

ORDINANCE No. 124321

Stephen

COUNCIL BILL No. 117907

The City of Seattle--Legislative Department

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 8809 Fremont Avenue North; 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 2013 Adopted Budget and the 2013-2018 Capital Improvement Program; and ratifying and confirming certain prior acts; all by three-fourths vote of the City Council.

REPORT OF COMMITTEE

Date Reported
and Adopted _____

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommended that the same:

COMPTROLLER FILE No. _____

Introduced: <u>9-9-13</u>	By: <u>Parks and Neighborhoods Committee</u>
Referred:	To: <u>Government Performance and Finance Committee</u>
Referred:	To:
Referred:	To:
Reported: <u>10/7/13</u>	Second Reading:
Third Reading: <u>10/7/13</u>	Signed: <u>10/7/13</u>
Presented to Mayor: <u>10/8/13</u>	Approved: <u>10-10-13</u>
Returned to City Clerk: <u>10-10-13</u>	Published: <u>T.O.</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

9/13/13 Pass 2-0 (SB, JG)

Full Council: Oct. 7, 2013 Passed 8-0 (excused: Rasmussen)

Law Department

Committee Chair

CITY OF SEATTLE
ORDINANCE 124321
COUNCIL BILL 117907

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4 AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the
5 acquisition of real property commonly known as 8809 Fremont Avenue North;
6 authorizing acceptance and recording of the deed for open space, park, and recreation
7 purposes; authorizing acquisition by condemnation; increasing appropriations to the
8 Department of Parks and Recreation in the 2013 Adopted Budget and the 2013-2018
Capital Improvement Program; and ratifying and confirming certain prior acts; all by
three-fourths vote of the City Council.

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

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

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

20 WHEREAS, Ordinance 122749 identifies the Greenwood/Phinney Ridge Residential Urban
21 Village for potential neighborhood park acquisition; and

22 WHEREAS, the Department of Parks and Recreation considers the Greenwood/Phinney Ridge
23 Residential Urban Village as significantly underserved with quality open space, and the
area is, therefore, a priority area for additional acquisitions for parks and open space; and

24 WHEREAS, Greenwood Park, located at 602 North 87th Street, is just outside the
25 Greenwood/Phinney Ridge Residential Urban Village boundary, but serves the residents
26 of the northern portion of the Urban Village; and



1 WHEREAS, the City has been trying to acquire the property at 8809 Fremont Avenue North for
2 over a decade because it is an in-holding in Greenwood Park; and

3 WHEREAS, the property came up for sale and the City was not able to acquire it before a
4 developer did; and

5 WHEREAS, if the City does not acquire the property now before it is redeveloped the
6 opportunity will be lost;

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

8 **Section 1.** That public convenience and necessity require that the following described
9 real property, situated in the City of Seattle, County of King, State of Washington, and
10 commonly known as the property at 8809 Fremont Avenue North ("Property"), together with all
11 rights, privileges, and other property pertaining thereto, be acquired for open space, park, and
12 recreation purposes:

13
14 *THE NORTH 24.5 FEET OF LOT 2, AND ALL OF LOT 3, BLOCK 4, OSNER'S*
15 *SUBURBAN HOMES ADDITION, ACCORDING TO THE PLAT THEREOF*
16 *RECORDED IN VOLUME 9 OF PLATS, PAGE 92, IN KING COUNTY, WASHINGTON;*
17 *EXCEPT THAT PORTION THEREOF LYING NORTH OF A LINE BEGINNING AT A*
18 *POINT ON THE WEST LINE OF FREMONT AVENUE NORTH 94.8 FEET SOUTH OF*
19 *THE NORTHEAST CORNER OF LOT 3, AND RUNNING THENCE WEST AND*
20 *PARALLEL WITH THE NORTH LINE OF LOT 3, A DISTANCE OF 80.01 FEET TO*
21 *THE WEST LINE OF THE EAST 80 FEET OF SAID LOT 3.*

22 **Section 2.** The Superintendent of Parks and Recreation, or his or her designee, is
23 authorized, on behalf of the City of Seattle, to negotiate and enter into an agreement to acquire
24 the Property for a purchase price equivalent to just compensation, and to accept a deed for the
25 Property by attaching to the deed the Superintendent's written acceptance thereof, and recording
26 the same. The Property shall be accepted for open space, park, and recreation purposes, and
27 placed under the jurisdiction of the Seattle Department of Parks and Recreation.



1 **Section 3.** The Seattle City Attorney is authorized to commence and prosecute
2 proceedings in the manner provided by law to condemn, take, damage, and appropriate the
3 Property in fee simple, after just compensation has been made or paid into court for the owners
4 thereof, in the manner provided by law; and to stipulate for the purposes of minimizing
5 damages.

6 **Section 4.** In order to pay for necessary capital costs and expenses incurred, or to be
7 incurred, but for which insufficient appropriations were made due to causes that could not
8 reasonably have been foreseen at the time the 2013 budget was adopted, the appropriation for
9 the following in the 2013 Adopted Budget and the 2013-2018 Adopted Capital Improvement
10 Program is increased from the funds shown, as follows:
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Fund	Department	Capital Improvement Program: Program (Number)	Amount
2008 Parks Levy Fund (33860)	Parks and Recreation	2008 Parks Levy – Neighborhood Park Acquisition (K720010)	\$300,000

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16 **Section 5.** Any act consistent with the authority of this ordinance taken after its passage
17 and prior to its effective date is ratified and confirmed.
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19 **Section 6.** This ordinance shall take effect and be in force 30 days after its approval by
20 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
21 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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1 Passed by a three-fourths (3/4) vote of all the members of the City Council the 7th
2 day of October, 2013, and signed by me in open session in authentication
3 of its passage this 7th day of October, 2013.

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5 
6 President _____ of the City Council

7
8 Approved by me this 16th day of October, 2013.

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10 
11 Michael McGinn, Mayor

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13 Filed by me this 16th day of October, 2013.

14
15 
16 Monica Martinez Simmons, City Clerk

17
18 (Seal)



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Parks and Recreation	Donald Harris/684-8018	Jeff Muhm/684-8049

Legislation Title:

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 8809 Fremont Avenue North; 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 2013 Adopted Budget and the 2013-2018 Capital Improvement Program; and ratifying and confirming certain prior acts; all by three-fourths vote of the City Council.

Summary and background of the Legislation: This proposed legislation authorizes the Department of Parks and Recreation (DPR) to acquire the property located at 8809 Fremont Avenue North by negotiation or by condemnation. The legislation also allows for the acceptance of the deed to the subject property for open space, park, and recreation purposes.

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 Levy included an acquisition category calling for the City to acquire neighborhood park properties in areas with park and open space gaps. The proposed Council Bill authorizes DPR to acquire a ±4,216 square-foot property located adjacent to Greenwood Park. The subject property is currently improved with a small single family house.

The City has been trying to buy this property since the acquisition of the original Greenwood Park property in the 1990's, but the owners have been unresponsive to our attempts. Greenwood Park encompasses almost an entire city block just outside the Greenwood/Phinney Residential Urban Village and provides a variety of park and recreation opportunities to the Greenwood residents. The property suddenly came on the market and an offer was accepted before the City had a chance to respond. The buyers have agreed to assign their purchase and sale agreement to the City if the City pays the costs incurred by the buyer, which are modest. While we hope to reach a negotiated agreement with the owner (DPR has requested modifications to the purchase and sale agreement including conditions for acceptable appraisal, environmental site assessment and Council authorization to purchase), the attached Council Bill authorizes the City to acquire the property through the process of condemnation, should it become necessary.



The acquisition of this property is identified in the Greenwood neighborhood plan as well as the 2009 Greenwood Park master plan. The structure will be removed and the property will be left vacant until additional funding is available for park development.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:
Neighborhood Park Acquisitions-2008 Parks Levy	K730010	8809 Fremont Ave N	May 2013	June 2014

This legislation creates, funds, or anticipates a new CIP Project.

This legislation does not have any financial implications.

This legislation has financial implications.

Appropriations:

Fund Name and Number	Department	Budget Control Level*	Existing 2013 Appropriation	New 2013 Appropriation (if any)	2014 Anticipated Appropriation
2008 Parks Levy Fund (33860)	Parks and Recreation	K720010	\$0	\$300,000	\$0
TOTAL			\$0	\$300,000	\$0

Appropriations Notes: Funding from the Neighborhood Parks Acquisition category of the Levy will pay for this acquisition.

Spending Plan and Future Appropriations for Capital Projects: In 1,000s

Spending Plan and Budget	2013	2014	2015	2016	2017	2018	Total
Spending Plan	\$240	\$60					\$300
Current Year Appropriation	\$300						
Future Appropriations		\$0	\$0	\$0	\$0	\$0	\$300

Spending Plan and Budget Notes: The current budget for this project is \$300,000. The purchase price will not exceed \$211,152 (contingent on appraisal), with an additional budget of \$88,848 for administrative time, title insurance and closing costs, environmental testing, survey, etc. The projected 2014 expenses are for structure removal. The acquisition is scheduled to close September 30, 2013, in lieu of condemnation.



Funding Source:

Funding Source (Fund Name and Number, if applicable)	2013	2014	2015	2016	2017	2018	Total
2008 Parks Levy Fund (33860)	\$300,000	\$0	\$0	\$0	\$0	\$0	\$300,000
TOTAL	\$300,000	\$0	\$0	\$0	\$0	\$0	\$300,000

Funding Source Notes:

Costs for this acquisition will be from the Neighborhood Parks Acquisition category of the Levy.

Bond Financing Required: N/A .

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

Bond Notes:

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

O&M	2013	2014	2015	2016	2017	2018	Total
Uses							
Start Up							
On-going	\$0	\$1,886	\$3,847	\$3,224	\$4,002	\$4,082	\$17,041
Sources (itemize)							
Parks and Recreation Fund (10200)	\$0	\$1,886	\$3,847	\$3,224	\$4,002	\$4,082	\$17,041
Total	\$0	\$1,886	\$3,847	\$3,224	\$4,002	\$4,082	\$17,041

Operation and Maintenance Notes: Estimates assume acquisition date of October 2013, and the beginning of operations and maintenance costs in July 2014, after the removal of the structure. O&M estimates are for limited lawn-mowing and irrigation, on-going litter and trash pick-up, maintaining safe sidewalk access and application of herbicide on noxious weeds. There is also a legal requirement to test water lines. The O&M numbers listed above assume a 2% inflation rate in each successive year.



Periodic Major Maintenance Costs for the Project: N/A

Major Maintenance Item	Frequency	Cost	Likely Funding Source
TOTAL	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	2012 Positions	2012 FTE	2013 Positions* *	2013 FTE** **
TOTAL	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Position Notes:

Do positions sunset in the future? Not applicable.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
 The 2008 Parks and Green Spaces Levy provides funding for acquisition of new properties to fill gaps in urban villages. Funding has not been identified to develop and maintain the future expanded park; therefore, DPR intends to remove the structure shortly after acquisition and maintain it with minimal operations funding.
- b) **What is the financial cost of not implementing the legislation?**
 If this property is not acquired, there will be a new house in Greenwood Park affecting users' enjoyment and Parks maintenance of Greenwood Park.
- c) **Does this legislation affect any departments besides the originating department?** No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
 The scope of this project is to expand the size of the existing Greenwood Park. The alternative is to allow a new house to be built on this property and eliminate the possibility of acquiring this property in the future.
- e) **Is a public hearing required for this legislation?** No.



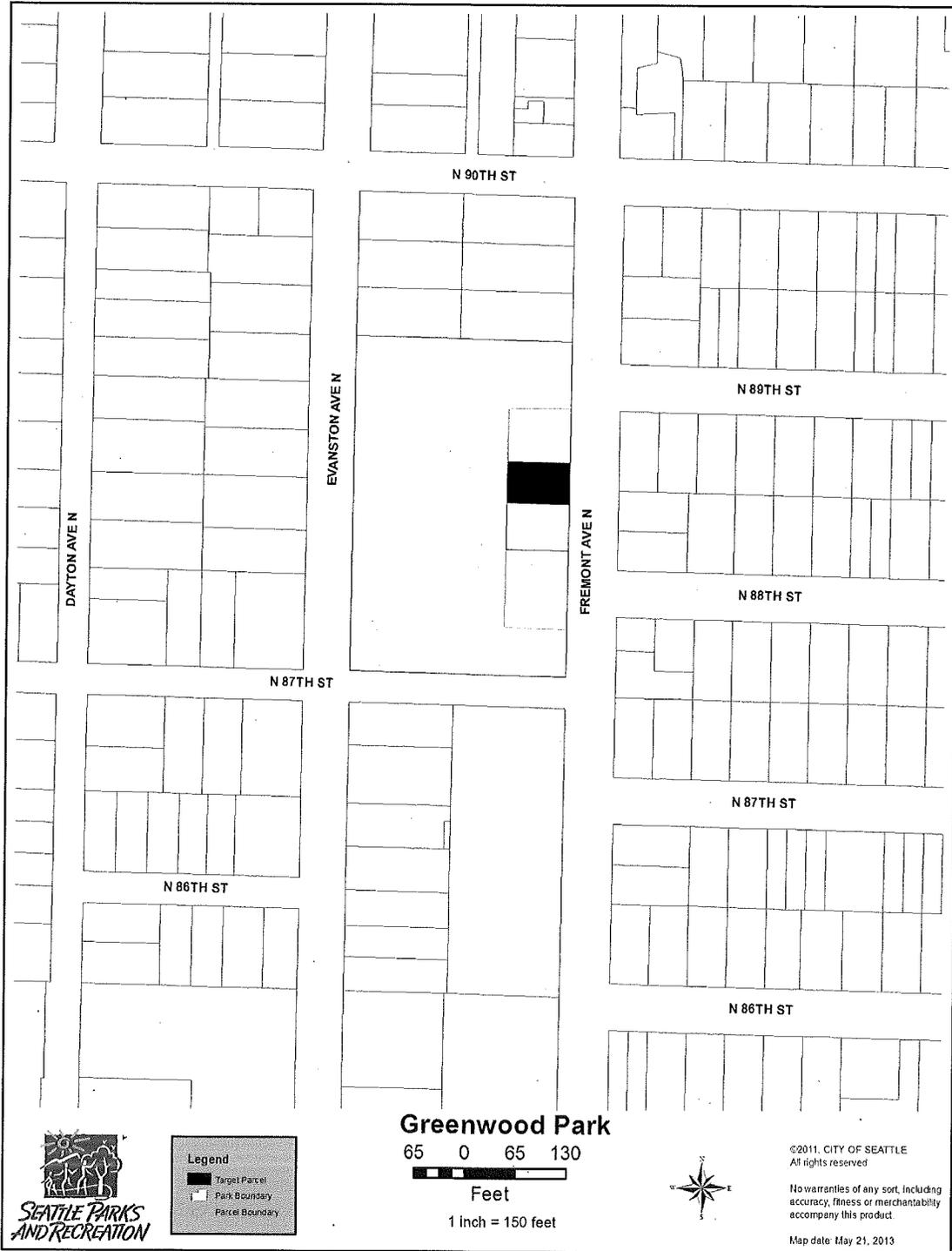
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation? Yes.**
- g) **Does this legislation affect a piece of property? Yes.**
- h) **Other Issues: None.**

List attachments to the fiscal note below:

Attachment A: Map of Proposed Greenwood Park Addition – 8809 Fremont Avenue North



ATTACHMENT A: Map of Greenwood Park Acquisition



This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation



City of Seattle
Office of the Mayor

July 30, 2013

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 authorizes the acquisition of a 4,216 square-foot parcel located at 8809 Fremont Avenue North. The property, located adjacent to the existing Greenwood Park, will move us one step closer towards the goal of incorporating the east side of the block into the park, as originally envisioned. The property is currently improved with a small single family house.

The property identified in this legislation has been an acquisition priority for Seattle Parks and Recreation (DPR) for over a decade. During that time, Parks has tried repeatedly to acquire this property. The property went on the market in early May 2013 and an offer was accepted before the City had a chance to respond. The buyer has agreed to assign its purchase and sale agreement to the City if the City pays its expenses incurred, which are modest. The acquisition of this property is identified in the Greenwood neighborhood plan as well as the 2009 Greenwood Park master plan. While we hope to reach a negotiated agreement with the owner (DPR has asked the owner for certain modifications to the purchase and sale agreement, including a delayed closing date to allow time for environmental site assessment and Council authorization), the attached Council Bill authorizes the City to acquire the property through the process of condemnation, should it become necessary.

The acquisition of this property will help meet the City's goal of providing parks within walking distance for residents in urban villages, and will serve the needs of Greenwood 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,

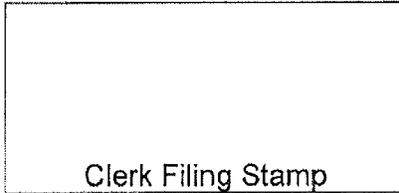
Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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

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





**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Council Bill 117907**

I, Lise A. Ward, Senior Real Property Agent, hereby certify as follows:

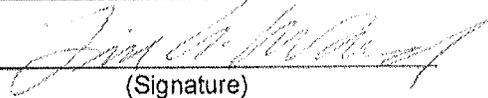
(Check all that apply below.)

- X 1. On the 18th day of September, 2013, I mailed via US Postal Service Certified Mail a
 - X notice of condemnation or
 - other _____,
 a true and correct representative copy of which is attached and designated as Attachment A, to those persons whose names and addresses appear on the attached list as Attachment B.
- X 2. For condemnation legislation: The notice designated in Attachment A constitutes adequate notice to property owners, pursuant to RCW 8.12 and 8.25, that the City may take final action to authorize condemnation of the subject property.
- X 3. The notice designated in Attachment A was published in the Seattle Times on September 23, 2013 and September 30, 2013, and the Daily Journal of Commerce on September 23, 2013 and September 30, 2013.
- X 4. This Certificate of Mailing and Publication and complete Attachments A and B are hereby filed with the City Clerk of the City of Seattle.

Dated this 3rd day of October 2013.

The City of Seattle, Washington

Lise A. Ward


(Signature)

Senior Real Property Agent

Dept of Parks and Recreation

(206) 733-9106



City of Seattle
Parks and Recreation

ATTACHMENT (A)

September 18, 2013

BY CERTIFIED MAIL

Henry H Judson III
Successor Trustee of the Stephen J. Meaney and Irene L. Meaney Family Trust
1218 3rd Avenue
Suite 512
Seattle, WA 98101

**Notice of Seattle City Council Final Action to Adopt an Ordinance Authorizing
Condemnation (Eminent Domain) of real property located at 8809 Fremont Avenue
North (King County Tax Parcel 643150-0171) in the City of Seattle, Washington**

Dear Mr. Judson:

The purpose of this Notice is to inform you that the City of Seattle City Council is expected to vote to approve an ordinance authorizing the acquisition of your real property rights located at 8809 Fremont Avenue North in the City of Seattle, Washington. A copy of the proposed ordinance and a map depicting the project location are enclosed for your information.

This ordinance, if adopted, will contain authorization for the City to use condemnation to acquire your property as part of the Seattle Parks & Green Spaces Levy Acquisition Project.

You are identified by the tax rolls of King County as the owner of property affected by this legislation. The City is required by RCW 8.25.290 to provide each property owner affected by the ordinance with formal written notice before the City takes final action authorizing condemnation of property. The time, date, and place of the final action to approve the ordinance are described below.

Lise A. Ward, Senior Real Property Agent
Parks and Recreation
800 Maynard Avenue South
Third Floor
Seattle, WA 98134

Tel (206) 733-9106
Fax (206) 233-7038
TDD (206) 233-7061
lise.ward@seattle.gov

(A)

Lise A. Ward/Norm Schwab
DPR Greenwood Park Addition Acq ORD
September 3, 2013
Version #4

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 117907

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

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

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

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

WHEREAS, Ordinance 122749 identifies the Greenwood/Phinney Ridge Residential Urban Village for potential neighborhood park acquisition; and

WHEREAS, the Department of Parks and Recreation considers the Greenwood/Phinney Ridge Residential Urban Village as significantly underserved with quality open space, and the area is, therefore, a priority area for additional acquisitions for parks and open space; and

WHEREAS, Greenwood Park, located at 602 North 87th Street, is just outside the Greenwood/Phinney Ridge Residential Urban Village boundary, but serves the residents of the northern portion of the Urban Village; and

(A)

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Parks and Recreation	Donald Harris/684-8018	Jeff Muhm/684-8049

Legislation Title:

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 8809 Fremont Avenue North; 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 2013 Adopted Budget and the 2013-2018 Capital Improvement Program; and ratifying and confirming certain prior acts; all by three-fourths vote of the City Council.

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(A)

Funding Source:

Funding Source (Fund Name and Number, if applicable)	2013	2014	2015	2016	2017	2018	Total
2008 Parks Levy Fund (33860)	\$300,000	\$0	\$0	\$0	\$0	\$0	\$300,000
TOTAL	\$300,000	\$0	\$0	\$0	\$0	\$0	\$300,000

Funding Source Notes:

Costs for this acquisition will be from the Neighborhood Parks Acquisition category of the Levy.

Bond Financing Required: N/A .

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

Bond Notes:

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

O&M	2013	2014	2015	2016	2017	2018	Total
Uses							
Start Up							
On-going	\$0	\$1,886	\$3,847	\$3,224	\$4,002	\$4,082	\$17,041
Sources (itemize)							
Parks and Recreation Fund (10200)	\$0	\$1,886	\$3,847	\$3,224	\$4,002	\$4,082	\$17,041
Total	\$0	\$1,886	\$3,847	\$3,224	\$4,002	\$4,082	\$17,041

Operation and Maintenance Notes: Estimates assume acquisition date of October 2013, and the beginning of operations and maintenance costs in July 2014, after the removal of the structure. O&M estimates are for limited lawn-mowing and irrigation, on-going litter and trash pick-up, maintaining safe sidewalk access and application of herbicide on noxious weeds. There is also a legal requirement to test water lines. The O&M numbers listed above assume a 2% inflation rate in each successive year.

(A)

Lise Ward
DPR Greenwood Park Addition Aeq FISC
July 18, 2013
Version #3

- f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation? Yes.
- g) Does this legislation affect a piece of property? Yes.
- h) Other Issues: None.

List attachments to the fiscal note below:

Attachment A: Map of Proposed Greenwood Park Addition – 8809 Fremont Avenue North

A



City of Seattle
Office of the Mayor

July 30, 2013

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 authorizes the acquisition of a 4,216 square-foot parcel located at 8809 Fremont Avenue North. The property, located adjacent to the existing Greenwood Park, will move us one step closer towards the goal of incorporating the east side of the block into the park, as originally envisioned. The property is currently improved with a small single family house.

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The acquisition of this property will help meet the City's goal of providing parks within walking distance for residents in urban villages, and will serve the needs of Greenwood 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, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

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

ATTACHMENT (B)

7010 0290 0000 1162 4780

U.S. Postal Service CERTIFIED MAIL RECEIPT <i>(Domestic Mail Only, No Insurance Coverage Provided)</i>		
For delivery information visit our website at www.usps.com		
SEATTLE WA 98101		
Postage	\$ 1.12	0016
Certified Fee	\$3.10	18
Return Receipt Fee (Endorsement Required)	\$2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 6.77	09/18/2013
Sent to: <u>HEMPT, H. JOHNSON III</u> Street, Apt. No. or PO Box No.: <u>1218-305 AVE SUITE 512</u> City, State, ZIP+4: <u>SEATTLE, WA 98101</u>		

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> <u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <u>HEMPT, H. JOHNSON III</u> <u>1218-305 AVE</u> <u>SUITE 512</u> <u>SEATTLE, WA 98101</u>		B. Received by (Printed Name) <u>[Signature]</u> C. Date of Delivery <u>09/18/2013</u>	
2. Article Number <i>(Transfer from service label)</i>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
7010 0290 0000 1162 4780		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

The Seattle Times

Seattle Dept Of Parks & Recreation
Lise Ward
800 Maynard Ave S 3rd Fl

Seattle, WA 98134

Re: Advertiser Account # 107207

Agency Account #: 0

Ad #: 364028

Agency Name:

Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	09/23/13
Seattle Times	09/30/13

Agent Steve Oien Signature Steve Oien



Subscribed and sworn to before me on Sept 30, 2013
DATE
Christina C. McKenna
Notary Public in and for the State of Washington, residing at Seattle

The Seattle Times

Re: Advertiser Account # 107207

Ad #: 364028

Agency Account #: 0

Agency Name:

AD TEXT

NOTICE OF FINAL ACTION AUTHORIZING CONDEMNATION

Property location: 8809 Fremont Ave N, Seattle, WA 98103 (King County Parcel No. 443150-0171) by condemnation: The property is legally described as: The north 74.5 feet of Lot 2, and all of Lot 3, Block 4, Osner's Suburban Homes Addition, according to the Plat thereof recorded in Volume 9 of Plats, page 92, in King County, Washington; EXCEPT that portion thereof lying north of a line beginning at a point on the west line of Fremont Avenue North 94.8 feet south of the northeast corner of Lot 3, and running thence west and parallel with the north line of Lot 3, a distance of 89.1 feet to the west line of the east 89 feet of said Lot 3.

As required by State law, the Department of Parks and Recreation is notifying you of its intention to acquire ownership of the above property located in Seattle, WA using its power of eminent domain.

Municipal legislation will be presented for final action by adoption by the Seattle City Council of the Council Bill 117907, authorizing condemnation, on Monday, October 7, 2013 at 2:00 p.m. in Seattle City Council Chambers located on the 2nd floor of Seattle City Hall, 400 Fourth Avenue, Seattle, WA 98104.

All persons claiming an interest in the property may appear and be heard on the date and time identified above before adoption of Council Bill 117907.

For further information, please contact Donald Harris, Parks and Green Spaces Acquisition Manager, at (206) 664-8018.

STATE OF WASHINGTON -- KING COUNTY

--SS.

302716

No.

SEATTLE PARKS & RECREATION

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.

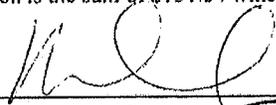
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

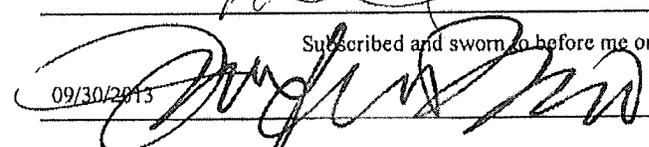
CT:8809 CONDEMN

was published on

09/23/13 09/30/13

The amount of the fee charged for the foregoing publication is the sum of \$131.34 which amount has been paid in full.


Subscribed and sworn to before me on

09/30/2013 

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

NOTICE OF FINAL ACTION AUTHORIZING CONDEMNATION

Property location: 8809 Fremont Ave N, Seattle, WA 98103 (King County Parcel No. 643150-0171) by condemnation. The property is legally described as: The north 21.5 feet of Lot 2, and all of Lot 3, Block 4, Osner's Suburban Homes Addition, according to the Plat thereof recorded in Volume 9 of Plats, page 92, in King County, Washington; EXCEPT that portion thereof lying north of a line beginning at a point on the west line of Fremont Avenue North 94.8 feet south of the northeast corner of Lot 3, and running thence west and parallel with the north line of Lot 3, a distance of 80.1 feet to the west line of the east 80 feet of said Lot 3.

As required by State law, the Department of Parks and Recreation is notifying you of its intention to acquire ownership of the above property located in Seattle, WA using its power of eminent domain.

Municipal legislation will be presented for final action by adoption by the Seattle City Council of the Council Bill 117907, authorizing condemnation, on Monday, October 7, 2013 at 2:00 p.m. in Seattle City Council Chambers located on the 2nd floor of Seattle City Hall, 600 Fourth Avenue, Seattle, WA 98104.

All persons claiming an interest in the property may appear and be heard on the date and time identified above before adoption of Council Bill 117907.

For further information, please contact Donald Harris, Parks and Greenspaces Acquisition Manager at (206) 664-8018.

Dates of publication in the Seattle Daily Journal of Commerce: September 23 and 30, 2013.

9/30/302716

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

1
2
3
4 AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the
5 acquisition of real property commonly known as 8809 Fremont Avenue North;
6 authorizing acceptance and recording of the deed for open space, park, and recreation
7 purposes; authorizing acquisition by condemnation; increasing appropriations to the
8 Department of Parks and Recreation in the 2013 Adopted Budget and the 2013-2018
9 Capital Improvement Program; and ratifying and confirming certain prior acts; all by
10 three-fourths vote of the City Council.

11 WHEREAS, by Resolution 31055 the City Council created the Parks and Green Spaces Levy
12 Citizen's Advisory Committee to ensure citizen participation in the development of a
13 potential package of parks, open space, boulevards, trails, green infrastructure, and
14 recreation projects, and a proposed set of options to fund the package; and

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

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

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

25 WHEREAS, Ordinance 122749 identifies the Greenwood/Phinney Ridge Residential Urban
26 Village for potential neighborhood park acquisition; and

27 WHEREAS, the Department of Parks and Recreation considers the Greenwood/Phinney Ridge
28 Residential Urban Village as significantly underserved with quality open space, and the
area is, therefore, a priority area for additional acquisitions for parks and open space; and

1 WHEREAS, Greenwood Park, located at 602 North 87th Street, is just outside the
2 Greenwood/Phinney Ridge Residential Urban Village boundary, but serves the residents
of the northern portion of the Urban Village; and

3 WHEREAS, the City has been trying to acquire the property at 8809 Fremont Avenue North for
4 over a decade because it is an in-holding in Greenwood Park; and

5 WHEREAS, the property came up for sale and the City was not able to acquire it before a
6 developer did; and

7 WHEREAS, if the City does not acquire the property now before it is redeveloped the
8 opportunity will be lost; NOW, THEREFORE,

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

10
11 Section 1. That public convenience and necessity require that the following described
12 real property, situated in the City of Seattle, County of King, State of Washington, and
13 commonly known as the property at 8809 Fremont Avenue North ("Property"), together with all
14 rights, privileges, and other property pertaining thereto, be acquired for open space, park, and
15 recreation purposes:

16
17 *THE NORTH 24.5 FEET OF LOT 2, AND ALL OF LOT 3, BLOCK 4, OSNER'S*
18 *SUBURBAN HOMES ADDITION, ACCORDING TO THE PLAT THEREOF*
19 *RECORDED IN VOLUME 9 OF PLATS, PAGE 92, IN KING COUNTY, WASHINGTON;*
20 *EXCEPT THAT PORTION THEREOF LYING NORTH OF A LINE BEGINNING AT A*
21 *POINT ON THE WEST LINE OF FREMONT AVENUE NORTH 94.8 FEET SOUTH OF*
22 *THE NORTHEAST CORNER OF LOT 3, AND RUNNING THENCE WEST AND*
23 *PARALLEL WITH THE NORTH LINE OF LOT 3, A DISTANCE OF 80.01 FEET TO*
24 *THE WEST LINE OF THE EAST 80 FEET OF SAID LOT 3.*

1 Section 2. The Superintendent of Parks and Recreation, or his or her designee, is
2 authorized, on behalf of the City of Seattle, to negotiate and enter into an agreement to acquire
3 the Property for a purchase price equivalent to just compensation, and to accept a deed for the
4 Property by attaching to the deed the Superintendent's written acceptance thereof, and recording
5 the same. The Property shall be accepted for open space, park, and recreation purposes, and
6 placed under the jurisdiction of the Seattle Department of Parks and Recreation.
7

8 Section 3. The Seattle City Attorney is authorized to commence and prosecute
9 proceedings in the manner provided by law to condemn, take, damage, and appropriate the
10 Property in fee simple, after just compensation has been made or paid into court for the owners
11 thereof, in the manner provided by law; and to stipulate for the purposes of minimizing
12 damages.
13

14 Section 4. In order to pay for necessary capital costs and expenses incurred, or
15 to be incurred, but for which insufficient appropriations were made due to causes that could not
16 reasonably have been foreseen at the time the 2013 budget was adopted, the appropriation for
17 the following in the 2013 Adopted Budget and the 2013-2018 Adopted Capital Improvement
18 Program is increased from the funds shown, as follows:
19

20

Fund	Department	Capital Improvement Program: Program (Number)	Amount
2008 Parks Levy Fund (33860)	Parks and Recreation	2008 Parks Levy – Neighborhood Park Acquisition (K720010)	\$300,000

21
22
23

24 Section 5. Any acts consistent with the authority and prior to the effective date of this
25 ordinance are hereby ratified and confirmed.
26

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
5 Passed by a three-fourths (3/4) vote of all the members of the City Council the ____
6 day of _____, 2013, and signed by me in open session in authentication
7 of its passage this ____ day of _____, 2013.

8
9 _____
10 President _____ of the City Council

11
12 Approved by me this ____ day of _____, 2013.

13
14 _____
15 Michael McGinn, Mayor

16
17 Filed by me this ____ day of _____, 2013.

18
19 _____
20 Monica Martinez Simmons, City Clerk

21 (Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

303914
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.

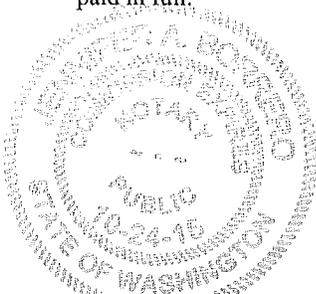
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124321-326 TITLE ONLY

was published on

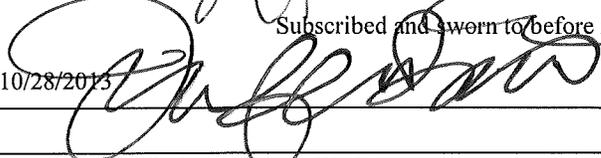
10/28/13

The amount of the fee charged for the foregoing publication is the sum of \$132.83 which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
10/28/2013 

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 7, 2013, 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. 124326

AN ORDINANCE relating to land use and zoning, creating a new Section 23.42.058 and amending Sections 23.50.012, 23.84A.012, 23.84A.018, and 23.84A.025 of the Seattle Municipal Code to establish locational restrictions on the production, processing, selling, or delivery of marijuana, to modify the definition of food processing, and to modify existing allowances for agricultural uses in certain industrial areas.

ORDINANCE NO. 124321

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 8809 Fremont Avenue North; 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 2013 Adopted Budget and the 2013-2018 Capital Improvement Program; and ratifying and confirming certain prior acts; all by three-fourths vote of the City Council.

ORDINANCE NO. 124322

AN ORDINANCE relating to certain properties and right-of-way located at the Montlake interchange of State Route 520; authorizing the Director of the Seattle Department of Transportation to execute and deliver a Quit Claim Deed to the Washington State Department of Transportation for these properties and right-of-way; and reserving utility easements for Seattle Public Utilities and Seattle City Light.

ORDINANCE NO. 124323

AN ORDINANCE relating to the SR 520, I-5 to Medina: Bridge Replacement and HOV Project; authorizing the exchange of real property within the Washington Park Arboretum for property located at 1111 NE Boat Street; superseding the requirements of Ordinance 118477, which adopted Initiative 42, with respect to the exchange; authorizing the Superintendent of Parks and Recreation to execute an interlocal agreement and other documents; authorizing the conveyance of reversionary rights in certain Arboretum area property to the State of Washington; amending Ordinance 124058, which adopted the 2013 Budget, including the 2013-2018 Capital Improvement Program (CIP); creating a new appropriation for the implementation of the Bryant Park Development Project; and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 124324

AN ORDINANCE relating to the SR 520, I-5 to Medina: Bridge Replacement and HOV Project; authorizing the Superintendent of Parks and Recreation to execute and accept from the State of Washington, Department of Natural Resources, on behalf of the City of Seattle, an Aquatic Lands Easement, an Aquatic Lands Lease and a Waterway Use Agreement at the Washington Park Arboretum.

ORDINANCE NO. 124325

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 28, 2013.

10/28(303914)