

Ordinance No. 123709

Council Bill No. 117253

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 3656 34<sup>th</sup> Avenue South and 3640 35<sup>th</sup> Avenue South; authorizing acceptance and recording of deeds for open space, park, and recreation purposes; and increasing appropriations to the Department of Parks and Recreation in the 2011 Budget; all by a three-fourths vote of the City Council.

Related Legislation File:

Date Introduced and Referred: <u>Aug. 8, 2011</u>	To: (committee): <u>Parks and Seattle Center</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9.19.11</u>	Date Presented to Mayor: <u>9.20.11</u>
Date Signed by Mayor: <u>Sept. 28, 2011</u>	Date Returned to City Clerk: <u>Sept. 28, 2011</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetted by Mayor:
Published in Full Text <input type="checkbox"/>	
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:

SgBapshaw

Committee Action:

Date	Recommendation		Vote
<u>8/8/11</u>	<u>PASS</u>	<u>2-0</u>	<u>SB, TR</u>

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

SgB

Full Council Action:

Date	Decision	Vote
<u>9.19.11</u>	<u>Passed</u>	<u>9-0</u>

Law Department

ORDINANCE 123709

1  
2 AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the  
3 acquisition of real property commonly known as 3656 34<sup>th</sup> Avenue South and 3640 35<sup>th</sup>  
4 Avenue South; authorizing acceptance and recording of deeds for open space, park, and  
5 recreation purposes; and increasing appropriations to the Department of Parks and  
6 Recreation in the 2011 Budget; all by a three-fourths vote of the City Council.

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

11 WHEREAS, the Parks and Green Spaces Levy Citizens' Advisory Committee, after being duly  
12 appointed and after spending many hours in open meetings and receiving public  
13 testimony and deliberating on the levy, voted by a strong majority to recommend that the  
14 City Council place a \$145.5 million six-year levy proposal for park purposes before the  
15 voters of Seattle; and

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

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

21 WHEREAS, Ordinance 122749 identifies the North Rainier Hub Urban Village for a potential  
22 neighborhood park acquisition; and

23 WHEREAS, the Department of Parks and Recreation considers the North Rainier Hub Urban  
24 Village as significantly underserved with quality open space, and the area is, therefore, a  
25 priority area for additional acquisition of parks and open space; and

26 WHEREAS, two adjacent properties located at 3656 34<sup>th</sup> Avenue South and 3640 35<sup>th</sup> Avenue  
27 South are well suited for open space, park, and recreation uses; and

28 WHEREAS, the City has determined that the purchase of the adjacent properties located at 3656  
34<sup>th</sup> Avenue South and 3640 35<sup>th</sup> Avenue South will provide a new neighborhood park  
that meets the criteria to address open space needs established in Seattle's Parks and  
Recreation 2006 Development Plan, and Seattle's 2006 Open Space Gap Report Update,



1 and that it is in the public's best interest to acquire the same for open space, park, and  
2 recreation purposes; NOW, THEREFORE,

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

4 Section 1. The Superintendent of Parks and Recreation ("Superintendent"), or his or her  
5 designee, is authorized, on behalf of the City of Seattle, to acquire real property commonly  
6 known as: 3656 34<sup>th</sup> Avenue South and 3640 35<sup>th</sup> Avenue South for a purchase price not to  
7 exceed \$650,000. The legal description of the real property (referred to hereafter as the  
8 "Property") is as follows:

9 *Lots 11 and 12, Block 44, C.D. Hillman's Rainier Boulevard Garden Addition, according to*  
10 *the plat thereof recorded in Volume 12 of Plats, page 65, in King County, Washington;*  
*(otherwise known as 3656 34<sup>th</sup> Avenue South) and;*

11 *Lots 9 and 10, C.D. Hillman's Rainier Boulevard Garden Addition, according to the plat*  
12 *thereof recorded in Volume 12 of Plats, page 65, in King County, Washington; (otherwise*  
13 *known as 3640 35<sup>th</sup> Avenue South).*

14 Section 2. The Superintendent of Parks and Recreation, or his designee, is authorized  
15 to execute such documents as he deems necessary or desirable to accomplish acquisition of the  
16 Property consistent with this ordinance. Upon delivery of the deeds for the Property, the  
17 Superintendent or his designee is authorized to accept the deeds on behalf of the City by  
18 attaching to the deeds his written acceptance thereof, and to record the same. The Property shall  
19 be accepted for open space, park, and recreation purposes, and placed under the jurisdiction of  
20 the Department of Parks and Recreation.

21 Section 3. To pay for the Property and for necessary related costs and expenses, the  
22 appropriation for the following in the 2011 Adopted Budget is increased from the fund shown, as  
23 follows:  
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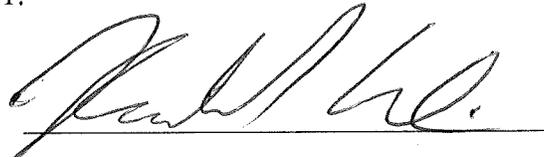
<b>Fund</b>	<b>Department</b>	<b>Capital Improvement Program: Program (Number)</b>	<b>Amount</b>
2008 Parks Levy Fund (33860)	Parks and Recreation	2008 Parks Levy – Neighborhood Park Acquisition (K720010)	\$870,000

Section 4. Any acts consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.



1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 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 19<sup>th</sup>  
5 day of September, 2011, and signed by me in open session in authentication  
6 of its passage this  
7 19<sup>th</sup> day of September, 2011.

8   
9 \_\_\_\_\_  
10 President \_\_\_\_\_ of the City Council

11 Approved by me this 28<sup>th</sup> day of September, 2011.

12   
13 \_\_\_\_\_  
14 Michael McGinn, Mayor

15 Filed by me this 28<sup>th</sup> day of September, 2011.

16   
17 \_\_\_\_\_  
18 Monica Martinez Simmons, City Clerk

19 (Seal)



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Parks and Recreation	Donald Harris/684-8018	Amy Williams/233-2651

**Legislation Title:** AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 3656 34<sup>th</sup> Avenue South and 3640 35<sup>th</sup> Avenue South; authorizing acceptance and recording of deeds for open space, park, and recreation purposes; and increasing appropriations to the Department of Parks and Recreation in the 2011 Budget; all by a three-fourths vote of the City Council.

**Summary and background of the Legislation:**

On November 4, 2008, Seattle voters approved a six-year property tax levy, the 2008 Parks and Green Spaces Levy (Levy), for the purpose of improving and expanding the City's parks and green spaces. The attached proposed Council Bill authorizes the Department of Parks and Recreation (DPR) to acquire two properties, one improved with a residential structure and one vacant, totaling approximately 13,267 square feet. The legislation allows for the acceptance of the deeds to the subject property for open space, park, and recreation purposes.

The properties are located at 3656 34<sup>th</sup> Avenue South and 3640 35<sup>th</sup> Avenue South, north of South Charlestown Street, in the North Rainier Hub Urban Village. This acquisition will fill an identified open space gap in the North Rainier Hub Urban Village, and will help satisfy the goal to provide parks within walking distances for residents in and around urban villages. This is a key planning goal included in both the Seattle's Parks and Recreation 2006 Development Plan and Seattle's 2006 Open Space Gap Report Update. The properties will not be developed until additional funding is available for that purpose, but in the interim they will require some level of maintenance leading to increased operating costs. The Department has sufficient funding in 2012 to cover these new facility costs, but will not have sufficient funding beginning in 2013 based on the number of other Levy projects planned to be completed over the next two years.

Both properties have soil contamination. DPR has both reviewed existing environmental reports and conducted new soil testing to determine the type and extent of contamination on the sites. Typically, either the seller will remediate the property prior to closing in order to receive the full purchase price, or the purchase price will be reduced by the buyer's estimated cost of the cleanup. With the latter option, the buyer remediates the property after closing. In this case, there are two properties with two different owners, and the remediation (removal of contaminated fill material on both properties and removal of a residential heating oil tank) is expected to be straightforward. There is an economy of scale associated with the City remediating both properties rather than the sellers separately arranging for remediation. The expected



result, therefore, is that the City will benefit by controlling the remediation, and the sellers will likely benefit by lower remediation costs.

<b>Project Name:</b>	<b>Project I.D.:</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date:</b>
North Rainier Hub Urban Village Acquisition	K7330064-1 and K7330064- 2	3640 35 <sup>th</sup> Ave S and 3656 34 <sup>th</sup> Ave S, respectively	October 2010	December 2011

Please check any of the following that apply:

**This legislation creates, funds, or anticipates a new CIP Project.**  
 (Please note whether the current CIP is being amended through this legislation, 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**  
 (Stop here and delete the remainder of this document prior to saving and printing.)

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

**Appropriations:**

<b>Fund Name and Number</b>	<b>Department</b>	<b>Budget Control Level*</b>	<b>Existing 2010 Appropriation</b>	<b>New 2011 Appropriation (if any)</b>	<b>2012 Anticipated Appropriation</b>
2008 Parks Levy Fund (33860)	Parks and Recreation	K720010	\$30,000	\$870,000	\$0
<b>TOTAL</b>			<b>\$30,000</b>	<b>\$870,000</b>	<b>\$0</b>

Appropriations Notes:

**Spending Plan and Future Appropriations for Capital Projects:**

<b>Spending Plan and Budget</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Total</b>
Spending Plan	\$706,052	173,009	\$0	\$0	\$0	\$0	<b>\$879,061</b>
Current Year Appropriation	\$870,000	\$0	\$0	\$0	\$0	\$0	<b>\$870,000</b>
Future Appropriations	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**Spending Plan and Budget Notes:** The current budget for this project is \$900,000 (\$30,000 appropriated in 2010, and \$20,939 expended in 2010), which includes a purchase price not to exceed \$650,000 (inclusive of estimated costs of environmental remediation of both properties), with an additional \$250,000 for administrative time, title insurance and closing costs, environmental remediation contingency, survey, demolition of an existing house, etc.



**Funding Source:**

<b>Funding Source (Fund Name and Number, if applicable)</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Total</b>
2008 Parks Levy Fund (33860)	\$870,000	\$0	\$0	\$0	\$0	\$0	\$870,000
<b>TOTAL</b>	<b>\$870,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$870,000</b>

Funding Source Notes: The project budget is \$900,000, of which \$30,000 was appropriated in 2010.

**Bond Financing Required:** N/A

<b>Type</b>	<b>Amount</b>	<b>Assumed Interest Rate</b>	<b>Term</b>	<b>Timing</b>	<b>Expected Annual Debt Service/Payment</b>
N/A	N/A	N/A	N/A	N/A	N/A
<b>TOTAL</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

Bond Notes:

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

<b>O&amp;M</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Total</b>
<b>Uses</b>							
Start Up							
On-going	\$4,855	\$8,646	\$8,818	\$8,995	\$9,175	\$9,358	\$49,847
<b>Sources (itemize)</b>							
Parks & Recreation Fund (10200)	\$4,855	\$8,646	\$8,818	\$8,995	\$9,175	\$9,358	\$49,847
<b>Total</b>	<b>\$4,855</b>	<b>\$8,646</b>	<b>\$8,818</b>	<b>\$8,995</b>	<b>\$9,175</b>	<b>\$9,358</b>	<b>\$49,847</b>

Operation and Maintenance (O&M) Notes: The new facility O&M estimates listed above reflect the costs to care for the parcel in its current condition (undeveloped). When the property is developed as a park, additional O&M funding may be requested. The maintenance work for the undeveloped property will include extensive litter and trash pickup (due to the proximity to Safeway and fast food restaurants), removal of illegally-dumped materials, removal and control of invasive weeds, graffiti removal, and water service testing. A house is on -site and will be removed when the property is acquired. The O&M numbers listed above assume a 2% inflation rate in each successive year. The Department has sufficient funding in 2012 to cover these new facility costs. However, beginning in 2013, the Department will not have sufficient funding to cover all of the new Levy projects coming online over the two years, including this acquisition project.



**Periodic Major Maintenance Costs for the Project:** N/A

Major Maintenance Item	Frequency	Cost	Likely Funding Source
<b>TOTAL</b>	N/A	N/A	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

Position Title and Department*	Position # for Existing Positions	Fund Name & #	PT/FT	2011 Positions	2011 FTE	2012 Positions **	2012 FTE **
<b>TOTAL</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Position Notes:

**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 North Rainier Hub Urban Village. This delay and further staff costs to meet this goal with another property would consume additional resources from the 2008 Parks Levy Fund. Additionally, the target site would likely be redeveloped at some point in the future, thereby eliminating its possibility for development as a neighborhood park.

**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.

**Is the legislation subject to public hearing requirements?** No.

**Other Issues:** None.



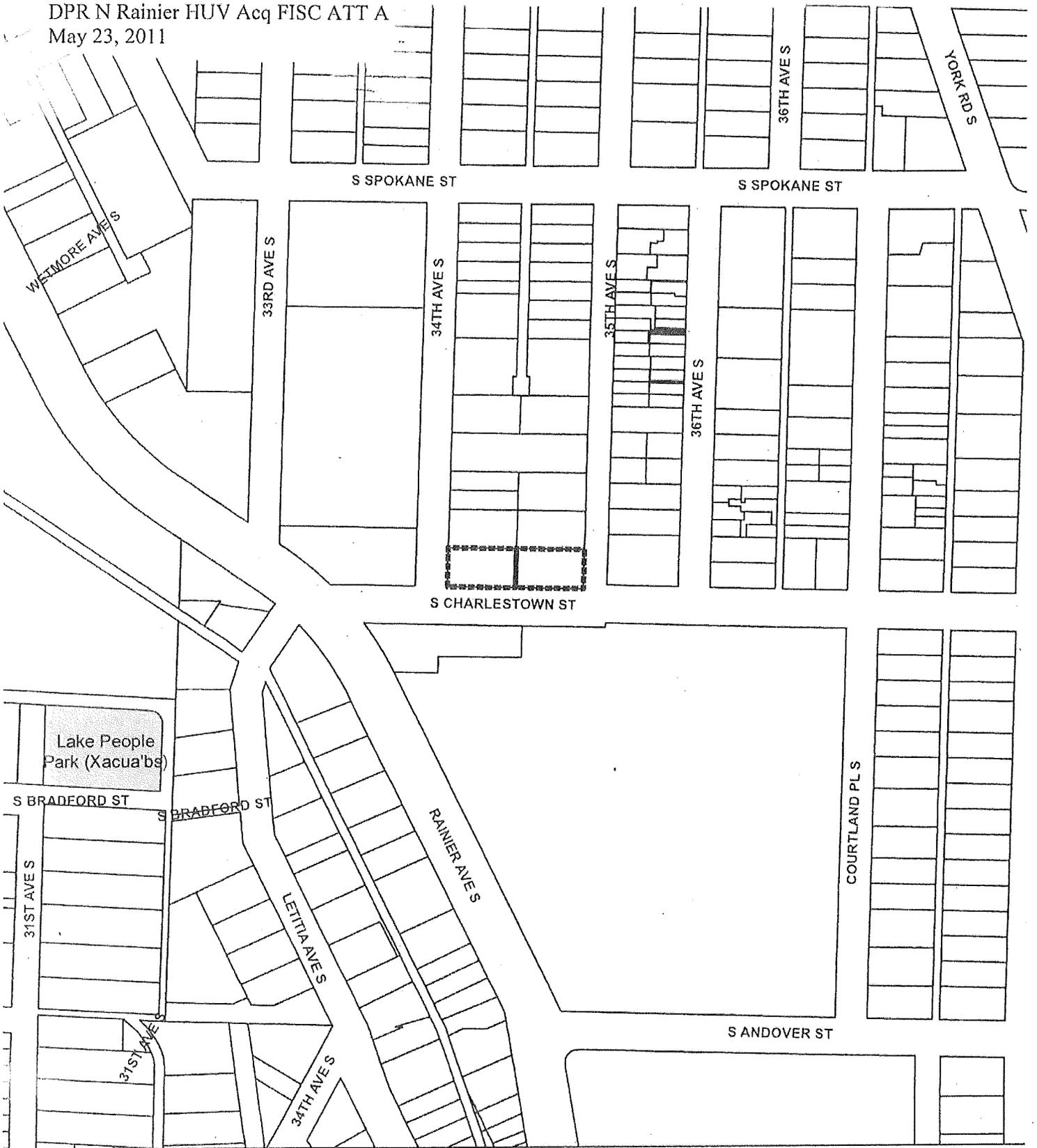
Lise A. Ward  
DPR N Rainier HUV Acq FISC  
June 7, 2011  
Version #2

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

Attachment A: North Rainier Hub Urban Village – Proposed Acquisitions (map)



Lise Ward  
 DPR N Rainier HUV Acq FISC ATT A  
 May 23, 2011

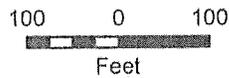


North Rainier Hub Urban Village - Proposed Acquisitions



**Legend**

-  Acquisition Parcel
-  Park Boundary
-  Parcel Boundary



1 inch = 200 feet



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

Map date: May 10, 2011

ATT A to DPR N Rainier HUV Acq FISC





**City of Seattle**  
Office of the Mayor

June 21, 2011

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

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill that authorizes the acquisition of two properties located at 3656 34<sup>th</sup> Avenue South and 3640 35<sup>th</sup> Avenue South, in the North Rainier Hub Urban Village, to be funded by the 2008 Parks and Green Spaces Levy. The properties in this legislation are well-suited for development as a park and will fill an open space gap in the North Rainier Hub Urban Village.

One of the two property owners is Southeast Effective Development (SEED), which has built housing nearby and will be building additional housing north of the proposed park. SEED is supportive of the City purchasing its lot for development of a park. The second property owner is Fannie Mae, which recently acquired the other lot through foreclosure. The Department of Parks and Recreation (DPR) is working with each property owner to reach an agreement.

One issue related to this acquisition is that the properties have some soil contamination related to imported fill from many years ago. DPR has reviewed existing environmental reports and conducted new testing to determine the extent of contamination and to arrive at an acceptable remediation plan, including estimated costs of remediation. It is expected that the purchase prices will be reduced by DPR's estimated costs of the cleanup, and DPR will remediate the property after the acquisition.

The property acquisitions 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 the North Rainier Hub Urban Village 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,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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

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



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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277017  
CITY OF SEATTLE, CLERKS OFFICE

No. 123709,710,711,712,713

**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.

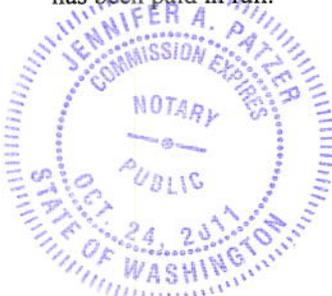
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCE

was published on

10/06/11

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

Subscribed and sworn to before me on

10/06/11

Notary public for the State of Washington,  
residing in Seattle

## State of Washington, King County

### City of Seattle Title Only Ordinance

The full text of the following legislation, passed by the City Council on September 19, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

#### ORDINANCE NO. 123709

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 3656 34th Avenue South and 3640 35th Avenue South; authorizing accep-

tance and recording of deeds for open space, park, and recreation purposes; and increasing appropriations to the Department of Parks and Recreation in the 2011 Budget; all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 123710

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to accept a franchise agreement with the City of Shoreline, Washington for the operation of a water system within public rights-of-way of the City of Shoreline for up to nine years, and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123711

AN ORDINANCE relating to land use and zoning, adding a new Section 23.61.016 to facilitate the use of development agreements authorized by RCW Chapter 36.70B for transit oriented development within the Capitol Hill Station Area Overlay District.

#### ORDINANCE NO. 123712

AN ORDINANCE relating to the charging of electric vehicles; authorizing the Director of Finance and Administrative Services, the Director of the Seattle Center Department, the Superintendent of Parks and Recreation, and the Seattle City Librarian to set per-session fees for public use of electric vehicle charging stations in parking facilities owned or controlled by each of their respective departments; making it an infraction and imposing a monetary penalty for an unauthorized vehicle to park in a space reserved for electric vehicle parking while charging; amending Sections 3.39.020, 11.31.121, 17.04.030, and 18.28.010 of the Seattle Municipal Code; adding new Section 11.72.125 to the Seattle Municipal Code; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123713

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

Date of publication in the Seattle Daily Journal of Commerce, October 6, 2011.

10/6(277017)