

Ordinance No. 123904

Council Bill No. 117486

AN ORDINANCE approving and confirming the plat of "Goodhue" in a portion of Section 19, Township 26 North, Range 4 East, W.M. in King County, Washington with a modified plat condition; waiving the requirement of a surety bond under subsection 23.22.070.C of the Seattle Municipal Code and approving acceptance of an irrevocable standby letter of credit to guarantee completion of required facilities and improvements; and setting a date for completion of required facilities and improvements.

CF No. 308766

Date Introduced:	<u>6-4-12</u>	
Date 1st Referred:		To: (committee) <u>Full Council</u>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>6/11/12</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor:	<u>6/13/12</u>	Date Approved: <u>6-18-12</u>
Date Returned to City Clerk:	<u>6-19-12</u>	Date Published: <input checked="" type="checkbox"/> T.O. <input type="checkbox"/> F.T.
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin
Councilmember

Committee Action:

June 11, 2012 Full Council PASSED 8-0 (excused: O'Brien)

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

CITY OF SEATTLE
ORDINANCE 123904
COUNCIL BILL 117480

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4 AN ORDINANCE approving and confirming the plat of "Goodhue" in a portion of Section 19,
5 Township 26 North, Range 4 East, W.M. in King County, Washington with a modified
6 plat condition; waiving the requirement of a surety bond under subsection 23.22.070.C of
7 the Seattle Municipal Code and approving acceptance of an irrevocable standby letter of
8 credit to guarantee completion of required facilities and improvements; and setting a date
9 for completion of required facilities and improvements.

10 WHEREAS, a proposed plat of "Goodhue" has been submitted for approval (DPD Subdivision
11 Application No. 3005091); and

12 WHEREAS, a proposed plat of "Goodhue" includes a dedication to the City of Seattle of
13 easements for electrical and water utility purposes and right of way for Meridian Avenue
14 North; and

15 WHEREAS, following review and recommendations by the various City departments that have
16 jurisdiction in this matter and a public hearing before the Hearing Examiner of the City of
17 Seattle, the Hearing Examiner approved the preliminary plat of "Goodhue" subject to
18 certain conditions on March 5, 2009; and

19 WHEREAS, the Director of Planning and Development and the Director of Transportation
20 determined that one of conditions imposed by the Hearing Examiner contained an error;
21 and

22 WHEREAS, with consent of the subdivider of the plat of "Goodhue" as required by subsection
23 23.22.072.A of the Seattle Municipal Code (SMC), the Director of Planning and
24 Development and the Director of Transportation recommend modification of Hearing
25 Examiner Condition #2, by replacing:

26 "Provide public easements over the vehicle/pedestrian access easements (Tract C) on the
27 face of the plat or concurrent with recording of the final plat. Provide appropriate
28 easements for City Departments to access and work on the necessary utilities. For Tract
C, provide documentation on the plat showing that the easement utilities will be
maintained by the City, while the roadway will be maintained by the homeowner's
association."

with:



1 "Provide private easements for vehicle/pedestrian access over Tract C on the face of the
2 plat or concurrent with recording the final plat. Provide appropriate easements for City
3 Departments to access and work on the necessary utilities. For Tract C, provide
documentation on the plat showing that the easement utilities will be maintained by the
City, while the roadway will be maintained by the homeowner's association."; and

4 WHEREAS, the subdivider has not completed installation and construction of any of the
5 required facilities and improvements for the subdivision; and

6 WHEREAS, due to changes in the surety market and other factors, the subdivider is unable to
7 provide a bond as required by SMC 23.22.070.C to guarantee the completion of the
required improvements; and

8 WHEREAS, the subdivider has secured its performance for the completion of facilities and
9 improvements with an irrevocable standby letter of credit in the amount of \$1,862,300;
10 and

11 WHEREAS, under RCW 58.17.130, the City may accept a bond or other secure method for
12 providing for and securing the actual construction and installation of the required
improvements; and

13 WHEREAS, the Director of Transportation has determined that the amount of the irrevocable
14 standby letter of credit is sufficient and the City Attorney's Office has approved the form;
and

15 WHEREAS, the Director of Transportation and the Director of Planning and Development have,
16 subject to Council approval of the modified plat condition, approved the final plat for the
17 subdivision and have reported that the final plat now meets all of the requirements of the
18 State platting law (RCW Ch. 58.17) and of the Seattle Municipal Code (SMC Ch. 23.22),
except for the execution of the required certifications by the King County Assessor and
19 the King County Comptroller and the completion of the improvements; and

20 WHEREAS, the Director of Transportation and the Director of Planning and Development
21 report that the plat of "Goodhue", a copy of which is in C.F. No. 308766, is now
complete and ready for City Council approval; NOW, THEREFORE,

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

23 Section 1. The plat of "Goodhue", a platting of a portion of the Southeast Quarter of the
24 Northeast Quarter of Section 19, Township 26 North, Range 4 East, W.M., King County,
25 Washington, is legally described as follows:
26



1 That portion of the Southeast quarter of the Northeast quarter of Section 19, Township 26
2 North, Range 4 East, W.M., as described as follows:

3 BEGINNING AT A POINT ON THE NORTH LINE OF SAID SUBDIVISION 30
4 FEET WEST OF THE NORTHEAST CORNER THEREOF;

5 THENCE SOUTH ON A LINE PARALLEL TO AND 30 FEET WEST OF THE EAST
6 LINE OF SAID SUBDIVISION A DISTANCE OF 613.35 FEET, MORE OR LESS, TO THE
7 NORTHEASTERLY LINE OF ROOSEVELT WAY;

8 THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE A
9 DISTANCE OF 328.24 FEET, MORE OR LESS, TO THE NORTHERLY PRODUCTION OF
10 THE EAST LINE OF BURKE AVENUE AS SHOWN ON THE PLAT OF NORTH SEATTLE
11 HEIGHTS DIV. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 38
12 OF PLATS, PAGE 41, RECORDS OF SAID COUNTY;

13 THENCE NORTH ALONG THE PRODUCED EAST LINE OF BURKE AVENUE,
14 420.63 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST QUARTER
15 OF THE NORTHEAST QUARTER OF SECTION 19;

16 THENCE EASTERLY ALONG SAID SUBDIVISION LINE 272.01 FEET, MORE OR
17 LESS, TO THE POINT OF THE BEGINNING ;

18 EXCEPT THE NORTH 30 FEET THEREOF CONVEYED TO KING COUNTY BY
19 DEED RECORDED UNDER RECORDING NO.581368.

20 SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

21 Section 2. A modification to a preliminary plat condition, Hearing Examiner Condition
22 #2, recommended by the Director of Planning and Development and the Director of
23 Transportation and consented to by the subdivider of the plat of "Goodhue", as required by
24 subsection 23.22.072.A of the Seattle Municipal Code (SMC), is hereby approved as follows:
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27



1 Replace:

2 “Provide public easements over the vehicle/pedestrian access easements (Tract C) on the
3 face of the plat or concurrent with recording of the final plat. Provide appropriate
4 easements for City Departments to access and work on the necessary utilities. For Tract
5 C, provide documentation on the plat showing that the easement utilities will be
6 maintained by the City, while the roadway will be maintained by the homeowner’s
7 association.”

8 with:

9 “Provide private easements for vehicle/pedestrian access over Tract C on the face of the
10 plat or concurrent with recording the final plat. Provide appropriate easements for City
11 Departments to access and work on the necessary utilities. For Tract C, provide
12 documentation on the plat showing that the easement utilities will be maintained by the
13 City, while the roadway will be maintained by the homeowner’s association.”

14 Section 3. With respect to the plat of “Goodhue”, together with any interest in abutting
15 streets, and all dedications contained therein, as executed by City 26 by Isola Homes, LLC, a
16 Washington Limited Liability Company, and approved by the Director of Transportation and the
17 Director of Planning and Development, the following findings are hereby made:

18 (a) The final plat of the subdivision is in substantial conformance with the approved
19 preliminary plat of the subdivision, as modified in Section 2 above; and

20 (b) When both the King County Assessor and King County Comptroller have affixed
21 their certifications as required by RCW 58.17.160(4) the requirements of State law and City
22 ordinances that were in effect at the time of preliminary plat approval will also have been
23 satisfied by the subdivider; and

24 (c) The public use and interest will be served by the establishment of the subdivision,
25 and the plat makes appropriate provision for the public health, safety and general welfare; and

26 (d) The Director of the Department of Transportation accepted an irrevocable standby
27 letter of credit from City 26 by Isola Homes LLC, issued by Wells Fargo Bank in a form
28



1 approved by the City Attorney's Office and naming the City of Seattle as the beneficiary to
2 guarantee completion of the required facilities and improvements ; and

3 (e) The amount of the irrevocable standby letter of credit, \$1,862,300, is sufficient to
4 assure completion of required facilities and improvements; and

5 (f) The required facilities and improvements must be completed within two years of
6 the effective date of this ordinance.

7 Section 4. City Council waives the requirement of a bond under SMC 23.22.070.C as the
8 method to secure completion of the required facilities and improvements for the plat of
9 "Goodhue" and approves the acceptance of the irrevocable standby letter of credit described in
10 Section 3 (d) above.


11 Section 5. The plat of "Goodhue", a subdivision of a portion of the Southeast Quarter of
12 the Northeast Quarter of Section 19, Township 26 North, Range 4 East, W.M., King County,
13 Washington, including the dedications therein, is in all respects approved and the plat confirmed
14 and accepted, subject to certification by the King County Assessor and King County
15 Comptroller, and the City Clerk is hereby authorized and directed to execute a certificate upon
16 the face of such plat attesting to the approval thereof as evidenced by enactment of this
17 ordinance.

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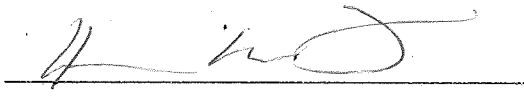


1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.


4 Passed by the City Council the 11th day of June, 2012, and
5 signed by me in open session in authentication of its passage this
6 11th day of June, 2012.

7
8 
9 President _____ of the City Council

10
11 Approved by me this 18th day of June, 2012.

12
13 
14 Michael McGinn, Mayor

15
16 Filed by me this 19th day of June, 2012.

17
18 
19 Monica Martinez Simmons, City Clerk

20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Transportation	Susan Paine 386-4681	Rebecca Guerra 684-5339

Legislation Title:

AN ORDINANCE approving and confirming the plat of "Goodhue" in a portion of Section 19, Township 26 North, Range 4 East, W.M. in King County, Washington with a modified plat condition; waiving the requirement of a surety bond under subsection 23.22.070.C of the Seattle Municipal Code and approving acceptance of an irrevocable standby letter of credit to guarantee completion of required facilities and improvements; and setting a date for completion of required facilities and improvements.

Summary of the Legislation:

This legislation approves a 26 lot subdivision at 13727 Meridian Avenue North in the Haller Lake neighborhood. The Hearing Examiner held a public hearing on April 23, 2009 and issued her approval of the preliminary plat of the subdivision on May 4, 2009, subject to certain conditions that have now been met, subject to City Council approval of a modified condition. The legislation also waives the requirement of a surety bond and approves acceptance of an irrevocable standby letter of credit to guarantee the completion of required improvements.

Background:

This subdivision divides the former Nellie Goodhue School property into 26 lots, which are permitted for development as a Clustered Housing Planned Development subject to terms and conditions of Master Use Permit 3004747. This subdivision is consistent with the area zoning, which is Single Family (SF5000). The Hearing Examiner held a public hearing on April 23, 2009 and made her decision approving the preliminary plat of the subdivision subject to certain conditions on May 4, 2009. The Director of Transportation has recommended that the requirement for the bonding of infrastructure improvements be waived and that acceptance of an irrevocable standby letter of credit, in form approved by the City Attorney, be approved by the City Council. The Department of Transportation and the Department of Planning and Development have determined that all preliminary plat conditions have been satisfied, subject to City Council approval of modification of a preliminary plat condition recommended by the Directors with consent of the subdivider.

Please check one of the following:

X This legislation does not have any financial implications.



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?**
None, although legislation is required per State law.
- c) **Does this legislation affect any departments besides the originating department?**
Seattle City Light and Seattle Public Utilities have easements on the plat.

What are the possible alternatives to the legislation that could achieve the same or similar objectives?

Legislation is required per State law.

- d) **Is a public hearing required for this legislation?**
No. A public hearing is required at the preliminary subdivision stage and this occurred on April 23, 2009 before the Hearing Examiner.
- e) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No

- f) **Does this legislation affect a piece of property?**
Yes

- g) **Other Issues:** There are 2 issues with this Council Bill that are not typical.
 1. There is an approval of a modified preliminary plat condition, as recommended by DPD and SDOT with the written consent of the subdivider. The subdivider's letter of consent is filed in the Clerk's File no. 308766.
 2. The subdivider is unable to obtain a surety bond to guarantee the completion of the improvements and facilities, as required by SMC 23.22.070.C. The subdivider has, instead, provided an irrevocable standby letter of credit issued by Wells Fargo Bank in the amount of \$1,862, 300.00, the amount estimated to be sufficient to complete all improvements required to be provided by the subdivider. Under state law, a municipality is permitted to accept a bond or other secure method of guarantee. The form of the irrevocable standby letter of credit and the financial strength of issuing bank have been approved by the City Attorney's office, and has been approved by the City Attorney. The Director of Transportation is recommending the waiver of the bond requirement and acceptance of the irrevocable standby letter of credit to guarantee the construction of the facilities and improvements for the Goodhue project.

The acceptance of the alternative financial instrument must be approved by City Council. A copy of the irrevocable standby letter of credit will be filed with the Clerk's Office.



Susan Palne
SDOT Goodhue Plat FISC
April 13, 2012
Version #5

The subdivision of the parcel is subject to the approval and acceptance of the alternative financial instrument by City Council.

List attachments to the fiscal note below:

Attachment A: Location of Goodhue Plat



Attachment A: Location of Goodhue Plat

Street address: 13727 Meridian Avenue North, Seattle



This drawing is intended for information purposes only and is not intended to modify the description of the property in the legislation.





City of Seattle
Office of the Mayor

May 22, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that approves a subdivision, including easements to the City for underground electrical purposes and for public water facility purposes and a dedication for Meridian Avenue North, at 13727 Meridian Avenue North in the Haller Lake neighborhood.

The recommendation for development of this site was published on March 5, 2009, under Master Use Permit (MUP) 3005091. After a public hearing, held on April 23, 2009, the Hearing Examiner issued approval of the preliminary plat on May 4, 2009, subject to certain conditions that, subject to City Council approval of a modified condition, have now been met. The Directors of Transportation and of Planning and Development have approved the final plat that divides the former Nellie Goodhue School site into 26 lots, subject to City Council approval of a modified preliminary plat condition. The Council Bill also includes a Council waiver of the bond for completion of all improvements required to be provided by the subdivider and approval of acceptance of an irrevocable standby letter of credit, in form approved by the City Attorney, in place of the bond. Except for the execution of the required certifications by the King County Assessor and King County Comptroller, the requirements of the State platting law and Seattle Municipal Code have been met, subject to Council approval of the modified plat condition and acceptance of the irrevocable standby letter of credit.

Thank you for your consideration of this legislation. Should you have questions, please contact Susan Paine at 386-4681.

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

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STATE OF WASHINGTON – KING COUNTY

--SS.

285868
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

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

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

CT:123899-905 TITLE ONLY

was published on

06/29/12

The amount of the fee charged for the foregoing publication is the sum of \$ 111.60, which amount has been paid in full.



Affidavit of Publication

Danels Coleby

Subscribed and sworn to before me on
06/29/12
Jennifer Borrero

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 June 11, 2012, 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. 123899

AN ORDINANCE relating to notice procedures in Hearing Examiner proceedings, amending Sections 3.02.090, 3.02.100, 5.55.150, 5.55.230, 6.02.290, 6.202.310, 7.20.100, 10.07.050, 10.52.032, 10.52.034, 11.16.317, 14.04.180, 14.06.120, 14.08.180, 14.10.140, 14.16.080, 15.91.006, 15.91.010, 22.206.217, 22.208.050, 22.210.150, 22.220.140, 22.920.160, 23.66.030, 23.91.006, 23.91.010, 25.02.080, 25.08.930, 25.10.540, 25.16.110, 25.16.115, 25.20.115, 25.21.135, 25.22.135, and 25.24.085 to allow the option to provide notice by electronic means in specified circumstances and correct section references and format.

ORDINANCE NO. 123900

AN ORDINANCE relating to Hearing Examiner filing fees, amending Section 3.02.125 to increase the fees required for certain cases before the City Hearing Examiner, and amending Sections 7.20.080 and 22.220.140 to make those sections consistent with Section 3.02.125.

ORDINANCE NO. 123901

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 1227 South Jackson Street; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; authorizing acquisition by condemnation; increasing appropriations to the Department of Parks and Recreation in the 2012 Adopted Budget; and ratifying and confirming certain prior acts; all by a three fourths vote of the City Council.

ORDINANCE NO. 123902

AN ORDINANCE relating to the 2012 Budget; carrying forward certain unexpended appropriations and funds for non-capital purposes from the 2011 budget of various departments; ratifying and confirming certain prior acts, all by a 3/4 vote of the City Council.

ORDINANCE NO. 123903

AN ORDINANCE relating to the Seattle Center Department; authorizing execution of an agreement with Festivals, Inc. for the presentation of annual Bite of Seattle festivals at Seattle Center.

ORDINANCE NO. 123904

AN ORDINANCE approving and confirming the plat of "Goodhue" in a portion of Section 19, Township 26 North, Range 4 East, W.M. in King County, Washington with a modified plat condition; waiving the requirement of a surety bond under subsection 23.22.070.C of the Seattle Municipal Code and approving acceptance of an irrevocable standby letter of credit to guarantee completion of required facilities and improvements; and setting a date for completion of required facilities and improvements.

ORDINANCE NO. 123905

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, June 29, 2012.
6/29(285868)