SEATTLE CITY COUNCIL

Legislative Summary

CB 118509

Record No.: CB 118509 **Type:** Ordinance (Ord) 124880 **Status:** Passed

Version: 1 **In Control:** City Clerk

File Created: 08/27/2015

Final Action: 10/16/2015

Title: AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of the Department of Parks and Recreation to acquire by negotiation certain land and other necessary property rights, commonly known as the northwest corner of 14th Avenue NE and NE 65th Street, for open space, park, and recreation purposes, and to execute, accept, and record the deed and instruments deemed by the Superintendent to be necessary; authorizing the Seattle City Attorney to commence condemnation proceedings; placing the acquired real property under the jurisdiction of the Department of Parks and Recreation and designating the property for open spaces, parks, and recreational purposes; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Notes:

Sponsors: Godden

Attachments:

Drafter: adam.schaefer@seattle.gov

	Date
Filed with City Clerk:	
Mayor's Signature:	
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: ☐ Yes ☐ No

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/01/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text:	The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk					
	Notes:						
1	City Clerk	09/01/2015	sent for review	Council President's Office			
	Action Text:	The Council Bill (CB) was sent for review. to the Council President's Office					
	Notes:						

1	Council President's Office	09/02/2015	sent for review	Parks, Seattle Center, Libraries, and Gender Pay Equity Committee	

Action Text: The Council Bill (CB) was sent for review. to the Parks, Seattle Center, Libraries, and Gender Pay Equity Committee

Notes:

1	Full Council	09/14/2015	referred	Parks, Seattle Center, Libraries, and Gender Pay Equity Committee	

Action Text: The Council Bill (CB) was referred. to the Parks, Seattle Center, Libraries, and Gender Pay Equity Committee

Notes:

1	Parks, Seattle Center, Libraries, and Gender Pay Equity Committee	09/25/2015	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).

In Favor: 3 Chair Godden, Vice Chair Harrell, Member Rasmussen

Opposed: 0

1	Full Council	10/05/2015	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

1	City Clerk	10/06/2015	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1	Mayor	10/16/2015	Signed		

Action Text: The Council Bill (CB) was Signed.

Notes:

1	Mayor	10/16/2015	returned	City Clerk	

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

1	City Clerk	10/16/2015	attested by City Clerk		

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 124880

COUNCIL BILL 118509

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of the Department of Parks and Recreation to acquire by negotiation certain land and other necessary property rights, commonly known as the northwest corner of 14th Avenue NE and NE 65th Street, for open space, park, and recreation purposes, and to execute, accept, and record the deed and instruments deemed by the Superintendent to be necessary; authorizing the Seattle City Attorney to commence condemnation proceedings; placing the acquired real property under the jurisdiction of the Department of Parks and Recreation and designating the property for open spaces, parks, and recreational purposes; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

WHEREAS, The City of Seattle (City) considers the Roosevelt Residential Urban Village as an underserved community that lacks enough quality open space for public use; and

WHEREAS, according to Seattle's Parks and Recreation 2011 Development Plan and 2011 Gap Report Update, around 1/2 of the Roosevelt Residential Urban Village is unserved by open space within 1/8 of a mile; and

WHEREAS, Roosevelt Residential Urban Village was recently upzoned to add additional density and is experiencing increased development; and

WHEREAS, the City's Department of Parks and Recreation Roosevelt Neighborhood Plan calls for the need to plan and create new open spaces in conjunction with development; and

WHEREAS, Seattle Resolution 31347 declares the City's intent to promote and enhance the livability of the Roosevelt Residential Urban Village by implementing initiatives that complement the increased density; and

WHEREAS, one of the initiatives proposed by Resolution 31347 is the designation of a green street on 14th Avenue Northeast, from Northeast 65th Street to Northeast 66th Street,

which includes streetscape improvements that enhance open space, and support walkability and bicycle connections in the neighborhood; and

WHEREAS, the Roosevelt community has long advocated for the City to: preserve views of and from the local Roosevelt High School; provide increased green space to balance and serve the increased density; provide green space in the core of the neighborhood; protect the scenery of Roosevelt High School from obscuring shadows; and honor Roosevelt High School's status as a historic landmark; and

WHEREAS, the property at 1322 NE 65th Street, Seattle, Washington, is located in a part of the Urban Village that lacks open space, protects some views of Roosevelt High School through its adjacency to the newly designated green street on 14th Avenue NE, and provides a neighborhood park next to future high density development; and

WHEREAS, the City has determined that the acquisition of the property at 1322 NE 65th Street will, after development, provide a new neighborhood park that meets the criteria to address open space needs established in Seattle's Parks and Recreation Seattle's Parks and Recreation 2011 Development Plan and 2011 Gap Report Update; is consistent with the proposed green street initiatives for 14th Avenue NE contained in Resolution 31347; meets the community's multiple objectives of open space and view protection; and is necessary and in the public's best interest to acquire and use the same for open space, park, and recreation purposes; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Public convenience, use, and necessity require that the following described real property, situated in The City of Seattle (City), County of King, State of Washington, and commonly known as the northwest corner of 14th Avenue NE and NE 65th Street, together with

all its pertaining rights, privileges, and other property interests ("Property"), be acquired for open space, park, and recreation purposes for the City through negotiations and use of eminent domain (condemnation) if necessary:

Address: 1322 NE 65th Street, Seattle, WA, King County Parcel Number: 0525049045

That portion of the southeast quarter of the southeast quarter of the southeast quarter of Section 5, Township 25 North, range 4 east, W.M., described as follows: Beginning at the point which is 369.32 feet west and 138.35 feet north of the southeast corner of said subdivision: thence north 95.60 feet, more or less, to the south line of East 66th Street; thence east along said street line 45.32 feet, more or less, to the west line of 14th Avenue Northeast, thence South along said avenue line 95.60 feet, more or less, to a point which is 138.35 feet north of the south line of said subdivision: thence west 44.60 feet, more or less, to beginning;

Section 2. The Superintendent of the Department of Parks and Recreation, or the Superintendent's designee, on behalf of the City, is authorized to negotiate and enter into agreements to acquire the Property, and upon payment of just compensation, to accept the deeds and other necessary instruments for the Property, and to record the same.

Section 3. The Seattle City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate the "Property" in fee simple or other property rights described in Section 1, after just compensation has been paid into court for the owners of the "Property", in the manner provided by law, and to stipulate for the purpose of minimizing damages.

Section 4. The Property, when acquired by the City, shall by this ordinance be placed under the jurisdiction of the Seattle Department of Parks and Recreation and designated for open space, park, and recreation purposes.

Section 5. Any act consistent with the authority of this ordinance and prior to its effective date is ratified and confirmed.

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

Passed by a three-fourths vote of all the members of the City Council the 5th day of OCTOBER, 2015, and signed by me in open session in authentication of its passage this 5th day of OCTOBER, 2015.

President _____ of the City Council

Approved by me this 16th day of October, 2015.

Edward B. Murray, ~~Mayor~~

Filed by me this 16th day of OCTOBER, 2015.

for Monica Martinez Simmons, City Clerk

(Seal)

FILED
CITY OF SEATTLE

2015 OCT -7 PM 12:48

Clerk Filing Stamp
CITY CLERK

CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Council Bill 118509

I, Chip Nevins, Acquisition Planner, hereby certify as follows:

X 1. On the 9th day of September 2015, I mailed via US Postal Service Certified Mail a Notice of condemnation, 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. On September 21, 2015, I mailed via US Postal Service Certified Mail a notice of condemnation, a true and correct representative copy of which is attached and designated as Attachment B, to those persons whose names and addresses appear on the attached list.

X 2. For condemnation legislation: The notices designated in Attachment A & B 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 & B was published in the Seattle Times on September 18 and September 25, 2015 and the Daily Journal of Commerce on September 17 and September 14, 2015.

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 1st day of October, 2015.

The City of Seattle, Washington

Chip Nevins

(Signature)

Acquisition Planner

Department of Parks and Recreation

(206) 233-3879

City of Seattle
Parks and Recreati

September 9, 2015

BY CERTIFIED MAIL

Hugh K. Sisley
5026 Pullman Avenue NE
Seattle, WA 98105

Tax Parcel #0525049045

Notice of Seattle City Council Final Action to Adopt an Ordinance Authorizing Condemnation (Eminent Domain) of real property commonly known as 1322 NE 65th Street, 1321 and 1323 NE 66th Street (King County Tax Parcel 0525049045) in the City of Seattle, Washington

Dear Mr. Sisley:

The purpose of this Notice is to inform you that the City of Seattle City Council is expected to vote on an ordinance authorizing the acquisition of your real property rights located at **1322 NE 65th Street (King County Tax Parcel 0525049045)** 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 engage in voluntary negotiation or to use its condemnation authority to acquire your property for a neighborhood park.

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.

The City will take public comment and discuss the ordinance at the Seattle City Council Parks, Seattle Center, Libraries and Gender Pay Equality Committee as a regular part of the committee meeting beginning at 9:30 a.m. on Friday, September 25, 2015, in the City Council Chambers, located at 600 4th Avenue, 2nd Floor, Seattle, WA 98104. The Council's chambers and offices are physically accessible, and print and communications accesses are provided on request. Call 206-684-8888 (TDD: 206-233-0025) for further information.

Chip Nevins
Parks and Recreation
800 Maynard Avenue South
Third Floor
Seattle, WA 98134

Tel (206) 233-3879
Fax (206) 233-7038
TDD (206) 233-7061
chip.nevins@seattle.gov

If you attend the meeting, you will have the opportunity to express your views on the ordinance during the public comment period. You may also submit comments in writing to Committee Chair Jean Godden at jean.godden@seattle.gov or mail to Jean Godden; Seattle City Council, 600 4th Avenue; Seattle, WA 98104.

If you have questions about the committee meeting format, the agenda for the meeting, or the public comment section, please contact Bailey Bauhs of Councilmember Godden's office (206) 386-9010, or visit the Committee's website at http://www.seattle.gov/council/committees/parks/default.htm If the Committee approves the ordinance, it will be forwarded to the full City Council for final action.

Final Action

Should the Parks, Seattle Center, Libraries and Gender Pay Equality Committee pass the Council Bill on to the City Council, the ordinance authorizing condemnation of your property will be presented for final action (adoption) to the Seattle City Council on Monday October 5, 2015 at 2:00 p.m., in the City Council Chambers, located at 600 4th Avenue, 2nd Floor, Seattle, WA 98104. After approval of the ordinance the City of Seattle will be authorized to acquire your property through voluntary negotiation or it may use its powers of eminent domain to condemn your property.

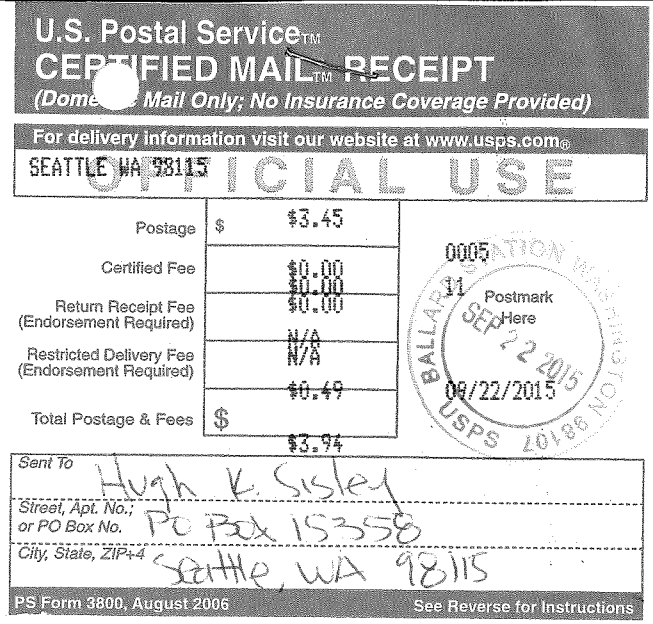
Please contact the undersigned at (206) 733-9106 with any questions.

Sincerely,

Chip Nevins
Acquisition Planner

Enclosure

cc: Councilmember Jean Godden



City of Seattle
Parks and Recreati

September 21, 2015

BY CERTIFIED MAIL

Hugh K. Sisley
PO Box 15358
Seattle, WA 98115

Tax Parcel #0525049045

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Please contact the undersigned at (206) 733-9106 with any questions.

Sincerely,

Chip Nevins
Acquisition Planner

Enclosure

cc: Councilmember Jean Godden

The Seattle Times

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

Seattle, WA 98134

Re: Advertiser Account # 107207
Ad #: 581181

Agency Account #: 0
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	09/18/15
Seattle Times	09/25/15

Agent Sharon Seligman Signature Sharon Seligman

CHRISTINA C. MCKENNA NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 10-29-

Subscribed and sworn to before me on Sept 28, 2015
DATE

Christina C. McKenna
Christina C. McKenna
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

The Seattle Times

Re: Advertiser Account # 107207

Ad #: 581181

Agency Account #: 0

Agency Name:

AD TEXT

Intent to Acquire Ownership of 1322 NE 65th Street (King County Tax Parcel 0525049045)

The City of Seattle intends to acquire ownership of the above property located in Seattle, WA using its power of eminent domain (condemnation) for public use. The property is legally described as:

That portion of the southeast quarter of the southeast quarter of the southeast quarter of Section 5, Township 25 North, range 4 east, W.M., described as follows: Beginning at the point which is 369.32 feet west and 138.35 feet north of the southeast corner of said subdivision: thence north 95.60 feet, more or less, to the south line of East 66th Street; thence east along said street line 45.32 feet, more or less, to the west line of 14th Avenue Northeast, thence South along said avenue line 95.60 feet, more or less, to a point which is 138.35 feet north of the south line of said subdivision: thence west 44.60 feet, more or less, to beginning;

The proposed ordinance authorizing these acquisitions will be presented to the Seattle City Council, Council Chambers in City Hall, 600 Fourth Avenue, Seattle, 2nd floor, as follows:

Seattle City Council Parks, Seattle Center, Libraries and Gender Pay Equality Committee Public Hearing, Committee Discussion and Vote Friday, September 25, 2015, 9:30 a.m.

City Council (final action; adoption)
Monday, October 5, 2015, 2:00 p.m.
All sessions are open to the public.
For further information, contact:
Donald Harris Manager, Property and Acquisition Services, Department of Parks and Recreation donald.harris@seattle.gov
Voice: (206) 684-8018 Fax: (206) 233-7038

STATE OF WASHINGTON -- KING COUNTY

--ss.

328507 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:ACQUIRE OWNERSHIP

was published on

09/17/15 09/24/15

The amount of the fee charged for the foregoing publication is the sum of $155.00 which amount has been paid in full.

JENNIFER A. BARNES NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 10-4-15

Subscribed and sworn to before me on 09/24/2015

Notary public for the State of Washington, residing in Seattle

State of Washington, King County

City of Seattle

Intent to Acquire Ownership of 1322 NE 65th Street (King County Tax Parcel 0525049045)

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The proposed ordinance authorizing these acquisitions will be presented to the Seattle City Council, Council Chambers in City Hall, 600 Fourth Avenue, Seattle, 2nd floor, as follows:

Seattle City Council Parks, Seattle Center, Libraries and Gender Pay Equality Committee

Public Hearing, Committee Discussion and Vote

Friday, September 25, 2015, 9:30 a.m.

City Council (final action; adoption)

Monday, October 5, 2015, 2:00 p.m.

All sessions are open to the public.

For further information, contact:

Donald Harris Manager, Property and Acquisition Services, Department of Parks and Recreation donald.harris@seattle.gov Voice: (206) 684-8018 Fax: (206) 233-7038

Dates of publication in the Seattle Daily Journal of Commerce, September 17 and 24, 2015.

9/24(328507)

CERTIFIED MAIL™

City of Seattle

Seattle Department of Parks and Recreation
800 Maynard Avenue South, 3rd floor
Seattle, Washington 98134-1336

7011 2000 0001 8272 0306

1000

98105

U.S. POSTAGE
PAID
SEATTLE, WA
98104
SEP 09, 15
AMOUNT
$6.7
R2305E12504

addressee REFUSES all mail delivery

Hugh K. Sisley
5026 Pullman Avenue NE
Seattle, WA 98105

NIXIE 980 FE 1009 0009/14/15

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 98134133699 *1695-00313-14-39

98134@1336

SENDER: *COMPLETE THIS SECTION*

- 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.

1. Article Addressed to:

Hugh K. Sisley
5026 Pullman Ave NE
Seattle, WA 98105

7011 2000 0001 8272 0306

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PRINTED ON RECYCLED PAPER.

STATE OF WASHINGTON -- KING COUNTY

--ss.

329863

No. 124879,880.881,882,883

CITY OF SEATTLE,CLERKS OFFICE

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.

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CT;TITLE ONLY ORDINANCES

was published on

10/27/15

The amount of the fee charged for the foregoing publication is the sum of $116.25 which amount has been paid in full.

JENNIFER A. BARNES NOTARY COMMISSION EXPIRES 10-24-18 STATE OF WASHINGTON

Subscribed and sworn to before me on

10/27/2015

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on October 5, 2015, 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 124879

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

Ordinance 124880

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of the Department of Parks and Recreation to acquire by negotiation certain land and other necessary property rights, commonly known as the northwest corner of 14th Avenue NE and NE 65th Street, for open space, park, and recreation purposes, and to execute, accept, and record the deed and instruments deemed by the Superintendent to be necessary; authorizing the Seattle City Attorney to commence condemnation proceedings; placing the acquired real property under the jurisdiction of the Department of Parks and Recreation and designating the property for open spaces, parks, and recreational purposes; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 124881

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to enter into a lease agreement with Boyer Children's Clinic to occupy and use a portion of Building 11 at Warren G. Magnuson Park for a children's clinic and related general office purposes.

Ordinance 124882

AN ORDINANCE relating to the provision of tenant relocation assistance to displaced tenants; establishing requirements for residential tenancies; establishing regulations about penalties and the issuance of building permits for violators of the Tenant Relocation Assistance Ordinance; amending Sections 7.24.030, 7.24.050, 10.09.085, 22.210.030, 22.210.140, 22.210.150, and 22.210.180 of the Seattle Municipal Code and adding a new Section 22.210.136; amending Section 106.6.3 of the 2012 Seattle Building Code; and amending Section R105.6.3 of the 2012 Seattle Residential Code.

Ordinance 124883

AN ORDINANCE, relating to land use and zoning, amending the Official Land Use Map at pages 72, 73, 87, 101, 102, 133, 145 to designate new zone names, repealing and replacing Chapter 23.48, amending Sections 22.210.030, 22.900G.015, 23.30.010, 23.34.009, 23.34.128, 23.41.012, 23.42.124, 23.42.126, 23.42.128, 23.47A.012, 23.49.011, 23.66.140, 23.84A.004, 23.84A.038, 23.84A.048, 23.86.007, 25.05.800, and 25.08.100 to reorganize, make corrections, and update standards for the Seattle Mixed Zones; and making technical corrections.

Date of publication in the Seattle Daily Journal of Commerce, October 27, 2015.

10/27(329863)