

Ordinance No. 123137

Council Bill No. 116680

AN ORDINANCE providing for the acquisition by negotiation or by condemnation of land and other property rights at the location commonly known as 2810 and 2812 15th Avenue West, Lot 9 and 10, Block 29, Gilman's Addition to the City of Seattle, according to the plat thereof recorded in Volume 5 of Plats, page 93, records of King County, Washington, for general municipal purposes including, but not limited to, the construction of Fire Station 20.

Related Legislation File: _____

Date Introduced and Referred: <u>10.12.09</u>	To: (committee): Public Safety, Human Services & Education
Date Re-referred:	To: (committee): <u>Full Council</u>
Date Re-referred:	To: (committee):
Date of Final Action: <u>10-19-09</u>	Date Presented to Mayor: <u>10-20-09</u>
Date Signed by Mayor: <u>10-27-09</u>	Date Returned to City Clerk: <u>10-27-09</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <u>3</u>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: *Boyer*

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
<u>10-19-09</u>	<u>Passed</u>	<u>9-0</u>

Law Department

ORDINANCE 123137

1
2 AN ORDINANCE providing for the acquisition by negotiation or by condemnation of land and
3 other property rights at the location commonly known as 2810 and 2812 15th Avenue
4 West, Lot 9 and 10, Block 29, Gilman's Addition to the City of Seattle, according to the
5 plat thereof recorded in Volume 5 of Plats, page 93, records of King County,
6 Washington, for general municipal purposes including, but not limited to, the
7 construction of Fire Station 20.

8 WHEREAS, the Fire Facilities and Emergency Response Levy Program, proposed under
9 Ordinance 121230, was approved by Seattle voters on November 4, 2003; and

10 WHEREAS, the Fire Facilities and Emergency Response Levy Program provides for the
11 acquisition of land for the construction of a new Fire Station 20; and

12 WHEREAS, Ordinance 121380 authorized the Fleets and Facilities Department to negotiate for
13 the acquisition of real property as necessary to carry out all elements of the Fire Facilities
14 and Emergency Response Levy Program, and appropriated funds therefor; and

15 WHEREAS, the Fleets and Facilities Department in June of 2006 brought forward a proposal to
16 expand the current Fire Station 20 site through the acquisition of adjacent parcels, for the
17 purposes of constructing a new Fire Station 20; and

18 WHEREAS, the City Council rejected the proposal and subsequently approved Resolution 30978
19 expressing the City Council and Mayor's intent to work together to hire a consultant to
20 provide an additional review of possible replacement sites; and

21 WHEREAS, after examining the findings of both reviews of potential sites, City Council has
22 determined that the property legally described below, together with other property, is best
23 suited for the construction of a new Fire Station 20 and that it is in the public interest to
24 acquire the same for the purposes enumerated above; NOW, THEREFORE,

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

26 Section 1. Public convenience and necessity require that the following described real
27 property, at the location commonly known as 2810 and 2812 15th Avenue West, situated in the
28 City of Seattle, County of King, State of Washington, together with all rights, privileges, and
other property pertaining thereto, (hereinafter the "Property") be acquired through negotiation or
condemnation, for public use; namely for general municipal purposes including, but not limited
to, construction of a new Fire Station 20;



1 Lot 9 and 10, Block 29, Gilman's Addition to the City of Seattle, according to the
2 plat thereof recorded in Volume 5 of Plats, page 93, records of King County,
3 Washington.

4 Section 2. The Director of the Department of Fleets and Facilities or designee is
5 authorized on behalf of the City to negotiate and to enter into agreements to acquire the Property
6 upon payment of just compensation, to accept and record deeds and other necessary instruments
7 on behalf of the City, and to provide relocation assistance to the occupants of the Property.

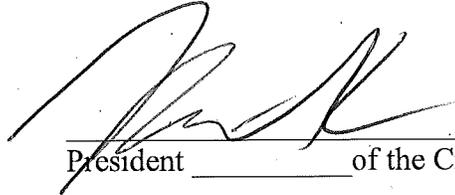
8 Section 3. The City Attorney is authorized to commence and prosecute proceedings in
9 the manner provided by law to condemn, take, damage, and appropriate in fee simple the
10 Property, including the lands and other property described herein after just compensation has
11 been made or paid into court for the owners thereof, in the manner provided by law; and to
12 stipulate for the purpose of minimizing damages.

13 Section 4. The cost of the acquisition provided for in this ordinance shall be paid
14 partially from funds originally authorized by Ordinance 121380 and the remainder from funds
15 that will be allocated through a supplemental appropriation to the 2009 Adopted Budget.

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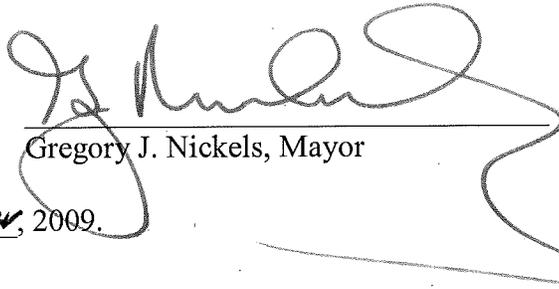


1 Passed by the City Council the 19th day of October, 2009, and signed by me in open
2 session in authentication of its passage this 19th day of October, 2009.

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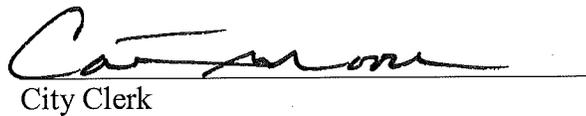
President _____ of the City Council

6 Approved by me this 27th day of October, 2009.

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Gregory J. Nickels, Mayor

10 Filed by me this 27th day of October, 2009.

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City Clerk

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15 (Seal)

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FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative – City Council	Kieu-Anh King 684-4678	Kathryn Ewing/206.733.9580

Legislation Title: AN ORDINANCE providing for the acquisition by negotiation or by condemnation of land and other property rights at the location commonly known as 2810 and 2812 15th Avenue West, Lot 9 and 10, Block 29, Gilman’s Addition to the City of Seattle, according to the plat thereof recorded in Volume 5 of Plats, page 93, records of King County, Washington, for general municipal purposes including, but not limited to, the construction of Fire Station 20.

Summary and background of the Legislation:

The Fire Facilities and Emergency Response Levy Program (Levy Program) approved by Seattle voters on November 4, 2003, includes the acquisition of nine sites for relocation or expansion projects. Funds for all property acquisitions were originally authorized by Ordinance 121380.

The existing Fire Station 20 facility, located just off West Dravus Street at 3205 13th Avenue West, is 2,860 square feet and is located on 6,000 square feet of land. The current facility, built in the 1940’s and since remodeled, is too small to meet the Seattle Fire Department’s (SFD’s) current operational requirements. Additionally, its building systems are at the end of their useful lives. A review of City facilities by the Historic Preservation Program concluded that this facility is not of historic significance.

Because of the inadequacy of the current Fire Station 20, the Levy Program planned the construction of a new station. Beginning in 2005, SFD and the Fleets and Facilities Department (FFD) conducted a comprehensive review to identify candidate sites for a new fire station in the response area.

The recommendation to buy adjacent properties for site expansion was not approved and the City Council subsequently approved Resolution Number 30978 on April 9, 2007. This Resolution resulted in a collaborative effort by the City Council and Mayor to hire a consultant to conduct an additional review of possible replacement sites. The selected consultant, EnviroIssues, conducted an analysis of 42 potential sites.

Further review and analysis was undertaken on a limited number of sites, with a more in-depth review conducted for a site option located at the northeast corner of 15th Avenue West and West Armour Street and generally referred to as the “Four Seasons Site”. The review concluded that the Four Seasons Site is a feasible option for a replacement Fire Station 20. The Site consists of four parcels; the parcel identified in this legislation and adjoining parcels in companion legislation are proposed for acquisition for the purposes of constructing a new Fire Station 20.



Project Name:	Project I.D.	Project Location:	Start Date:	End Date
Fire Station 20 Land Acquisition	A1FL101	West Queen Anne		

x This legislation has financial implications.

There are no appropriations included in this legislation. The cost of the property acquisition authorized in this and companion ordinances will be partially funded from funds authorized and appropriated by Ordinance 121380. The remainder of the funding will be allocated through a supplemental appropriation to the 2009 Adopted Budget.

- **Do positions sunset in the future?** N/A
- **What is the financial cost of not implementing the legislation:**

In the short term, not implementing this legislation means that the City will not expend an amount of funds equal to the negotiated purchase price of this property parcel, and that the remaining balance of funds in this project (A1FL101) and a proposed supplemental appropriation to the 2009 Adopted Budget will be available for other City and/or Fire Facilities Levy uses.

In the long term, not implementing this legislation may cause an increased or a decreased financial burden on the City. Because this neighborhood fire station will need to be replaced eventually, the cost of purchasing an alternate site may be less or more than the cost of this site. If City property values increase in the future, not implementing this legislation will result in increased future-year costs to the City.

- **Does this legislation affect any departments besides the originating department?**

Yes. This legislation is Council-generated, but will require considerable follow-up effort by staff of the Real Estate Division at the Fleets & Facilities Department.

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

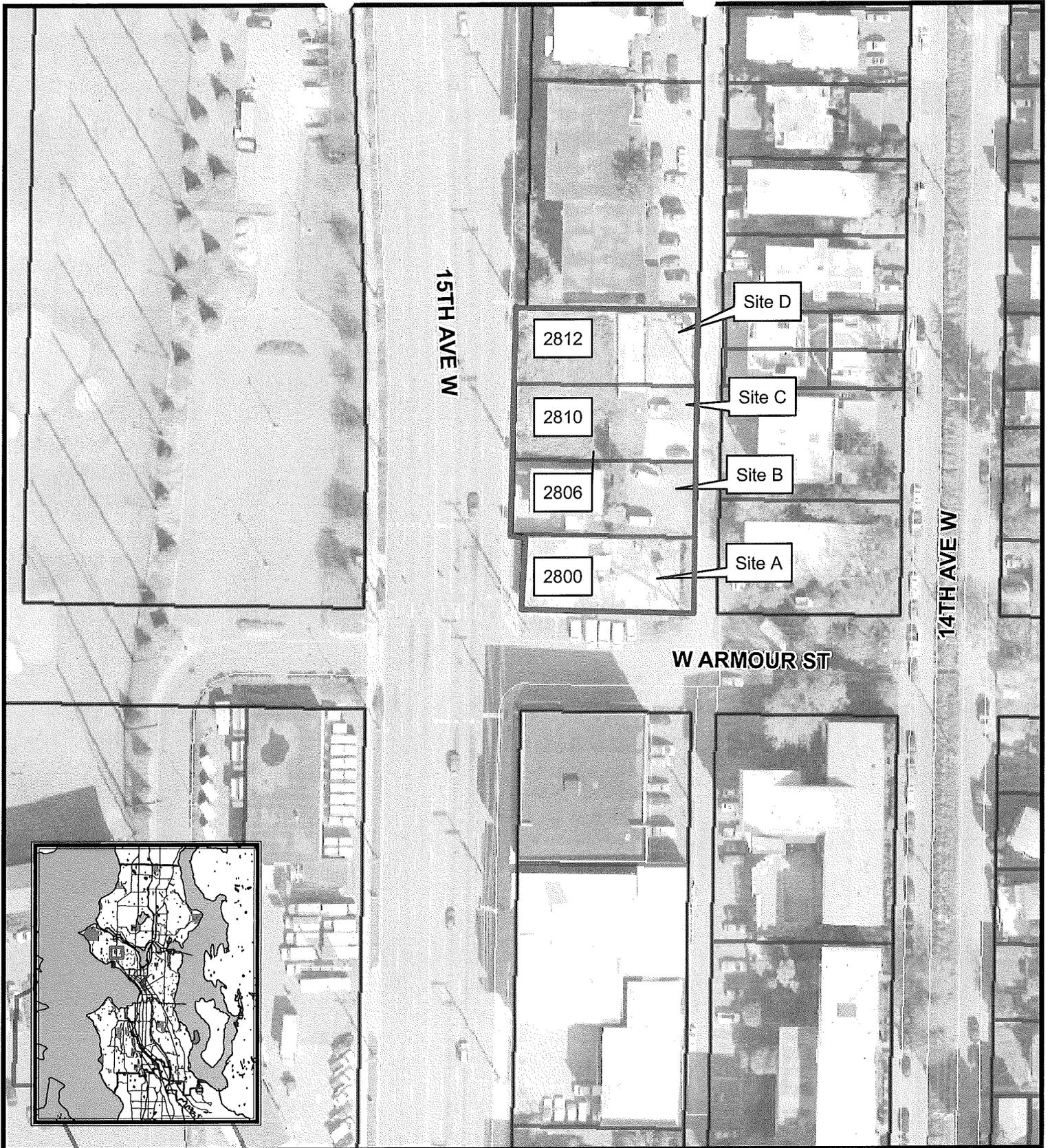
The two siting processes conducted for Fire Station #20 have only identified one alternative to this legislation: to purchase, with eminent domain authority, two to three single-family residences adjacent to the current station site. This alternative has not been recommended by the City Council.



- **Is the legislation subject to public hearing requirements:** No
- **Other Issues (including long-term implications of the legislation):**
- **List attachments to the fiscal note below:**

Attachment 1 – Map, “Attachment 1 to LEG FS20 Property Purchase Parcel C&D Substitution ORD Fiscal Note”





15TH AVE W

14TH AVE W

W ARMOUR ST

2812

2810

2806

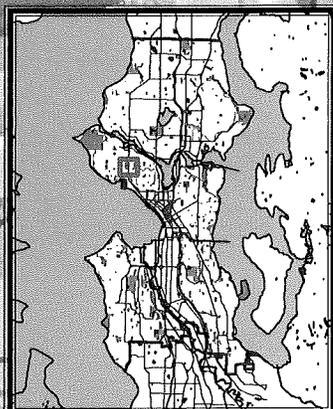
2800

Site D

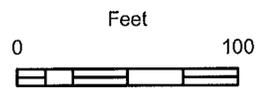
Site C

Site B

Site A

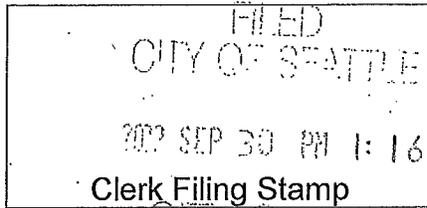


 **City of Seattle**
Four Seasons Site
Station 20



Produced by the City of Seattle
FFD Real Estate Services Division
WCraven Sept. 17, 2009
All rights reserved. No guarantee of any sort is implied,
including accuracy, completeness, of fitness for use.





**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Fire Station 20, Public Notice for Newspapers**

I, William Craven, Sr. Planning and Development Specialist, hereby certify as follows:

(Check all that apply below.)

1. On the [day of month] day of [month], 20[year], 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 September 23, 2009 and September 30, 2009 and the Daily Journal of Commerce on September 23, 2009 and September 30, 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 30th day of September, 2009.

The City of Seattle, Washington

William Craven

(Signature)

Sr. Planning & Dev. Specialist

Fleets and Facilities Department

206-733-9238



Newspaper Public Notices

For publication on September 23, 2009 and September 30, 2009

City of Seattle

Notice of Public Meeting Regarding Potential Property Acquisition

The City of Seattle intends to acquire ownership of one or more of the following properties for construction of the new Fire Station 20:

2800 15th Avenue West, Seattle, WA 98119. King County Parcel No.: 277060-3880

2806 15th Avenue West, Seattle, WA 98119. King County Parcel No.: 277060-3875

2810 15th Avenue West, Seattle, WA 98119. King County Parcel No.: 277060-3870

2812 15th Avenue West, Seattle, WA 98119. King County Parcel No.: 277060-3865

The City of Seattle intends to acquire ownership of the above property located in Seattle, WA including potential use of its power of eminent domain (condemnation) for public use. The proposed ordinance authorizing this acquisition will be presented to the Seattle City Council, Council Chambers in City Hall, 600 Fourth Avenue, Seattle, 2nd floor, as follows:

Public Safety, Human Services & Education Committee

Wednesday, October 7, 2009, 9:30 AM

City Council (final action; adoption)

Monday, October 19, 2009, 2:00 PM

Both sessions are open to the public.

For further information, contact:

Bill Craven

Real Estate Services Division

Fleets and Facilities Department

Bill.craven@seattle.gov

Voice: 206.733.9238 Fax: 206.684.0525

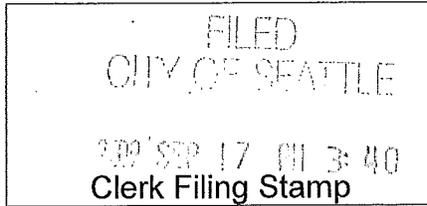


Instructions for Placing Ad

Daily Journal of Commerce: E-mail the ads to legals@djc.com, with the dates the ads need to run, and billing contact information.

The Daily Journal of Commerce is published Monday-Saturday. The deadline to place the legal ads Monday-Thursday is 3:00 pm for the next day's paper-on Friday the Saturday deadline is 11:00 am and the Monday deadline is 3:00 pm.

Seattle Times / NW Source Phone (206)652-6018. Must be submitted by noon the day before publication is desired.



CITY CLERK
**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
FS 20 – Parcel C and D**

I, Bill Craven, Sr. Planning and Development Specialist, hereby certify as follows:

(Check all that apply below.)

- 1. On the 17th day of September, 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 [date(s)] and the Daily Journal of Commerce on [date(s)].

- 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 17th day of September, 2009.

The City of Seattle, Washington

Bill Craven

(Signature)

Sr. Planning and Development Specialist

Fleets and Facilities

206-733-9238





City of Seattle

Gregory J. Nickels, Mayor

Fleets and Facilities Department

Brenda Bauer, Director

September 17, 2009

Clay Gatens
Icon Development, LLC & 2810 Development, LLC
622 Western AVE.
Seattle, WA 98104

VIA CERTIFIED AND FIRST CLASS MAIL

RE: Meeting Notice Regarding Fire Station 20 Site Selection and Land Acquisition

Dear Mr. Gatens;

The City Council will continue to consider site options for the construction of the new Fire Station 20 and will discuss those options at the City Council's Public Safety, Human Services & Education Committee meeting at 9:30 a.m. on Wednesday, October 7.

At this meeting, the Committee will vote on legislation authorizing the acquisition of a site for the project, including your property at 2810 & 2812 15th Avenue West, King County Parcel Number 277060-3870 & 277060-3865. Authorization to condemn the property will also be considered during the meeting.

Should the Committee vote result in a decision to forward legislation authorizing acquisition to the full City Council, the full Council will discuss and vote on the legislation on Monday, October 19, 2009. The Council will meet at 2:00 p.m.

A notice with times, dates and locations for both City Council meetings is attached for your convenience.

Should you have any questions about the time or place of the meeting, please contact Bill Craven at 206-733-9238 or bill.craven@seattle.gov or Dave Goss 206-233-5069 or dave.goss@seattle.gov.

Sincerely,

Brenda Bauer



OFFICIAL PUBLIC MEETING NOTICE

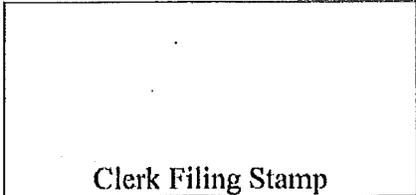
Regarding: Property at 2810 & 2812 15th Avenue West Seattle, WA
King County Parcel Number: 277060-3870 & 277060-3865

The City of Seattle's City Council will be considering an ordinance to allow for the possible acquisition of property at 2810 & 2812 15th Avenue West, Seattle, Washington, including potential use of its power of eminent domain (condemnation) for public use. The property at 2810 & 2812 15th Avenue West in Seattle, WA (King County Parcel Number: 277060-3870 & 277060-3865) is necessary for the replacement of Fire Station 20. The proposed ordinance is scheduled to be addressed at City Council as follows:

- **Public Safety, Human Services, and Education Committee (committee vote):**
Wednesday, October 7, 2009, 9:30 a.m.
- **City Council (final action and adoption):**
Monday, October 19, 2009, 2:00 p.m.

All sessions are open to the public and held in City Council Chambers, second floor of Seattle City Hall, 600 Fourth Avenue, Seattle. Public comments are received by the Council at the start of each meeting.





**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Fire Station 20 Acquisition – Site C**

I, William Craven, Senior Planning and Development Specialist, Real Estate Division, Fleets & Facilities Department, City of Seattle, hereby certify as follows:

(Check all that apply below.)

- 1. On the 18th day of September, 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 [date(s)] and the Daily Journal of Commerce on [date(s)].
- 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 18th day of September, 2009.

The City of Seattle, Washington

William Craven

(Signature)

Sr. Planning and Development

Fleets & Facilities Department

206-733-9238



City of Seattle

Gregory J. Nickels, Mayor

Fleets and Facilities Department

Brenda Bauer, Director

September 17, 2009

Clay Gatens
Icon Development, LLC & 2810 Development, LLC
622 Western AVE.
Seattle, WA 98104

VIA CERTIFIED AND FIRST CLASS MAIL

RE: Meeting Notice Regarding Fire Station 20 Site Selection and Land Acquisition

Dear Mr. Gatens;

The City Council will continue to consider site options for the construction of the new Fire Station 20 and will discuss those options at the City Council's Public Safety, Human Services & Education Committee meeting at 9:30 a.m. on Wednesday, October 7.

At this meeting, the Committee will vote on legislation authorizing the acquisition of a site for the project, including your property at 2810 & 2812 15th Avenue West, King County Parcel Number 277060-3870 & 277060-3865. Authorization to condemn the property will also be considered during the meeting.

Should the Committee vote result in a decision to forward legislation authorizing acquisition to the full City Council, the full Council will discuss and vote on the legislation on Monday, October 19, 2009. The Council will meet at 2:00 p.m.

A notice with times, dates and locations for both City Council meetings is attached for your convenience.

Should you have any questions about the time or place of the meeting, please contact Bill Craven at 206-733-9238 or bill.craven@seattle.gov or Dave Goss 206-233-5069 or dave.goss@seattle.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Bauer".

Brenda Bauer

OFFICIAL PUBLIC MEETING NOTICE

Regarding: Property at 2810 & 2812 15th Avenue West Seattle, WA
King County Parcel Number: 277060-3870 & 277060-3865

The City of Seattle's City Council will be considering an ordinance to allow for the possible acquisition of property at 2810 & 2812 15th Avenue West, Seattle, Washington, including potential use of its power of eminent domain (condemnation) for public use. The property at 2810 & 2812 15th Avenue West in Seattle, WA (King County Parcel Number: 277060-3870 & 277060-3865) is necessary for the replacement of Fire Station 20. The proposed ordinance is scheduled to be addressed at City Council as follows:

- **Public Safety, Human Services, and Education Committee (committee vote):**
Wednesday, October 7, 2009, 9:30 a.m.
- **City Council (final action and adoption):**
Monday, October 19, 2009, 2:00 p.m.

All sessions are open to the public and held in City Council Chambers, second floor of Seattle City Hall, 600 Fourth Avenue, Seattle. Public comments are received by the Council at the start of each meeting.

STATE OF WASHINGTON – KING COUNTY

--SS.

246512
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.

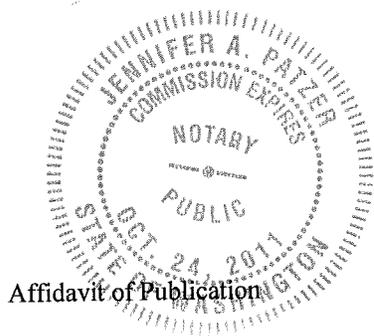
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123137 ORDINANCE

was published on

10/30/09

The amount of the fee charged for the foregoing publication is the sum of \$ 155.65, which amount has been paid in full.



Affidavit of Publication

Samela Olsky

Subscribed and sworn to before me on
Jim Yeh

0/30/09

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 123137

AN ORDINANCE providing for the acquisition by negotiation or by condemnation of land and other property rights at the location commonly known as 2810 and 2812 15th Avenue West, Lot 9 and 10, Block 29, Gilman's Addition to the City of Seattle, according to the plat thereof recorded in Volume 5 of Plats, page 93, records of King County, Washington, for general municipal purposes including, but not limited to, the construction of Fire Station 20.

WHEREAS, the Fire Facilities and Emergency Response Levy Program, proposed under Ordinance 121230, was approved by Seattle voters on November 4, 2003; and

WHEREAS, the Fire Facilities and Emergency Response Levy Program provides for the acquisition of land for the construction of a new Fire Station 20; and

WHEREAS, Ordinance 121380 authorized the Fleets and Facilities Department to negotiate for the acquisition of real property as necessary to carry out all elements of the Fire Facilities and Emergency Response Levy Program, and appropriated funds therefor; and

WHEREAS, the Fleets and Facilities Department in June of 2006 brought forward a proposal to expand the current Fire Station 20 site through the acquisition of adjacent parcels, for the purposes of constructing a new Fire Station 20; and

WHEREAS, the City Council rejected the proposal and subsequently approved Resolution 30978 expressing the City Council and Mayor's intent to work together to hire a consultant to provide an additional review of possible replacement sites; and

WHEREAS, after examining the findings of both reviews of potential sites, City Council has determined that the property legally described below, together with other property, is best suited for the construction of a new Fire Station 20 and that it is in the public interest to acquire the same for the purposes enumerated above; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Public convenience and necessity require that the following described real property, at the location commonly known as 2810 and 2812 15th Avenue West, situated in the City of Seattle, County of King, State of Washington, together with all rights, privileges, and other property pertaining thereto, (hereinafter the "Property") be acquired through negotiation or condemnation, for public use; namely for general municipal purposes including, but not limited to, construction of a new Fire Station 20:

Lot 9 and 10, Block 29, Gilman's Addition to the City of Seattle, according to the plat thereof recorded in Volume 5 of Plats, page 93, records of King County, Washington.

Section 2. The Director of the Department of Fleets and Facilities or designee is authorized on behalf of the City to negotiate and to enter into agreements to acquire the Property upon payment of just compensation, to accept and record deeds and other necessary instruments on behalf of the City, and to provide relocation assistance to the occupants of the Property.

Section 3. The City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate in fee simple the Property, including the lands and other property described herein 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. The cost of the acquisition provided for in this ordinance shall be paid partially from funds originally authorized by Ordinance 121380 and the remainder from funds that will be allocated through a supplemental appropriation to the 2009 Adopted Budget.

Section 5. 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 19th day of October, 2009, and signed by me in open session in authentication of its passage this 19th day of October, 2009.

Richard Conlin

President of the City Council

Approved by me this 27th day of October, 2009.

Gregory J. Nickels, Mayor

Filed by me this 27th day of October, 2009.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, October 30, 2009.
10/30(246512)



20100707001499

CITY OF SEATTLE J 71.00
PAGE-001 OF 010
07/07/2010 14:58
KING COUNTY, WA

E2449445

07/07/2010 14:58
KING COUNTY, WA
TAX \$10.00
SALE \$0.00

PAGE-001 OF 001

Return Address:
City of Seattle – Fleets and Facilities
Attention: Bill Craven
P.O. Box 94689, Suite 5200
Seattle, WA 98124-4689

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. Stipulated Judgment and Decree of Appropriation
2. _____ 3. _____

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document.

Grantor(s) (Last name, first name, initials)

1. 2810 Development LLC
2. Icon Developments LLC

Additional names on page 1 of document.

Grantee(s) (Last name first, then first name and initials)

1. City of Seattle
2. _____

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Lots 9 and 10, Block 29, Gilman's Addition to the City of Seattle According to the Plat Thereof, Recorded in volume 5 of Plats, Page 93, in King County, Washington.

Additional legal is on page 7 of document.

Assessor's Property Tax Parcel/Account Number

Assessor Tax # not yet assigned

277060-3865-09; 277060-3870-02

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

FILED
19 JUL 8 AM 11:36
CLERK



PLEASE TYPE OR PRINT

REAL ESTATE EXCISE TAX AFFIDAVIT
CHAPTER 82.45 RCW - CHAPTER 458-61A WAC

This form is your receipt when stamped by cashier.

THIS AFFIDAVIT WILL NOT BE ACCEPTED UNLESS ALL AREAS ON ALL PAGES ARE FULLY COMPLETED
(See back of last page for instructions)

Check box if partial sale of property

If multiple owners, list percentage of ownership next to name.

Form sections 1-3: Seller/Grantor and Buyer/Grantee information, including names, addresses, and tax correspondence details.

Section 4: Street address of property (2810, 2816 15th Avenue West, Seattle, WA 98119) and legal description of property.

Section 5: Select Land Use Code(s) (91 - Undeveloped land) and exemption questions.

Section 6: Questions regarding property designation as forest land, current use, or special valuation.

NOTICE OF CONTINUANCE (FOREST LAND OR CURRENT USE) and NOTICE OF COMPLIANCE (HISTORIC PROPERTY) instructions.

Section 7: Owner signature area with lines for name and date.

Section 7: Personal property included in selling price table with columns for Gross Selling Price, Exemption Claimed, Taxable Selling Price, Excise Tax, and Total Due.

Section 8: Certification statement and signature lines for Grantor/Grantor's Agent and Grantee/Grantee's Agent.

Perjury: Perjury is a class C felony which is punishable by imprisonment in the state correctional institution for a maximum term of not more than five years, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both imprisonment and fine (RCW 9A.20.020 (1C)).

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

CITY OF SEATTLE, a municipality)	
)	
Petitioner,)	No. 10-2-06429-0 SEA
)	
vs.)	
)	
2810 DEVELOPMENT LLC, a Washington)	STIPULATED JUDGMENT AND DECREE
Limited Liability; ICON DEVELOPMENTS)	OF APPROPRIATION
LLC, a Washington Limited Liability Company;)	
PACIFIC NORTHWEST TITLE COMPANY)	
OF WASHINGTON, INC., and It's Capacity As))	
Trustee under certain Deeds of Trust;)	
INTERBAY INVESTMENT GROUP, LLC, a)	
Washington Limited Liability Company, and)	
It's Capacity As Beneficiary under certain)	
Deeds of Trust; SIZZLES INVESTMENTS,)	
LLC, a Washington Limited Liability Company;)	
and It's Capacity As Beneficiary under certain)	
Deeds of Trust; and KING COUNTY, a)	
subdivision of the state of Washington,)	
)	
Respondents.)	

STIPULATION

1. Icon Development, LLC a Washington Limited Liability Company (Icon), and 2810 Development LLC, a Washington Limited Liability Company (2810) by its Managing Member, Clay Gatens, affirmatively represent that Icon and 2810 are the lawful owners of the fee interest in

PETER S. HOLMES
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4769
(206) 684-8200

COPY

1 the real property which is the subject of this action and which is legally described on Exhibit A.

2 2. Pacific Northwest Title Company of Washington, Inc. has waived further notice of
3 these proceedings as provided in Exhibit B.

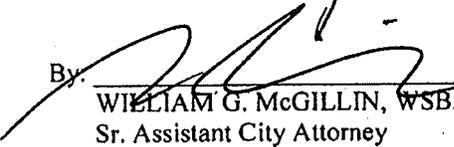
4 3. Icon and 2810 acting through said Managing Member affirmatively represent that
5 they are legally entitled and fully authorized to enter into this stipulation and judgment and decree of
6 appropriation.

7 4. The City of Seattle, and Icon and 2810 acting through said Managing Member,
8 hereby stipulate that the sum of One Million Eight Hundred Forty Thousand and 00/100 dollars
9 (\$1,840,000.00) represents the sum to which Icon and 2810 are entitled in just compensation for
10 the subject property.

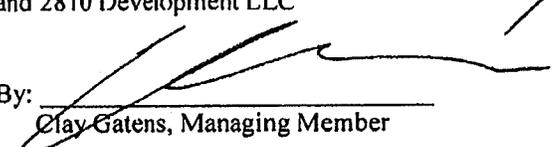
11 Stipulated this 22nd day of June 2010.

Stipulated this 24 day of June 2010.

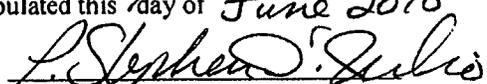
13 Icon Development LLC
14 and 2810 Development LLC

By: 

WILLIAM G. MCGILLIN, WSBA #6018
Sr. Assistant City Attorney
Attorney for Petitioner City of Seattle

15 By: 
16 Clay Gatens, Managing Member

17 Stipulated this 22nd day of June 2010

18 By: 
19 P. Stephen DiJulio, WSBA #7139
20 Attorney for Respondents 2810 Development
21 LLC and Icon Developments LLC

JUDGMENT

21 1. It is the judgment of this Court based upon the foregoing stipulation that just
22 compensation for the real property condemned in this action is One Million Eight Hundred Forty
23

STIPULATED JUDGMENT
DECREE OF APPROPRIATION - 2

PETER S. HOLMES
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
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1 Thousand and 00/100 dollars (\$1,840,000.00).

2 2. It is ordered that upon deposit of the just compensation into the registry of the
3 court, the property is thereby appropriated and its ownership shall vest in City of Seattle free of
4 all claims.

5 3. It is further ordered that said funds shall be held by the Clerk pending the entry of
6 a further order of this court. The funds are subject to any liens for real property taxes, fees and
7 assessments owed to King County. Any such liens, including any interest and penalty, if any,
8 shall be paid in full to King County Treasury prior to disbursal of funds to respondents, or
9 included in respondents' disbursal order.

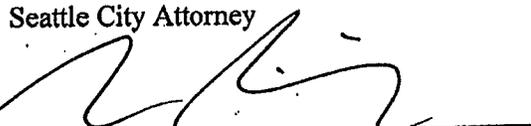
10 DONE IN OPEN COURT this 15 day of JUNE, 2010.

11 151 JAMES E. ROGERS

12 Honorable Judge Jim Rogers

13
14 Presented by:

15 PETER S. HOLMES
16 Seattle City Attorney

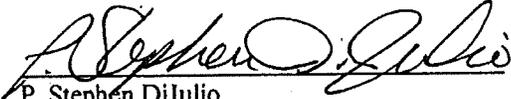
17 
18 William G. McGillin, WSBA #6018
19 Sr. Assistant City Attorney
Attorneys for Petitioner The City of Seattle

20
21
22
23
STIPULATED JUDGMENT
DECREE OF APPROPRIATION - 3

PETER S. HOLMES
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4769
(206) 684-8200

1 APPROVED FOR ENTRY
NOTICE OF PRESENTATION WAIVED:

2 Respondents 2810 Development LLC and Icon Developments LLC

3
4 By: 
P. Stephen DiJulio
5 Attorney for Respondents 2810 Development LLC
and Icon Developments LLC

6
7 APPROVED FOR ENTRY,
8 NOTICE OF PRESENTATION WAIVED:

9 Interbay Investment Group, LLC and Sizzles Investments, LLC

10 By: _____
11 Seth E. Millstein, WSBA #34627
12 Attorney for Respondents Interbay Investment Group, LLC
and Sizzles Investments, LLC

13
14 APPROVED FOR ENTRY,
NOTICE OF PRESENTATION WAIVED:

15 DANIEL T. SATTERBERG
16 King County Prosecuting Attorney

17
18 By: _____
19 MARGARET PAHL, WSBA #19019
Senior Deputy Prosecuting Attorney
20 Attorneys for King County

21
22
23

STIPULATED JUDGMENT
DECREE OF APPROPRIATION - 4

PETER S. HOLMES
Seattle City Attorney
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Seattle, WA 98124-4769
(206) 684-8200

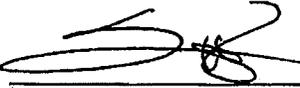
1 APPROVED FOR ENTRY
NOTICE OF PRESENTATION WAIVED:

2 Respondents 2810 Development LLC and Icon Developments LLC
3

4 By: _____
P. Stephen DiJulio
5 Attorney for Respondents 2810 Development LLC
and Icon Developments LLC
6

7 APPROVED FOR ENTRY,
8 NOTICE OF PRESENTATION WAIVED:

9 Interbay Investment Group, LLC and Sizzles Investments, LLC

10 By:  _____
11 Seth E. Millstein, WSBA #34627
Attorney for Respondents Interbay Investment Group, LLC
12 and Sizzles Investments, LLC
13

14 APPROVED FOR ENTRY,
NOTICE OF PRESENTATION WAIVED:

15 DANIEL T. SATTERBERG
16 King County Prosecuting Attorney
17

18 By: _____
19 MARGARET PAHL, WSBA #19019
Senior Deputy Prosecuting Attorney
Attorneys for King County
20
21
22
23

STIPULATED JUDGMENT
DECREE OF APPROPRIATION - 4

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Seattle City Attorney
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Seattle, WA 98124-4769
(206) 684-8200

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APPROVED FOR ENTRY
NOTICE OF PRESENTATION WAIVED:

Respondents 2810 Development LLC and Icon Developments LLC

By: _____
P. Stephen DiJulio
Attorney for Respondents 2810 Development LLC
and Icon Developments LLC

APPROVED FOR ENTRY,
NOTICE OF PRESENTATION WAIVED:

Interbay Investment Group, LLC and Sizzles Investments, LLC

By: _____
Seth E. Millstein, WSBA #34627
Attorney for Respondents Interbay Investment Group, LLC
and Sizzles Investments, LLC

APPROVED FOR ENTRY,
NOTICE OF PRESENTATION WAIVED:

DANIEL T. SATTERBERG
King County Prosecuting Attorney

By: Margaret Pahl
MARGARET PAHL, WSBA #19019
Senior Deputy Prosecuting Attorney
Attorneys for King County

EXHIBIT A

Legal Description: LOTS 9 AND 10, BLOCK 29, GILMAN'S ADDITIONAL TO THE CITY OF SEATTLE ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 5 OF PLATS, PAGE 93, IN KING COUNTY, WASHINGTON.

EXHIBIT B

Kelly, Shay

From: Reetz, Bill
Sent: Thursday, June 17, 2010 1:41 PM
To: Kelly, Shay
Cc: McGillin, Bill;
Subject: RE: City v Icon; Cause No.: 10-2-06429-0 SEA

Ms. Shay,

This will confirm that PNWT's only interest in the real property that is the subject of this action is that of a trustee under a Deed of Trust. PNWT claims no beneficial interest in the real property and would claim no interest in any condemnation award that were to be made by the Court or in any settlement that would, otherwise, occur. PNWT did not appear and chooses not to participate in the case. I trust that this will suffice for the purposes needed.

William H. Reetz
Seattle Claims Manager
First American Title Insurance Company
818 Stewart Street, Suite 800
Seattle, WA 98101

From: Kelly, Shay [mailto:Shay.Kelly@seattlecityattorney.com]
Sent: Thursday, June 17, 2010 1:35 PM
To: Reetz, Bill
Cc: McGillin, Bill
Subject: City v Icon; Cause No.: 10-2-06429-0 SEA

Hello Bill,

I spoke with you this morning about this matter. We are trying to finalize the Stipulated Judgment and Decree of Appropriation as we have settled this matter. You were going to send me a quick e-mail which indicates that Pacific NW Title Company of Washington, Inc. was not participating in this matter. Any chance you could do this before the end of today, we are eager to file this with the court.

Thank you.



Shay Kelly
Paralegal

Seattle City Attorney's Office
600 4th Avenue, 4th floor
P.O. Box 94769

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