

Ordinance No. 123315

Council Bill No. 110806

AN ORDINANCE granting Theta Chi Fraternity, Inc. permission to maintain and operate a pedestrian skybridge over the alley between 17<sup>th</sup> Avenue Northeast and 16<sup>th</sup> Avenue Northeast, south of Northeast 47<sup>th</sup> 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.

Related Legislation File: \_\_\_\_\_

Date Introduced and Referred: <u>May 17, 2010</u>	To: (committee): <u>Transportation</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>6.1.10</u>	Date Presented to Mayor: <u>6.1.10</u>
Date Signed by Mayor: <u>6.7.10</u>	Date Returned to City Clerk: <u>6.9.10</u>
Published by Title Only <u>X</u>	Date Vetoed by Mayor:
Published in Full Text _____	
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: *Tom Rasmussen*

## Committee Action:

Date	Recommendation	Vote
<u>S-25</u>	<u>pass</u>	<u>3-0 TR, JG, SC</u>

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

## Full Council Action:

Date	Decision	Vote
<u>6.1.10</u>	<u>Passed</u>	<u>9-0</u>

Law Department

ORDINANCE 123315

1  
2 AN ORDINANCE granting Theta Chi Fraternity, Inc. permission to maintain and operate a  
3 pedestrian skybridge over the alley between 17<sup>th</sup> Avenue Northeast and 16<sup>th</sup> Avenue  
4 Northeast, south of Northeast 47<sup>th</sup> Street, for a seven-year term; specifying the conditions  
5 under which this permit is granted; providing for acceptance of the permit and conditions;  
6 and ratifying and confirming certain prior acts.

7 WHEREAS, by Ordinance 105225, the City granted Theta Chi Fraternity, Inc. permission to  
8 construct, maintain and operate a pedestrian skybridge over the alley between 17<sup>th</sup>  
9 Avenue Northeast and 16<sup>th</sup> Avenue Northeast, south of Northeast 47<sup>th</sup> Street; and

10 WHEREAS, the conditions of Ordinance 105225 were amended by Ordinances 106385, 105225,  
11 112892, and 121855; and

12 WHEREAS, the permission authorized by Ordinance 105225 was renewed for two successive  
13 10-year terms by Resolutions 27455 and 29230 and terminated on August 31, 2005; and

14 WHEREAS, Theta Chi Fraternity, Inc. has submitted an application to the Seattle Department of  
15 Transportation (SDOT) Director to continue maintaining and operating the pedestrian  
16 skybridge and paid annual fees up to August 2009; and

17 WHEREAS, Theta Chi Fraternity, Inc. has satisfied all terms of the original authorizing  
18 ordinance, paid annual fees up to August 2009, and as required by Chapter 15.64 Seattle  
19 Municipal Code (SMC), has submitted the required information; and

20 WHEREAS, SDOT is evaluating the City's skybridge term permit policies and granting a term  
21 permit for less than ten years is consistent with SDOT's evaluation time frame while  
22 allowing the skybridge to come into permit compliance; and

23 WHEREAS, the SDOT Director (Director) recommends that the term permit be approved subject  
24 to the terms identified in this ordinance; NOW, THEREFORE,

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

26 Section 1. **Permission.** Subject to the terms of this ordinance, permission is granted to  
27 Theta Chi Fraternity, Inc. (Permittee) and its successors and assigns, to maintain and operate a  
28 pedestrian skybridge (skybridge) over the alley between 17<sup>th</sup> Avenue Northeast and 16<sup>th</sup> Avenue  
Northeast, between Northeast 47<sup>th</sup> Street and Northeast 45<sup>th</sup> Street, in Block 17, University Park



1 Addition, between the properties known as King County parcel numbers 8823902480 and  
2 8823902385, for the purpose of providing pedestrian travel over the alley.

3 Section 2. **Term.** The permission granted to the Permittee and its successors and  
4 assigns, shall be for a term of seven years starting September 1, 2005, and ending at 11:59 p.m.  
5 on August 31, 2012. The total term of the permission as originally granted shall not exceed  
6 seven years, subject to the right of the City of Seattle (City) to terminate the permit as provided  
7 for in Section 4, require removal as provided for in Section 5, and revise by ordinance any of the  
8 conditions of this ordinance. The Permittee shall submit a complete application for a new  
9 skybridge ordinance 180 days prior to the ordinance term expiring. Failure to obtain a new  
10 skybridge ordinance or remove the skybridge prior to the expiration of the term may be enforced  
11 as provided for in Chapter 15.90 SMC.  
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14 Section 3. **Protection of utilities.** The permission granted is subject to the Permittee  
15 bearing the expense of any protection, support or relocation of existing utilities deemed necessary  
16 by the owners of the utilities and the Permittee being responsible for any subsequent damage to  
17 the utilities due to the construction, repair, reconstruction, maintenance, or operation of the  
18 skybridge.  
19

20 Section 4. **Removal for public use or for cause.** The permission granted is subject to  
21 use of the street right-of-way by the City and the public for travel, utility purposes, and other  
22 street uses. The City expressly reserves the right to require the Permittee to remove the  
23 skybridge at Permittee's sole cost and expense in the event that:  
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1 (a) the City Council determines by ordinance that the space occupied by the skybridge is  
2 necessary for any public use or benefit or that the skybridge interferes with any public use  
3 or benefit; or

4 (b) the Director determines that any term or condition of this ordinance has been violated and  
5 the violation has not been corrected by the Permittee by the compliance date after written  
6 request by the City.  
7

8 A City Council determination that the space is needed for or interferes with a public use or  
9 benefit shall be conclusive and final without any right of the Permittee to resort to the courts to  
10 adjudicate the matter.  
11

12 Section 5. **Removal requirements.** If the permission granted reaches its termination in  
13 seven years and an application for a new permit is not granted or if the City orders removal of the  
14 skybridge pursuant to the terms of this ordinance, then within 90 days after the expiration or  
15 termination, or prior to the date stated in an Order to Remove, the Permittee shall, at its own  
16 expense, remove the skybridge and shall replace all portions of the street right-of-way that may  
17 have been disturbed for any part of the skybridge in as good condition for public use as they were  
18 prior to construction of the skybridge and in at least as good condition in all respects as the  
19 abutting portions of the right-of-way. The Director shall then issue a certificate discharging the  
20 Permittee, or its successor or assign, from responsibility under this ordinance for occurrences  
21 after the discharge date.  
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23

24 Section 6. **Repair, reconstruction, readjustment or relocation.** The Permittee shall  
25 not reconstruct, relocate, readjust, or repair the skybridge except under the supervision of the  
26 Director and in strict accordance with plans and specifications approved by the Director. The.  
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1 Director may, in the Director's judgment, order the skybridge reconstructed, relocated,  
2 readjusted, or repaired at the Permittee's own cost and expense because of: the deterioration or  
3 unsafe condition of the skybridge or any part thereof or installation thereon; grade separations;  
4 the installation, construction, reconstruction, maintenance, operation, or repair of any  
5 municipally-owned public utilities; or for any other cause.

6  
7 **Section 7. Failure to correct unsafe condition.** After notice to the Permittee and failure  
8 of the Permittee to correct any unsafe conditions within the time stated in the notice, the Director  
9 may order that the skybridge be closed or removed at the Permittee's expense if the Director  
10 deems that it has become unsafe or creates a risk of injury to the public. If there is an immediate  
11 threat to the health or safety of the public, a notice to correct is not required.

12  
13 **Section 8. Continuing obligation to remove and restore.** Notwithstanding termination  
14 or expiration of the permission granted, or closure or removal of the skybridge, the Permittee  
15 shall remain bound by its obligation under this ordinance until:

- 16 (a) the skybridge and all its equipment and property are removed from the street right-of-  
17 way;  
18 (b) the area is cleared and restored in a manner and to a condition satisfactory to the Director;  
19 and  
20 (c) the Director certifies that the Permittee has discharged its obligations under this  
21 ordinance.  
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24 Upon prior notice to the Permittee and entry of written findings that it is in the public interest, the  
25 Director may, in the Director's sole discretion, conditionally or absolutely excuse the Permittee  
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1 from compliance with all or any of the Permittee's obligations to remove the skybridge and its  
2 property and to restore any disturbed areas.

3       Section 9. **Release, hold harmless, indemnification, and duty to defend.** The  
4 skybridge shall remain the exclusive responsibility of the Permittee, and the Permittee agrees to  
5 maintain the skybridge in good and safe condition. The Permittee, by accepting the terms of this  
6 ordinance and the permission granted, releases the City from any and all claims resulting from  
7 damage or loss to its own property and covenants and agrees for itself, its successors and assigns,  
8 with the City to at all times protect and save harmless the City from all claims, actions, suits,  
9 liability, loss, costs, expense, or damages of every kind and description, excepting only damages  
10 that may result from the sole negligence of the City, that may accrue to, or be suffered by, any  
11 person or persons and/or property or properties, including without limitation, damage or injury to  
12 the Permittee, its officers, agents, employees, contractors, invitees, tenants and tenants' invitees,  
13 licensees or its successors and assigns, by reason of the construction, maintenance, operation or  
14 use of the skybridge, or any portion thereof, or by reason of anything that has been done or may  
15 at any time be done by the Permittee, its successors or assigns by reason of this ordinance or by  
16 reason of the Permittee, its successors or assigns failing or refusing to strictly comply with each  
17 and every provision of this ordinance.  
18

19       If any suit, action or claim be filed, instituted or begun against the City, the Permittee, its  
20 successors or assigns shall, upon notice thereof from the City, defend the same at its or their sole  
21 cost and expense, and in case judgment shall be rendered against the City in any suit or action,  
22 the Permittee, its successors or assigns shall fully satisfy the judgment within 90 days after an  
23 action or suit shall have been finally determined, if determined adversely to the City. If it is  
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1 determined by a court of competent jurisdiction that Revised Code of Washington (RCW)  
2 4.24.115 applies to this ordinance, then in the event claims or damages are caused by or result  
3 from the concurrent negligence of:

- 4 (a) the City, its agents, contractors or employees; and
- 5 (b) the Permittee, its agents, contractors, employees, or its successors or assigns;

6  
7 this indemnity provision shall be valid and enforceable only to the extent of the negligence of the  
8 Permittee or the Permittee's agents, contractors, employees or its successors or assigns.

9 Section 10. **Insurance.** For as long as the Permittee, its successors or assigns, shall  
10 exercise any permission granted by this ordinance and until the skybridge is entirely removed  
11 from its location as described in Section 1 or until discharged by order of the Director as  
12 provided in Section 5, the Permittee shall obtain and maintain in full force and effect, at its own  
13 expense, insurance that protects the City from claims and risks of loss from perils that can be  
14 insured against under commercial general liability (CGL) insurance policies in conjunction with:  
15

- 16 (a) construction, reconstruction, operation, maintenance, use or existence of the skybridge  
17 permitted by this ordinance and of any and all portions of the skybridge;
- 18 (b) Permittee's activity upon, or the use or occupation of the alley right-of-way between 16<sup>th</sup>  
19 Avenue Northeast and 17<sup>th</sup> Avenue Northeast, the area described in Section 1; and
- 20 (c) claims and risks in connection with any activity performed by the Permittee by virtue of  
21 the permission granted by this ordinance.  
22

23  
24 Minimum insurance requirements are CGL insurance based on the Insurance Services Office  
25 (ISO) form CG 00 01 or equivalent. The City requires insurance coverage to be placed with an  
26 insurer admitted and licensed to conduct business in Washington State or with a surplus lines  
27



1 carrier pursuant to Chapter 48.15 RCW, except that if it is infeasible to obtain coverage with a  
2 required insurer, the City may approve an alternative insurer.

3 Minimum limits of liability shall be \$2,000,000 each occurrence combined single limit  
4 bodily injury and property damage, with \$4,000,000 annual aggregate. Coverage shall name the  
5 "City of Seattle, its elected and appointed officers, officials, employees and agents" as additional  
6 insureds for primary and non-contributory limits of liability subject to a Separation of Insureds  
7 clause.  
8

9 Permittee shall provide to the City, or cause to be provided, certification of insurance  
10 coverage consisting of the CGL declarations page, schedule of forms and endorsements, and  
11 blanket or additional insured policy provision per the ISO CG 20 12 or equivalent. The  
12 insurance coverage certification shall be delivered or sent to the Director or to the department  
13 and address as the Director may specify, from time to time, in writing.  
14

15 Should the Permittee be self-insured, a letter of certification from the Corporate Risk  
16 Manager or appropriate Finance Officer may be submitted in lieu of the insurance coverage  
17 certification required by this ordinance, if approved in writing by the City Risk Manager. The  
18 letter must provide all information required by the City Risk Manager and document, to the  
19 satisfaction of the City Risk Manager, that self-insurance equivalent to the insurance  
20 requirements of this ordinance is in force. After a self-insurance certification is approved, the  
21 City may subsequently from time to time require updated or additional information. The  
22 approved self-insured Permittee must provide 30 days notice of any cancellation or material  
23 adverse financial condition of its self-insurance program. The City may at any time revoke  
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1 approval of self-insurance and require the Permittee to obtain and maintain insurance as specified  
2 in this ordinance.

3       Section 11. **Contractor insurance.** The Permittee shall contractually require that all of  
4 its contractors performing construction work on any premises contemplated by this permit name  
5 the “City of Seattle, its elected and appointed officers, officials, employees and agents” as an  
6 additional insureds for primary and non-contributory limits of liability on all CGL, Automobile  
7 and Pollution liability insurance and/or self-insurance. Permittee shall also include in all contract  
8 documents with its contractors a third party beneficiary provision extending construction  
9 indemnities and warranties granted to Permittee to the City as well.  
10

11       Section 12. **Performance bond.** Within 60 days after the effective date of this ordinance  
12 the Permittee shall deliver to the Director for filing with the City Clerk a sufficient bond in the  
13 sum of \$10,000.00 executed by a surety company authorized and qualified to do business in the  
14 State of Washington, conditioned that the Permittee will comply with each and every provision  
15 of this ordinance and with each and every order of the Director issued under this ordinance. The  
16 Permittee shall ensure that the bond shall remain in effect the skybridge is entirely removed from  
17 its location as described in Section 1, or until the Permittee is discharged by order of the Director  
18 as provided in Section 5. An irrevocable letter of credit approved by the City Risk Manager may  
19 be substituted for the bond.  
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22       Section 13. **Adjustment of insurance and bond requirements.** The Director, in  
23 consultation with the City Risk Manager, may adjust minimum levels of liability insurance and  
24 surety bond requirements during the term of this permission. If the Director and Risk Manager  
25 determine that an adjustment is necessary to fully protect the interests of the City, the Director  
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1 shall notify the Permittee of the new requirements in writing. Upon receipt, the Permittee shall  
2 within 60 days, provide proof of the adjusted insurance and surety bond levels to the Director.

3       Section 14. **Consent for and conditions of assignment or transfer.** The right,  
4 privilege and authority granted shall not be assignable or transferable by operation of law; nor  
5 shall the Permittee, its successors or assigns transfer, assign, mortgage, pledge, or encumber the  
6 same without the Director's consent, which the Director shall not unreasonably refuse. The  
7 Director may approve assignment and/or transferal of the permit to a successor entity in the case  
8 of a change of name and/or ownership if the successor or assignee has demonstrated its  
9 acceptance of all of the terms of the permission provided by this ordinance.  
10

11       Section 15. **Inspection fees.** The Permittee, its successors and assigns shall, as provided  
12 by Chapter 15.76 SMC, pay to the City the amounts charged by the City as costs to inspect the  
13 skybridge during construction, reconstruction, repair, annual structural inspections, and at other  
14 times deemed necessary to ensure the safety of the skybridge.  
15

16       Section 16. **Inspection report.** The Permittee, its successors and assigns shall submit to  
17 SDOT Roadway Structures Division an inspection report that:  
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- 19       (a) describes the physical dimensions and condition of all load-bearing elements,  
20       (b) describes any damage or possible repairs to any element of the skybridge,  
21       (c) prioritizes all repairs and establishes a timeframe for making the repairs, and  
22       (d) is stamped by a professional structural engineer licensed in the State of Washington.  
23

24       The report shall be submitted within 60 days after the effective date of this ordinance. In  
25 the event of a natural disaster or other event that may have damaged the skybridge, the report  
26 shall be submitted by the date established by the Director.  
27



1           Section 17. **Annual fee.** Permittee shall promptly pay to the City, upon statements or  
2 invoices issued by the Director, an annual fee for the privileges granted by this ordinance in the  
3 amount of \$378.00, beginning on September 1, 2009, and adjusted annually thereafter.

4 Adjustments to the annual fee shall be made in accordance with a term permit fee schedule  
5 ordinance adopted by the City Council and may be made every year. In the absence of a  
6 schedule, the Director may only increase or decrease the previous year's fee to reflect any  
7 inflationary changes so as to charge the fee in constant dollar terms. This adjustment will be  
8 calculated by adjusting the previous year's fee by the percentage change between the two most  
9 recent year-end values available of the Consumer Price Index for the Seattle-Tacoma-Bremerton  
10 Area, All Urban Consumers, All Products, Not Seasonally Adjusted. All payments shall be made  
11 to the City Finance Director for credit to the Transportation Operating Fund.  
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14           Section 18. **Non-discrimination.** The Permittee shall comply with the City's laws  
15 prohibiting discrimination in employment and contracting including, the Seattle Fair  
16 Employment Practices Ordinance, Chapter 14.04 SMC, and the Fair Contracting Practices code,  
17 Chapter 14.10 SMC.  
18

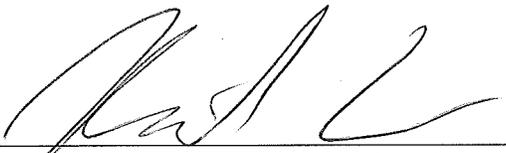
19           Section 19. **Acceptance of terms.** The Permittee shall deliver to the Director its written  
20 signed acceptance of the terms of this ordinance within 60 days after the effective date of this  
21 ordinance. The Director shall file the written acceptance with the City Clerk. If acceptance is  
22 not received within that 60-day period, the privileges conferred by this ordinance shall be deemed  
23 declined or abandoned and the permission granted deemed lapsed and forfeited.  
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1 Section 20. **Ratify and confirm.** Any act taken by the City or the Permittee pursuant to  
2 the authority and in compliance with the conditions of this ordinance, but prior to the effective  
3 date, is hereby ratified and confirmed.

4 Section 21. This ordinance shall take effect and be in force 30 days from and after its  
5 approval by the Mayor, but if not approved and returned by the Mayor within ten days after  
6 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

7 Passed by the City Council the 1st day of June, 2010, and  
8 signed by me in open session in authentication of its passage this  
9  
10 1st day of June, 2010.

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13   
14 President \_\_\_\_\_ of the City Council

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

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18 \_\_\_\_\_  
19 Michael McGinn, Mayor

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

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23   
24 \_\_\_\_\_  
25 City Clerk

26  
27  
28 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Department of Transportation	Angela Steel/684-5967	Stephen Barham/733-9084

**Legislation Title:**

AN ORDINANCE granting Theta Chi Fraternity, Inc. permission to maintain and operate a pedestrian skybridge over the alley between 17<sup>th</sup> Avenue Northeast and 16<sup>th</sup> Avenue Northeast, south of Northeast 47<sup>th</sup> 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.

• **Summary of the Legislation:**

This legislation will allow Theta Chi Fraternity, Inc. to continue maintaining and operating the existing skybridge located across the alley between 17<sup>th</sup> Avenue Northeast and 16<sup>th</sup> Avenue Northeast, south of Northeast 47<sup>th</sup> Street. An area map is attached for reference.

This skybridge permit is for a term of seven years commencing from the expiration of the last term permit on September 1, 2005. The legislation specifies the conditions under which authorization is granted and provides for acceptance of the permit and conditions.

The Theta Chi Fraternity, Inc. is to pay the City of Seattle an annual fee of \$378.00 commencing from the last paid annual fee invoice, September 1, 2009, and annually thereafter. Adjustments to the annual fee may be made every year and if so made shall be calculated in accordance with a term permit fee schedule adopted by the City Council by ordinance. In the absence of such a schedule, the Director may only increase or decrease the previous year's fee annually to reflect any inflationary changes so as to charge the fee in constant-dollar terms. This adjustment will be calculated by adjusting the previous year's fee by the percentage change between the two most recent year-end values available of the Consumer Price Index for the Seattle-Tacoma-Bremerton Area, All Urban Consumers, All Products, Not Seasonally Adjusted. An Annual Fee Appraisal Summary is attached.

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

By Ordinance 105225, the City granted permission to the Theta Chi Fraternity, Inc. to construct, maintain, and operate a skybridge across the alley between 16<sup>th</sup> Avenue Northeast and 17<sup>th</sup> Avenue Northeast, south of Northeast 47<sup>th</sup> Street. Ordinance 105225 was renewed by Resolutions 27455 and 29230 and the permission authorized by Ordinance 105225 expired on August 31, 2005.

• *Please check one of the following:*



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

  X   **This legislation has financial implications.** (Please complete all relevant sections that follow.)

**Appropriations:** This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation, please provide details in the Notes section below.

Fund Name and Number	Department	Budget Control Level*	2010 Appropriation	2011 Anticipated Appropriation
<b>TOTAL</b>				

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

Notes: N/A

**Anticipated Revenue/Reimbursement: Resulting From This Legislation:** This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Fund Name and Number	Department	Revenue Source	2010 Revenue	2011 Revenue
Transportation Operating Fund 10310	Seattle Department of Transportation	Annual Fee –	\$378.00 (2009 fee) + \$380.20 (2010 fee w/ .58% CPI)	\$380.20 + CPI
<b>TOTAL</b>			<b>\$758.20</b>	<b>TBD</b>

Notes:

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

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2010 Positions	2010 FTE	2011 Positions*	2011 FTE*



<b>TOTAL</b>							
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\* 2010 positions and FTE are total 2010 position changes resulting from this legislation, not incremental changes. Therefore, under 2010, please be sure to include any continuing positions from 2009.

Notes: N/A

- **Do positions sunset in the future?** No.

**Spending/Cash Flow:** This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.

Fund Name & #	Department	Budget Control Level*	2010 Expenditures	2011 Anticipated Expenditures
<b>TOTAL</b>				

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

Notes: N/A

- **What is the financial cost of not implementing the legislation?**  
 If the legislation is not enacted by the City Council, the City of Seattle will not receive the annual fee of \$378.00 for at least three years. As previously stated, the City of Seattle has the option to adjust the fee amount on an annual basis. The skybridge, as originally permitted under Ordinance 105225, will no longer be permitted.
- **Does this legislation affect any departments besides the originating department?** None
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None
- **Is the legislation subject to public hearing requirements:** No
- **Other Issues** N/A
- **List attachments to the fiscal note below:**  
 Attachment A - Theta Chi Skybridge Area Map  
 Attachment B - Annual Fee Appraisal Summary



Attachment A – Theta Chi Skybridge Area Map



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Ordinance.



Attachment B - Annual Fee Appraisal Summary

**STREET USE VALUE ESTIMATE**

Date: 9/15/2009  
 Prepared by: John Bresnahan, Sr. Real Property Agent

Summary:  
**Land Value: \$120/SF**  
**First Year Permit Fee:**  
**\$378.00**

**I. Property Description:**

That portion of the 14' wide public alley right-of-way between 16<sup>th</sup> Ave. NE and 17<sup>th</sup> Ave. NE bounded by NE 45th Street to the south and NE 47<sup>th</sup> Street to the north lying beneath a skybridge connecting tax parcels 882390-2385 and 882390-2480, measuring approximately 70 square feet (5' bridge width X 14' length across right-of-way).

**II. Applicant:**

Alpha Rho/Theta Chi Fraternity- 4534 16<sup>th</sup> Ave. NE and 4535 17<sup>th</sup> Ave. NE, Seattle.

**III. Zoning, Size, Assessed Value:**

Parcel 882390-2385—L-3 zoning. 8,100 SF. Assessed \$110/SF  
 Parcel 882390-2480—L-3 zoning. 6,480 SF. Assessed \$110/SF.

**IV. Highest and Best Use Analysis:**

The highest and best use of this particular public alley right-of-way would be assemblage to the adjoining properties.

**V. Brief Sales Data Summary:**

	<b>Sale #1</b>	<b>Sale #2</b>	<b>Sale #3</b>	<b>Sale #4</b>
<b>Location</b>	3635 Evanston Ave. N	1521 18 <sup>th</sup> Ave.	1711 E. Fir St.	14 Aloha St.
<b>Sale Price</b>	\$800,000	\$900,000	\$951,108	\$749,000
<b>Area SF</b>	5,000	7,200	7,841	6,534
<b>Sale Date</b>	5/2008	9/2006	7/2007	Listing
<b>Zoning</b>	L-3	L-3	L-3	L-3
<b>Price/SF</b>	<b>\$160</b>	<b>\$125</b>	<b>\$121</b>	<b>\$115</b>
<b>Parcel Number</b>	197220-0830	723460-1025	982670-0730	387990-0245

**VI. Notes:**

Sale prices for L-3 zoned redevelopment parcels ranged from \$115/SF for land in Queen Anne to \$160/SF in Fremont. The most relevant sales of properties with similar zoning and size are shown above. Sales of all commercial zoned properties in the UW submarket have a range of \$97/SF- \$389/SF. There have been no sales of similar properties in the last 3 years in the UW immediate area. Downward adjustments have to be made to sale #1 for smaller size and superior location. Sales #2 and #3 are from the near-peak of the market, but the scarcity of these sized lots with L-3 zoning in the very desirable area of Capitol Hill mean that values have probably held close. Sale #4 is a listing in a very desirable



neighborhood and has a large SFR on it, and unlike the other three sales, is not currently ready for development.

**VII. Conclusion:**

The value of that portion of the 14' wide public alley right-of-way lying beneath the Alpha Rho/Theta Chi skybridge is estimated at \$120 per square foot. The first year permit fee should be calculated as follows:  $(\$120/\text{SF}) \times (70 \text{ SF}) \times (50\%) \times (9\%) = \boxed{\$378.00}$  where 50% is the historical air rights/alienation multiplier and 9% is the rate of return.





# City of Seattle

Michael McGinn, Mayor

## 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 will grant to the Theta Chi Fraternity, Inc. a new seven-year permit to maintain and operate an existing pedestrian skybridge over and across the alley between 16<sup>th</sup> Avenue Northeast and 17<sup>th</sup> Avenue Northeast, south of Northeast 47<sup>th</sup> Street, linking the fraternity house and annex.

The term for this existing skybridge will commence from the expiration of the last term permit, September 1, 2005. The Seattle Department of Transportation (SDOT) is currently evaluating the City's skybridge term permit policies and granting a term permit for less than ten years is consistent with SDOT's policy evaluation time.

In addition to authorizing a new term, the proposed Bill updates the insurance and bond requirements, amends the annual fee, and specifies the conditions under which authorization is granted.

Thank you for considering this legislation. Should you have questions, please contact Angela Steel at (206) 684-5967.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGinn".

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



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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.

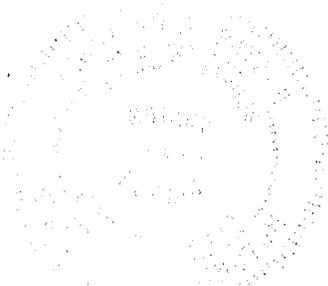
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

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)