

Ordinance No. 123312

Council Bill No. 116863

AN ORDINANCE vacating the portion of 2<sup>nd</sup> Avenue South between South Mead Street and South Fidalgo Street, Commercial Street Steam Motor Addition to the City of Seattle, on the petition of Capital Industries, Inc. (Clerk File 307992).

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

Councilmember

## Committee Action:

5-25 pass 3-0 TR, JG, SC

CF No. \_\_\_\_\_

Date Introduced: <u>May 17, 2010</u>		
Date 1st Referred: _____	To: (committee) <u>Transportation</u>	
Date Re - Referred: _____	To: (committee)	
Date Re - Referred: _____	To: (committee)	
Date of Final Passage: <u>6-1-10</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>6-1-10</u>	Date Approved: <u>6-7-10</u>	
Date Returned to City Clerk: <u>6-9-10</u>	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. _____
Date Vetoed by Mayor: _____	Date Veto Published: _____	
Date Passed Over Veto: _____	Veto Sustained: _____	

6-1-10 Passed 9-0

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

ORDINANCE 123312

AN ORDINANCE vacating the portion of 2<sup>nd</sup> Avenue South between South Mead Street and South Fidalgo Street, Commercial Street Steam Motor Addition to the City of Seattle, on the petition of Capital Industries, Inc. (Clerk File 307992).

WHEREAS, Capital Industries, Inc., a Washington corporation, has filed a petition to vacate the portion of 2<sup>nd</sup> Avenue South between South Mead Street and South Fidalgo Street in the Duwamish Industrial Area of Seattle, Commercial Stream Motor Addition to the City of Seattle as herein fully described; and

WHEREAS, following a public hearing on the petition, held on February 27, 2007, the petition was conditionally granted; and

WHEREAS, the City Council approved the petition pursuant to certain conditions which have been met; and

WHEREAS, pursuant to Section 35.79.030, RCW and Seattle Municipal Code Chapter 15.62, the petitioner has paid the City a vacation fee of \$319,000, which amount is the full appraised value of the property approved for vacation, according to an appraisal obtained by the Director of Transportation; NOW, THEREFORE,

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

Section 1. That the portion of 2<sup>nd</sup> Avenue South lying south of the south margin of South Mead Street and lying north of the north margin of South Fidalgo Street including that portion of Lot 4 Block 32, Commercial Street Steam Motor Addition to the City of Seattle, according to the plat thereof recorded in Volume 3 of Plats, page 85, Records of King County, Washington, lying southwesterly of a curve concave northeasterly having a radius of 28.00 feet as described in acceptance Ordinance 104289 of the City of Seattle. This parcel described above contains 10,913 square feet (0.25 acres), more or less. Situated in the City of Seattle, King County, Washington.

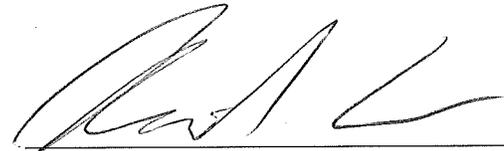


1 Be and the same is hereby vacated; or in the alternative, to vacate any portion of said right-of-  
2 way so particularly described; reserving to the City of Seattle the right to make all necessary  
3 slopes for cuts or fills upon the above-described property in the reasonable original grading of  
4 any right-of-way abutting upon said property after said vacation; and further, reserving to the  
5 City the right to reconstruct, maintain, and operate any existing overhead or underground utilities  
6 in said rights-of-way until the beneficiaries of said vacation arrange with the owner or owners  
7 thereof for their removal.  
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10 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after  
11 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
12 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.  
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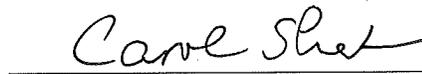
1 Passed by the City Council the 1st day of June, 2010, and  
2 signed by me in open session in authentication of its passage this  
3 1st day of June, 2010.

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6 \_\_\_\_\_  
7 President \_\_\_\_\_ of the City Council

8 Approved by me this 7<sup>th</sup> day of June, 2010.

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11 \_\_\_\_\_  
12 Michael McGinn, Mayor

13 Filed by me this 9<sup>th</sup> day of June, 2010.

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16 \_\_\_\_\_  
17 City Clerk

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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Department of Transportation	Beverly Barnett/684-7564	Stephen Barham/733-9084

**Legislation Title:**

AN ORDINANCE vacating the portion of 2<sup>nd</sup> Avenue South between South Mead Street and South Fidalgo Street, Commercial Street Steam Motor Addition to the City of Seattle, on the petition of Capital Industries, Inc. (Clerk File 307992).

• **Summary of the Legislation:**

This Council Bill completes the vacation process for the portion of 2<sup>nd</sup> Avenue South between South Mead Street and South Fidalgo Street, Commercial Street Steam Motor Addition to the City of Seattle, on the petition of Capital Industries, Inc., a Washington corporation.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

Capital Industries, Inc. (the Petitioner) is a family-owned third generation metal fabricator. The Petitioner has been in business for over 50 years having incorporated in 1953 and has been in the same location since 1965.

The Petitioner currently operates five buildings which form its manufacturing facility. Large metal sheets move through a variety of processing stages with a different step occurring in each building. The 2<sup>nd</sup> Avenue South right-of-way split the manufacturing stages and required that the metal pieces be moved across the street to continue the processing. The company's work has grown more complex over the years as it works with larger pieces of metal that may need to occupy the entire street.

As a result, the Petitioner sought vacation of a portion of 2<sup>nd</sup> Avenue South to enhance its metal fabricating facility to increase safety and efficiency. The vacated right-of-way was used to connect its manufacturing facilities with a metal canopy structure with a concrete slab floor.

To meet its public benefit requirement, the Petitioner coordinated efforts with the Seattle Parks Department to restore the "Hat" in Oxbow Park, a landmark neighborhood icon which had been sitting in the park as an empty frame for years. The Petitioner provided the steel materials, including flat steel and bar stock, that enabled the restoration crews to complete the new steel substructure that supported the plaster finish of the Hat. The Petitioner also

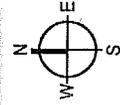


contributed \$20,000 to the Welding Department of the South Seattle Community College, Transportation Division to be used to promote job training and replace equipment for the department.

**X** **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

Although this legislation does not accept or appropriate funds, the Seattle Department of Transportation received a vacation fee of \$319,000 in 2008 of which 50 percent was deposited in the CRS Unrestricted Subaccount and 50 Percent in the CRS Street Vacation Subaccount.

Attachment A: Aerial Site Plan of Proposed 2<sup>nd</sup> Avenue S Street Vacation



MULVANNY G2  
ARCHITECTURE

AERIAL SITE PLAN  
2-27-07  
04-0029-04

CAPITAL INDUSTRIES





**City of Seattle**  
Office of the Mayor

April 20, 2010

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

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that completes the vacation process for Capital Industries, Inc. (the "Petitioner") to vacate the portion of 2nd Avenue South between South Mead Street and South Fidalgo Street in the Duwamish Industrial Area. Capital Industries, Inc. is a family-owned third generation metal fabricator that was incorporated in 1953 and has remained at its current location since 1965. The Petitioner currently operates five buildings which form its manufacturing facility. The scope of its work has grown more complex over the years making it necessary for the company to enhance its manufacturing facility by providing a permanent connection between its buildings.

On March 5, 2007, the City Council voted to conditionally grant the petition to vacate a portion of 2nd Avenue South. Consistent with the approved development proposal, the Petitioner subsequently connected two buildings of its manufacturing facility with a permanent metal canopy structure. This new connection has a concrete slab floor for stability, a metal canopy to protect the ferrous material from rain and provides safe transport of the metal sheets between buildings as it moves from one process to the next.

To meet its public benefit requirement, the Petitioner coordinated efforts with the Department of Parks and Recreation to restore the "Hat" in Oxbow Park, a landmark neighborhood icon which had been sitting in the park as an empty frame for a number of years. The Petitioner provided the steel materials, including flat steel and bar stock, that enabled the restoration crews to complete the new steel substructure that supported the plaster finish of the Hat. The Petitioner also contributed \$20,000 to the Welding Department of the South Seattle Community College, Transportation Division to be used to promote job training and replace equipment for the department.

The vacation completed by this proposed legislation supports the Petitioner's metal fabricating operation growth in the location it has occupied for over 50 years. Thank you for your support of this legislation. If you have any questions please contact Beverly Barnett at (206) 684-7564.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor  
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Seattle, WA 98124-4749

Tel (206) 684-4000  
Fax (206) 684-5360  
TDD (206) 615-0476  
mike.mcgin@seattle.gov



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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256192  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

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

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

CT:123312-17 TITLE ONLY

was published on

06/15/10

The amount of the fee charged for the foregoing publication is the sum of \$ 88.73, which amount has been paid in full.



Affidavit of Publication

*[Handwritten signature]*

Subscribed and sworn to before me on

06/15/10

*[Handwritten signature]*

Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on June 1, 2010, 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. 123312

AN ORDINANCE vacating the portion of 2nd Avenue South between South Mead Street and South Fidalgo Street, Commercial Street Steam Motor Addition to the City of Seattle, on the petition of Capital Industries, Inc. (Clerk File 307992).

#### ORDINANCE NO. 123313

AN ORDINANCE granting Hammer Company and Clise, Inc. permission to maintain and operate a pedestrian skybridge over the alley between 5th Avenue and 6th Avenue, south of Lenora Street, for a seven-year term; specifying the conditions under which this permit is granted; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123314

AN ORDINANCE granting Lambda Association of Gamma Phi Beta permission to maintain and operate a pedestrian skybridge over the alley between 17th Avenue Northeast and 16th Avenue Northeast, north of Northeast 45th Street, for a four-year term; specifying the conditions under which this permit is granted; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123315

AN ORDINANCE granting Theta Chi Fraternity, Inc. permission to maintain and operate a pedestrian skybridge over the alley between 17th Avenue Northeast and 16th Avenue Northeast, south of Northeast 47th Street, for a seven-year term; specifying the conditions under which this permit is granted; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123316

AN ORDINANCE granting Macy's Department Stores, Inc. permission to maintain and operate a pedestrian skybridge over 3rd Avenue, between Pine Street and Stewart Street, for a seven-year term; specifying the conditions under which this permit is granted; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123317

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

Publication ordered by the City Clerk  
Date of publication in the Seattle Daily  
Journal of Commerce, June 15, 2010.  
6/15(256192)