

Ordinance No. 123715

Council Bill No. 117265

AN ORDINANCE relating to Seattle Department of Parks and Recreation authorizing the Superintendent of Parks and Recreation to enter into an easement agreement granting and conveying a permanent subsurface tunnel easement under portions of the Cheasty Greenspace to the Central Puget Sound Regional Transit Authority and to accept payment therefor; finding that the grant of a permanent subsurface tunnel easement meets the requirements of Ordinance 118477, adopting Initiative 42, to the extent applicable; ratifying and confirming the grant of temporary surface rights on portions of the Cheasty Greenspace to the Central Puget Sound Regional Transit Authority for temporary construction purposes and authorizing acceptance of payment therefor; and exempting the grant of temporary surface rights from the requirements of Ordinance 118477, to the extent applicable.

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

Date Introduced: <u>Aug. 15, 2011</u>	
Date 1st Referred:	To: (committee) <u>Parks and Seattle Center</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>9.26.11</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor: <u>9.27.11</u>	Date Approved: <u>Sept. 30, 2011</u>
Date Returned to City Clerk: <u>Sept. 30, 2011</u>	Date Published: <input type="checkbox"/> T.O. <input checked="" type="checkbox"/> F.T. <input 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:

9/22/2011 Vote - Pass 1-0

9.26.11 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_ (Initial/date)

*Law Department*

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 123715

1  
2 AN ORDINANCE relating to Seattle Department of Parks and Recreation; authorizing the  
3 Superintendent of Parks and Recreation to enter into an easement agreement granting and  
4 conveying a permanent subsurface tunnel easement under portions of the Cheasty  
5 Greenspace to the Central Puget Sound Regional Transit Authority and to accept payment  
6 therefor; finding that the grant of a permanent subsurface tunnel easement meets the  
7 requirements of Ordinance 118477, adopting Initiative 42, to the extent applicable;  
8 ratifying and confirming the grant of temporary surface rights on portions of the Cheasty  
9 Greenspace to the Central Puget Sound Regional Transit Authority for temporary  
10 construction purposes and authorizing acceptance of payment therefor; and exempting the  
11 grant of temporary surface rights from the requirements of Ordinance 118477, to the  
12 extent applicable.

9 WHEREAS, in 1998 the Seattle City Council approved Ordinance 118927, which authorized the  
10 Mayor to execute a Memorandum of Agreement for Intergovernmental Cooperation for  
11 the Central Light Rail Transit Line ("MOA") with the Central Puget Sound Regional  
12 Transit Authority ("Sound Transit") relating to light rail system development and station  
13 area planning within Seattle; and

13 WHEREAS, the MOA identified common objectives of the City of Seattle ("City") and Sound  
14 Transit including but not limited to the following: development of a light rail system that  
15 effectively serves the transportation needs of citizens in the city and surrounding service  
16 area in a manner consistent with regional service goals within the budget and schedule  
17 adopted by Sound Transit; expedite review of necessary City approvals, minimize  
18 conflicts regarding such approvals, and quickly resolve such conflicts that do arise; and  
19 build effective, ongoing intergovernmental cooperation between Sound Transit and the  
20 City; and

18 WHEREAS, on April 10, 2000, the Seattle City Council adopted Resolution 30128, which  
19 approved the alignment, location of stations, and maintenance base location for the light  
20 rail system; and

21 WHEREAS, the alignment of the light rail system, as described in the Central Link Light Rail  
22 Beacon Hill Tunnel Plans (Contract # C710), passes below the surface of portions of the  
23 Cheasty Greenspace; and

23 WHEREAS, in order to meet Sound Transit's construction schedule, Sound Transit and the City  
24 entered into a Right of Entry Agreement (BH009) on March 30, 2004, as extended by  
25 letter agreement on November 3, 2004, for the temporary occupancy of surface portions  
26 of the Cheasty Greenspace and construction of a subsurface tunnel for the light rail  
27 system, as described in the Central Link Light Rail Beacon Hill Tunnel Plans (Contract #  
28 C710); and



1 WHEREAS, Sound Transit has finished construction and currently operates its light rail system  
known as the Central Link Light Rail Project; and

2 WHEREAS, the City and Sound Transit have agreed on the terms and fair market value of the  
3 subsurface tunnel easement and the fair market value of the temporary surface rights for  
4 construction purposes; and

5 WHEREAS, the City Council has held a public hearing in accordance with the requirements of  
6 Section 3 of Ordinance 118477, adopting Initiative 42; NOW, THEREFORE,

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

8 Section 1. The City Council hereby finds that the sale of a permanent subsurface tunnel  
9 easement under a portion of the Cheasty Greenspace to the Central Puget Sound Regional Transit  
10 Authority (“Sound Transit”) for the operation of Sound Transit’s Central Link Light Rail Project  
11 (“Project”) is necessary because there is no reasonable and practical alternative and such  
12 subsurface easement is compatible with park use, thereby meeting the requirements of Ordinance  
13 118477, to the extent applicable. To the extent that Ordinance 118477 is applicable to the grant  
14 of temporary surface rights on a portion of the Cheasty Greenspace to Sound Transit in  
15 connection with the construction of the Project, the requirements of Ordinance 118477 are  
16 hereby superseded.

17  
18  
19 Section 2. The Superintendent of Parks and Recreation, or his respective designee, is  
20 hereby authorized, on behalf of The City of Seattle, to enter into a Tunnel Easement Agreement  
21 with Sound Transit, substantially in the form of Attachment 1 attached hereto and incorporated  
22 by this reference, under the real property described in Attachment 1.

23  
24 Section 3. Consideration for the grant of temporary surface rights on a portion of the  
25 Cheasty Greenspace during construction of the Project and consideration for the permanent  
26



Tunnel Easement described in Attachment 1, paid by Sound Transit, shall be deposited as follows:

<b>Fund Name and Number</b>	<b>Department</b>	<b>Revenue Source</b>	<b>2011 Revenue</b>	<b>2012 Revenue</b>
Parks and Recreation Fund 10200	Parks and Recreation	Sound Transit Tunnel Easement	\$ 8,400	0
Parks and Recreation Fund 10200	Parks and Recreation	Sound Transit Temporary Surface Rights	\$102,400	0
<b>TOTAL</b>			<b>\$110,800</b>	<b>0</b>

Section 4. Any act consistent with and prior to the effective date of this ordinance, including the grant of temporary surface rights on a portion of the Cheasty Greenspace to Sound Transit during the construction of the Project, is hereby ratified and confirmed.

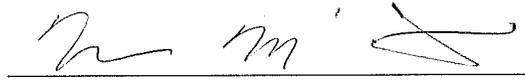


1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 26<sup>th</sup> day of September, 2011, and  
5 signed by me in open session in authentication of its passage this  
6 26<sup>th</sup> day of September, 2011.

7   
8 \_\_\_\_\_  
9 President \_\_\_\_\_ of the City Council

10 Approved by me this 30<sup>th</sup> day of September 2011.

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

14 Filed by me this 30<sup>th</sup> day of September, 2011.

15   
16 \_\_\_\_\_  
17 Monica Martinez Simmons, City Clerk

18 (Seal)

19 Attachment 1: DPR Sound Transit Cheasty Ordinance: Tunnel Easement  
20 Exhibit A to Attachment 1: Legal Description of Tunnel Easement  
21 Exhibit B to Attachment 1: Illustration of Tunnel Easement  
22  
23  
24  
25  
26  
27  
28



**DPR Sound Transit Cheasty Ordinance: Tunnel Easement**



WHEN RECORDED RETURN TO:

Real Estate Division  
Central Puget Sound Regional Transit Authority  
401 South Jackson Street  
Seattle, WA 98104-2826

---

<b>Document Title:</b>	<b>Tunnel Easement Agreement</b>
<b>Reference Number of Related Document:</b>	N/A
<b>Grantor(s):</b>	<b>The City of Seattle, a municipal corporation</b>
<b>Grantee:</b>	<b>Central Puget Sound Regional Transit Authority</b>
<b>Abbreviated Legal Description:</b>	<b>Ptn. of Lots 4-10, Blk 32, T. Hanford's Add., Vol. 1, Pg. 205</b>
<b>Additional Legal Description:</b>	<b>Exhibit "A"</b>
<b>Assessor's Tax Parcel Number(s):</b>	<b>308500 1995</b>

R/W No. BH-009

**TUNNEL EASEMENT AGREEMENT**

**1. Grant of Tunnel Easement.** THE CITY OF SEATTLE, a Washington municipal corporation ("Grantor"), for and in consideration of Eight Thousand Four Hundred and No/100 Dollars (\$8,400.00) in hand paid, hereby conveys to the CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY ("Grantee"), a regional transit authority of the State of Washington, for the purposes described below, an exclusive permanent subsurface easement (the "Tunnel Easement") under the surface of and through a portion of Grantor's property. Grantor's property ("Grantor's Property") and the subsurface portion of Grantor's Property that is subject to the Tunnel Easement ("Tunnel Easement Area") are legally described in **Exhibit "A"** attached hereto and incorporated herein and illustrated in **Exhibit "B"**, all attached hereto and incorporated herein by reference. The



Tunnel Easement Area shall be a subsurface easement lying vertically between two horizontal planes at elevation 125 feet and elevation 63 feet, based on the North American Vertical Datum of 1988 (NAVD88), the top plane being approximately 25 feet below ground surface (BGS).

**2. Purpose of Tunnel Easement.** Grantee shall have the right to use the Tunnel Easement Area for all purposes necessary or incidental to Grantee's construction, operation, maintenance, use, modification, repair and replacement of underground tunnels and related public transportation facilities, including but not limited to the right to construct, operate, maintain, modify, repair, replace, improve, remove, and use said tunnels, tunnel supports, roof, floor, and all utility lines or wires within said tunnels, together with the right to operate light rail trains and other public transportation vehicles and equipment within said tunnel, and for any related uses as Grantee may now or hereafter deem appropriate. All structures, materials, facilities, mechanical and electrical systems, utilities, equipment, furnishings, or improvements of any kind that are acquired, constructed, or installed in or upon the Tunnel Easement Area shall be and shall at all times remain the property of Grantee.

**3. Grantor's Use of Tunnel Easement Area.** Grantor shall not use any portion of the Tunnel Easement Area without the prior written consent of Grantee, which shall not be unreasonably withheld.

**4. Grantee's Use of Tunnel Easement Area.** Grantee may use the Tunnel Easement Area for the purposes and in the manner described herein. Grantee's normal operation of its Link light rail project (the "Project") is not anticipated to cause noise or vibration noticeable upon Grantor's Property or to cause subsidence or damage of any kind to Grantor's Property. Grantee shall at all times maintain its improvements and facilities in the Tunnel Easement Area in good condition and repair and in accordance with all applicable laws and regulations and shall at all times maintain the structural integrity of the Tunnel Easement Area and the support of the surface of Grantor's Property. Grantee is responsible for all injury and damage, including consequential damage, to persons and property (real and personal) and improvements caused directly or indirectly by Grantee's exercise of Grantee's rights under this Tunnel Easement Agreement. Grantee's responsibility for such injury and damage shall include repair and restoration to original condition of any and all damage to the Grantor's real and personal property; and repair, replacement, or restoration to original condition of all damaged or destroyed structures, facilities, and improvements on the Grantor's Property, all at Grantee's sole cost and expense. In addition, if any voids are discovered within the Tunnel Easement Area or elsewhere within the predicted zone of influence of Grantee's tunneling activities, Grantee shall be responsible for expeditiously filling such voids and mitigating any related damage to Grantor's real or personal property.

**5. Applicable Law and Indemnification.** Grantee shall at all times exercise its rights under this Tunnel Easement Agreement in accordance with the requirements of all applicable laws, orders, rules, and regulations of any public authority having jurisdiction. In the event the impacts of Grantee's uses of the Tunnel Easement Area as described herein are demonstrated to be incorrect, or in the event of Grantee's failure to maintain structural integrity of the Tunnel Easement Area or support of the surface or subsurface of Grantor's Property, or in the event of injury or damage to persons or property resulting directly or indirectly from damage on or to Grantor's Property from Grantee's exercise of Grantee's rights under this Tunnel Easement Agreement, Grantee agrees to indemnify, hold harmless, and defend Grantor from and against all damages, claims, and liabilities to



the extent resulting therefrom, including attorney's fees and costs of suit, including any appeals thereof, except to the extent any of such damages, claims, or liabilities result from the negligence of Grantor.

**6. Binding Effect.** The Tunnel Easement is appurtenant to and shall run with all real property now owned or hereafter acquired by Grantee as part of the Project, which includes underground tunnels and related facilities operated by Grantee for high capacity transportation system purposes and shall inure to the benefit of Grantee, its successors, and assigns and shall be binding upon the Grantor's Property and Grantor, and their respective heirs, successors, and assigns.

**7. Notices.** Any notices required or permitted under this Tunnel Easement Agreement shall be given in writing and either personally delivered or sent by U.S. Mail, postage prepaid, to the addresses as indicated below:

To Grantee: Sound Transit  
Real Estate Division  
Union Station  
401 S. Jackson St.  
Seattle, WA 98104-2826

To Grantor: City of Seattle  
Department of Parks and Recreation  
800 Maynard Ave. S., 3<sup>rd</sup> Floor  
Seattle, WA 98134  
Attn: Property Management

**8. Exhibits Incorporated.** All exhibits attached hereto, as listed below, are expressly incorporated into and form a part of this Agreement.

- Exhibit A. Legal Description of Grantor's Property and Tunnel Easement Area
- Exhibit B. Illustration of Grantor's Property and Tunnel Easement

Dated as of the date fully executed by Grantor and Grantee.

**GRANTOR:**  
CITY OF SEATTLE

BY: \_\_\_\_\_ Date

ITS: \_\_\_\_\_





Chip Nevins  
DPR Sound Transit Cheasty ORD ATT 1  
June 14, 2011  
Version #2

Signature: \_\_\_\_\_

Notary Public in and for the State of Washington

Notary (print name): \_\_\_\_\_

Residing at: \_\_\_\_\_

My appointment expires: \_\_\_\_\_



Chip Nevins  
DPR Sound Transit Cheasty ORD EXH A to ATT 1  
July 11, 2011  
Version#1

**EXHIBIT A**  
**Legal Description**

**Grantor's Entire Parcel (Servient):**

LOTS 3 THROUGH 10 IN BLOCK 32 OF T. HANFORD'S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 1 OF PLATS AT PAGE(S) 205, IN KING COUNTY, WASHINGTON;

**Easement Area Acquired by Grantee (Dominant):**

THAT PORTION OF LOTS 4 THROUGH 10 IN BLOCK 32 OF T. HANFORD'S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 1 OF PLATS AT PAGE(S) 205, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 32, BEING ALSO THE NORTHWEST CORNER OF SAID LOT 6;

THENCE S88°52'30"E ALONG THE NORTH LINE OF SAID BLOCK 32 A DISTANCE OF 84.05 FEET;

THENCE S74°51'18"E A DISTANCE OF 119.85 FEET TO THE EAST LINE OF SAID BLOCK 32, BEING ALSO THE EAST LINE OF SAID LOT 7, AT A POINT DISTANT 29.03 FEET FROM THE NORTHEAST CORNER OF SAID BLOCK AND LOT;

THENCE S01°08'55"W ALONG THE EAST LINE OF THE SAID BLOCK A DISTANCE OF 91.82 FEET;

THENCE N78°50'59"W A DISTANCE OF 203.38 FEET TO THE WEST LINE OF SAID BLOCK 32 AT A POINT DISTANT 85.45 FEET SOUTHERLY OF THE NORTHWEST CORNER OF SAID BLOCK;

THENCE N01°06'59"E ALONG THE WEST LINE OF THE SAID BLOCK A DISTANCE OF 85.45 FEET TO THE POINT OF BEGINNING.

Containing an area of 18,973 square feet more or less.

AND SHALL BE A SUBSURFACE EASEMENT ONLY, LYING VERTICALLY BETWEEN TWO HORIZONTAL PLANES AT ELEVATION 125 FEET AND ELEVATION 63 FEET. SAID ELEVATIONS ARE EXPRESSED IN TERMS OF THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).





**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<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 Seattle Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to enter into an easement agreement granting and conveying a permanent subsurface tunnel easement under portions of the Cheasty Greenspace to the Central Puget Sound Regional Transit Authority and to accept payment therefor; finding that the grant of a permanent subsurface tunnel easement meets the requirements of Ordinance 118477, adopting Initiative 42, to the extent applicable; ratifying and confirming the grant of temporary surface rights on portions of the Cheasty Greenspace to the Central Puget Sound Regional Transit Authority for temporary construction purposes and authorizing acceptance of payment therefor; and exempting the grant of temporary surface rights from the requirements of Ordinance 118477, to the extent applicable.

**Summary of the Legislation:**

The proposed ordinance authorizes the Superintendent of Parks and Recreation (DPR) to grant a subsurface tunnel easement to the Central Puget Sound Regional Transit Authority (Sound Transit) that will allow Sound Transit to operate light rail underneath a portion of the Cheasty Greenspace at McClellan Street, and to accept payment for those rights. The ordinance also ratifies and confirms the granting of temporary surface rights in the Cheasty Greenspace to Sound Transit for the construction of the tunnel, and accepts payment for those rights. Finally, the Ordinance includes findings for purposes of Ordinance 118477, adopting Initiative 42, concerning the grant of the tunnel easement, and exempts the grant of temporary surface rights from the requirements of Initiative 42.

**Background:**

The Sound Transit Beacon Hill Tunnel passes below the surface of the Cheasty Greenspace, which is City-owned park property. Before beginning construction, Sound Transit and the City entered into a six-month Right of Entry Agreement (Agreement) for the temporary occupancy of the park surface to accommodate the construction of the tunnel. The Agreement, which was effective as of March 30, 2004, was extended indefinitely by letter on November 3, 2004. Both parties assumed that the City would convey to Sound Transit the occupied portion of the property (surface and subsurface) in fee simple within 6 months.

Upon further analysis, DPR determined that the City could not sell the property to Sound Transit without first addressing the restrictions placed on the sale of the property as a result of the funding used to acquire it. The property was acquired using a combination of Washington State Outdoor Recreation funds and King County Conservation Futures funds. Both funding sources restrict the use of the property and require that the property be replaced with a property of equal or better quality if it is ever converted to another use or sold to another party.



Construction of the tunnel is complete, light rail is fully operational and DPR has determined that the most practical option is to convey to Sound Transit the subsurface rights necessary for the operation of the tunnel. However, before the City can convey the subsurface easement to Sound Transit, the City requires approval from the State to release the restrictions on the Cheasty Greenspace parcel and replace them on another property of equal or greater value. The conveyance of the subsurface easement does not trigger replacement property requirements from King County Conservation funds. The removal of the restrictions on the Cheasty Greenspace parcel and the placing of restrictions on another property of equal or greater value and similar utility are dealt with in companion legislation.

The conveyance of property (or property rights) owned or used for park purposes is restricted by Ordinance 118477, adopting Initiative 42. Initiative 42 does permit, by ordinance after a public hearing, a subsurface easement compatible with park use such as the one proposed in this ordinance.

The property rights of this proposed conveyance were appraised in accordance with applicable appraisal standards and regulations. The appraisal has been reviewed and accepted by City staff. The appraised value of the tunnel easement is \$8,400, and the value of the temporary use of the surface property of the Cheasty Greenspace for a period of 64 months for the construction of the tunnel is \$102,400. The funds received will be deposited in the Parks and Recreation Fund.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

**Appropriations:** N/A

Fund Name and Number	Department	Budget Control Level*	2011 Appropriation	2012 Anticipated Appropriation
<b>TOTAL</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

Appropriations Notes:



**Anticipated Revenue/Reimbursement: Resulting from this Legislation:**

Fund Name and Number	Department	Revenue Source	2011 Revenue	2012 Revenue
Parks and Recreation Fund 10200	Parks and Recreation	Sound Transit Tunnel Easement	\$ 8,400	0
Parks and Recreation Fund 10200	Parks and Recreation	Sound Transit Temporary Surface Rights	\$102,400	0
<b>TOTAL</b>			<b>\$110,800</b>	

Revenue/Reimbursement Notes: The \$110,800 in revenue is a one-time payment for the value of the tunnel easement and temporary use of the surface property.

**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>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

Position Notes:

**Do positions sunset in the future?** N/A

**Spending/Cash Flow:** N/A

Fund Name & #	Department	Budget Control Level*	2011 Expenditures	2012 Anticipated Expenditures
<b>TOTAL</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

Spending/Cash Flow Notes:

**What is the financial cost of not implementing the legislation?**

The financial cost of not implementing this legislation is the loss of \$110,800 in revenue from the sale of the underground easement and payment for the temporary use of surface 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?** There are no viable alternatives.

**Is the legislation subject to public hearing requirements?**

Yes.

**Other Issues:** None.

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

None.





City of Seattle  
Office of the Mayor

July 26, 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 authorizing the Superintendent of Parks and Recreation to sign and convey to Sound Transit an easement for a light rail tunnel under the Cheasty Greenspace. This easement conveys permanent subsurface rights to Sound Transit, approximately 25 feet below the Cheasty Greenspace, for operation of light rail facilities that connect downtown to the airport.

The proposed Council Bill is consistent with prior acts by the City to support the construction and operation of light rail. The property rights to be conveyed have been appraised, and the appraisal has been reviewed and accepted by City appraisal staff. The City will receive \$8,400 for the tunnel easement and \$102,400 for the temporary use of the surface for the construction of the tunnel. The tunnel does not have any surface impact on the Cheasty Greenspace.

This Council Bill will continue the cooperation between the City and Sound Transit as we move forward with the provision of more transit alternatives to serve the citizens of Seattle. Thank you for your consideration of this legislation. Should you have questions, please contact Donald Harris in the Department of Parks and Recreation at 684-8018.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



---

STATE OF WASHINGTON – KING COUNTY

--SS.

---

277354  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

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

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

CT:123714-123721 TITLE

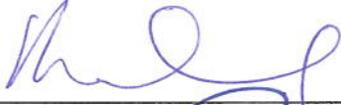
was published on

10/17/11

The amount of the fee charged for the foregoing publication is the sum of \$ 150.15, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
10/17/11   
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

The full text of the following legislation, passed by the City Council on September 26, 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. 123714

AN ORDINANCE establishing a Seattle Tourism Business Improvement Area; levying special assessments upon hotel businesses within the area; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board, and providing for an implementation agreement with a Program Manager.

### ORDINANCE NO. 123715

AN ORDINANCE relating to Seattle Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to enter into an easement agreement granting and conveying a permanent subsurface tunnel easement under portions of the Cheasty Greenspace to the Central Puget Sound Regional Transit Authority and to accept payment therefor; finding that the grant of a permanent subsurface tunnel easement meets the requirements of Ordinance 118477, adopting Initiative 42, to the extent applicable; ratifying and confirming the grant of temporary surface rights on portions of the Cheasty Greenspace to the Central Puget Sound Regional Transit Authority for temporary construction purposes and authorizing acceptance of payment therefor; and exempting the grant of temporary surface rights from the requirements of Ordinance 118477, to the extent applicable.

### ORDINANCE NO. 123716

AN ORDINANCE relating to State of Washington restrictions on the use of certain property under the jurisdiction of the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to grant to the State of Washington a Deed of Right limiting the use of certain property in the Duwamish Head Greenspace to conservation purposes and to accept the release of a Deed of Right limiting the use of certain property in the Cheasty Greenspace to public recreation purposes.

### ORDINANCE NO. 123717

AN ORDINANCE relating to the business license tax; amending the Seattle Municipal Code to provide that all return or tax information is confidential, privileged, and subject to disclosure in the manner provided by RCW 82.32.330; and amending Section 5.55.200 of the Seattle Municipal Code in connection therewith.

### ORDINANCE NO. 123718

AN ORDINANCE relating to the Seattle Center Department; authorizing the Seattle Center Director to execute a ten year lease agreement, with additional options to extend, with Friends of KEXP; under which agreement KEXP will renovate and lease space in the Northwest Rooms and a portion of the adjacent courtyard at Seattle Center for use as KEXP's radio broadcast studios and offices, performance spaces, a cafe, a shared use outdoor stage, and other uses supporting KEXP's operations.

### ORDINANCE NO. 123719

AN ORDINANCE relating to economic development; authorizing the Council President to sign a letter of understanding with Wyndham Publications, Inc. to sponsor the creation of an economic development and tourism publication consisting potentially of a three-book series about the City with the working title, Seattle: The Emerald City; and ratifying and confirming prior acts.

### ORDINANCE NO. 123720

AN ORDINANCE relating to the Department of Parks and Recreation,

authorizing the Superintendent of Parks and Recreation to enter into an egress easement agreement with Seattle School District No. 1 over portions of vacated N. 42nd Street between Woodlawn Avenue N. and Densmore Avenue N., and to execute a covenant restricting the use of property at Wallingford Playfield to satisfy permit requirements related to the construction of a new gymnasium on the Hamilton International Middle School property; authorizing acceptance of reimbursed City- incurred costs related to the egress easement agreement and covenant; superseding the requirements of Ordinance 118477, which adopted Initiative 42, for the purposes of this ordinance; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123721

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, October 17, 2011.  
10/17(277354)