

Ordinance No. 123391

Council Bill No. 116946

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property located on 33rd Avenue NE, north of NE 125th Street, otherwise known as Parcel A, City of Seattle Short Plat Number 77-67 recorded under Recording Number 7707200993; authorizing acceptance and recording of deeds for open space, park, and recreation purposes; authorizing acquisition by condemnation; and increasing appropriations to the Department of Parks and Recreation in the 2010 Budget, all by a three-fourths vote of the City Council.

CF No. _____

Date Introduced:	<u>August 16, 2010</u>	
Date 1st Referred:	<u>August 16, 2010</u>	
Date Re - Referred:	To: (committee) <u>Parks and Seattle Center</u>	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>8-0</u>	
Date Presented to Mayor:	Date Approved: <u>Sept. 23, 2010</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Sg Bagshaw

Councilmember

Committee Action:

9/2/10 PASS 1-0 (SB)

9.13.10 Passed 8-0 16 excused

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

Committee: _____

Sg Bagshaw
(initial/date)

Law Department

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

1 criteria to address open space needs established in Seattle's Park and Recreation
2 Comprehensive Plan, Seattle's Parks and Recreation Plan 2000, and Seattle's 2006 Open
3 Space Gap Report Update and that it is in the public's best interest to acquire the same
4 for open space, park, and recreation purposes; NOW, THEREFORE,

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

6 Section 1. That public convenience and necessity require that the following described
7 real property, situated in the City of Seattle, County of King, State of Washington, and
8 commonly known as the property on 33rd Avenue NE, north of NE 125th Street, east of Lake
9 City Way ("Property"), together with all rights, privileges, and other property pertaining thereto,
10 be acquired for open space, park, and recreation purposes:
11

12 *Parcel A, City of Seattle Short Plat Number 77-67 recorded under Recording Number*
13 *7707200993, being a portion of the following described tract: The north 200 feet of Lot*
14 *14, Block 5, Cedar Park, according to the plat thereof recorded in Volume 26 of Plats,*
15 *page 19, in King County, Washington; EXCEPT the west 30 feet thereof conveyed to*
King County for road purposes by deed recorded under Recording Number 3735121.

16 Section 2. The Superintendent of Parks and Recreation ("Superintendent"), or his or her
17 designee, is authorized, on behalf of the City of Seattle, to negotiate and enter into agreements
18 to acquire the Property upon payment of just compensation therefore, and to accept a deed for
19 the Property by attaching to the deed the Superintendent's written acceptance thereof, and
20 recording the same. The Property shall be accepted for open space, park, and recreation
21 purposes, and placed under the jurisdiction of the Seattle Department of Parks and Recreation.
22

23 Section 3. The Seattle City Attorney is authorized to commence and prosecute
24 proceedings in the manner provided by law to condemn, take, damage, and appropriate the
25 Property in fee simple, after just compensation has been made or paid into court for the owners
26

1 thereof, in the manner provided by law; and to stipulate for the purposes of minimizing
2 damages.

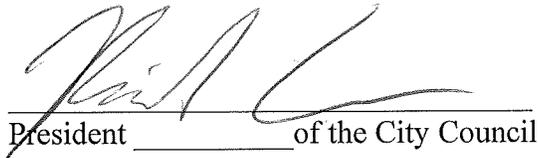
3 Section 4. To pay for the Property and for necessary related costs and expenses, the
4 appropriation for the following in the 2010 Adopted Budget is increased from the funds shown,
5 as follows:
6

Fund	Department	Capital Improvement Program: Program (Number)	Amount
2008 Parks Levy Fund (33860)	Parks and Recreation	2008 Parks Levy – Neighborhood Park Acquisition (K720010)	\$930,000

10
11 Section 5. Any acts consistent with the authority and prior to the effective date of this
12 ordinance are hereby ratified and confirmed.
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1 Section 6. This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within 10 days after
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by a three-fourths (3/4) vote of all the members of the City Council the 13th day
5 of September, 2010, and signed by me in open session in authentication of
6 its passage this 13th day of September, 2010.

8
9
10 
President _____ of the City Council

11 Approved by me this 23rd day of September, 2010.

13
14 
15 Michael McGinn, Mayor

16 Filed by me this 24th day of September, 2010.

19
20 
21 City Clerk

22 (Seal)

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

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

Legislation Title:

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property located on 33rd Avenue NE, north of NE 125th Street, otherwise known as Parcel A, City of Seattle Short Plat Number 77-67 recorded under Recording Number 7707200993; authorizing acceptance and recording of deeds for open space, park, and recreation purposes; authorizing acquisition by condemnation; increasing appropriations to the Department of Parks and Recreation in the 2010 Budget, all by a three-fourths vote of the City Council.

Summary and background of the Legislation:

The attached proposed Council Bill authorizes the acquisition of a 10,000 square-foot property located at NE 125th Street and 33rd Avenue NE, on the east side of Lake City Way, in the Lake City Hub Urban Village. Acquisition of this property will help satisfy Seattle's Parks and Recreation Comprehensive Plan, and Seattle's Parks and Recreation Plan 2000 goal of providing parks within walking distances for residents in and around urban villages. This acquisition will fill an identified open space gap in the Lake City Urban Village.

Additionally, the parcel is located next to a Seattle Housing Authority (SHA) property that is in the planning stage and has construction funds for an affordable housing project. SHA will provide a generous setback from 33rd Avenue NE, which will add 230 feet of open space frontage to DPR's 143 feet of frontage along that street. Coupled with pedestrian-oriented street improvements and mid-block connections eastward to 35th Avenue NE and westward to Lake City Way, this acquisition will become part of the synergy of public improvements that will serve population growth in the Lake City Urban Village. To date, Department of Parks and Recreation staff has presented two offers to the property owners based on an appraisal of the property, but they declined. While we hope to reach a negotiated agreement, it may become necessary to acquire the property through condemnation.

Project Name:	Project I.D.	Project Location:	Start Date:	End Date
Neighborhood Park Acquisitions-2008 Parks Levy	K730010	33 rd Ave NE, north of NE 125 th St, east of Lake City Way	May 2009	October 2010

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

 This legislation does not have any financial implications.

X This legislation has financial implications.

Appropriations:

Fund Name and Number	Department	Budget Control Level*	Existing 2009 Appropriation	New 2010 Appropriation (if any)	2011 Anticipated Appropriation
2008 Parks Levy Fund (33860)	Parks & Recreation	2008 Parks Levy – Neighborhood Park Acquisition (K720010)	\$0	\$930,000	\$0
TOTAL			\$0	\$930,000	\$0

Notes:

Spending Plan and Future Appropriations for Capital Projects:

Spending Plan and Budget	2010	2011	2012	2013	2014	2015	Total
Spending Plan	\$16,818	\$913,182	0	0	0	0	\$930,000
Current Year Appropriation	\$930,000						
Future Appropriations		0	0	0	0	0	0

Notes: Project budget is \$930,000; \$31,098 has been expended in 2009-2010 to date. Anticipate completing acquisition in 2010. The site has a commercial office building and the City will manage leases for approximately 2-3 years until development funding is identified. Once development funding is identified the structure will be demolished and park planning will start.

Funding source:

Funding Source (Fund Name and Number, if applicable)	2010	2011	2012	2013	2014	2015	Total
2008 Parks Levy Fund (33860)	\$930,000	\$0	\$0	\$0	\$0	\$0	\$930,000
TOTAL	\$930,000	\$0	\$0	\$0	\$0	\$0	\$930,000

Notes: A Conservation Futures Tax (CFT) application was submitted to King County in April 2010 for \$440,000 to reimburse the 2008 Parks Levy Fund. The project has been approved by the CFT Citizens Oversight Committee and is subject to approval by the King County Council, and subject to completion of an interlocal agreement between King County and the City of Seattle. Assuming County approval, reimbursement could occur in 2012.

Bond Financing Required: N/A

Uses and Sources for Operation and Maintenance Costs for the Project:

O&M	2010	2011	2012	2013	2014	2015	Total
Uses							
On-going	8,333	25,000	25,000	TBD	TBD	TBD	58,333
Sources Rent income	18,311	54,614	40,960	TBD	TBD	TBD	113,885
Net Income (cost)	9,978	29,614	15,960	TBD	TBD	TBD	55,552

Notes: Site has a commercial office building whose leases will be administered by Parks staff. Rent would be about \$68,000 per year if 100% occupancy and approximately \$25,000 in annual expenses. Parks will start managing the building beginning 9-1-10 and occupancy is assumed at 80% in 2011 and 60% in 2012. It is anticipated that demolition and development will occur in 2013, with costs and funding to be determined.

Periodic Major Maintenance costs for the project: N/A

Funding sources for replacement of project: As real property, this acquisition will not be subject to replacement.

Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact: N/A

- **Do positions sunset in the future?** N/A
- **What is the financial cost of not implementing the legislation:** If this property is not acquired, there will be a delay in achieving one of the goals of the Neighborhood Parks Acquisitions category of the 2008 Parks Levy Ordinance, which is acquiring property and expanding open space in the Lake City neighborhood. This delay and further staff costs to meet this goal with another property would consume additional resources from the 2008 Parks Levy Fund.
- **Does this legislation affect any departments besides the originating department?** No
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** The Department could try to find another opportunity like this in the same area, but to do so would require spending additional resources and would delay the goal for park acquisition and development in this underserved area as mentioned in the 2008 Parks Levy. City Council approval is required for authorization to acquire and accept a deed for real property or to acquire by condemnation.

- **Is the legislation subject to public hearing requirements:** No. However, RCW 8.25.290 requires public notice of the Council Bill after its passage by the City Council Parks and Seattle Center Committee and before it is approved by the full Council. DPR staff will coordinate the required public notice.

- **Other Issues** None

- **List attachments to the fiscal note below:**

Attachment A: Lake City Hub Urban Village – Proposed Acquisition (map)

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

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Parks and Recreation	Donald Harris/684-8018	Jennifer Devore/615-1328

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- **List attachments to the fiscal note below:**

Attachment A: Lake City Hub Urban Village – Proposed Acquisition (map)

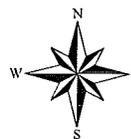
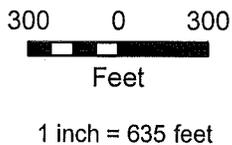


Lake City Urban Village



Legend

- Potential Park Site
- Seattle Housing Authority
- Urban Village Boundary
- Right of Way
- Park Boundary



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No warranties of any sort, including fitness, accuracy, or merchantability accompany this product.

Map date: June 15, 2010

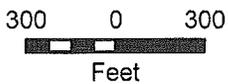
file: v:\Project\MISC\2006 Parks and Greenspace Levy\Acquisitions\Lake City UV\Lake City UV - Legis (P-ans) s).mxd



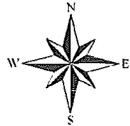
Lake City Urban Village



Legend	
	Potential Park Site
	Seattle Housing Authority
	Urban Village Boundary
	Right of Way
	Park Boundary



1 inch = 600 feet



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No warranties of any sort, including fitness, accuracy, or merchantability accompany this product.

Orthophoto source:
Walker and Assoc., March 2005
Map date: March 11, 2010

fig_v:\Project\GIS\2008 Parks and Greenspace Levy\Acquisition\Lake City UV\Start Map (Panel a).mxd



City of Seattle
Office of the Mayor

July 20, 2010

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

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that authorizes the acquisition of a 10,000 square-foot property located at NE 125th Street and 33rd Avenue NE, on the east side of Lake City Way, in the Lake City Hub Urban Village. This acquisition will fill an open space gap in the Lake City Urban Village.

The parcel is located next to a Seattle Housing Authority (SHA) property that is in the planning stage and has construction funds for an affordable housing project. SHA will provide a generous setback from 33rd Avenue NE, which will add 230 feet of open space frontage to the proposed park's 143 feet of frontage along that street. Coupled with pedestrian-oriented street improvements and mid-block connections eastward to 35th Avenue NE and westward to Lake City Way, this acquisition will become part of the synergy of public improvements that will serve population growth in the Lake City Urban Village. To date, the Department of Parks and Recreation staff has presented two offers to the property owners based on an appraisal of the property, but they declined. While we hope to reach a negotiated agreement, it may become necessary to acquire the property through condemnation.

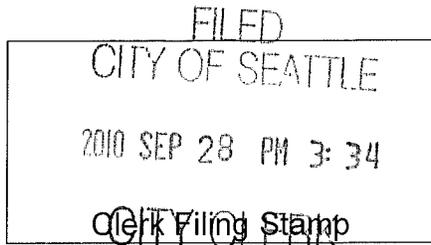
The property acquisition authorized by this legislation will help meet the City's goal of providing parks within walking distance for residents in our urban villages, and will serve the needs of families in Lake City for many years to come. Thank you for your consideration of this legislation. Should you have questions, please contact Donald Harris at 684-8018.

Sincerely,

Dayl A. Amite Deputy Mayor
for

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Ordinance No. 123391**

I, Lise A. Ward, Senior Real Property Agent, hereby certify as follows:

(Check all that apply below.)

- X 1. On the 12th day of August, 2010, I mailed via US Postal Service Certified Mail a
X 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.

- X 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.

- X 3. The notice designated in Attachment A was published in the Seattle Times on
September 5, 2010 and September 12, 2010 and the Daily Journal of Commerce
on September 3, 2010 and September 10, 2010.

- X 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 27th day of September, 2010.

The City of Seattle, Washington

Lise A. Ward


(Signature)

Senior Real Property Agent

Parks and Recreation

(206) 733-9106



City of Seattle
Parks and Recreation

BY CERTIFIED MAIL

August 12, 2010

DOK, LLC
12510 33rd Avenue NE
Seattle, WA 98125
ATTN: Kirk Tourtillotte, Managing Partner

**Notice of Seattle City Council Final Action to
Condemnation (Eminent Domain) of real prop-
erty in the City of Seattle, Washington (King C
1143)**

Dear Property Owner:

The purpose of this Notice is to inform you that the City of Seattle has voted to approve an ordinance authorizing the acquisition of your real property rights located at 12510 33rd Avenue NE in the City of Seattle (King County of Tax Parcel No. 145360-1143). A copy of the proposed ordinance and a map depicting the project location are enclosed for your information.

This ordinance if adopted will contain authorization for the City to use condemnation to acquire your property as part of the Seattle Parks & Green Spaces Levy Acquisition Project.

You are identified by the tax rolls of King County as the owner of property affected by this legislation. The City is required by RCW 8.25.290 to provide each property owner affected by the ordinance with formal written notice before the City takes final action authorizing condemnation of property. The time, date, and place of the final action to approve the ordinance are described below.

The City will take public comment and discuss the ordinance at the Seattle City Council Parks and Seattle Center Committee as a regular part of the committee meeting beginning at 9:30 a.m. on Thursday, September 2, 2010, in the City Council Chambers, located at 600 4th Avenue, 2nd Floor, Seattle, WA. The Council's chambers and offices are physically accessible; and print and communications accesses are provided on request. Call 206-684-8888 (TDD: 206-233-0025) for further information.

Lise A. Ward, Senior Real Property Agent
Parks and Recreation
800 Maynard Avenue South
Third Floor
Seattle, WA 98134

Tel (206) 733-9106
Fax (206) 233-7038
TDD (206) 233-7061
lise.ward@seattle.gov

2. Article Number
(Transfer from service label)
PS Form 3811, February 2004

7001 2510 0001 2690 1278
Domestic Return Receipt

102595-02-M-1540

DOK, LLC
12510 33rd Avenue NE
#300
SEATTLE, WA 98125
ATTN: KIRK TOURTILLOTTE

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

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

<input checked="" type="checkbox"/> Signature <input type="checkbox"/> Agent	
<input checked="" type="checkbox"/> B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery	<input type="checkbox"/> D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

STATE OF WASHINGTON - KING COUNTY

--SS.

259943
SEATTLE PARKS & RECREATION DEPT.

No. 12510 33RD

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.

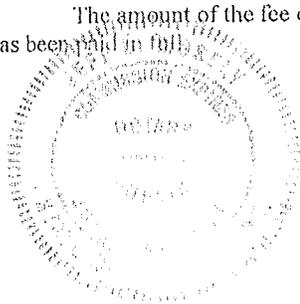
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:CONDEMNATIONNOTICE

was published on

09/03/10 09/10/10

The amount of the fee charged for the foregoing publication is the sum of \$ 109.20, which amount has been paid in full.



[Handwritten signature]

Subscribed and sworn to before me on

09/10/10

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

**NOTICE OF FINAL ACTION
AUTHORIZING CONDEMNATION**

Property location: 12510 33rd Avenue NE, Seattle, WA 98125 (King County Parcel No. 145390-1443) by condemnation. The property is legally described as: Parcel A, City of Seattle Short Plat Number 77-67 recorded under Recording Number 7707200993, being a portion of the following described tract: The north 200 feet of Lot 14, Block 5, Cedar Park, according to the plat thereof recorded in Volume 20 of Plats, page 19, in King County, Washington; EXCEPT the west 30 feet thereof conveyed to King County for road purposed by deed recorded under Recording Number 8735121.

As required by State law, the Department of Parks and Recreation is notifying you of its intention to acquire ownership of the above property located in Seattle, WA using its power of eminent domain.

Municipal legislation will be presented for final action by adoption by the Seattle City Council of the Council Bill 116946, authorizing condemnation, on Monday September 13, 2010 at 2:00 PM in Seattle City Council Chambers located on the 2nd floor of Seattle City Hall, 600 Fourth Avenue, Seattle, WA 98104.

All persons claiming an interest in the property may appear and be heard on the date and time identified above before adoption of Council Bill 116946.

For further information, please contact Donald Harris, Parks and Greenspaces Acquisition Manager, at (206) 884-8018.

Dates of publication in the Seattle Daily Journal of Commerce, September 3 and 10, 2010.

9/10(259943)

LOCALLY OWNED. UNIQUELY NORTHWEST.

The Seattle Times



seattletimes.com

PO Box 70, Seattle, WA 98111

SEATTLE CITY OF/CITY CLERK
ATTN JUDITH PIPPIN
PO BOX 94728
SEATTLE, WA 981244728

Re: Advertiser Account #36779002
Ad #: 791914200

Affidavit of Publication

4093880 / 2

STATE OF WASHINGTON
Counties of King and Snohomish

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

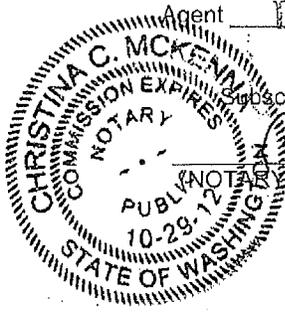
The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper	Publication Date
The Seattle Times	09/05/10, 09/12/10

Agent Debbie Collantes Signature Debbie Collantes

Subscribed and sworn to before me on September 23, 2010
(DATE)

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



**NOTICE OF FINAL
ACTION AUTHORIZING
CONDEMNATION**

Property location: 12510 33rd Avenue NE; Seattle, WA 98125 (King County Parcel No. 145360-1143) by condemnation. The property is legally described as: Parcel A, City of Seattle Short Plat Number 77-67 recorded under Recording Number 7707280993, being a portion of the following described tract: The north 200 feet of Lot 14, Block 5, Cedar Park, according to the plat thereof recorded in Volume 26 of Plats, page 19, in King County, Washington; EXCEPT the west 30 feet thereof conveyed to King County for road purposes by deed recorded under Recording Number 073511.

As required by State law, the Department of Parks and Recreation is notifying you of its intention to acquire ownership of the above property located in Seattle, WA using its power of eminent domain.

Municipal legislation will be presented for final action by adoption by the Seattle City Council of the Council Bill 116946, authorizing condemnation, on Monday September 13, 2010 at 2:00 PM in Seattle City Council Chambers located on the 2nd floor of Seattle City Hall, 600 Fourth Avenue, Seattle, WA 98104.

All persons claiming an interest in the property may appear and be heard on the date and time identified above before adoption of Council Bill 116946.

For further information, please contact Donald Harris, Parks and Greenspaces Acquisition Manager, at (206) 684-8018.

4093880 SEATTLE CITY OF We 9.22.10 11:56

STATE OF WASHINGTON – KING COUNTY

--SS.

261082
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.

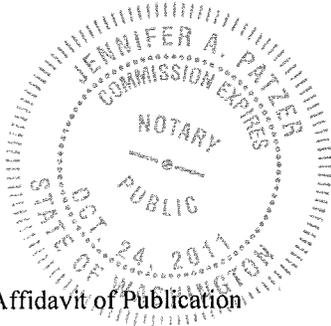
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 123391

was published on

09/30/10

The amount of the fee charged for the foregoing publication is the sum of \$ 197.93, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

09/30/10

Notary public for the State of Washington,
residing in Seattle

City of Seattle

State of Washington County

ORDINANCE 123391

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property located on 33rd Avenue NE, north of NE 125th Street, otherwise known as Parcel A, City of Seattle Short Plat Number 77-67 recorded under Recording Number 7707200993; authorizing acceptance and recording of deeds for open space, park, and recreation purposes; authorizing acquisition by condemnation; and increasing appropriations to the Department of Parks and Recreation in the 2010 Budget, all by a three-fourths vote of the City Council.

WHEREAS, by Resolution 31055 the City Council created the Parks and Green Spaces Levy Citizens' Advisory Committee to ensure citizen participation in the development of a potential package of parks, open space, boulevards, trails, green infrastructure, and recreation projects and a proposed set of options to fund the package; and

WHEREAS, the Parks and Green Spaces Levy Citizens' Advisory Committee, after being duly appointed and after spending many hours in open meetings and receiving public testimony and deliberating on the levy, voted by a strong majority to recommend that the City Council place a \$146.5 million six-year levy proposal for park purposes before the voters of Seattle; and

WHEREAS, in response to this recommendation, the City Council passed Ordinance 122749, placing Proposition 2, the 2008 Parks and Green Spaces Levy, before the voters of Seattle; and

WHEREAS, the 2008 Parks and Green Spaces Levy was approved by Seattle voters on November 4, 2008; and

WHEREAS, Ordinance 122749 identifies the Lake City Hub Urban Village for a potential neighborhood park acquisition; and

WHEREAS, the Department of Parks and Recreation considers the Lake City Hub Urban Village as significantly underserved with quality open space and is, therefore, a priority for additional development of parks and open space; and

WHEREAS, an improved site on 33rd Avenue NE, north of NE 125th Street, east of Lake City Way is well-suited for open space, park and recreation uses; and

WHEREAS, the City has determined that the property on 33rd Avenue NE, north of NE 125th Street, east of Lake City Way, will provide a new neighborhood park that meets the criteria to address open space needs established in Seattle's Park and Recreation Comprehensive Plan, Seattle's Parks and Recreation Plan 2000, and Seattle's 2006 Open Space Gap Report Update and that it is in the public's best interest to acquire the same for open space, park, and recreation purposes; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity require that the following described real property, situated in the City of Seattle, County of King, State of Washington, and commonly known as the property on 33rd Avenue NE, north of NE 125th Street, east of Lake City Way ("Property"), together with all rights, privileges, and other property pertaining thereto, be acquired for open space, park, and recreation purposes:

Parcel A, City of Seattle Short Plat Number 77-67 recorded under Recording Number 7707200993, being a portion of the following described tract: The north 200 feet of Lot 14, Block 5, Cedar Park, according to the plat thereof recorded in Volume 26 of Plats, page 19, in King County, Washington; EXCEPT the west 30 feet thereof conveyed to King County for road purposes by deed recorded under Recording Number 3735121.

Section 2. The Superintendent of Parks and Recreation ("Superintendent"), or his or her designee, is authorized, on behalf of the City of Seattle, to negotiate and enter into agreements to acquire the Property upon payment of just compensation therefor, and to accept a deed for the Property by attaching to the deed the Superintendent's written acceptance thereof, and recording the same. The Property shall be accepted for open space, park, and recreation purposes, and placed under the jurisdiction of the Seattle Department of Parks and Recreation.

Section 3. The Seattle City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate the Property in fee simple, 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 purposes of minimizing damages.

Section 4. To pay for the Property and for necessary related costs and expenses, the appropriation for the following in the 2010 Adopted Budget is increased from the funds shown, as follows:

Fund -- Department -- Capital Improvement Program: Program (Number) -- Amount

2008 Parks Levy Fund (33860) -- Parks and Recreation	-- 2008 Parks Levy -- Neighborhood Park Acquisition (K720010)
	-- \$930,000

Section 5. Any acts consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

Section 6. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within 10 days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by a three-fourths (3/4) vote of all the members of the City Council the 13th day of September, 2010, and signed by me in open session in authentication of its passage this 13th day of September, 2010.

RICHARD CONLIN,

President of the City Council.

Approved by me this 23rd day of September, 2010.

MICHAEL MCGINN,

Mayor.

Filed by me this 24th day of September, 2010.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, September 30, 2010.
9/30(261082)

The Seattle Times



seattletimes.com

PO Box 70, Seattle, WA 98111

SEATTLE CITY OF/CITY CLERK
ATTN JUDITH PIPPIN
PO BOX 94728
SEATTLE, WA 981244728

123391
FILED
CITY OF SEATTLE
2010 SEP 15 AM 9:44
CITY CLERK

Re: Advertiser Account #36779002
Ad #: 791914200

Affidavit of Publication

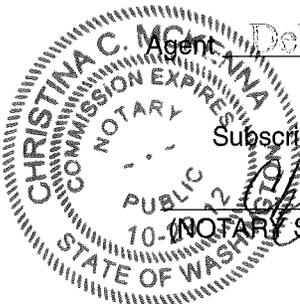
4093880 / 2

STATE OF WASHINGTON
Counties of King and Snohomish

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Newspaper	Publication Date
The Seattle Times	09/05/10, 09/12/10



Agent Debbie Collantes Signature Debbie Collantes

Subscribed and sworn to before me on September 13, 2010
(DATE)

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

The Seattle Times



seattletimes.com

Re Advertiser Account #36779002

Ad # 791914200

Ad TEXT: NOTICE OF FINAL
ACTION AUTHORIZING
CONDEMNATION

Harris, Parks and Greenspaces
Acquisition
Manager, at (206) 684-8018.

Property location: 12510 33rd
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Seattle, WA 98125 (King County
Parcel No.
145360-1143) by condemnation.
The property is
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City of Seattle
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of the above
property located in Seattle, WA
using its power
of eminent domain.

Municipal legislation will be
presented for
final action by adoption by the
Seattle City
Council of the Council Bill
116946, authorizing
condemnation, on Monday
September 13, 2010 at
2:00 PM in Seattle City Council
Chambers located
on the 2nd floor of Seattle City
Hall, 600
Fourth Avenue, Seattle, WA
98104.

All persons claiming an interest
in the property
may appear and be heard on the
date and time
identified above before
adoption of Council Bill
116946.

For further information, please
contact Donald