

RESOLUTION No. 29799

me
Law Department

A RESOLUTION adopting policies and procedures to govern the acquisition, reuse, or disposal of City real property.

Approved

8-10-98 Full Council Act
(Excused: Contin)

Introduced:	JUL 20 1998	By:	CHOE
Referred:	JUL 20 1998	To:	Finance & Budget Committee
Referred:		To:	
Reported:	8-10-98	<i>Martha Choe</i>	
Passed:	8-10-98	Signed	
Filed:	AUG 13 1998	Published:	
		<i>title opp</i>	



Re
Law Department

Mr. Sizer

8-10-98 Full Council Action: Adopted 8-0
(Excused: Conlin)

HOE

Finance & Budget
Committee

Chair

SPF



Tony Kilduff
Res9
7/13/98
V #6

RESOLUTION 29799

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A RESOLUTION adopting policies and procedures to govern the acquisition, reuse, or disposal of City real property.

WHEREAS, the City Council wishes to ensure that decisions concerning acquisition, reuse, and disposal of the City's real property be made within the context of a long-range vision, with the goal of responsible stewardship for current and future generations; and

WHEREAS, Resolution 26358, adopted June 3, 1980, established policies and procedures to "...govern determinations regarding the sale or other disposal of real property deemed surplus by any department of the City of Seattle"; and

WHEREAS, the Council wishes to establish new policies and procedures through this Resolution to guide the Executive in evaluating the acquisition, reuse or disposal of real property, Now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. Resolution 26358 is hereby superseded, and the following policies are hereby adopted to govern the reuse or disposal of City real property:

Reuse Or Disposal Of City Property.

The Executive is to make its recommendations on the reuse or disposal of any property that is not needed by a Department on a case by case basis, following the procedures adopted in Section 2 of this Resolution, and evaluating the options using the following guidelines:

A. Consistency. The Executive shall evaluate the proposed reuse or disposal for consistency with any restrictions or limitations resulting from any of the following:

1. the purpose for which the property was originally acquired;
2. the funding sources used to acquire the property;

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3. the title or deed conveying the property, including terms and conditions of the original acquisition, or any other contract or instrument by which the City is bound or to which the property is subject;

4. City, state, or federal ordinances, statutes, and regulations, including but not limited to the following:

- bond, grant, or loan programs;
- the State Accountancy Act, RCW 43.09.210, providing that property transfers from one department or public service industry to another are to be paid for at their true and full value by the department or public service industry receiving the property.
- zoning and land use matters such as the Land Use Code, landmarks ordinance, historic preservation policies, and special review district limitations;
- other plans, policies, or regulations adopted or approved by the City Council, including the City of Seattle Comprehensive Plan.

B. Compatibility and Suitability. The Executive's recommendation for the reuse or disposal of the property should reflect its assessment of the potential for use of the property :

- in support of adopted Neighborhood Plans;
- as or in support of low-income housing;
- in support of economic development;
- in support of affordable housing;
- for park or open space;
- in support of Sound Transit Link Light Rail station area development;
- as or in support of child care facilities; and,
- in support of other priorities reflected in adopted City policies.

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1 C. Other factors. The Executive's recommendation should also consider:
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- 3
- 4 • highest and best use of the property;
 - 5 • compatibility of the proposed uses with the physical characteristics of the property and
6 with surrounding uses;
 - 7 • timing and term of the proposed use;
 - 8 • appropriateness of the consideration to be received;
 - 9 • unique attributes that make the property hard to replace (e.g., size, location);
 - 10 • potential for consolidation with adjacent public property to accomplish future goals and
11 objectives of the City;
 - 12 • conditions in the real estate market from the perspective of a property seller;
 - 13 • known environmental factors that may affect the value of the property.
- 14

15
16 D. Sale. In making its recommendation for reuse or disposal, the Executive should
17 also evaluate the potential for selling the property both to other non-City public entities and
18 to members of the general public.

19
20 E. No ranking of the items in subsections B and C above is intended by their
21 inclusion or order in the subsections. The requests of City departments and Public Agencies
22 to obtain jurisdiction over or to acquire city property carry considerable weight but do not
23 necessarily preclude a recommendation to transfer the property to a private entity for
24 Municipal Use or to reclassify it as Surplus.

25
26 Section 2. Procedures to govern the reuse, or disposal of City real property. The
27 *Procedures for Evaluation of the Reuse and Disposal of the City's Real Property* set forth in
28 Attachment A to this Resolution are hereby adopted.
29

1 Section 3. Policies and procedures to govern the acquisition of City real
2 property. The *Policies and Procedures for Evaluation of the Acquisition of Real Property*
3 *Rights* set forth in Attachment B to this Resolution are hereby adopted.

4 Section 4. Recommendations to Council. Each recommendation from the
5 Executive to Council on the acquisition of new property, or the reuse or disposal of existing
6 property should clearly articulate the rationale for the recommendation.
7

8 Section 5. Scope and Intent Regarding Use of the Policies and Procedures.
9
10 Unless otherwise provided by ordinance, or superseded by Charter, state or federal law, all
11 City decisions involving acquisition, reuse or disposal of City real property are to be
12 governed by the policies and procedures adopted by this Resolution. These policies and
13 procedures are intended for internal decision-making and are not intended to create rights for
14 any individual. Failure to follow these policies and procedures shall not serve as a basis for
15 invalidating any acquisition, disposal, or other decision regarding the use of real property by
16 the City, nor shall failure to comply with these policies and procedures delay any closing,
17 entitle anyone to damages, or otherwise provide a cause of action for any relief.
18

19 Section 6. Reporting. The Council directs all City departments to follow the
20 policies and procedures adopted by this Resolution. In order to evaluate the effectiveness of
21 the policies and the procedures and their regularity of use, the Council directs the Executive
22 to report to Council by December 31st of each year on difficulties or issues with the
23 implementation of these policies and procedures.
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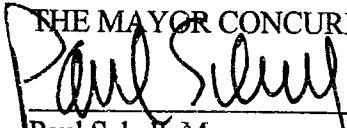
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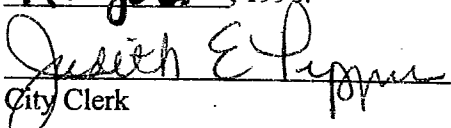
Adopted by the City Council the 10th day of August, 1998, and signed by
me in open session in authentication of its adoption this 10th day of August,
1998.



President of the City Council

THE MAYOR CONCURRING:


Paul Schell, Mayor

Filed by me this 13th day of August, 1998.


City Clerk

(Seal)

CITY OF SEATTLE

**PROCEDURES
FOR THE EVALUATION OF THE REUSE AND DISPOSAL
OF THE CITY'S REAL PROPERTY**

June 29, 1998

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- A. Underutilized Property Review Form
- B. Excess Property Description
- C. Excess Property Notice
- D. Excess Property Response Form
- E. Excess Property Proposed Use Form
- F. Property Review Process Determination Form

Table	Follows	
1	Procedures for Periodic Review of Real Property by Jurisdictional Department.....	Appendices
2	Details to be Reported on the <i>Excess Property Response Form</i> ...	Appendices

1.0 DEFINITIONS

When the terms defined here appear in text, they are capitalized.

Disposal	The Trade or Sale of Real Property in which the City has a fee interest to a non-City entity.
Easement	A right to use land owned by another for a special purpose.
Encumbrance	Any claim, lien, charge, or liability attached to and binding on Real Property, including those that affect the physical condition of the property and those that affect the title, which may lessen its value, or burden, obstruct, or impair its use but not necessarily prevent transfer of title.
Excess Property	Real Property that the Jurisdictional Department has formally determined it no longer needs for the Department's current or future use.
Fully Utilized Municipal Use Property	Municipal Use Property that is actively being used for municipal purposes to the fullest capacity possible under any required restrictions on its Municipal Use.
Hold	The period of time for which final legislative action on an Excess Property is delayed to give the proposed Transferee time to complete conditions necessary to the conclusion of the Transfer or Transfer of Jurisdiction.
Interim Use	The use of property for a non-municipal use(s) on a short-term basis during the period of time prior to its being used for its proposed future Municipal Use.
Joint Use	The shared use of City-owned Real Property by two or more City departments or by a City department(s) and one or more Public Agencies or private parties.
Jurisdiction	Primary responsibility and authority for Real Property as assigned by ordinance.
Jurisdictional Department	The City department or departments with responsibility for a specific parcel of Real Property as assigned by City Council.

Managing Department	The City department to which all or a portion of the management responsibility for a specific property has been delegated by agreement with the Jurisdictional Department and/or by ordinance.
Municipal Use	Active or passive use of Real Property to carry out general purposes of the City or to accomplish City goals and objectives.
Public Agency	A federal, state, or local (other than The City of Seattle) governmental entity, including but not limited to school districts; port districts; fire, sewer, and water districts; and public development authorities.
RES	See Real Estate Services.
Real Estate Oversight Committee	A committee of City department heads (or their designees) appointed by the Mayor, chaired by the Deputy Mayor or other Mayoral designee, that has the authority to review and make recommendations to Departments or to the Executive on Real Property matters.
Real Property	Land and appurtenances to land, including buildings, structures, fixtures, fences, and improvements erected upon or affixed to the same.
Real Property Asset Management Information System (RPAMIS)	A comprehensive database of information cataloging Real Property owned by the City.
Real Estate Services (RES)	City organization in the Executive Services Department (ESD), Facility Services Division that is responsible for strategic or "corporate" management of City Real Property, except for those properties outside Seattle, those properties actively used for power or water distribution, those properties under the control of the Seattle Center, and properties for which the City Charter specifically provides for jurisdiction by a specific department other than ESD.
Reuse	The use of an Unused Property or Underutilized Property, after review and assessment of the property's potential uses. Such uses may be facilitated by Transfers, Transfers of Jurisdiction, or Transfers of Partial Jurisdiction, and such uses may entail Interim Uses and Joint Uses.

Sale	The conveyance to a non-City entity of all or a portion of a parcel of Real Property for consideration.
Surplus Property	Excess Property formally designated by the City Council as not needed to carry out any recognized goal or policy of the City.
Trade	The exchange of one or more parcels of Real Property for other Real Property.
Transfer	The conveyance to a non-City entity of all or a portion of the rights associated with a parcel of Real Property.
Transfer of Jurisdiction	The internal process by which the City changes the department that has responsibility for a parcel of Real Property.
Transfer of Partial Jurisdiction	The internal process by which the City changes responsibility for a portion of the property rights associated with a parcel of Real Property.
Transferee	The City department to which all or a portion of property rights or jurisdiction over a property is assigned, or the Public Agency or private entity to which all or a portion of property rights are conveyed.
Underutilized Property	Municipal Use property that could support additional and/or more intensive uses without interfering with the primary use of the property.
Unused Property	Property owned by the City that is not currently in Municipal Use and that is not being rented, leased, or otherwise used under an agreement with the City.

2.0 PURPOSE

These procedures establish a uniform evaluation process for the Reuse or Disposal of Real Property owned in fee simple by The City of Seattle (City).

3.0 SUMMARY

Following standard procedures described below, each City department should classify every property under its jurisdiction, review that classification regularly, and report all changes to Real Estate Services (RES). When suitable and

compatible, additional uses should be implemented for properties that are not fully utilized for Municipal Uses. Unused Property should be utilized for municipal purposes to the fullest extent possible, with Interim Uses identified and implemented if the property is needed for a future Municipal use. Failing identification of a current or future Municipal Use, the property should be disposed of following standard procedures to notify and solicit proposals from prospective users, including other City departments, Public Agencies, and private parties. Classifications and uses of all Real Property owned in fee simple by the City are maintained in a central inventory administered by RES.

4.0 SCOPE

These procedures apply only to Real Property where the City owns a fee interest, whether located inside or outside the boundaries of the City, unless the Real Property was acquired as a street right of way. All City departments and agencies are subject to these procedures unless superceded by City Charter, state law, or federal law, e.g., the Seattle Public Library (per RCW 27.12.210 and 27.12.300).

5.0 GUIDING PRINCIPLES FOR THE REUSE AND DISPOSAL OF REAL PROPERTY

- A. It is the intent of the City to strategically utilize Real Property in order to further the City's goals and to avoid holding properties without an adopted municipal purpose.
- B. Decisions regarding Reuse or Disposal of the City's Real Property should be made on a case by case basis using the guidance in adopted City Policy.
- C. So that Real Property decisions are made within a City-wide context, the Executive's recommendations to City Council on such matters should be made by the REOC to the extent not otherwise prohibited. The Real Estate Oversight Committee includes the Executive Services Director, the Director of the Strategic Planning Office, the Director of Seattle Public Utilities, the Director of the Department of Neighborhoods, the Director of the Office of Economic Development, the Superintendent of City Light, the Superintendent of Parks & Recreation, the Director of the Department of Construction and Land Use, and the Director of Transportation. Lead responsibility for analysis of Reuse and Disposal of Real Property is assigned to RES, unless delegated.

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- D. Except as otherwise delegated by ordinance, final decisions regarding the acquisition of Real Property Rights shall be made by the City Council. Any negotiations entered into by the City prior to final authorization by City Council, when needed, shall clearly communicate that the final decision is to be made by City Council.
- E. The decision-making process described in these procedures and the resulting decisions should be interpreted and applied in a manner to comply with federal, state, and local laws and regulations.
- F. These procedures are intended as guidelines for City decision-making in the Reuse and Disposal of property; no express or implied rights or responsibilities are intended to be created for any party. Failure to comply with these procedures will not give any party the right to change, rescind, or delay any decision or transaction related to changed use or ownership of City property or provide any claim for damages or other relief.
- G. The Law Department should be consulted as needed in the process and at minimum, on the following matters: (a) compliance of proposed Reuse and Disposal actions with local, state, and federal ordinances, statutes, regulations, plans, and policies; (b) the need for environmental analyses, including environmental due diligence and review required under the State Environmental Policy Act (adopted by Seattle Municipal Code ch. 25.05); and (c) the form and substance of any proposed legislation and transaction documents.
- H. These procedures are not intended to supersede those adopted by the City Council that exclusively outline a Reuse or Disposal process for a specific property or type of property. In cases where inconsistencies or conflicts occur between the two, the specific policies adopted by City Council for the property in question shall prevail.
- I. Nothing in these procedures should be construed as favoring one municipal purpose over another.
- J. These procedures are intended to encourage citizen participation and to be coordinated with and to support neighborhood planning efforts.

6.0 CLASSIFICATION AND REVIEW OF REAL PROPERTY

This section provides guidance on classification, periodic review, and reclassification of Real Property that is owned in fee simple by The City of Seattle, except as noted in Section 4.0 (Scope).

6.1 CLASSIFICATION

- Jurisdictional Departments will classify each of their properties into one of the following categories:
 - Fully Utilized Municipal Use Property
 - Underutilized Property
 - Interim Use Property
 - Unused Property
 - Excess Property
 - Surplus Property, when previously so determined by Council action.

All classification data will be maintained in the RPAMIS by RES. The classification process is to be completed by the end of the calendar year in which these procedures are adopted.

The Fully Utilized and Underutilized categories reflect a level of Municipal Use. Interim Use reflects a short term non-municipal use for a property which has a planned future Municipal Use. Property in the Unused category has no current use, but reflects the possibility of future Municipal Use; for example, a property that could be slated for future municipal purposes, but has not yet been so identified, would be classified Unused. The Excess category reflects a Jurisdictional Department's explicit decision that it no longer needs the property for a Municipal Use. The Surplus category reflects the City Council's explicit decision that the City no longer needs the property for any municipal purpose.

Each property will also be included in a strategic plan for City property. The plans are to be prepared and maintained by RES and approved by the REOC.

6.2 PERIODIC REVIEW

After the initial classification effort, the status of each property will be reviewed regularly to consider the suitability of each property for its current use and to consider Reuse or Disposal of Underutilized and Unused Property. The frequency of review is specified in Table 1. Special requirements that apply to a classification

are noted in the table. Lacking a defined current or future Municipal Use, Excess and Surplus Properties are not subject to these review requirements.

The Mayor, City Council, or RES staff may request that a specific property be reviewed at a time not normally scheduled. By directing a request to RES, other parties may also ask for an unscheduled review. RES will evaluate the most recent property review and strategic plan to decide whether a new review is needed. If it is not, RES will provide a brief explanation to the requester.

6.3 REPORTING

For purposes of maintaining the accuracy of the RPAMIS database, Jurisdictional Departments are to report all changes in the status of Real Property. The changes are to be reported to RES within 30 days of the change. Such changes include acquisitions, Disposals, Transfers (including Transfers of Jurisdiction or Partial Jurisdiction), and changes in current or potential future use.

Every year, the Jurisdictional Department should review RPAMIS information for each of its properties—classification, current use, and any potential future use with its projected starting date. A written confirmation of accuracy is due by February 15 to RES.

By March 31 of every year, a status report for all City property covered by these procedures is due from RES to the REOC and City Council. For each property, this *Real Property Status Report* should list current classification, current use, potential for Joint or Interim Use, and any intended future uses with their projected starting dates.

In addition, RES will prepare and distribute a quarterly *Excess Property Status Report* to City departments, the REOC, City Council, and interested parties on record with RES.

7.0. CHANGES IN MUNICIPAL USE PROPERTIES

To make more efficient use of City resources, changes may be made in the use of properties that a department has not declared Excess. Specifically:

- Underutilized and Unused Properties should be used more intensively for municipal purposes (Reused)

- Jurisdiction of Fully Utilized Municipal Use Properties may be transferred between departments to better align their missions with their responsibilities.

All such changes, which are initiated by the Jurisdictional Department, require review by RES before they can be approved by the City Council. When RES does not concur with the Jurisdictional Department's recommendation, either party may refer the matter to the REOC for resolution. Law Department approval is required for all proposed legislation authorizing any change.

7.1 ADDING USES TO UNDERUTILIZED OR UNUSED PROPERTY

Underutilized and Unused Property may have the potential for more intensive use. Property that can accommodate more than one Municipal Use or a Municipal Use and one or more non-municipal uses is classified as being in Joint Use. Unused Property that has a future Municipal Use but is currently being used for a non-municipal use is classified as having an Interim Use. This section describes procedures for identifying, evaluating, approving, and implementing Joint and Interim Uses.

7.1.1 Identification and Solicitation of Additional Uses

Underutilized Property

As part of its annual review, the Jurisdictional Department is to identify potential additional uses of Underutilized Property, with help from RES if needed. Results of the review are to be reported on the *Underutilized Property Review Form* (Appendix A). To facilitate this process, RES will evaluate requests from the last 3 years for City property meeting the characteristics of the Underutilized Property. RES will summarize its findings for the REOC. With RES's help if needed, the Jurisdictional Department is also to announce the availability of the Underutilized Property to other City Departments, Public Agencies, and private parties, and is to invite their proposals for Joint Use.

Unused Property

If a future Municipal Use is or has been identified for Unused Property, the Jurisdictional Department should analyze possible Interim Uses for the property, if any. The notification and solicitation procedures that apply to Underutilized Property may be followed. Unused Property for which no future Municipal Use is identified should be reclassified as Excess.

7.1.2 Review and Approval

The Jurisdictional Department should utilize guidelines outlined in adopted Council policy on reuse and disposal of City property when analyzing the feasibility of proposed Joint and Interim Uses. If a proposed Joint or Interim Use is acceptable to all entities involved, including RES and nonjurisdictional departments, the Jurisdictional Department should prepare legal documents establishing the arrangement, for City Council approval. RES may request copies of the legal documents for itself and the REOC.

Any expenses associated with environmental due diligence may be negotiated by the Jurisdictional department and the entities involved in the Joint or Interim Use.. In addition, the entities implementing the Joint or Interim Use should bear the costs of implementing and removing such use; alternative arrangements may be negotiated with the Strategic Planning Office and approved by the REOC. Consideration, if any, should be consistent with the State Accountancy Act (RCW 43.09.210) and other applicable laws and regulations. If consultation with the Law Department reveals that a SEPA review is needed, the Jurisdictional Department should conduct the review. When the evaluation of proposals is complete, the Jurisdictional Department should forward its recommendation to RES for review and approval.

Additional review should be undertaken if the Jurisdictional Department's recommended Joint or Interim Use is questioned. If questioned by a nonjurisdictional department, the matter should be taken up by RES, who should forward its findings to the REOC. If questioned by RES, the matter should be taken up directly by the REOC. Upon resolution, legislation should be prepared by the Jurisdictional Department for City Council approval.

7.2 CHANGING JURISDICTION OF FULLY UTILIZED MUNICIPAL USE PROPERTY

When the Jurisdictional Department, in consultation with RES, believes that jurisdiction of a parcel of Real Property should be transferred to another City department, it should contact the other department to discuss such factors as compensation, current or potential revenue associated with the property, estimated costs associated with a Transfer of Jurisdiction, and the physical condition and maintenance requirements of the property. The two departments should negotiate the terms of any Transfer of Jurisdiction.

7.2.1 Notification and Comment

When a tentative agreement has been reached, the Jurisdictional Department should notify RES, which in turn should notify all property-managing departments of the proposed Transfer of Jurisdiction. Responses are due 2 weeks later. At a minimum, the responses should specify utilities, easements and access agreements that are on or are needed on the property; other comments are invited.

7.2.2 Evaluation

On the basis of responses received, RES may concur with, recommend against, or place conditions upon the proposed Transfer of Jurisdiction. If RES concurs with the proposed Transfer of Jurisdiction, the required legislation is prepared by RES for City Council approval. In the absence of concurrence, the Jurisdictional Department may ask the REOC for resolution and RES will prepare legislation in accordance with the resolution of the REOC..

8.0 CHANGES IN EXCESS PROPERTY

When a parcel of Real Property becomes Excess, other City departments and Public Agencies are to be notified of its availability, asked to identify their interest in it—particularly less-than-fee- simple rights the City should keep, such as utility Easements—and invited to propose Municipal Uses for it. This information is evaluated in a two-tiered process. The Jurisdictional Department first examines the information and makes a recommendation, which is then evaluated by RES. As part of its evaluation, RES then classifies the proposed decision as “simple” or “complex.” “Complex” decisions require a public involvement process and additional City review. Before being submitted to the City Council for action, all proposed Reuse or Disposal actions must be approved by RES and, for “complex” decisions, the REOC.

8.1 INITIAL NOTIFICATION AND RESPONSE

When a Jurisdictional Department declares a property Excess, it should complete an *Excess Property Description* (Appendix B) and send the form to RES. On receipt, RES should prepare an *Excess Property Notice* (Appendix C). The notice should be distributed to all City departments, to Public Agencies that RES determines may be interested in the property, and to Public Agencies whose regulatory or policy responsibilities affect the property.

With the *Excess Property Notice*, RES should also distribute an *Excess Property Response Form* (Appendix D) and an *Excess Property Proposed Use Form* (Appendix

E). Both are due back to RES within 30 days of the date of the *Excess Property Notice*. At its discretion, RES may grant an extension upon receipt of a written request indicating the reason for the extension and a proposed revised due date. Completed *Excess Property Response Forms* should be copied and sent to the Jurisdictional Department.

All City departments or Public Agencies should return a completed *Excess Property Response Form*, even if they have no explicit interest in the property. The nature of each department's response is detailed in Table 2. To protect the interests of the City as a whole, it is especially important to provide complete and accurate information on this response form. Any entity interested in acquiring the property must also return an *Excess Property Proposed Use Form* signed by the director or designee, submit an implementation plan, and specify a funding source.

In their *Excess Property Proposed Use Forms*, City departments and Public Agencies may request a delay in the implementation of a Reuse or Disposal decision—a Hold—until certain steps can be completed (e.g., obtain funding). The request for a Hold will be evaluated by RES during its review.

8.2 FIRST-TIER EVALUATION BY JURISDICTIONAL DEPARTMENT

Within 30 days of receiving copies of completed *Excess Property Proposed Use Forms*, the Jurisdictional Department should analyze the proposed uses and forward its recommendation for Reuse or Disposal to RES. This recommendation should describe the preferred Reuse or Disposal and may propose a Transferee or method for selecting a Transferee.

The Jurisdictional Department may recommend one of several options:

- Establishment of Interim Use until identified and recommended future Municipal Uses are implemented
- Transfer for implementation of a Municipal Use
 - To another City department
 - To a specific non-City Transferee
 - To a non-City Transferee that has not yet been identified
- Designation as Surplus property to be transferred

- To a specific non-City Transferee
- To a non-City Transferee that has not yet been identified

8.3 SECOND-TIER EVALUATION BY REAL ESTATE SERVICES

8.3.1 Evaluation Factors

RES's evaluation of alternative uses for Excess Properties should include the factors identified in adopted Council policy for reuse and disposal of City property.

8.3.2 Options

RES may recommend any of the options identified in Section 8.2, even if it differs from the option recommended by the Jurisdictional Department.

If a specific Transferee is recommended and that Transferee has requested a Hold, RES may suggest that the Jurisdictional Department retain the property for 1 year so that the prospective acquiring party may obtain funding or complete other necessary steps. Any Hold so recommended is to be reviewed as part of and will take effect following the City Council's approval of a proposed use for the property. The responsibility for maintenance costs during the period of the Hold should be explicit in RES's recommendation.

8.3.3 Complexity

As part of the second-tier evaluation process, RES should classify each proposed Reuse or Disposal decision as "simple" or "complex," using the following factors:

- The presence of conflicting proposals
- The type and amount of consideration proposed or necessary for the property
- The estimated fair market value of the property
- Change in zoning requirements required by the action
- Whether the City will retain any Real Property rights
- Community interest in the property.

Regardless of any other factor, the decision will automatically be classified as "complex" if either of the following applies:

- The estimated fair market value of the property exceeds \$1 million
- A “complex” designation has been requested by the Jurisdictional Department, REOC, or City Council.

RES’s decision regarding the complexity of the proposed action should be recorded on a *Property Review Process Determination Form* (Appendix F).

8.3.4 Documentation

RES should document its analysis and recommendation in a *Preliminary Recommendation Report on Reuse or Disposal of Excess Property (Preliminary Report)*, a summary of which will then be circulated to the REOC, and to all City departments and Public Agencies that expressed an interest in the Excess Property. The *Property Review Process Determination Form* should be included with the summary of the *Preliminary Report*.

8.5 APPROVALS

After the summary of the *Preliminary Report* and *Property Review Process Determination Form* have been distributed, the approval process for “simple” and “complex” decisions diverges. For “simple” decisions, legislation is prepared by RES, approved by the Law Department and Strategic Planning Office, and sent to the City Council, together with a copy of the *Preliminary Report*.

“Complex” decisions require the following additional steps before the legal documents are drafted:

- RES submits the *Preliminary Report* and a proposed public involvement process to the REOC; revisions are made as needed to achieve approval. The public involvement process gives citizens, community groups, and other interested parties an opportunity to comment on RES’s recommendations for the Excess property.
- After REOC approval, RES briefs the appropriate City Council Committee on the nature of the decision and the proposed public involvement process. RES also provides this information to the Jurisdictional Department, and other City departments and Public Agencies that expressed an interest in or concern over the property.

- RES implements the public involvement process.
- RES prepares a *Final Recommendation Report* to summarize comments, update the *Preliminary Report*, and revise recommendations.
- RES submits the *Final Recommendation Report* to the REOC for approval, and then to the City Council with legislation for any required transactions.

After the City Council has approved the transaction, the Jurisdictional Department or other department authorized by the City Council should proceed with implementation.

If a Hold was approved, the REOC may allow a 1-year extension of the Hold. This extension may be granted only upon submittal of evidence that the transaction is still viable and progress has been made towards completing the conditions for which the Hold was granted.

If the conditions of the Hold have not been met following the expiration of the second year, if the proposed acquiring agency did not seek an extension of the Hold, or if such request was denied by the REOC, notice of the property's availability will be recirculated consistent with the process outlined under Initial Notification and Response in Section 9.1.

UNDERUTILIZED PROPERTY REVIEW FORM

PROPERTY MANAGEMENT AREA (PMA) NAME, as found in RPAMIS:
ADDRESS:
LEGAL DESCRIPTION:
KING COUNTY TAX I.D.#:
CURRENT USE:
EXCESS CAPACITY: Please provide a description of the Excess Capacity of this PMA, e.g., available land, type of building space available, amount of usable building space available, or time-of-day availability.
POTENTIAL JOINT USES:
RESTRICTIONS ON USE and Source of Restrictions:
ORGANIZATIONAL POLICIES/DIRECTIVES REGARDING USE:
Jurisdictional Department: _____
Reviewer: _____ Date: _____

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
 IT IS DUE TO THE QUALITY OF THE DOCUMENT.

EXCESS PROPERTY DESCRIPTION

The Jurisdictional Department should provide the information listed below to RES with its declaration of Excess Property. The RES will incorporate selected information in a circulation notice to City departments and Public Agencies.

1. Property Management Area (PMA) Name and Address.
3. Legal Description.
4. Tax Parcel I.D. Number(s), Property Management Area (PMA) I.D. and Subject Parcel ID's (as found in RPAMIS).
5. Snapshots or aerial photo of property, including current structures if any.
6. Brief history of property, including the original fund source and the reason The City acquired it
7. Copies of ordinance(s) authorizing acquisition, and any amendments or updates to that ordinance(s).
8. Citation of ordinances, statutes and regulations that particularly or uniquely affect or apply to this specific property.
9. Current easements, covenants and restrictions (as flagged in RPAMIS).
10. Recommended easements, covenants and restrictions upon transfer.
11. Jurisdictional Department's opinion on any current code or ordinance violations or delinquencies.
12. Fund to which Sale proceeds would accrue.
13. Jurisdictional Department's rough estimate of market value, expressed as a range of value, and basis for conclusion.
14. Any potential problems and any possible measures that could be taken to mitigate or prevent recurrence of problems

The Jurisdictional Department should attach copies of the following documents to this form: Copies of conveyance documents, leases, contracts, easements, title reports and surveys.

EXCESS PROPERTY NOTICE

DATE:

TO:

FROM: Real Estate Services

SUBJECT: Property Name, Address

The attached described Real Property under the jurisdiction of the Department of _____ is considered excess to the needs of that department. City departments and Public Agencies are being informed of its potential availability in accordance with the *Procedures for the Evaluation of City Real Property for Reuse and Disposal*.

Further information regarding this property can be obtained from _____ phone: _____. For questions regarding the City's Excess Property circulation and review process, please call Real Estate Services , (phone: _____).

By completing the attached response form, please indicate whether your agency or department is interested in acquiring the property or jurisdiction over it, whether it has or needs facilities, utilities or access rights on, through or over the property, or include the Department's comments concerning the property's Disposal or Reuse. If your department or Public Agency is interested in acquiring the property or jurisdiction over it, an *Excess Property Proposed Use Form* must be attached to your response and signed by the Director or authorized designee of your organization.

All responses must be signed and dated. Responses must be received by _____.

NOTICE:
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

EXCESS PROPERTY PROPOSED USE FORM

PROPERTY NAME, ADDRESS

LEGAL DESCRIPTION:

KING COUNTY TAX I.D.#:

PMA ID#:

SUBJECT PARCEL ID#'s:

RESPONDING DEPARTMENT/AGENCY _____

CONTACT PERSON: _____ **PHONE:** _____

PROPOSED USE: Describe the proposed use for the property, including information on potential improvements, users, tenure, impact on neighborhood such as parking, traffic volumes. (Attach additional pages as necessary).

EST. IMPLEMENTATION DATE: _____ **EST. COST :** _____

EXPECTED TERM OF USE: _____ **FUND SOURCE(S):** _____

Are funds appropriated? ___ YES ___ NO. If no, when will funds be appropriated? _____

BENEFITS TO THE CITY OF SEATTLE FROM THIS PROPOSAL:

SUPPORTING POLICIES. List the adopted plans and policies (itemize specific sections in major documents) which support, or are implemented by, this proposed use.

Signature of Department/Agency Director or designee
 (Printed or typed name)

Date

PROPERTY REVIEW PROCESS DETERMINATION FORM

Property Name: _____
 Address: _____
 PMA ID: _____ Subject Parcel #:s: _____
 Dept./Dept ID: _____ / _____ Current Use: _____
 Area (Sq. Ft.): _____ Zoning: _____
 Est. Value: _____ Assessed Value: _____

PROPOSED USES AND RECOMMENDED USE

Department/Governmental Agencies: _____ Proposed Use: _____

Other Parties wishing to acquire: _____ Proposed Use: _____

RES'S RECOMMENDED USE: _____

PROPERTY REVIEW PROCESS DETERMINATION (circle appropriate response)

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------|----------|----|
| 1.) Is more than one City dept/Public Agency wishing to acquire? | No / Yes | 15 |
| 2.) Are there any pending community proposals for Reuse/ Disposal? | No / Yes | 10 |
| 3.) Have citizens, community groups and/or other interested parties contacted the City regarding any of the proposed options? | No / Yes | 10 |
| 4.) Will consideration be other than cash? | No / Yes | 10 |
| 5.) Is Sale or Trade to a private party being recommended? | No / Yes | 25 |
| 6.) Will the proposed use require changes in zoning/other reg's? | No / Yes | 20 |
| 7.) Is the estimated Fair Market Value between \$250,000-\$1,000,000? | No / Yes | 10 |
| 8.) Is the estimated Fair Market Value over \$1,000,000? | No/ Yes | 45 |

Total Number of Points Awarded for "Yes" Responses: _____

Property Classification for purposes of Disposal review: Simple / Complex (circle one) (a score of 45+ points results in "Complex" classification)

Signature _____

Department _____

Date _____

TABLE 1. PROCEDURES FOR PERIODIC REVIEW OF REAL PROPERTY BY JURISDICTIONAL DEPARTMENT ^a

Property Classification	Minimum Frequency ^b	Purpose	Elements of Review	Comments
Fully Utilized Municipal Use	Every 5 years, with 1/5 annually ^c	Recommend retention for current use, transfer of jurisdiction to another department, or reclassification	Criteria and factors in adopted Council policy.	--
Underutilized	Annually	Identify potential additional uses	<ul style="list-style-type: none"> • Additional uses the property can accommodate (Jurisdictional Department may ask RES for help) • Compatibility of such additional uses with existing or planned use. • Criteria and factors in adopted Council policy 	<p>Requires use of <i>Underutilized Property Review Form</i>.</p> <p>Jurisdictional Department to solicit proposals for Joint Use of Underutilized Property.</p>
Interim Use	Annually	Review status	<ul style="list-style-type: none"> • Status of proposed future use • Potential municipal uses for short or long term 	--
Unused	Annually	Identify future uses or reclassify as Excess	Criteria and factors in adopted Council policy	<p>If needed for future Municipal Use, consider Interim Use.</p> <p>If no identified current or future Municipal Use, declare as Excess</p>

^a Upon notification to RES, review function may be delegated to Managing Department or to RES.

^b Unscheduled review of a specific property may be requested by Mayor, City Council, or RES staff. City departments, Public Agencies, or private entities may also ask for review, but must direct request to RES.

^c Exceptions possible if so granted by RES, for properties with deed restrictions that specify or limit use

TABLE 2. DETAILS TO BE REPORTED ON THE *EXCESS PROPERTY RESPONSE FORM*

SOURCE	RESPONSIBILITY
All departments and Public Agencies	<p>Identify plans or policies—whether adopted or proposed—that may affect the Reuse or Disposal of the Excess Property, and specify relevant planning objective or limitations therein.</p> <p>Describe utilities or facilities, specific to respondent, currently on the Excess property.</p> <p>List property rights specific to respondent (such as Easements) across, to, or through the Excess property that may be needed.</p> <p>Search records going back 3 years to provide information received about the specific property from Public Agencies, individuals, or other entities.</p> <p>Identify any interest in acquiring the property.</p>
Seattle Public Utilities Department	Identify Easement rights that should be reserved for existing or future utilities if the property is transferred to a non-City entity.
Seattle City Light	Identify Easement rights that should be reserved for existing or future utilities if the property is transferred to a non-City entity.
Law Department	<p>Assist in identifying restrictions on Reuse or Disposal.</p> <p>Help resolve any Encumbrance issues.</p> <p>Note: The Jurisdictional Department and Real Estate Services should provide relevant documents for this purpose.</p>
Strategic Planning Office	Identify planning and management goals for the area in which the property is located, as identified in the Comprehensive Plan and other adopted plans and policies.
Neighborhood Planning Office	<p>Identify any neighborhood plans that have been adopted for the area in which the property is located.</p> <p>Identify whether a proposal for acquisition, use, or Disposal of the property has been developed as part of an adopted neighborhood plan.</p>

THE CITY OF SEATTLE

**POLICIES AND PROCEDURES
TO EVALUATE THE ACQUISITION OF
REAL PROPERTY RIGHTS**

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Attachment 1 Role of Real Estate Services in Various Types of Property Rights or Property Rights Transactions.

1.0 DEFINITIONS

Acquiring Department	The City department wishing to acquire jurisdiction over a Real Property Right.
Real Estate Services (RES).	City organization in the Executive Services Department (ESD), Facility Services Division, that is responsible for strategic or "corporate" management of City Real Property(except for those properties outside Seattle, those properties actively used for power or water distribution, those properties under the control of the Seattle Center, those properties leased by the Director of Neighborhoods pursuant to SMC 3.35.080 for use as a P-Patch community garden or another, similar, open space purpose, and properties for which the City Charter specifically provides for jurisdiction by a specific department other than ESD).
Real Estate Oversight Committee	A committee of City department heads (or their designees) appointed by the Mayor and chaired by the Deputy Mayor or other Mayoral designee, that has the authority to review and make recommendations to Departments or to the Executive on Real Property matters.
Real Property Asset Management Information System (RPAMIS)	A comprehensive database of information cataloging Real Property owned by The City.
Real Property	Land and appurtenances to land, including buildings, structures, fixtures, fences, and improvements erected upon or affixed to the same.
Real Property Rights	A legal share of ownership in Real Property, whether the entire ownership, as in a fee simple interest, or partial ownership, as in a leasehold interest.

2.0 PURPOSE

These policies and procedures establish a process for evaluating the acquisition of Real Property Rights by The City of Seattle. The need to acquire property rights—whether at a single location or many sites—may result from strategic, long-term, or capital improvement planning. A broad range of purposes may be realized by the acquisition, including the addition of land area, expansion of existing facilities, and creation of new facilities.

3.0 POLICY SUMMARY

As soon as a City department anticipates the need for the City to acquire Real Property Rights, it should start planning for the potential acquisition. The level of assistance to be provided in the prospective acquisition by Real Estate Services (RES), a City organization within the Executive Services Department, should be established by reviewing Attachment 1 to these policies and procedures, *Role of Real Estate Services in Various Types of Property Rights or Property Rights Transactions*, and by consulting with RES. Prospective acquisitions ~~are~~ may be subject to a general feasibility analysis as well as a site-specific analysis, results of which should be reviewed by the Real Estate Oversight Committee, as well as the general public when appropriate. Proposed Acquisitions approved by the Acquiring Department, RES, the Real Estate Oversight Committee, and the Law Department are submitted to City Council for final authorization.

4.0 SCOPE

These policies and procedures apply to all City departments and agencies, and to all acquisitions of Real Property Rights by the City, except as otherwise provided by ordinance, charter, or existing law.

5.0 GUIDING PRINCIPLES

- A. It is the intent of the City to strategically utilize its inventory of Real Property to further the City's goals while avoiding unnecessary acquisition of additional Real Property Rights.
- B. Decisions regarding acquisition of Real Property Rights should reflect the following:
 - Effective and efficient use of the City's current real property assets
 - A long-term view
 - A balance of operational, financial, environmental, and other relevant factors.
- C. These policies and procedures are not intended to supersede policies or procedures reflected in any ordinances or resolutions adopted by the City Council that specifically authorize the acquisition of Real Property Rights. In cases of inconsistency or conflict, the specific policies adopted by the City Council for the property in question shall prevail. Where superseding requirements are in effect, these policies and procedures shall remain applicable to the extent practicable.
- D. Except as otherwise delegated by ordinance, final decisions regarding the acquisition of Real Property Rights shall be made by the City Council. Any negotiations entered into by the City prior to final authorization by City Council, when needed, shall clearly communicate that the final decision is to be made by City Council.

- F. The Executive's recommendations to City Council on the acquisition of Real Property Rights that may have significant City-wide implications should be made by the Real Estate Oversight Committee (REOC), to the extent not otherwise prohibited. This committee includes the Executive Services Director, the Director of the Strategic Planning Office, the Director of Seattle Public Utilities, the Director of the Department of Neighborhoods, the Director of the Office of Economic Development, the Superintendent of City Light, the Superintendent of Parks & Recreation, the Director of the Department of Construction and Land Use, and the Director of Transportation.
- G. The decision-making process described herein shall be interpreted and applied in compliance with all applicable federal, state, and local laws and regulations, and shall be consistent with the City of Seattle Comprehensive Plan.
- H. Decisions regarding the acquisition of Real Property Rights should consider plans and policies adopted by the City Council that provide guidance for the use of property located within identified geographic areas.
- I. These policies and procedures are intended as guidelines for the City. No express or implied rights or responsibilities are intended to be created for any party by these policies and procedures. Failure to comply with these policies and procedures is not intended to give any party the right to change, rescind, or delay any decision or transaction or to provide any claim for damages or other relief.
- J. These policies and procedures are intended to encourage public participation in the process for acquiring Real Property Rights and to support neighborhood planning efforts.
- K. The Law Department should be consulted as needed in proposed acquisitions and at minimum, on the following matters: (a) compliance of proposed acquisition actions with local, state, and federal ordinances, statutes, regulations, plans, and policies; (b) the need for environmental analyses, including environmental due diligence and the procedures required under the State Environmental Policy Act (adopted in Seattle Municipal Code ch.25.05); and (c) the form and substance of any proposed legislation and transaction documents.

6.0 ROLES

Three major participants are involved in decisions about acquiring Real Property Rights: Real Estate Services (RES) (of the Executive Services Department), the Acquiring Department, and the Real Estate Oversight Committee.

6.1 REAL ESTATE SERVICES

RES has support, review, and strategic planning functions:

- Advise and assist other City departments in planning and implementing acquisitions
 - Identify and evaluate City-wide issues and impacts of proposed acquisitions
 - Identify, evaluate, and recommend real estate strategies
 - Coordinate City-wide analysis and review of proposed acquisitions
 - Help implement acquisition of Real Property Rights.
- Review proposals to acquire Real Property Rights, except for:
 - Transportation and utility acquisitions within existing right-of-way corridors
 - Acquisitions for which no RES role is identified in Attachment 1 to these policies and procedures or which are
 - otherwise authorized by ordinance or otherwise applicable law
- Keep abreast of developments inside the City government (e.g., future requirements for Real Property Rights, land use changes on City properties) and in the marketplace (e.g., properties for sale) so as to identify opportunities to:
 - Save money
 - Generate economic development
 - Achieve community goals.

RES's level of involvement in prospective real estate transactions varies with the type of property right to be acquired and the type of transaction involved, as indicated in Attachment 1, *Role of Real Estate Services in Various Types of Property Rights or Property Rights Transactions*. The attachment is not an exhaustive list; additional types of transactions and other roles for RES are possible. RES's role is most extensive for fee simple and leasehold interest acquisitions.

6.2 ACQUIRING DEPARTMENT

Initiative for acquiring Real Property Rights rests with the Acquiring Department. Its specific roles are as follows:

- Identify the potential need for such acquisitions
- Plan and execute acquisitions in accordance with these policies and procedures
- Coordinate with RES, as provided herein.

6.3 REAL ESTATE OVERSIGHT COMMITTEE

The Real Estate Oversight Committee has review, advisory, and dispute resolution functions:

- Review acquisition projects that involve City-wide issues (as described in Sections-10.1 and 10.2)

NOTICE: IF THE DOCUMENT IN THIS FOLDER IS REPRODUCED, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

- Advise the Acquiring Department and RES on approaches to issues raised by the proposed acquisition, public involvement, and legislative strategies
- Make Executive recommendations on policy issues
- Recommend a course of action when the Acquiring Department and RES are unable to agree on an aspect of an acquisition project.

7.0 PLANNING FOR THE ACQUISITION OF REAL PROPERTY RIGHTS

Planning for the acquisition of Real Property Rights should begin at the earliest possible phase of project development. The Acquiring Department should identify all issues and requirements then known, including the following:

- Program or operation description
- Location requirements or preferences
- Criteria for type of real property
- Potential community concerns
- Relevant statutes, policies, goals, or guidelines
- Any other pertinent issues.

The Acquiring Department should refer to Attachment 1 for general guidance on what role, if any, RES may have in the proposed acquisition. The Acquiring Department should contact RES if RES's participation in the acquisition is specified in the attachment.

8.0 REAL ESTATE SERVICES REVIEW

If RES has a role in the acquisition or if further information is needed to make that determination, the Acquiring Department should provide RES with as much information regarding the anticipated project as has been developed at the time. Jointly, the Acquiring Department and RES should identify the tasks to plan, analyze, and execute the transaction, and should agree upon their respective roles.

Specific acquisitions that have already been authorized by City Council or that are part of a broad program approved by City Council are not subject to further analysis and review by RES. Examples might include open space acquisitions, new transportation and utility corridors, and environmental mitigation programs.

9.0 ANALYSIS

Proposals to acquire Real Property Rights are subject to a two-step analysis: a general feasibility study and—with consensus to pursue the acquisition—a site-specific analysis.

9.1 FACTORS TO CONSIDER IN ANALYSIS

Proposed acquisitions of Real Property Rights should be examined throughout the decision-making process in light of the following considerations and any others that may be relevant:

1. Operational requirements of the Acquiring Department
2. Current City property inventory and possible co-location opportunities
3. Market conditions and trends
4. Acquisition and transaction costs
5. Projected future revenues and expenses
6. Immediate and long-term needs, issues, and plans
7. Funding mechanisms
8. Legal requirements or constraints, including state and federal guidelines
9. Environmental and other risk management issues
10. State Environmental Policy Act requirements
11. Community impacts
12. The City's Comprehensive Plan and adopted Neighborhood Plans
13. Other City Council adopted plans
14. Public input

9.2 FEASIBILITY ANALYSIS

An analysis is undertaken to determine the overall feasibility of the proposed acquisition. An outline of the study should be prepared by the Acquiring Department, in coordination with RES if involved, reflecting as many of the factors noted above for which sufficient information is available. Specific writing and management assignments should be decided collaboratively by the Acquiring Department, RES if involved, and any other City department with an identified interest.

Upon completion of the feasibility analysis, the Acquiring Department and RES should jointly decide the following:

- The next steps to take
- Whether or not to proceed with the project
- Roles in pursuit of the acquisition.

Any item that cannot be resolved internally should be addressed by REOC.

9.3 SITE-SPECIFIC ANALYSIS

If the proposed acquisition will be pursued further, a more detailed study is undertaken by the Acquiring Department and/or RES (as established in Section 8.0). For each specific site under consideration, the following subject areas should be analyzed: physical characteristics, site suitability for the proposed use, and all relevant factors listed in Section 9.1. Results should be documented in a report summarizing feasible options, preliminary recommendations, and opinions. Copies should be submitted to the director of the Acquiring Department, the Executive Services Director (if RES is involved), and, if required by Section 10.0, the Real Estate Oversight Committee.

10.0 PROJECTS REQUIRING REAL ESTATE OVERSIGHT COMMITTEE REVIEW

The Acquiring Department and RES, if involved, should evaluate each proposed acquisition project to determine whether it requires review by the Real Estate Oversight Committee. Two sets of criteria are to be used in this evaluation. A project meeting any criterion in the first set should be reviewed at the earliest reasonable phase, and no later than the completion of the feasibility analysis. Projects not subject to this early REOC review are screened against the second set of criteria; if any criterion is met, review should occur when the potential acquisition site is identified. Projects that do not meet any of the criteria in either set are not subject to REOC review. However, if any of the issues are subsequently raised as the project progresses, the project should be presented to REOC at the earliest opportunity thereafter.

Notwithstanding these criteria, REOC can review a project at any time if so requested by RES, the Acquiring Department, the Mayor, or the City Council.

10.1 CRITERIA FOR REVIEW DURING FEASIBILITY ANALYSIS

An acquisition project is subject to early REOC review if the answer to any of the following questions is "Yes." The review should occur at the earliest reasonable phase of study, and in no case later than completion of the feasibility analysis.

- Could the project have a significant effect—positive or negative—on the economic vitality of the community or the City?
- Could the project have significant land use implications?
- Will the project result in a large number of acquisitions?
- Is the project estimated to cost more than \$5 million for a single site (including multiple adjacent parcels) or more than \$15 million for a program of acquisitions (e.g., utility corridor, open space, environmental mitigation)?

- Will new voter-approved bonds be proposed as a funding source?
- Is strong community sentiment anticipated?
- Is there lack of consensus regarding process or options among departments or between the Acquiring Department and RES?
- Is the project likely to be inconsistent with the Comprehensive Plan?
- Is the acquisition likely to require significant intergovernmental involvement?

10.2 CRITERIA FOR REVIEW DURING SITE-SPECIFIC ANALYSIS

If REOC review was not required during the feasibility analysis and if the answer to any of the following questions is "Yes," then the project is subject to review when potential sites are identified.

- Has any significant environmental concern been identified at any sites?
- Will any significant relocation benefit payment by the City be required?
- Is acquisition by condemnation likely?
- Will City acquisition result in a significant change of use, as defined by the City's Land Use Code?

11.0 REAL ESTATE OVERSIGHT COMMITTEE REVIEW

Review by the Real Estate Oversight Committee is initiated when the Acquiring Department and/or RES (as determined in Section 8.0) submits a report, the content of which depends upon the current stage of the acquisition project. Whether or not the feasibility and site-specific analyses are available, the report should describe the issues in sufficient detail to generate REOC's strategic, policy, and legislative guidance. In addition to providing guidance, REOC may also request further analysis, eliminate options from consideration, propose a public involvement process, direct further review at specific milestones, or recommend other actions it deems appropriate to the project. If legislation is required at this phase, REOC may also propose a recommendation to City Council from the Executive.

12.0 PUBLIC INPUT

When appropriate and in accordance with existing statutes or adopted City policies, the Acquiring Department and RES, if involved, should develop a process for soliciting comment by

citizens and community groups. Public involvement should be sought at the earliest reasonable phase of project development, but not so early as to unduly interfere with the City's ability to negotiate or otherwise implement its strategy.

13.0 TRANSACTION PROCESS

To the extent practicable, RES (or the Acquiring Department for transactions not involving RES per Attachment 1), in consultation with the Law Department, should establish a standard procedure for completing the transaction for each type of acquisition of Real Property Rights.

ROLE OF ESD REAL ESTATE SERVICES IN VARIOUS TYPES OF PROPERTY RIGHTS OR PROPERTY RIGHTS TRANSACTIONS

TRANSACTION TYPE	SUBTYPE OR DESCRIPTION	WHEN DOES REAL ESTATE SERVICES REVIEW?	WHAT IS SCOPE OF REAL ESTATE SERVICES' REVIEW?	ENTER IN RPAMIS
Air Rights	City acquires rights above ground, structures	NA	NA	Yes
Drug Seizures	City acquires real property rights pursuant to police action	NA	NA	Yes
Fee Simple	Full property rights will be acquired	As soon as potential need for property rights determined*	Conduct analysis as outlined in policies and determine whether REOC review needed; coordinate acquisition	Yes
Condemnation of Fee or Easement	A method of acquiring property rights	At the time it is determined condemnation may be required	Review as described above for fee simple	Yes
Covenants	Restrictions on use that provide the City an interest in real property	As covenants are being considered	Identify whether other departments should be notified; whether issues require further review or oversight	Yes
Dedications	Resulting from permitting process	During DCLU application review process	Review and route to appropriate dept. for comments	Yes except for ROW
Donations	Property rights proposed to be given to City	When proposal is first made*	Conduct analysis as outlined in policies and determine whether REOC review needed	Yes
Easements	For a new/expanded utility corridor – pipeline, street or transmission line /ROW	As soon as potential need for property rights determined*	Conduct analysis as outlined in policies and determine whether REOC review needed	No
	Access easements	When proposed	Identify whether other departments should be notified; whether issues require further review or oversight	Yes
	Slope Rights	NA	NA	Yes
	Utility Distribution Easements	NA	NA	Yes
	Temp. Construction Easements	NA	NA	No

* Once City Council has authorized a property rights acquisition project or program, or appropriated funds for a specific property rights acquisition, individual transactions are exempted from further review by Real Estate Services; however, City departments are expected to use judgment in determining whether Asset Management or Real Estate Oversight Committee review is needed.

TRANSACTION TYPE	SUBTYPE OR DESCRIPTION	WHEN DOES REAL ESTATE SERVICES REVIEW?	WHAT IS SCOPE OF REAL ESTATE SERVICES' REVIEW?	ENTER IN RPAMIS
Franchises	Right or license to occupy or use another jurisdiction's public property	NA	NA	Yes
Leases of non- City owned property	Long Term (over 5 years)	When need for space is determined	Review long term leases for Citywide impacts	Yes
	Short Term (5 years or less)	When need for space is determined	Identify whether other departments should be notified; if issues require further review or oversight	Yes
LID foreclosure	ESD-Finance forecloses to protect LID interests	When foreclosure under consideration	Review property issues, incl. Environmental and potential City uses	Yes
Offer to Sell (including those by other jurisdictions)	An offer to sell property or notification of available property	When proposal is first made	Circulate to appropriate departments for review. Decision to proceed would follow fee simple above or as otherwise determined	Yes
Options	A method of holding property while a permanent acquisition decision is made	When potential need for option is determined and during option period	Review option terms and conditions and underlying fee simple or other type of potential acquisition	No
Rights of Entry	Temporary access needed to inspect while considering acquiring permanent rights	NA	NA	No
Security Interests in Property	City obtains interest in property as result of securing a loan or other financial assistance	When option to take a security interest has been identified	Review appraisals/ environmental issues, track reversionary rights or future ownership to City	As appropriate
Trade	Exchange with outside entity	When exchange is first identified	Described extensively under Disposition Policies	Yes
Transfer of Development Rights (TDR's)	Acquisition of floor-area ratio (FAR) from a site to limit development	NA	NA	No
Turnback	DOT initiates. Previous street or utility ROW returns to City jurisdiction as ROW	NA - ROW only	NA	No

* Once City Council has authorized a property rights acquisition project or program, or appropriated funds for a specific property rights acquisition, individual transactions are exempted from further review by Real Estate Services; however, City departments are expected to use judgment in determining whether Asset Management or Real Estate Oversight Committee review is needed.



City of Seattle

Paul Schell, Mayor

Executive Services Department
Dwight D. Dively, Director

98 JUL 13 PM 1:28
SEATTLE CITY ATTORNEY

98 JUL 13 AM 8:42
OFFICE OF THE ATTORNEY

MEMORANDUM

DATE: July 10, 1998

TO: Sue Donaldson, President
Seattle City Council

FROM: Dwight Dively, Director ~~ESD~~
Executive Services Department

SUBJECT: A RESOLUTION adopting policies and procedures to govern the acquisition, reuse, or disposal of City real property.

I am pleased to present the attached resolution which adopts policies and procedures to govern the acquisition, reuse, and disposition of real property owned by the City of Seattle. This legislation is intended to replace Council Bill 111999 which was submitted in November, 1997. Subsequent to that submittal, the Council recommended that we separate the policies regarding reuse and disposition of City-owned real property into the body of the legislation itself, and the Law Department recommended that the policies and procedures be adopted by resolution rather than by ordinance. The attached resolution and procedures comply with that direction.

The policies and procedures presented herein are the result of the newly created Real Estate Services Section in the Executive Services Department (ESD). Adoption of these policies and procedures will broaden Executive and Council policy oversight of City-owned real property; establish the Real Estate Services' role in acquisition and disposal; outline the City's decision-making process for acquisition, retention, or disposal of property; and expand opportunities for citizen review in these processes.

The attached policies and procedures were developed in conjunction with the Asset Management Task Force, which is comprised of representatives from Parks, Seattle Utilities, Transportation, City Light, and Executive Services, under the leadership of ESD. These departments agreed that the City should implement an active, coordinated, and comprehensive approach to the acquisition, utilization, and disposal of the City's real property assets -- a citywide Real Property Asset Management strategy, in effect.

600 Fourth Avenue, Room 103, Seattle, WA 98104-1891

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An Asset Management strategy has three key elements:

- 1) a framework for making decisions concerning property within the context of a long-range vision, as expressed in the Comprehensive Plan, Neighborhood Plans, and other adopted plans.
- 2) a philosophy of responsible stewardship to use, manage, and develop real estate assets to support municipal functions and to best serve the long-term interests of the City and its citizens; and,
- 3) consistent guidelines for property acquisition, disposal, relocation and operational management across City departments.

We look forward to the Council passing the attached resolution, and adopting the attached policies and procedures, as this is the first major policy step in actively managing the City's real property assets to better serve the long-term interests of the City and its citizens. If you have any questions, or would like additional information about this legislation, please feel free to call Hillary Hamilton, Real Property Asset Manager, at 4-0421.

cc: Honorable Martha Choe
Real Estate Oversight Committee

Attachments:

Proposed Resolution
Procedures for Evaluation for Reuse and Disposal of City's Real Property
Policies and Procedures For Evaluation Of The Acquisition Of Real Property Rights

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Martha Chase

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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STATE OF WASHINGTON - KING COUNTY

96761
City of Seattle, City Clerk

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No. RES. TITLES 0

Affidavit of Publication

City of Seattle
TITLE-ONLY PUBLICATION
 The full text of the following resolutions, passed by the City Council on August 16, 1998, and published here by title only, will be mailed, at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 621-8344.

RESOLUTION NO. 29799
 A RESOLUTION adopting policies and procedures to govern the acquisition, reuse, or disposal of City real property.

RESOLUTION NO. 29802
 A RESOLUTION authorizing the implementation of projects and the allocation of funds under the Technology Marketing Fund's Small and Start-Up Program, and waiving City Council review of certain future grants.

Publication ordered by JUDITH MIFLIN, City Clerk
 Date of official publication in Daily Journal of Commerce, Seattle, August 21, 1998. (8/21/98799)

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

CTRT:29799 & 29802

was published on

08/21/98

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

Subscribed and sworn to before me on

08/21/98

Notary Public for the State of Washington, residing in Seattle

Affidavit of Publication

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