

Ordinance No. 123496

Council Bill No. 117050

AN ORDINANCE relating to Seattle Public Utilities' Lake Forest Park Reservoir; declaring fee ownership of a portion of real property adjacent to the reservoir to be surplus to the City of Seattle's utility needs; and authorizing Seattle Public Utilities to sell the surplus property to the Lake Forest Park Water District and to execute documents and agreements necessary to complete the sale.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

[Signature]
Councilmember

Committee Action:

12/9/2010 PASSED 2-0 (MAB, RC)

12.13.10 Passed 9-0

CF No. _____

Date Introduced:		
Date 1st Referred:	To: (Seattle Public Utilities and Neighborhoods)	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>12.13.10</u>	<u>9-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>12.15.10</u>	<u>12.20.10</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
<u>12.20.10</u>		
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

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

Law Department

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 123496

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3 AN ORDINANCE relating to Seattle Public Utilities' Lake Forest Park Reservoir; declaring fee
4 ownership of a portion of real property adjacent to the reservoir to be surplus to the City
5 of Seattle's utility needs; and authorizing Seattle Public Utilities to sell the surplus
6 property to the Lake Forest Park Water District and to execute documents and
7 agreements necessary to complete the sale.

8 WHEREAS, in 1955, the City of Seattle acquired 18.46 acres of real property commonly known
9 as the Lake Forest Park Reservoir, as authorized by Ordinance 83061, for the purpose of
10 a potable water reservoir; and

11 WHEREAS, the Lake Forest Park Water District ("LFPWD") has a sole source aquifer located
12 under the tunnel route of the new Brightwater Wastewater Treatment Project; and

13 WHEREAS, King County gave the LFPWD money to drill a new well to mitigate possible
14 adverse impacts resulting from construction or operation of the Brightwater project; and

15 WHEREAS, a test well outside the fenced area of the Lake Forest Park reservoir demonstrated
16 adequate well water available to LFPWD in that location; and

17 WHEREAS, fee ownership of a 76,700 square foot (1.76 acres) portion of Seattle's Lake Forest
18 Park reservoir property is not required for Seattle's use of the water reservoir and is
19 excess to Seattle's current and future needs; and

20 WHEREAS, the City's Real Estate Oversight Committee recommends selling the 76,700 square
21 foot property to the LFPWD (see Attachment A), which will allow LFPWD to install a
22 well; and

23 WHEREAS, Seattle Public Utilities and LFPWD have negotiated the sale of a 76,700 square foot
24 portion of the Lake Forest Park Reservoir property to LFPWD, including the fair market
25 value to be paid to Seattle Public Utilities, and subject to reserved easements for access
26 and protection of the adjacent reservoir; NOW, THEREFORE,



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

3 Section 1. Pursuant to the provisions of RCW 35.94.040 and after public hearing, fee
4 ownership of the real property legally described in Attachment B, is hereby found and declared
5 to be no longer required for providing municipal utility service and to be surplus to the City of
6 Seattle's needs.

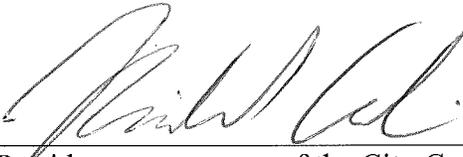
7
8 Section 2. Subject to the requirements in Section 3, the Director of Seattle Public
9 Utilities, or his designee, is hereby authorized to transfer ownership of the real property
10 described in Attachment B (the "Property"), and to execute and record all agreements and
11 documents necessary for such conveyance to the Lake Forest Park Water District, upon payment
12 of \$200,000 to Seattle Public Utilities.

13
14 Section 3. The Director shall ensure that the deed conveying the Property includes
15 covenants and reserved easements as may be required by Seattle Public Utilities for protection of
16 and access to the adjacent City owned reservoir property, consistent with Attachment C.



1 Section 4. 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 ten days after
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 13th day of December, 2010, and
5 signed by me in open session in authentication of its passage this
6 13th day of December, 2010.

7
8 
9 _____
10 President _____ of the City Council

11 Approved by me this 20th day of December, 2010

12
13
14 
15 _____
16 Michael McGinn, Mayor

17 Filed by me this 20th day of December, 2010.

18 
19 _____
20 City Clerk

21 (Seal)

22
23 Attachment A: Excess Property Preliminary Report 723 with Map
24 Attachment B: Legal Description
25 Attachment C: Deed Restrictions and Reserved Easements



ATTACHMENT A

PRELIMINARY RECOMMENDATION REPORT
REUSE AND DISPOSAL OF EXCESS PROPERTY
PMA No. 723

Resolution 29799 directs that the Executive is to make its recommendations on the reuse or disposal of excess property on a case by case basis, using *the Procedures for Evaluation of the Reuse and Disposal of the City's Real Property* adopted by that resolution. Additionally, the Resolution identifies guidelines, which are to be considered in making a recommendation. This report addresses each of the guidelines outlined in Resolution 29799 in support of the recommendation. This report also follows those provisions of Resolution 30862, adopted May 1, 2006, that amended Resolution 29799.

Property Management Area: **PMA No. 723 – Seattle Public Utilities**
Portion of Lake Forest Park Reservoir

BACKGROUND INFORMATION

A portion of Seattle Public Utility (SPU) PMA 723 – Lake Forest Park Reservoir has been determined to be excess to the needs of SPU albeit the reservoir is active.

SPU was approached by Lake Forest Park Water District to replace a water supply that was compromised by the Brightwater Sewer Tunnel project. King County has agreed to pay for the costs of a new well provided the new well is in operation by April 17, 2012. In 2008, Lake Forest Park Water District began an evaluation of the site as a potential replacement to their compromised well. A license agreement entered into by the City of Lake Forest Park and Lake Forest Park Water District on September 9, 2008 granted access to the site through Horizon View Park for a test well. The results have been positive, and the Water District wishes to move forward with a purchase.

For the purposes of this report, the excess land proposed to be sold to the Lake Forest Park Water District is identified as “Parcel A”.

Legal Description:

LAKE FOREST PARK ESTATES, VOL 34 OF PLATS PAGE 8, KING COUNTY, WASHINGTON AND FURTHER DESCRIBED AS;

THAT PORTION OF LOT 30, BLOCK 1;

TOGETHER WITH A PORTION OF LOT 14, BLOCK 2;

TOGETHER WITH A PORTION OF VACATED 45TH AVENUE NORTH EAST ADJOINING LOT 29, BLOCK 11 AS VACATED BY RESOLUTION NO. 22953 (KING CO.) PASSED AUGUST 7, 1961 BY COMMISSIONER RECORDS IN VOLUME 68 AT PAGE 297.

This is an approximate legal description. A full legal description will be developed based on property survey and segregation of that portion of the property to be sold.

ATTACHMENT A

Physical Description and Related Factors:

Lake Forest Park Reservoir is a covered reservoir surrounded by a high security fence. Parcel A is outside the fenced reservoir yard on the north and northwest sides of the reservoir. Access to Parcel A is obtained from walking northeast from a trail head leading along the west perimeter of the reservoir's property from the dead-end of 45th Avenue NE. The trail then veers northeast to Horizon View Park, a former Nike missile site decommissioned in 1964 and owned by the City of Lake Forest Park. At the point the foot path leaves SPU property, it becomes a paved park path. Although a portion of 45th Avenue NE as platted extends along the southwestern quadrant of Parcel A, it is unpaved and not an active street at that point, restricting vehicular access to Parcel A.

Parcel A and the adjoining Horizon View Park has the highest elevation (approximately 535.52 feet above mean sea level) in the City of Lake Forest Park as part of a small plateau. The northwest boundary of the property is located within a steep ivy-covered ravine along the foot path which includes the west edge of the property; a safety fence provides partial protection. A private residence is at the bottom of this ravine. Parts of the gravel foot path are lined with extensive mature Himalayan blackberry vines. The property is fairly open especially in the center and accessible from 45th Avenue NE or 47th Avenue NE through the park. Territorial views of the area could be observed from several points on the property. There is little discernable delineation between the reservoir and park property although a concrete pad, a remnant of the decommissioned missile site, marks the change of properties and ownerships. The grounds were free of trash and appear well maintained. Several benches were noted on park property and one memorial bench is located on Seattle Public Utilities property. There was evidence of recent lawn restoration and reseeding. The grassy area is mowed by Lake Forest Parks Department presumably when they mow the adjacent park grounds. Parcel A contains a variety of tree species, most of which grow along the foot path. Some of these are large, such as a big leaf maple growing near what will be the southern border of Parcel A. The dominant vegetation is young Douglas firs (*Pseudotsuga menziesii*) with several large big leaf maples (*Acer macrophyllum*), vine maples (*Acer circinatum*), Himalayan blackberry (*Rubus armeniacus*), Red Alder (*Alnus rubra*), a variety of ornamental non-native plants and an expanse of mowed lawn. Invasive English ivy (*Hedera helix*), prominently represented along the western side of the foot path and ravine, is absent from the property itself. There is a cell tower on the western edge of the existing reservoir property behind the security fence contained within its own fence. Currently, access to the cell tower is provided across reservoir property from inside the security fence. This access will change with the sale of Parcel A to Lake Forest Park Water District.

GUIDELINE A: CONSISTENCY

The analysis should consider the purpose for which the property was originally acquired, funding sources used to acquire the property, terms and conditions of original acquisition, the title or deed conveying the property, or any other contract or instrument by which the City is bound or to which the property is subject, and City, state or federal ordinances, statutes and regulations.

Ordinance 83061 approved May 24, 1954 allowed for condemnation of certain property in Block 1, Lake Forest Park Estates Addition, for a reservoir site and that the cost for improvement shall be paid from the Water Fund. Ordinance 84234 approved July 5, 1955 accepted awards as set forth in the Judgment on the Verdicts entered on June 22, 1955 in the matter of the petition of the City of Seattle



ATTACHMENT A

to acquire in fee simple certain property and property rights in Block 1 of Lake Forest Park Estates Addition for a reservoir site, as contemplated by Ordinance No. 83061, King County Superior Court Cause No. 474522. Payment of \$55,745.00 was appropriated from the Water Fund. There were multiple grantors. The purchase was finalized in 1955. Adjacent Horizon View Park was originally a Nike missile site from 1957 until decommissioned in 1964.

GUIDELINE B: COMPATIBILITY AND SUITABILITY

The recommendation should reflect an assessment of the potential for use of the property in support of adopted Neighborhood Plans; as or in support of low-income housing and/or affordable housing; in support of economic development; for park or open space; in support of Sound Transit Link Light Rail station area development; as or in support of child care facilities, and in support of other priorities reflected in adopted City policies.

Parcel A is part of an existing reservoir property and as such has limited potential for development. Bordered by a city park on the northeast and reservoir on the south the site currently serves two public needs in providing water and open space.

Context.

There are several city-owned properties in the general area.

Property	Size	Description	Location relative to PMA 723
Seattle Public Utilities	244,053 sq ft	Kenmore Reservoir-PMA 724	1,495 feet southwest
Seattle City Light	37,747 sq ft	Northeast Substation-PMA 542	10,825 feet southwest
Shoreline Substation	257,756 sq ft	Shoreline Substation-PMA 597	15,263 feet southwest

Range of Options.

The options for disposition of this parcel include retention by the city for a public purpose, long-term ground lease, negotiated sale with a motivated purchaser, or sale by public bid. This property has been slated for sale to another public entity for a public benefit. In the event that this is not completed, retention by Seattle Public Utilities would be the next best option. There is also interest by the City of Lake Forest Park for this property to be merged with Horizon View Park. Although 45th Avenue NE is platted to end along the western boundary of Parcel A, it currently does not provide access to the property as it is unpaved, overgrown with vegetation and within a steep ravine that ranges from 20–50 feet below the subject property. Development as a residence is unlikely although supported by RS 9600 zoning.

GUIDELINE C: OTHER FACTORS

The recommendation should consider the highest and best use of the property, compatibility of the proposed use with the physical characteristics of the property and with surrounding uses, timing and term of the proposed use, appropriateness of the consideration to be received, unique attributes that make the property hard to replace, potential for consolidation with adjacent public property to accomplish future goals and objectives, conditions in the real estate market, and known environmental factors that make affect the value of the property.



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Highest and Best Use:

Zoned RS 9600 or single family residential and the location within a defined neighborhood, the highest and best use for this site would be for single family housing. However due to access limitations and proximity to a functioning water supply development of this property for single family dwelling is currently impractical.

Compatibility with the physical characteristics:

A test well on the property has yielded positive results for potable water production. The source of water of the well is native to the site. The property is also used informally for passive recreation as an extension of the neighboring Horizon Park. Because the property belongs to a larger parcel a survey and lot-line adjustment will be required to complete the transaction.

The current use is compatible with the physical characteristics of the property which is primarily for water production. The reservoir and adjacent park provide a green space for neighborhood residence some of whom were observed walking along the perimeter trail during a site visit.

A portion of 45th Avenue NE which is currently a "rough" gravel path will be widened to accommodate equipment needed to complete the well. A private gated road will be extended from 45th Avenue NE to allow the Lake Forest Park Water District to access the well.

Compatibility with surrounding uses:

Much of the surrounding property is made up of single family residence or vacant land zoned for single family homes. Houses are predominantly of 1960s, 70s and 80s vintage. Many along 45th Avenue NE appear to have extensive territorial views. The reservoir and connecting park provide the area with green space and recreational space. The site is fully compatible within the surrounding residential area. It's physical presence and operation is low impact. It has been noted that the existing foot path provides passage to the adjacent park as well as walking access from 45th Avenue NE to 47th Avenue NE.

Timing and Term of Proposed Use:

Lake Forest Park Water District has been given assistance from King County to complete the purchase and have a fully operating well by 2012 due to the compromise of one of their existing wells as a result of the County's Bright Water Sewer project. Lake Forest Park Water District has anticipated an indefinite term of use of this site.

Appropriateness of the consideration:

SPU will negotiate a sale of Parcel A to the Lake Forest Park Water District based on an appraisal of the fair market value of the property.

Unique Attributes:

Parcel A is located next to a working reservoir. The portion to be sold is odd in shape, resembling two overlapping triangles.

Potential for Consolidation with adjacent public property:

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There is one adjacent public property which is Horizon Park, owned by the City of Lake Forest Park. It would be possible to consolidate this site with the park in the event that it is not developed for water production. Lake Forest Water District is committed to designing a water supply that will have minimum impact on neighboring park aesthetics and function as outline in a License Agreement. Regular vehicle access would continue to be prohibited.

Conditions in the real estate market:

Although the Seattle area real estate market has not been hit as hard as the national market, declines were seen in all ranges of the local market over the past year. Generally, Seattle real estate prices are down from the prior year. Thus, although the tight credit market has created uncertainties for developers, the scarcity of appropriately priced development lots and land is likely to keep property values on undeveloped land strong over the long run. Along with this, there has been activity from funded buyers as real estate prices have moderated.

Known environmental factors:

There are no known environmental factors of consequence.

GUIDELINE D: SALE

The recommendation should evaluate the potential for selling the property to non-City public entities and to members of the general public.

This property is well positioned to be sold to Lake Forest Park Water District in that it is a proven source of potable water and there are funds in place to complete the purchase. Test wells have been installed and Lake Forest Park Water District has made a formal commitment to purchase Parcel A..

PUBLIC INVOLVEMENT

Lake Forest Park Water District initially posted a notice in 2008 to inform neighbors within a 300 foot radius of the Water District's intent to conduct a feasibility study of the site as a replacement water source. Currently, there is a proposed use sign on the property along 195th Street (see picture on page 7). There was a public meeting and outreach by the Lake Forest Park Water District in 2008 that was poorly attended.

The City of Seattle Fleets and Facilities sent a neighborhood mailing to 199 residents within a 1,000 foot radius on July 31, 2009 informing them of Seattle Public Utilities intent to sell Parcel A. By the response deadline of August 31, a total of 22 comments were received: 14 by email, 4 by postal mail, 4 by phone. Results from the initial neighborhood mailer generated a total of 22 comments. The majority of these expressed a desire to see the property remain an extension of the neighboring Horizon View Park. Neighbors seem especially concerned that Horizon View Park remain accessible by the public from 45th Avenue NE. Comments received from neighborhood responders break down as follows: Keep informed - 6; maintain public access to the trail - 9; remain as green space - 6; remain as is for which increases neighborhood security - 1.

The majority of comments expressed a desire to see the property remain as open space or as an extension of adjacent Horizon View Park. Almost all respondents stressed the importance of keeping



ATTACHMENT A

the foot path open for public use. At least one commenter is interested in purchasing the property for residential development.

RECOMMENDATION

Proceed with the sale to Lake Forest Park Water District at appraised value for use as a backup well. The site was previously evaluated as a potential public water supply. A survey by Lake Forest Park Water District has already been completed. Segregation of the portion to sell can be achieved through a lot line adjustment. There is expressed desire by a majority of neighborhood respondents to maintain the property as open green space and the foot path as a corridor from 45th Avenue NE to Horizon View Park. Lake Forest Park Water District has agreed to allow the continued public use of the foot path along the western perimeter and across the north section of the property to Horizon View Park and 47th Avenue NE. Lake Forest Park Water District intends to enhance the foot path for vehicular access during construction and periodic well checks. During construction of the well and control structure, the foot path will be closed periodically. All these uses have been addressed in the proposed development plan issued by Lake Forest Park Water District.

THRESHOLD DETERMINATION

The Disposition Procedures provide that FFD assesses the complexity of the issues on each excess property following the initial round of public involvement. The purpose of this analysis is to structure the extent of additional public input that should be obtained prior to forwarding a recommendation to the City Council. The Property Threshold Determination Form prepared for Lake Forest Park Reservoir is attached at the end of this report. Summation of points awarded as outlined in the Property Review Process Determination Form place this disposition within the “*simple*” property disposal threshold.

NEXT STEPS

Following preparation of this Preliminary Report, Fleets and Facilities Department is required to provide a summary to the Real Estate Oversight Committee, to all City Departments and Public Agencies that expressed an interest in the Excess Property, and to members of the public who responded to the initial Public Notice. The Summary will advise how to obtain a full copy of the report, note that FFD and REOC will consider comments on the Preliminary Report for 30 days after mailing the summary of the Preliminary Report and advise the recipient where and to whom any comments should be addressed. FFD will also post one sign visible to the public at each street frontage abutting the Excess Property which will provide the same information.



ATTACHMENT A

PROPERTY REVIEW PROCESS DETERMINATION FORM			
Property Name:	Portion of Lake Forest Park Reservoir Property		
Address:	Lake Forest Park		
PMA ID:	723	Subject Parcel #	Portion of 4027700066
Dept./Dept ID:	Seattle Public Utilities	Current Use:	Reservoir
Area (Sq. Ft.):	Approximately 76,704 sq ft	Zoning:	RS 9600
Est. Value:	\$200,000.00	Assessed Value:	\$241,617.60 **
PROPOSED USES AND RECOMMENDED USE			
<i>Department/Governmental Agencies:</i>	<i>Proposed Use:</i>		
Lake Forest Park Water District	Backup Well Site		
<i>Other Parties wishing to acquire: none</i>		<i>Proposed Use: N/A</i>	
RES'S RECOMMENDED USE: Proceed with sell to Lake Forest Park Water District as a permanent well site at fair market value			
PROPERTY REVIEW PROCESS DETERMINATION (circle appropriate response)			
1.) Is more than one City dept/Public Agency wishing to acquire?	<input checked="" type="checkbox"/> No / <input type="checkbox"/> Yes		15
2.) Are there any pending community proposals for Reuse/ Disposal?	<input checked="" type="checkbox"/> No / <input type="checkbox"/> Yes		15
3.) Have citizens, community groups and/or other interested parties contacted the City regarding any of the proposed options?	<input type="checkbox"/> No / <input checked="" type="checkbox"/> Yes		15
4.) Will consideration be other than cash?	<input checked="" type="checkbox"/> No / <input type="checkbox"/> Yes		10
5.) Is Sale or Trade to a private party being recommended?	<input checked="" type="checkbox"/> No / <input type="checkbox"/> Yes		25
6.) Will the proposed use require changes in zoning/other regulations?	<input checked="" type="checkbox"/> No / <input type="checkbox"/> Yes		20
7.) Is the estimated Fair Market Value between \$250,000-\$1,000,000?	<input checked="" type="checkbox"/> No / <input type="checkbox"/> Yes		10
8.) Is the estimated Fair Market Value over \$1,000,000?	<input checked="" type="checkbox"/> No / <input type="checkbox"/> Yes		45
Total Number of Points Awarded for "Yes" Responses:			15
Property Classification for purposes of Disposal review: <input checked="" type="checkbox"/> Simple / <input type="checkbox"/> Complex (circle one) (a score of 45+ points results in a "Complex" classification)			
Signature: Richard Gholaghong		Department: FFD	Date: September 21, 2009

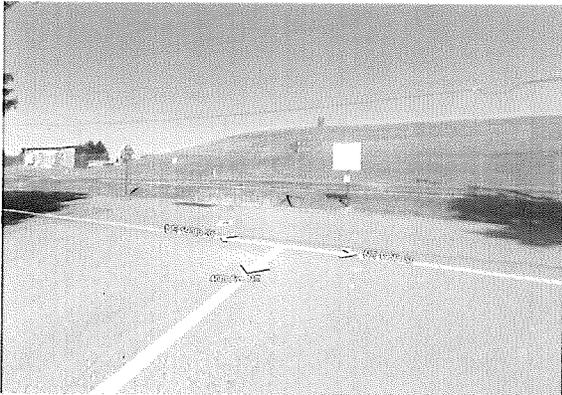


ATTACHMENT A



*****This value is based on the County's assessed value per square foot for the entire parcel and does not take in to consideration the irregular shape of the portion to be sold or development costs, easement and covenant restrictions.***

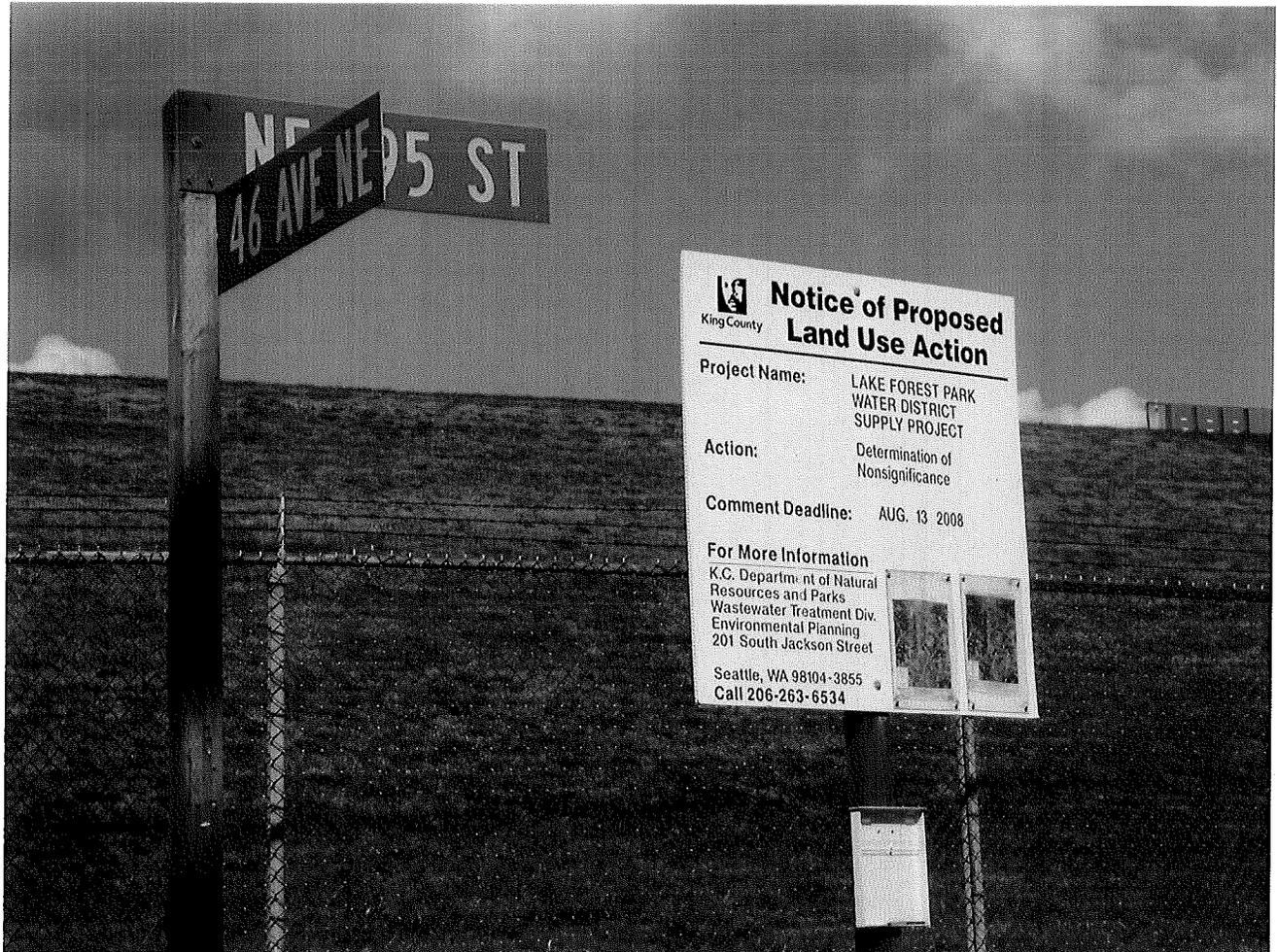
Street views



Street view from NE 195th facing north towards the reservoir.
(picture source: Google Maps 2009)



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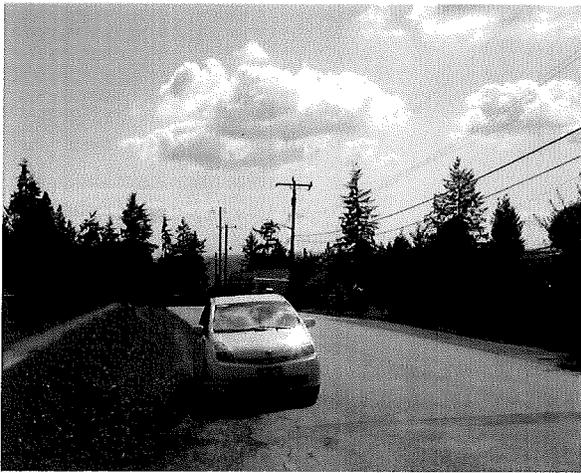


Street view from NE 195th St and 46th Avenue NE from the reservoir perimeter fence facing north and including a Notice of Proposed Land Use Action from August 2008.

45th Avenue NE, foot path and immediate neighborhood



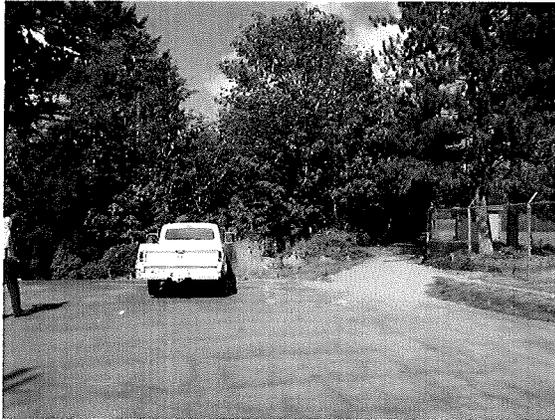
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Facing south on 45th Avenue NE



View from 45th Avenue NE facing west



This is the end of paved 45th Avenue NE. To the right of the truck is a segment of the foot path to Horizon View Park. The foot path encircles the reservoir along the outside of the perimeter fence.



West Side along foot path



ATTACHMENT A



There is a steep ravine along the west side of the foot path part of which has a safety fence along the edge.



There is a private residence at the bottom of the ravine which is barely visible through the vegetation.



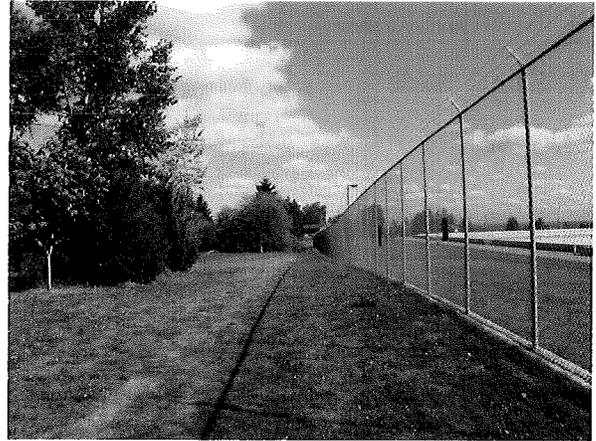
Invasive English ivy grows profusely along a steep ravine.



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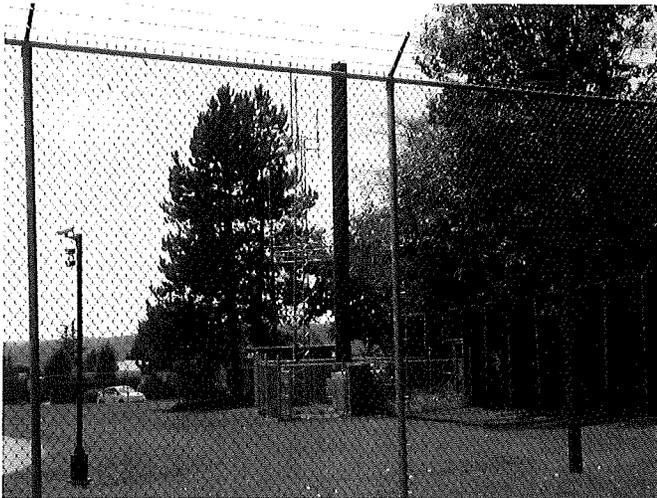


canopy along the foot path facing south-east



Perimeter fence facing east

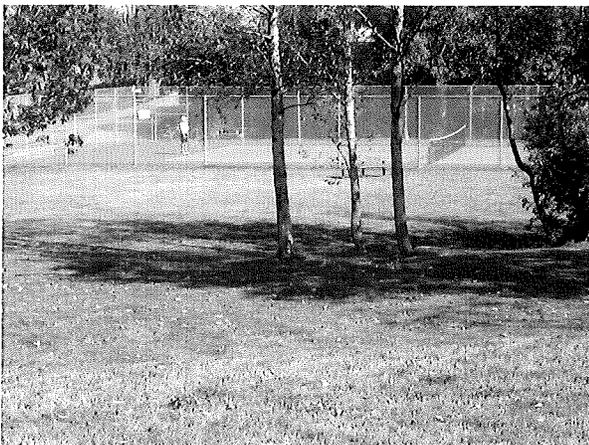
Tree



Facing north-Wireless tower



Facing north along the foot path



Tennis court-Horizon View Park, facing north east
from PMA No. 723

THIS
COPY
CLEAN

ATTACHMENT A

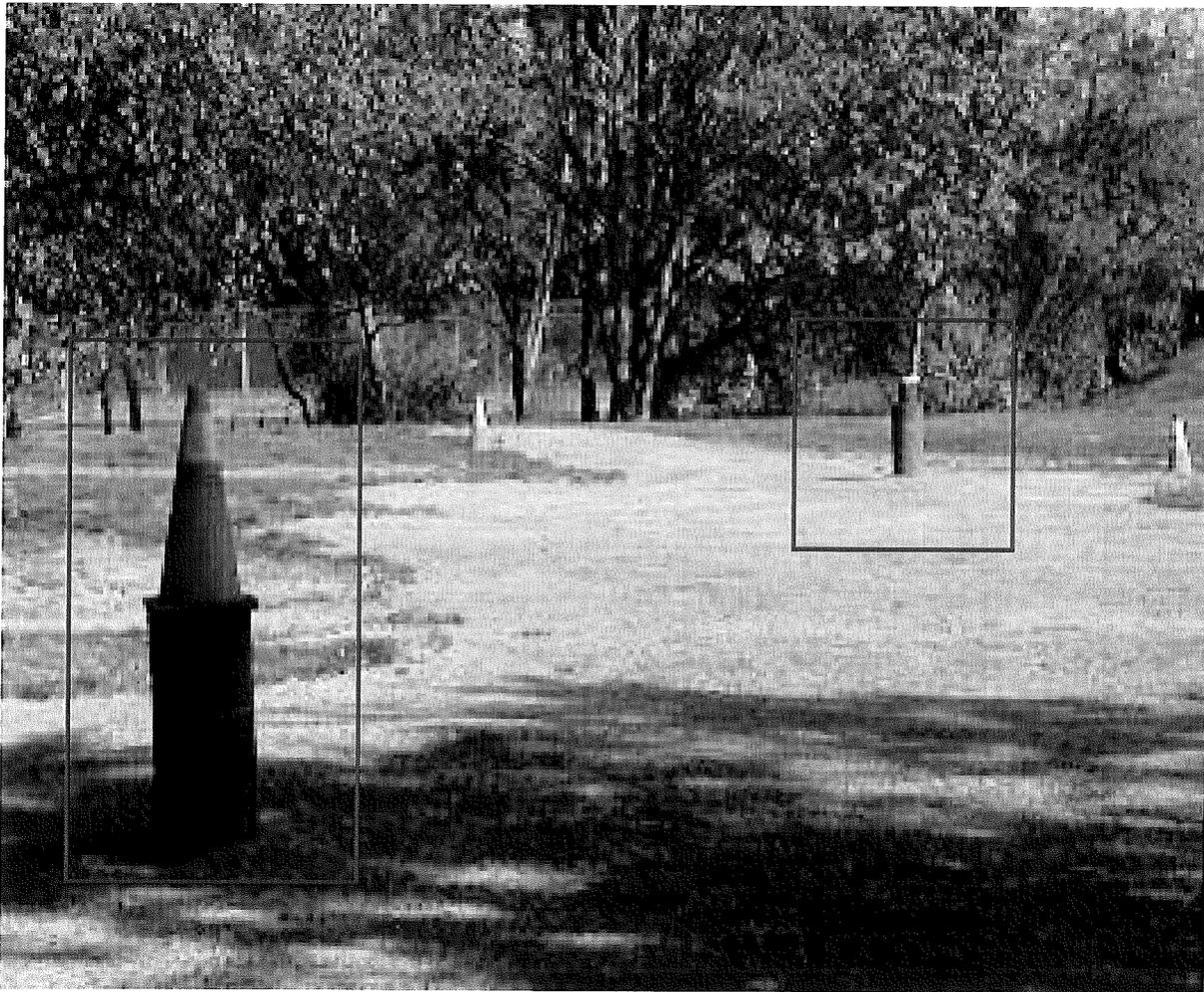


View to the northeast along the foot path. The concrete pad is a remnant of the Nike Missile site and is on Horizon View Park property.



Memorial bench which appears to be on SPU property

ATTACHMENT A



Two test wells facing north towards park and tennis court. The areas where the wells have been installed are undergoing reseeding.

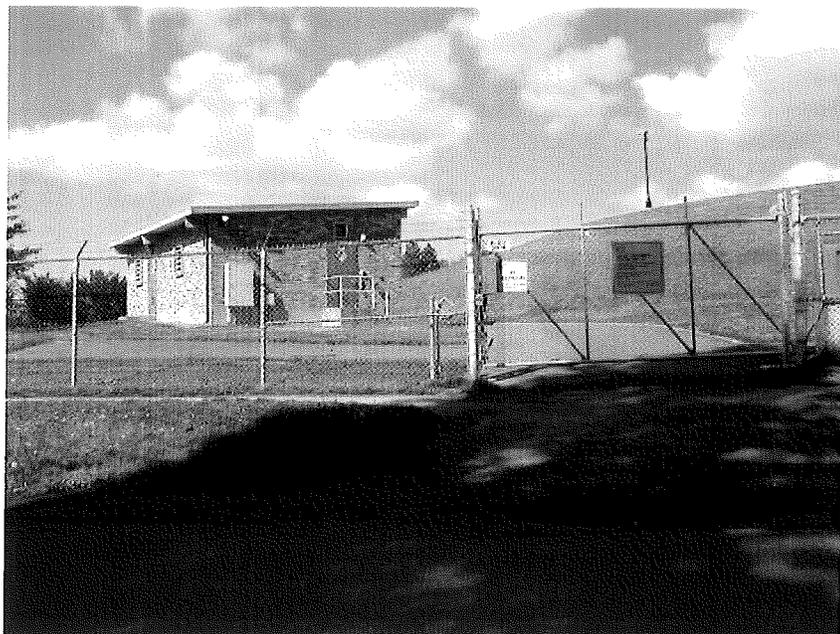


ATTACHMENT A

Reservoir



A chain link security fence topped with barb wire encircles the covered reservoir. The foot path follows the contours of the fence providing local residents a walking trail and access to the park and streets. The portion of property for sale lays on the outside of this fence and to the north and northwest of the reservoir.

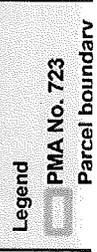
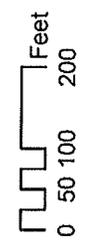
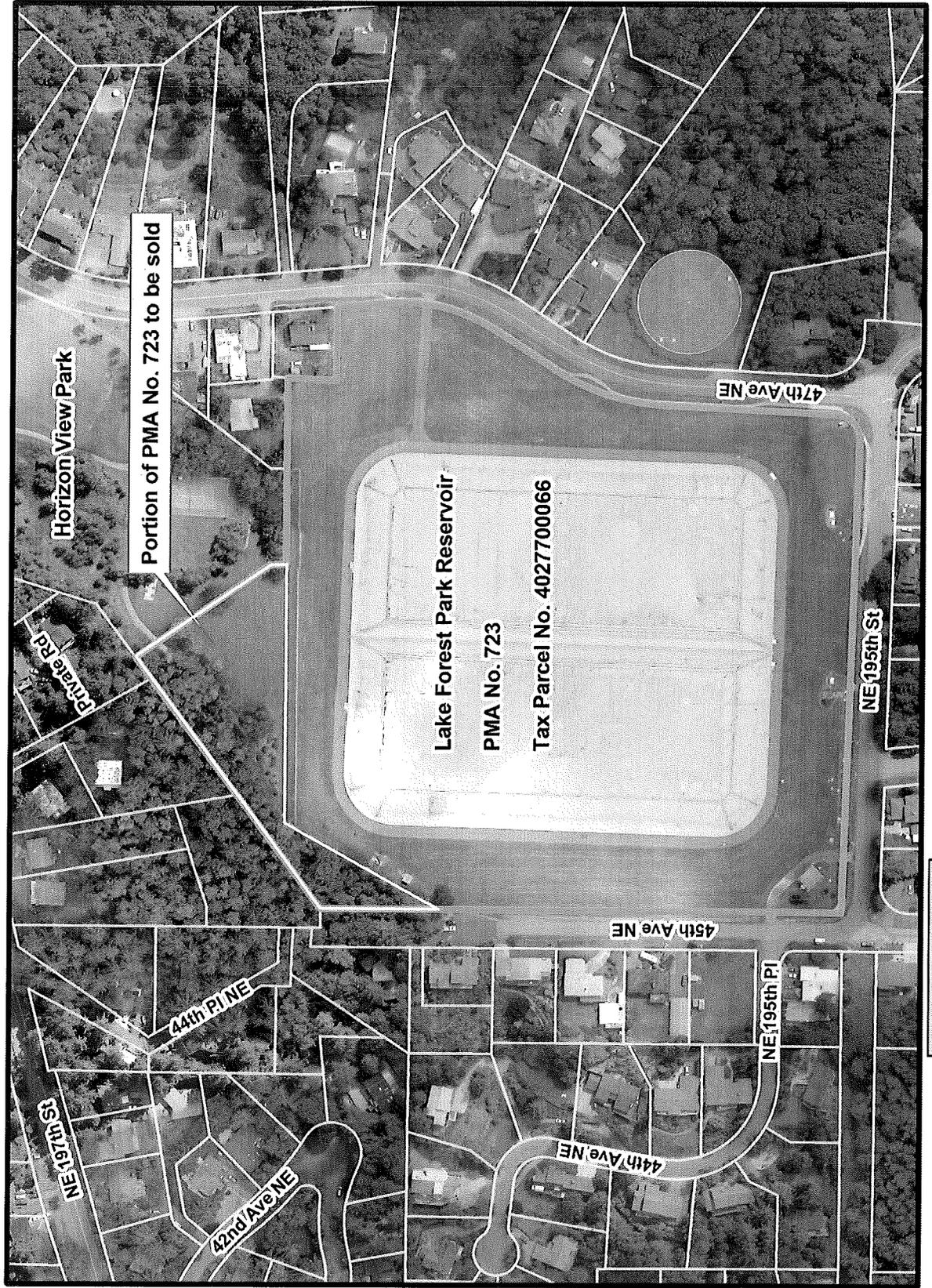


ATTACHMENT A

Reservoir control house facing north from NE 195th.



ATTACHMENT A



All Rights Reserved No guarantee of any part implied, including accuracy, completeness or fitness of use.
Map produced in color. Colors may not be representative.

Produced by the City of Seattle
FFD Real Estate Services Division.
R Gholaghong September 16, 2009.



ATTACHMENT B

November 19, 2010

That portion of Lot 30 , Block 1, Lake Forest Park Estates, according to the plat there of recorded in Volume 34 of Plats, Page 8, in King County, Washington , described as follows:

Beginning at the southwest corner of said Lot 30;

Thence northerly along the westerly line to the northwest corner of said lot;

Thence N 52°58' E along the northwesterly line of said lot a distance of 494.94 feet;

Thence S 33°22'59" E a distance of 164.32 feet to a point in the easterly line of said Lot;

Thence southwesterly along said easterly line to the southeast corner of said lot;

Thence west along the South line of said lot to the Point of Beginning.

Together with that Portion of Lot 29, Block 1, Lake Forest Park Estates, according to the plat thereof recorded in Volume 34 of Plats, Page 8, in King County, Washington described as follows:

Beginning at the southwest corner of Lot 29, Block 1, Lake Forest Park Estates, according to the plat thereof recorded in Volume 34 of Plats, Page 8, in King County, Washington;

Thence N 00°21'58" E along the west line of said lot, 20.41 feet to the True Point of Beginning;

Thence continuing N 00°21'58" E along the East line of said lot 29, 119.63 feet to the Northwest Corner of said lot 29;

Thence S 89°44'19" E, along the north line of said lot 29, 64.89 feet;

Thence S 28°49'06" W, 136.20 feet to the True Point of Beginning.

Together with that portion of Lot 14, Block 1, Lake Forest Park Estates, according to the plat there of recorded in Volume 34 of Plats, Page 8, in King County, Washington, described as follows:

Beginning at the southwest corner of said lot 14;

Thence N 4°59'51" E along the westerly line 55.59 feet to the True Point of Beginning;

Thence continue N 4°59'51" E, 44.78 feet to the northwest corner of said Lot 14;

Thence S 89°44'19" E, 60.00 feet;

Thence S 00°15'41" W, 44.73 feet;

Thence N 89°39'03" W, 63.70 feet to the Point of Beginning.

Together with that portion of Lot 13, Block 1, Lake Forest Park Estates, according to the plat thereof recorded in Volume 34 of Plats, Page 8, in King County, Washington, described as follows:

Beginning at the southwest corner of said Lot 13;

Thence northeasterly along the westerly line of said lot a distance of 81.16 feet;



ATTACHMENT B

Thence S 33⁰22'59" E along a straight line a distance of 96.86 feet to a point in the south line of said lot, said point being located 60 feet east of the southwest corner of said lot;
Thence west 60 feet along the said south line to the Point of Beginning;

Less that portion of Lot 30, Block 1, Lake Forest Park Estates, according to the plat there of recorded in Volume 34 of Plats, Page 8, in King County, Washington, described as follows:

Beginning at the southwest corner of Lot 29, Block 1, Lake Forest Park Estates, according to the plat thereof recorded in Volume 34 of Plats, Page 8, in King County, Washington;
Thence N 00⁰21'58" E along the west line of said lot, 20.41 feet;
Thence N 28⁰49'06" E, 136.20 feet to the True Point of Beginning;
Thence continuing N 28⁰49'06" E, 132.01 feet;
Thence S 89⁰39'03" E, 346.90 feet;
Thence S 04⁰59'51" W, 115.82 feet;
Thence N 89⁰44'19" W, 400.44 feet to the True Point of Beginning.

ATTACHMENT C

DEED RESTRICTIONS AND EASEMENTS

The property will be encumbered by several easements to the City of Seattle. The map shows the extent of the easements. The easements can be grouped onto two areas as follows:

Area One:

- An eight-foot easement adjoining our fence for SPU access and benefit.
- A ten-foot easement adjoining our fence for SPU security and health reasons (nothing including play structures or benches within this area).

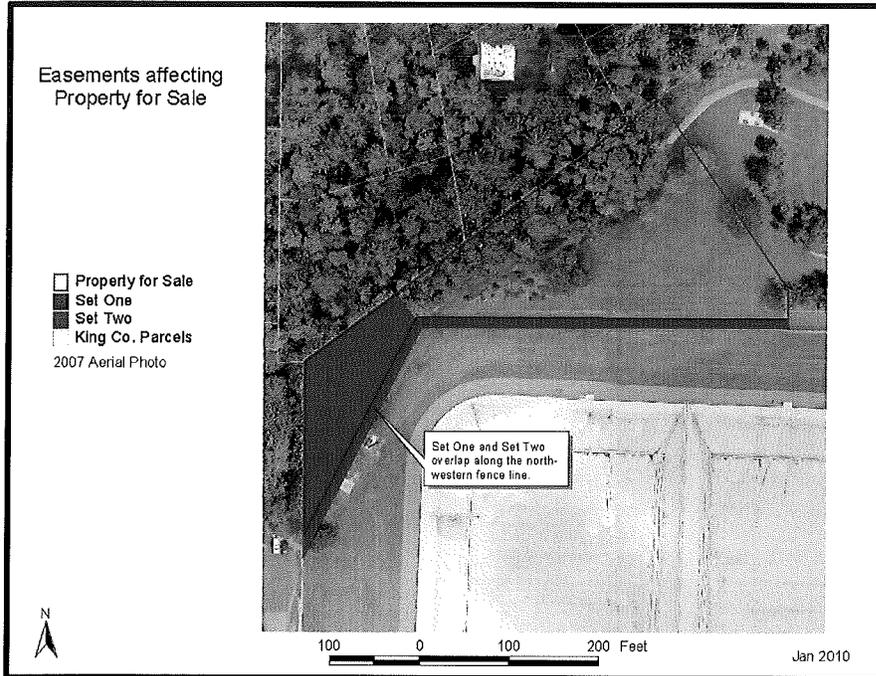
Area Two:

- Access and utilities easements along the gravel path (or road) for the benefit of SPU and any permitted parties that could access our reservoir property from the path/road. (SPU currently leases one cell site to T-Mobile and are considering leasing another communications facility. We want the lessees and their "assigns, agents, lessees" to access their facilities without traveling through the SPU's reservoir property.
- Deed restriction on the ravine portion giving SPU the right to view and approve any work on the ravine, any changes to the property or vegetation (This applies only to the ravine on the northwesterly fence line in the narrow portion of the property.)
- Deed restriction requiring SPU's approval of any work in the gravel path/road and ravine areas (to protect the structural integrity of the reservoir) and any changes to the property or vegetation.
- Deed restriction requiring SPU's approval of any water, sewer, drain, etc lines in path/road and ravine areas. (This applies only to the gravel path & ravine.) This applies to any excavation or installation of facilities.

A road used for the development of the property can exist in the access and security easements along the reservoir fence line.

ATTACHMENT C

ATTACHMENT C to SPU Sale LFPWD ORD Page 1 of 2



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Public Utilities	Audrey Hansen / 684-5877	Karen Grove/684-5805

Legislation Title:

AN ORDINANCE relating to Seattle Public Utilities' Lake Forest Park Reservoir; declaring fee ownership of a portion of real property adjacent to the reservoir to be surplus to the City of Seattle's utility needs; and authorizing Seattle Public Utilities to sell the surplus property to the Lake Forest Park Water District and to execute documents and agreements necessary to complete the sale.

Summary of the Legislation:

This legislation would declare surplus the real property described in the Preliminary Report for Property Management Area 723 (*See Attachment A to the ordinance attached*) and authorize its sale to the Lake Forest Park Water District for purposes of drilling a drinking water back-up well.

Background:

Seattle's water utility purchased the property in 1955 as part of the Lake Forest Park Reservoir. Recently the Lake Forest Park Water District (LFPWD) approached SPU about its purchase of 76,700 square feet (1.76 acres) not within the fenced area of the reservoir for purposes of drilling a back-up well for its sole source aquifer, located under the tunnel route of the new Brightwater Wastewater Treatment Project. King County gave the LFPWD money to drill a new well to mitigate possible adverse impacts resulting from construction or operation of their project. This money must be used before the end of 2012. The LFPWD's test well on the property demonstrated adequate well water available. The LFPWD will purchase the site for \$200,000, an amount based on an appraisal and a determination of fair market value. A vicinity map of the subject property is attached to this fiscal note as Exhibit 1 to this fiscal note.

Please check one of the following:

X This legislation has financial implications.

The sale of this property will generate \$200,000 in revenue for the Water Fund (Fund 43000). No appropriation actions are required.

What is the financial cost of not implementing the legislation?

The Water Fund would not receive the \$200,000 payment, and SPU would retain the surplus property.

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?

Lake Forest Park Water District could either seek an alternative location to site a well, or contract for emergency backup water supply.

Is the legislation subject to public hearing requirements:

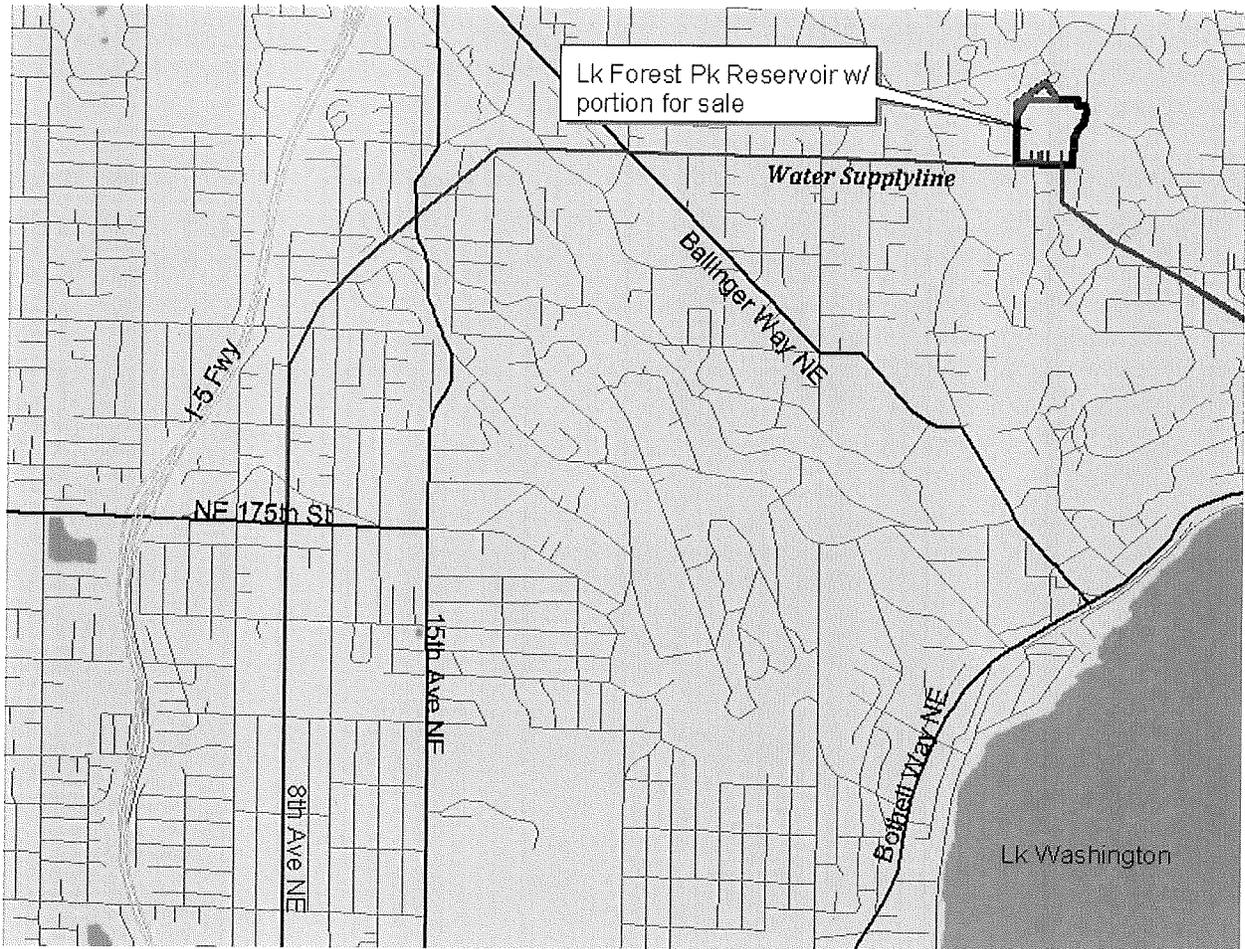
Yes, public hearings held during Committee and Council meetings will meet the requirement for the sale of this property.

Other Issues *(including long-term implications of the legislation):*

List attachments to the fiscal note below:

Exhibit 1 – Vicinity Map of Subject Property Area







City of Seattle
Office of the Mayor

October 5, 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 authorizing Seattle Public Utilities (SPU) to sell a portion of its Lake Forest Park Reservoir property to the Lake Forest Park Water District for use as an auxiliary well.

King County's Brightwater Wastewater Treatment Project includes a tunnel under the Lake Forest Park Water District's aquifer. To mitigate any potential damage to the aquifer, King County has paid the Water District to establish an auxiliary drinking water well. The District has asked SPU to sell part of the reservoir property to the District for this purpose. Seattle Public Utilities is asking that approximately 1.76 acres of the Lake Forest Park Reservoir property be declared excess to the City's needs and sold to the water district for its use as a well site. This portion of the property has undergone the City's excess property process, a lot boundary adjustment, an appraisal, and appraisal review in preparation for this transaction. Additionally, the water district completed a test drill, that indicated adequate underground water to meet its needs.

Thank you for your consideration of this legislation. Should you have questions, please contact Audrey Hansen in Seattle Public Utilities, 684-5877.

Sincerely,

Deputy Mayor
Michael McGinn
for

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

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



STATE OF WASHINGTON – KING COUNTY

--SS.

264919
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

Affidavit of Publication

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

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

CT:123496,498-123509

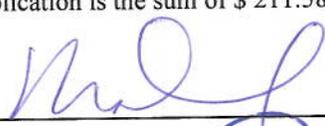
was published on

12/24/10

The amount of the fee charged for the foregoing publication is the sum of \$ 211.58, which amount has been paid in full.

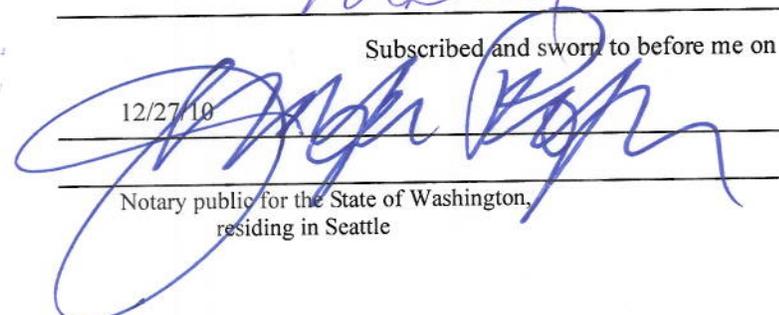


Affidavit of Publication



Subscribed and sworn to before me on

12/27/10



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 December 13, 2010, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123496

AN ORDINANCE relating to Seattle Public Utilities' Lake Forest Park Reservoir; declaring fee ownership of a portion of real property adjacent to the reservoir to be surplus to the City of Seattle's utility needs; and authorizing Seattle Public Utilities to sell the surplus property to the Lake Forest Park Water District and to execute documents and agreements necessary to complete the sale.

ORDINANCE NO. 123498

AN ORDINANCE relating to the City Light Department, authorizing the Superintendent or his designee to grant an easement for road purposes to the County of Snohomish over a portion of the City's fee-owned Bothell to Newhalem Transmission Corridor located in unincorporated Snohomish County, Washington; and accepting payment for the true and fair value of the easement from Washington Federal Savings.

ORDINANCE NO. 123499

AN ORDINANCE relating to the City Light Department; authorizing the execution of enabling agreements with separate counterparties that establish general terms and conditions for the purchase and sale of renewable energy certificates in the form of a common master agreement.

ORDINANCE NO. 123500

AN ORDINANCE relating to the City Light Department; authorizing execution of a transaction-specific confirmation of a 7-year agreement with Holy Cross Energy for the purchase of environmental attributes in the form of renewable energy certificates that are necessary or convenient for meeting the requirements of the Washington State Energy Independence Act.

ORDINANCE NO. 123501

AN ORDINANCE relating to the City Light Department; authorizing execution of a transaction-specific confirmation of a 15-year agreement with Idaho Winds LLC for the purchase of environmental attributes

in the form of renewable energy certificates that are necessary or convenient for meeting the requirements of the Washington State Energy Independence Act.

ORDINANCE NO. 123502

AN ORDINANCE relating to Seattle Public Utilities and Seattle Department of Parks and Recreation; authorizing the Director of Seattle Public Utilities and the Superintendent of Parks and Recreation to enter into easement agreements granting and conveying easement rights under and across portions of Cal Anderson Park to the Central Puget Sound Regional Transit Authority and to accept payment therefor; finding that the grants of temporary and permanent subsurface easements meet the requirements of Ordinance 118477, adopting Initiative 42, to the extent applicable; exempting the grant of a temporary surface easement from the requirements of Ordinance 118477, to the extent applicable; and authorizing the Director of Seattle Public Utilities to accept a storm drain access easement from the Central Puget Sound Regional Transit Authority.

ORDINANCE NO. 123503

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to grant and convey easement rights under portions of Volunteer Park and Interlaken Park to the Central Puget Sound Regional Transit Authority for the purposes of installing, repairing, maintaining, and operating tunnels for light rail service, and to accept payment therefor; and finding that the grants of permanent subsurface easements meet the requirements of Ordinance 118477, adopting Initiative 42.

ORDINANCE NO. 123504

AN ORDINANCE, relating to City employment, to be known as the 2011 Pay Zone Ordinance; adjusting the pay zone structures for the City's discretionary pay programs for the year 2011.

ORDINANCE NO. 123505

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of Finance and Administrative Services to execute an amendment to an existing parking lot management agreement between the City of Seattle and the Pike Place Market Preservation and Development Authority and ratifying and confirming certain prior acts.

ORDINANCE NO. 123506

AN ORDINANCE relating to City employment, to continue to provide a wage supplement and insurance benefits for employees who are mobilized by the United States Armed Forces for active military service; and ratifying and confirming prior acts.

ORDINANCE NO. 123507

AN ORDINANCE authorizing, in 2010, acceptance of funding from non-City sources; authorizing the heads of the Department of Information Technology, Department of Neighborhoods, Department of Parks and Recreation, Department of Finance and Administrative Services, the Human Services Department, the Office of Economic Development, the Office of Intergovernmental Relations, the Office of Sustainability and Environment, the Office of the Mayor, Seattle Center, Seattle Department of Transportation, the Seattle Fire Department, the Office for Civil Rights, the Seattle Police Department, the Seattle Public Library, and Seattle Public Utilities to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123508

AN ORDINANCE amending Ordinance 123177, which adopted the 2010 Budget, including the 2010-2011 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; revising project allocations for certain projects in the 2010-2015 CIP; adding new projects; making transfers between various City funds; and making cash transfers between funds; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

ORDINANCE NO. 123509

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, December 24, 2010.
12/24(264919)

fidavit