

Ordinance No. 123732

Council Bill No. 117291

AN ORDINANCE authorizing the partial release of an easement in gross on property of CASA Latina at 317 17th Avenue South, Seattle.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: 
Councilmember

Committee Action:

10.17.11 Passed 8-0
ex wsd:rc

CF No. _____

Date Introduced:	<u>Sept. 19, 2011</u>	
Date 1st Referred:	<u>Sept. 19, 2011</u>	
Date Re - Referred:	<u>Oct. 10, 2011</u>	
Date Re - Referred:	<u>Oct. 10, 2011</u>	
Date of Final Passage:	<u>10.17.11</u>	
Date Presented to Mayor:	<u>10.17.11</u>	
Date Returned to City Clerk:	<u>Oct. 20, 2011</u>	
Date Vetoed by Mayor:		
Date Passed Over Veto:		

To: Housing, Human Services, Health, and Culture	To: (committee)
Full Council	To: (committee)
Full Council Vote:	<u>8-0</u>
Date Approved:	<u>Oct. 19, 2011</u>
Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Veto Published:	
Veto Sustained:	

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

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

ORDINANCE 123732

1
2 AN ORDINANCE authorizing the partial release of an easement in gross on property of CASA
3 Latina at 317 17th Avenue South, Seattle.

4 WHEREAS, Ordinance 122339, approved in February 2007, authorized the Director of the
5 Seattle Human Services Department (HSD Director) to enter into an agreement with
6 CASA Latina: Centro de Ayuda Solidaria a los Amigos, a not-for-profit corporation for
7 the purchase of an easement in gross (the "Easement"); and

8 WHEREAS, on or about March 9, 2007, under the terms of the agreement, the HSD Director
9 accepted and recorded the Easement, which restricts certain real property to use as a
10 social and community services facility and provides for certain use rights for the City or
11 its designees; and

12 WHEREAS, CASA Latina: Centro de Ayuda Solidaria a los Amigos formally changed its
13 corporate name to CASA Latina; and

14 WHEREAS, CASA Latina is providing social and community services as required by the
15 agreement and the Easement; and

16 WHEREAS, CASA Latina has submitted plans to the City for construction of a new building on
17 property encumbered by the Easement; and

18 WHEREAS, as a condition of approval of construction on property encumbered by the
19 Easement, CASA Latina, in compliance with Seattle Land Use Code Section 23.53.030,
20 must dedicate to the City for alley purposes a portion of the land currently encumbered
21 by the Easement; and

22 WHEREAS, the partial release of the Easement will become effective only upon recording of a
23 deed from CASA Latina conveying the released area to the City for alley purposes; and

24 WHEREAS, CASA Latina and the Director of HSD agree that it is mutually desirable for the
25 Easement to be released in order for CASA Latina to dedicate a portion of the property
26 for alley purposes free and clear of the Easement; NOW, THEREFORE,

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

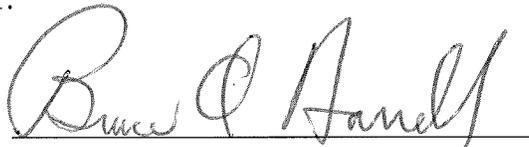
28 Section 1. The Director of the Human Services Department ("Director") is authorized to
execute, deliver and record the Partial Release of Easement in Gross ("Partial Release")
substantially in the form of Attachment 1 to this ordinance, with respect to the Easement in



1 Gross dated March 9, 2007, and recorded under King County recording number
2 20070316000509.

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

6 Passed by the City Council the 17th day of October, 2011, and
7 signed by me in open session in authentication of its passage this
8 17th day of October, 2011.

9
10 

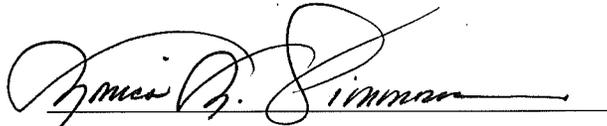
11 President pro tem of the City Council

12
13 Approved by me this 19th day of October, 2011.

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15 

16 Michael McGinn, Mayor

17
18 Filed by me this 20th day of October, 2011.

19
20 

21 Monica Martinez Simmons, City Clerk

22 (Seal)

23
24 Attachment 1: Partial Release of Easement



AFTER RECORDING, MAIL TO:

Seattle Human Services Department
700 Fifth Avenue, Suite 5800
PO Box 34215
Seattle, WA 98124-4215
Attn: Michael Look

**PARTIAL RELEASE OF EASEMENT
(The City of Seattle)**

Grantor (Regulator): The City of Seattle
Grantee (Owner): CASA Latina
Legal Description (abbreviated): Ptn. Lots 7-10, Blk. 18, Hill Tract Add., v. 8, p. 42
Assessor's Tax Parcel # : 331950-0655-07 and 331950-0665-05
Related Documents: 20070316000509

The City of Seattle, a municipal corporation of the State of Washington (the "City"), is the grantee of that certain Easement in Gross for Social and Community Services Facility Use dated March 9, 2007, in which CASA Latina, a Washington nonprofit corporation formerly known as CASA Latina: Centro de Ayuda Solidaria a los Amigos ("Owner") is grantor, recorded under the recording number listed above in the records of King County, Washington (the "Easement").

The City does hereby release from the Easement only that portion of the subject real property described as follows ("Released Area"):

THE NORTHERLY 2.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

LOTS 7, 8, 9 & 10, BLOCK 18, HILL TRACT ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE 42, IN KING COUNTY, WASHINGTON,

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON;

provided, that this partial release shall become effective only upon the recording of a deed from Owner conveying Released Area to the City for Alley Purposes.

This partial release shall not reduce or impair the obligations of the Owner or any successors under the Easement.



DATED this ____ day of _____, 2011.

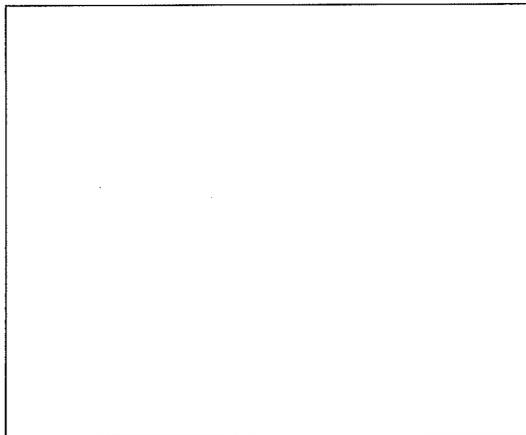
THE CITY OF SEATTLE

By: _____
Name: _____
Its: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the _____ of the Human Services Department of The City of Seattle, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of _____, 2011.



(Print Name) _____
Residing at _____
My appointment expires: _____



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Human Services Department	Michael Look 615-1717	Amanda Allen 684-8894

Legislation Title:

AN ORDINANCE authorizing the partial release of an easement in gross on property of CASA Latina at 317 17th Avenue South, Seattle.

Summary of the Legislation:

This legislation authorizes the City to release a portion of the Seattle Human Services Department's (HSD) interest in property owned by CASA Latina, as secured by an easement recorded on March 9, 2007, under King County recording number 20070316000509. The legislation will release the northernmost two feet of HSD's interest for the purpose of allowing CASA Latina to then dedicate that portion of property to the Seattle Department of Transportation (SDOT) for alley purposes. The alley is required as part of the permitting requirements for a new building CASA Latina wishes to build on their property.

Background:

In February 2007, Ordinance 122339 authorized HSD to enter into a contract with CASA Latina to assist with the relocation of their day worker center to the present site at the corner of 17th Avenue South and South Jackson Street. Part of this contract involved the City, via HSD, taking an easement on the property to provide the City with certain rights of access and use for the City or its designees.

CASA Latina now wishes to build a second building on their site. The City set aside \$200,000 in federal CDBG funds in 2010 to assist with the development and construction of this new building. Funding will be released in the fall of 2011. In order to obtain the required permits for the building, the Department of Planning and Development and SDOT are requiring that the northernmost two feet of the property be dedication for alley purposes. This dedication of the northernmost two feet will not substantially affect HSD's interests in the property. With the completion of the new building, CASA Latina will be in a stronger position to deliver necessary services to Seattle's homeless and low- and moderate-income residents.

Please check one of the following:

 X **This legislation has financial implications.**

This legislation will allow the City to follow through on the expenditure of its appropriation of \$200,000 in CDBG funds to support the construction of CASA Latina's



new building. No new appropriation authority is required.

Appropriations: N/A

Spending/Cash Flow Notes:

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No
- b) **What is the financial cost of not implementing the legislation?**
If the City does not allow for this partial release of easement, the new building, designed to house CASA Latina's day worker center and to provide other social services, may not be built. This will cause the City, via HSD, to deobligate \$200,000 in federal CDBG funds from the project, which will then be available for reallocation to other CDBG-eligible uses.
- c) **Does this legislation affect any departments besides the originating department?**
Seattle Department of Transportation (Mary Jung) and Department of Planning and Development (Darlene Edwards)
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
None
- e) **Is a public hearing required for this legislation?**
No
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No
- g) **Does this legislation affect a piece of property?**
Yes, see attached map.
- h) **Other Issues:**
None

List attachments to the fiscal note below:

Attachment 1, Map of 17th Avenue S and S Jackson Street



ATTACHMENT 1
LOCATION OF PROPERTY (for informational purposes only)
Northeast corner, 17th Avenue S. and S. Jackson Street



Attachment 1

Parcel Number	3319500655
Site Address	1620 S JACKSON ST
Zip code	98144
Taxpayer	CASA LATINA

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

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City of Seattle
Office of the Mayor

September 6, 2011

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

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill to release a portion of the Human Services Department's (HSD) interest in property owned by CASA Latina, as secured by an easement recorded on March 9, 2007. The legislation will release the northernmost two feet of HSD's interest for the purpose of allowing CASA Latina to then dedicate that portion of property to the Seattle Department of Transportation (SDOT) for alley purposes. The alley is required as part of the permitting requirements for a new building CASA Latina wishes to build on their property. Subsequent legislation will be offered by SDOT for the alley dedication.

In February 2007, Ordinance 122339 authorized HSD to enter into a contract with CASA Latina to assist with the relocation of their day worker center to the present site at the corner of 17th Avenue South and South Jackson Street. Part of this contract involved the City, via HSD, taking an easement on the property to provide the City with certain rights of access and use for the City or its designees. CASA Latina now wishes to build a second building on their site. The City set aside \$200,000 in federal Community Development Block Grant funds in 2010 to assist with the development and construction of this new building. Funding will be released in the fall of 2011.

With the completion of the new building, CASA Latina will be in a stronger position to deliver necessary services to Seattle's homeless, low-, and moderate-income residents. Thank you for your consideration of this legislation. If you have questions about this proposed action, please contact Michael Look in the Human Services Department at (206) 615-1717.

Sincerely,

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.mcginns@seattle.gov



STATE OF WASHINGTON – KING COUNTY

--SS.

277741
CITY OF SEATTLE, CLERKS OFFICE

No. 123731 123732

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: TITLE ONLY ORDINANCE

was published on

10/27/11

The amount of the fee charged for the foregoing publication is the sum of \$ 34.13, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

10/27/11

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 October 17, 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. 123731

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

ORDINANCE NO. 123732

AN ORDINANCE authorizing the partial release of an easement in gross on property of CASA Latina at 317 17th Avenue South, Seattle.

Date of publication in the Seattle Daily Journal of Commerce, October 27, 2011.

10/27(277741)