

Ordinance No. 123053

Council Bill No. 116583

AN ORDINANCE relating to Interlaken Park; authorizing an exchange of property to accomplish a lot boundary adjustment to correct an encroachment onto Interlaken Park; and finding that such exchange of property meets the requirements of Ordinance 118477, which adopted Initiative 42.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: *Tom Roemer*
Councilmember

Committee Action:

7-28-09 pass 2-0 TR, RC

8-3-09 Passed 80 (Excused: Clark)

CF No. _____

Date Introduced:	<u>7-13-09</u>	
Date 1st Referred:	<u>7-13-09</u>	To: (committee) <u>Parks & Seattle Center (PSC)</u>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>8-3-09</u>	Full Council Vote: <u>80</u>
Date Presented to Mayor:	<u>8-3-09</u>	Date Approved: <u>8-10-09</u>
Date Returned to City Clerk:	<u>8-10-09</u>	Date Published: <u>4</u> T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

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

Law Department

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

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

3 Section 1. The City Council finds that an exchange of a portion of Interlaken Park owned
4 by the City of Seattle for property owned by James and Melissa Crisera, which is adjacent to
5 Interlaken Park and equal in size, value, and usefulness, is necessary because there is no
6 reasonable and practical alternative.
7

8 Section 2. The Superintendent of Parks and Recreation, or his designee, is authorized to
9 cooperate in the Criseras' lot boundary adjustment between the City's Interlaken Park and the
10 Criseras' property concerning the real property described in Sections 3 and 4 below.

11 Section 3. Upon approval by the Department of Planning and Development of the lot
12 boundary adjustment referred to in Section 2, the Superintendent, or his designee, is authorized,
13 on behalf of the City of Seattle, to accept a statutory warranty deed from the Criseras for open
14 space, park, and recreation purposes, by attaching to the deed his written acceptance thereof, and
15 record the same in the King County records, to the following described property:
16

17 A PORTION OF LOT 1 IN BLOCK 1 OF EAST GLENLAKEN PARK,
18 UNRECORDED KING COUNTY, WASHINGTON, SITUATE IN THE CITY OF
19 SEATTLE, COUNTY OF KING, STATE OF WASHINGTON, THAT PORTION
BEING MORE FULLY DESCRIBED AS FOLLOWS:

20 COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1
21 EAST GLENLAKEN PARK; THENCE S54°09'50"E, 76.79 FEET ALONG THE
22 SOUTH MARGIN OF BOYER AVE E TO THE POINT OF BEGINNING;
23 THENCE CONTINUING ALONG SAID SOUTH MARGIN, S54°09'50"E, 45.26
FEET; THENCE N88°32'07"W 54.83 FEET; THENCE N35°50'11"E, 30.96 FEET,
24 TO THE POINT OF BEGINNING.

25 Section 4. Upon receipt of the deed from the Criseras described in Section 3, the
26 Superintendent of Parks and Recreation or his designee is hereby authorized to execute and
27



1 record, for and on behalf of the City of Seattle, a quit claim deed and such other documents as
2 may be necessary to convey the following described property to the Criseras:

3 A PORTION OF INTERLAKEN PARK LYING IN THE NE1/4 OF THE SW1/4 OF
4 SEC 21, TWN 25 N, R 4 E, SITUATE IN THE CITY OF SEATTLE, COUNTY OF
5 KING, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS.

6 ALL THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST
7 QUARTER OF SAID SECTION TWENTY-ONE (21) KNOWN AS THE BOYER
8 FORTY ACRES AND HEREIN IN THIS PARAGRAPH DESIGNATED AND
9 REFERRED TO AS THE TRACT, PARTICULARLY BOUNDED AND
10 DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST
11 CORNER OF THE TRACT AND RUNNING THENCE EAST ALONG THE
12 SOUTH BOUNDARY OF THE TRACT ONE THOUSAND ONE AND FOUR
13 HUNDREDTHS (1001.04) FEET, MORE OR LESS, TO AN INTERSECTION
14 WITH A LINE RUNNING NORTH AND SOUTH THROUGH THE CENTER OF
15 THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST
16 QUARTER OF SAID SECTION TWENTY-ONE (21); THENCE NORTH ALONG
17 SAID CENTER LINE PRODUCED NORTH ONE HUNDRED THIRTY FEET
18 (130); THENCE WESTERLY PARALLEL WITH THE SOUTH BOUNDARY OF
19 THE TRACT, 247.13 FEET; THENCE N54°09'50"W, 45.26 FEET;
20 THENCE S35°50'11"W, 30.96 FEET TO THE POINT OF BEGINNING;
21 THENCE CONTINUING S35°50'11"W 18.21 FEET;
22 THENCE N78°14'12"W, 84.11 FEET; THENCE S88°32'07"E, 93.04 FEET, TO THE
23 POINT OF BEGINNING.

24 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
25 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
26 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
27



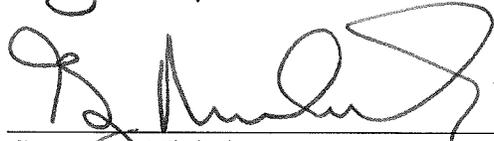
1 Passed by the City Council the 3rd day of August, 2009, and

2 signed by me in open session in authentication of its passage this

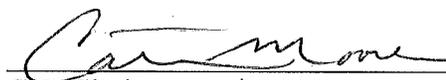
3 3rd day of August, 2009.

4
5
6 
President _____ of the City Council

7
8 Approved by me this 10th day of August, 2009.

9
10 
11 Gregory J. Nickels, Mayor

12 Filed by me this 10th day of August, 2009.

13
14
15 
16 City Clerk Interior

17 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

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

Legislation Title:

AN ORDINANCE relating to Interlaken Park; authorizing an exchange of property to accomplish a lot boundary adjustment to correct an encroachment onto Interlaken Park; and finding that such exchange of property meets the requirements of Ordinance 118477, which adopted Initiative 42.

• **Summary of the Legislation:**

This Council Bill authorizes an exchange of property between James and Melissa Crisera and the City of Seattle to accomplish a lot boundary adjustment to correct an encroachment onto Interlaken Park.

• **Background:**

In 1998 James and Melissa Crisera purchased the residence at 1931 Boyer Avenue East, which is adjacent to Interlaken Park. After purchasing the residence, the Criseras learned that a portion of their house extended beyond their property line into Interlaken Park. The Criseras contacted the Department of Parks and Recreation (DPR) with a proposal to exchange equivalent property for the encroachment. The Superintendent of Parks and Recreation issued a Revocable Use Permit (#2006-09) to the Criseras, which allowed the Criseras to temporarily occupy park property and provided a procedure to develop a permanent solution through a lot boundary adjustment. The Criseras applied for a lot boundary adjustment and received preliminary approval subject to City Council authorization of an exchange of deeds.

Ordinance 118477 states that no land held for park and recreation purposes is to be sold, transferred, or changed from park use unless there is no reasonable and practical alternative and the City of Seattle receives in exchange land of equivalent or better size, value, location, and usefulness in the vicinity, serving the same community and the same park purposes.

DPR recommends an exchange of a portion of Interlaken Park owned by the City for property owned by the Criseras, which is adjacent to the eastern part of the park. DPR has appraised the proposed exchange property and determined it to be of equivalent value as the area of the encroachment. The exchange property is equal in size and usefulness. The exchange is necessary because there is no reasonable and practical alternative that will accomplish removal of the encroachment. In accordance with Ordinance 118477, the City Council, through its Parks and Seattle Center Committee, will hold a public hearing regarding an exchange of property between the City of Seattle and the Criseras.

- *Please check one of the following:*



X This legislation does not have any financial implications.

Please list attachments to the fiscal note below:

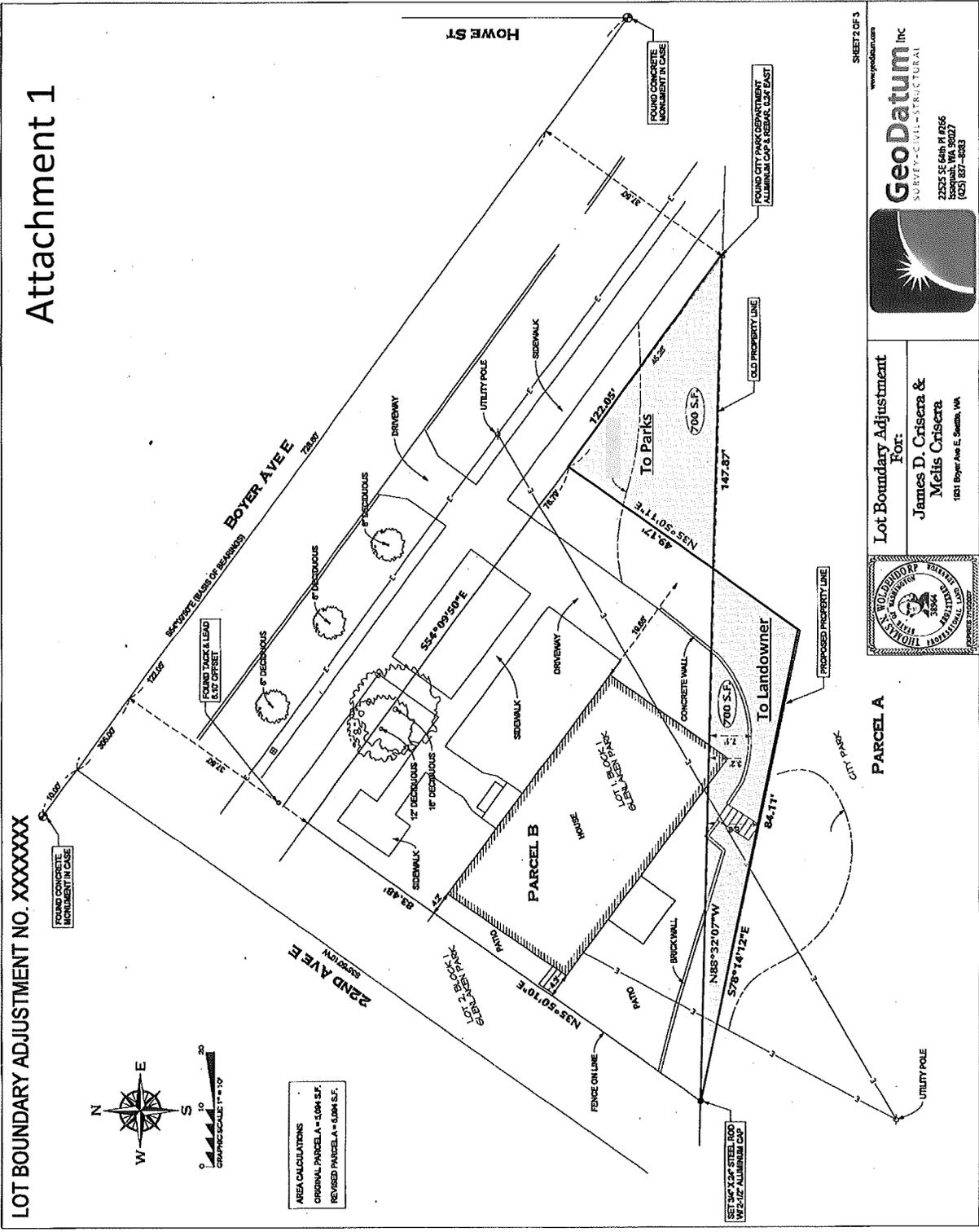
Attachment 1: Interlaken Park Boundary Lot Adjustment Map

This legislation requires a public hearing.

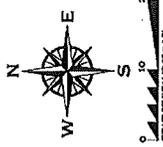


Interlaken Park Boundary Lot Adjustment Map

Attachment 1



LOT BOUNDARY ADJUSTMENT NO. XXXXXXX



AREA CALCULATIONS
 ORIGINAL PARCELA = 1094 S.F.
 REVISED PARCELA = 5098 S.F.

SHEET 2 OF 3
 www.geodatum.com
GeoDatum Inc
 SURVEY-CIVIL-STRUCTURAL
 23235 SE 64th N, #106
 COVINGTON, WA 98027
 (253) 831-6862



Lot Boundary Adjustment
 For:
**James D. Crisera &
 Melis Crisera**
 1031 Boyer Ave E, Seattle, WA



PARCEL A





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

June 30, 2009

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

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill, which authorizes an exchange of property to accomplish a lot boundary adjustment to correct an encroachment onto Interlaken Park.

The Department of Parks and Recreation has been working with James and Melissa Crisera, who live adjacent to Interlaken Park at 1931 Boyer Avenue East, to determine the most appropriate mechanism to remove an encroachment into the Park. The existing encroachment, which is approximately 700 square feet in the eastern part of the park, includes a corner of the Criseras' home where removal is not a viable option.

Ordinance 118477 states that no land held for park and recreation purposes is to be sold, transferred, or changed from park use unless there is no reasonable and practical alternative, and that the City of Seattle receives, in exchange, land of equivalent or better size, value, location, and usefulness in the vicinity serving the same community and the same park purposes. The Department of Parks and Recreation recommends an exchange of the area of encroachment into Interlaken Park for property owned by the Criseras, which is adjacent to the Park and equal in size, value, and usefulness. The exchange is necessary because there is no reasonable or practical alternative to remedy the encroachment. Through the proposed property exchange, the encroachment will be eliminated with no reduction in the size of Interlaken Park.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, loopy flourish that extends across the page.

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

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123053

STATE OF WASHINGTON – KING COUNTY

--SS.

243264
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

Affidavit of Publication

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

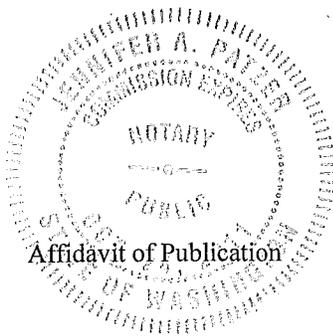
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123053-123056

was published on

08/12/09

The amount of the fee charged for the foregoing publication is the sum of \$ 70.75, which amount has been paid in full.



[Handwritten signature]

Subscribed and sworn to before me on

08/12/09

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

123053
123056 (4)

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 3, 2009, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123056

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

ORDINANCE NO. 123055

AN ORDINANCE relating to financing and refinancing of the drainage and wastewater system of The City of Seattle; adopting a system or plan of additions and better-

ments to and extensions of the drainage and wastewater system; authorizing the issuance and sale of drainage and wastewater revenue bonds, in one or more series, for the purposes of paying all or part of the cost of carrying out that system or plan, providing for the reserve requirement for the bonds, and issuing and selling the bonds; authorizing the execution of certain agreements relating thereto; providing for the terms, conditions, covenants and manner of sale of the bonds; describing the lien of the bonds; creating certain accounts of the City relating to the bonds; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123054

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to sign and to fulfill the obligations in a Compliance Order By Consent by the United States Environmental Protection Agency for measures to control discharges from the City's Combined Sewer Overflow outfalls.

ORDINANCE NO. 123053

AN ORDINANCE relating to Interlaken Park; authorizing an exchange of property to accomplish a lot boundary adjustment to correct an encroachment onto Interlaken Park; and finding that such exchange of property meets the requirements of Ordinance 118477, which adopted Initiative 42.

Date of publication in the Seattle Daily Journal of Commerce, August 12, 2009.
8/12(243264)