website at: www.seattle.gov/council/

General information about the Burke-Gilman Trail Extension project can be found at: www.seattle.gov/transportation/bgtrailtext.htm

Date of first publication in the Seattle Times/Daily Journal of Commerce: February 20, 2009.

Date of second publication in the Seattle Times/Daily Journal of Commerce: February 26, 2009.



STATE OF WASHINGTON – KING COUNTY

--SS.

234967
CITY OF SEATTLE:SDOT

No. NOTICE OF PUBLIC MEETING

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.

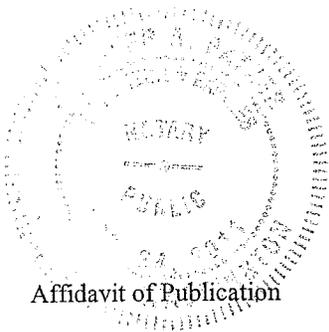
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:BURKE GILMAN TRAIL EXT

was published on

02/20/09 02/26/09

The amount of the fee charged for the foregoing publication is the sum of \$ 155.66, which amount has been paid in full.



[Signature]
Subscribed and sworn to before me on
[Signature]
02/26/09
Notary public for the State of Washington,
residing in Seattle



State of Washington, King County

City of Seattle

Notice of Public Meeting and Planned Final Action by the Seattle City Council Regarding the Burke-Gilman Trail Extension Project Property Acquisition Ordinance and Authorizing Property Acquisition by Negotiation and/or Eminent Domain (Condemnation).

Attention all parties holding an interest in, or any portion thereof, the following King County Tax Parcel Number located in Seattle, Washington: 1125039104.

The City of Seattle hereby notifies you of a planned public meeting to consider an ordinance of the Seattle City Council authorizing the acquisition of all property rights needed for the Burke-Gilman Trail Extension project for public purposes, through negotiation and/or the exercise of eminent domain (condemnation). The City will introduce the ordinance at the Seattle City Council Transportation Committee meeting for discussion and possible vote at 9:30 a.m. on Tuesday, March 3, 2009. The committee meets in the City Council chambers, which are located at 600 4th Avenue, 2nd Floor, Seattle, WA. Public testimony will also be taken at this time.

If the Transportation Committee approves the ordinance, it will then be scheduled for full City Council action on Monday, March 9, 2009 at 2:00 p.m. at the City Council's chambers, which are located at 600 4th Avenue, 2nd Floor, Seattle, WA. At this meeting, the City Council is expected to take final action on the proposed ordinance, which authorizes acquisition by negotiation and/or condemnation of all or a portion of the property identified above, either temporarily or permanently, for the project. The City is required by State law SHB 1458 (Chapter 68, Laws of 2007) to provide you with this notice before the City takes final action authorizing condemnation of property.

If you have questions about the project, proposed ordinance, or City Council meeting, please contact Grace E. Hartley, SDOT Senior Real Property Agent, at (206) 684-5150, or visit the City Council's website at: www.seattle.gov/council/

General information about the Burke-Gilman Trail Extension project can be found at: www.seattle.gov/transportation/bgtrailext.htm

Dates of publication in the Seattle Daily Journal of Commerce, February 20 and 26, 2009.

2/26(234967)



The Seattle Times



REPRESENTING THE **Seattle Post-Intelligencer**

PO Box 70, Seattle, WA 98111

SEATTLE DEPT OF TRANS
Gretchen Haydel
PO BOX 34996
SEATTLE, WA 98124

Re: Advertiser Account #13551904
Ad #: 778096500

Affidavit of Publication

3999882 / 1

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times and representing the Seattle Post-Intelligencer, separate newspapers of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times and the Seattle Post-Intelligencer have been approved as legal newspapers by orders of the Superior Court of King and Snohomish Counties.

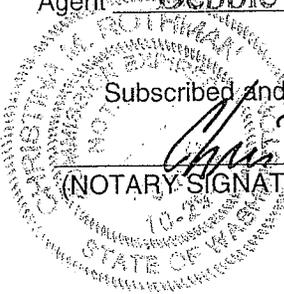
The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper	Publication Date
The Seattle Times	02/20/09
The Seattle Post-Intelligencer	02/20/09

Agent Debbie Collantes Signature Debbie Collantes

Subscribed and sworn to before me on Feb 20, 2009
(DATE)

Christina M. Rothman
(NOTARY SIGNATURE) Notary Public in and for the State of Washington, residing at Seattle



The Seattle Times



REPRESENTING THE **Seattle Post-Intelligencer**

Re Advertiser Account #13551904

Ad # 778096500

Ad TEXT: Notice of Public Meeting and Planned Final Action by the Seattle City Council Regarding the Burke-Gilman Trail Extension Project Property Acquisition Ordinance and Authorizing Property Acquisition by Negotiation and/or Eminent Domain (Condemnation).

Attention all parties holding an interest in, or any portion thereof, the following King County Tax Parcel Number located in Seattle, Washington: 1125039104.

The City of Seattle hereby notifies you of a planned public meeting to consider an ordinance of the Seattle City Council authorizing the acquisition of all property rights needed for the Burke-Gilman Trail Extension project for public purposes, through negotiation and/or the exercise of eminent domain (condemnation). The City will introduce the ordinance at the Seattle City Council Transportation Committee meeting for discussion and possible vote at 9:30 a.m. on Tuesday, March 3, 2009. The committee meets in the City Council chambers, which are located at 600 4th Avenue, 2nd Floor, Seattle, WA. Public testimony will also be taken at this time.

If the Transportation Committee approves the ordinance, it will then be scheduled for full City Council action on Monday, March 9, 2009 at 2:00 p.m. at the City Council's chambers, which are located at 600 4th Avenue, 2nd Floor, Seattle, WA. At this meeting, the City

Council is expected to take final action on the Ordinance, which authorizes acquisition by negotiation and/or condemnation of all or a portion of the property identified above, either temporarily or permanently, for the project. The City is required by State law HB 1458 (Chapter 68, 2007 Laws) to provide you with a notice before the City takes final action authorizing condemnation of property.

If you have questions about the project, proposed ordinance, or City Council meeting, please contact Grace E. Hartley, SDOT Senior Real Property Agent, at (206) 684-5150, or visit the City Council's website at www.seattle.gov/council/ General information about the Burke-Gilman Trail Extension project can be found at: www.seattle.gov/transportation/bgtrailtext.htm

Date of first publication in the Seattle Times/Daily Journal of Commerce: February 20, 2009.



STATE OF WASHINGTON – KING COUNTY

--SS.

236188
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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

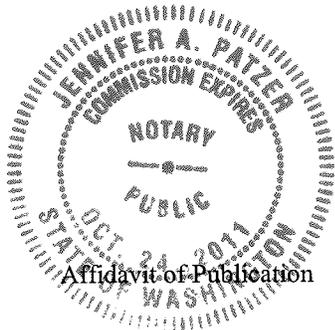
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122932 ORDINANCE

was published on

03/23/09

The amount of the fee charged for the foregoing publication is the sum of \$ 191.03, which amount has been paid in full.



[Signature]

Subscribed and sworn to before me on
03/23/09
[Signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 122932

AN ORDINANCE relating to the Burke-Gilman Trail; authorizing acquisition and acceptance of real property rights in the vicinity of 28th Avenue NW by purchase or eminent domain (condemnation) for extension of the Burke-Gilman Trail.

WHEREAS, the City of Seattle's 2009-2010 Adopted Budget includes funding for the Burke-Gilman Trail Extension project to complete the last remaining segment of the Burke-Gilman Trail, commonly known as the "Missing Link;" and

WHEREAS, the Burlington Northern Railroad sold certain property between 26th Avenue NW and 28th Avenue NW to an abutting property owner prior to the City's acquisition of the former Ballard Line rail corridor for extension of the Burke-Gilman Trail; and

WHEREAS, the City needs to acquire additional property rights between 26th Avenue NW and 28th Avenue NW to complete the Burke-Gilman Trail; and

WHEREAS, completion of the Burke-Gilman Trail is a top priority for the City; and

WHEREAS, the property described in Section 1 of this ordinance is owned in fee by B-Box, LLC; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Public convenience and necessity require that such property interests in the following described real property as are necessary for the Burke-Gilman Trail Extension project, together with all rights, privileges and other property pertaining thereto and related property necessary for the construction of the Burke-Gilman Trail Extension project, be acquired, condemned, taken, damaged, and appropriated for multi-purpose trail and transportation purposes through negotiation and use of eminent domain (condemnation), in connection with the Burke-Gilman Trail Extension project, to-wit:

The southerly 12.00 feet of the following described property:

That portion of the southwest quarter of Section 11, Township 25 North, Range 3 East, Willamette Meridian, in King County, Washington, described as follows:

Beginning at the intersection of the southerly margin of N.W. Market Street and the east line of the west 20.00 feet of Lot 10, Block A, H. W. Treat's First Addition to Ballard, according to the plat thereof, recorded in Volume 13 of Plats, page 5, in King County, Washington;

Thence south 00°06'35" west along said east line 167.20 feet to the

TRUE POINT OF BEGINNING;

Thence continuing south 00°06'35" west 22.78 feet;

Thence south 81°04'16" west along a line which is 10.00 feet northerly and parallel to the centerline of the existing Ballard Terminal Railroad (formerly Great Northern Railroad) tracks 132.06 feet to the easterly margin of 28th Avenue N.W. (as established by the City of Seattle Conditional Ordinance 30733);

Thence north 00°56'08" west along said easterly margin 22.72 feet;

Thence north 81°04'16" east 132.48 feet to the **TRUE POINT OF BEGINNING.**

Section 2. The Director of Transportation or her designee is authorized, on behalf of the City of Seattle, to determine which portions and interests in the real property described in Section 1 above are necessary for the Burke-Gilman Trail Extension project and to negotiate and enter into written agreements for and acquire, after payment of just compensation, such real property interests as are necessary for the project and to accept and record deeds and other written instruments on behalf of the City of Seattle by attaching to the instrument the Director's written acceptance thereof for multi-purpose trail and transportation purposes, and recording the same. The real property interests acquired shall be placed under the jurisdiction of the Seattle Department of Transportation. The cost of the acquisitions including purchase price and transaction costs, together with relocation benefits to the extent required by law, shall be paid from the funds appropriated for the Burke-Gilman Trail Extension project.

Section 3. The City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate such real property interests determined by the Director of Transportation or her designee to be necessary for the Burke-Gilman Trail Extension project, provided said real property interests are to be appropriated and taken only after just compensation has been made or paid into court for the owners thereof, in the manner provided by law; and to stipulate for the purpose of minimizing damages.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 9th day of March, 2009, and signed by me in open session in authentication of its passage this 9th day of March, 2009.

Richard Conlin

President of the City Council

Approved by me this 16th day of March, 2009.

Gregory J. Nickels, Mayor

Filed by me this 17th day of March, 2009.

(Seal) Judith Pippin, City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, March 23, 2009.

3/23(236188)