ORDINANCE No. 111709

COUNCIL BILL No. 104283

The City of Seattle--Legislative

UP

5/23/84 Pass (3-0)

REPORT OF COMMITTEE

Honorable President:

Your Committe on TRANSPORTATION

to which was referred the within Council Bill No. 104283 report that we have considered the same and respectfully recommend

do pass

Jeanette Williams

Committee Chair

COMPTROLLER FILE No.

Introduced: MAY 14 1984	By: EXECUTIVE REQUEST
Referred: MAY 14 1984	To: transp
Referred:	To:
Referred:	To:
Reported: MAY 29 1984	Second Reading: MAY 29 1984
Third Reading: MAY 29 1984	Signed: MAY 29 1984
Presented to Mayor:	Approved:
Returned to City Clerk:	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

(UNIVERSAL 3-21943)

Law Department

The City of Seattle--Legislative Department

UP

Date Reported and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committe on TRANSPORTATION

to which was referred the within Council Bill No. 104283
report that we have considered the same and respectfully recommend that the same:

do pass

Jeanette Williams

Committee Chair

REQUEST

Sp

MAY 29 1984

MAY 29 1984

MAY 30 1984

(UNIVERSAL 3-21943)

RJA/JP:pam
04-27-84

ORDINANCE 111709

AN ORDINANCE authorizing execution of an agreement with the Department of Transportation of the State of Washington to provide the State immediate possession and use of certain City-owned lands for construction of SR-90.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Mayor is hereby authorized to execute for and on behalf of the City of Seattle, and the City Comptroller to attest to an agreement substantially in the form attached, to provide immediate possession and use to the State of Washington, Department of Transportation, of the following described real property:

Parcel 7-6226

Those portions of Lots 5, 6, 7 and 8, Block 39, Rainier Boulevard 5th Addition to the City of Seattle, according to plat recorded in Volume 11 of Plats, page 34, in King County, Washington.

ALSO, a portion of Government Lot 8, Section 5, Township 24 North, Range 4 East, W.M., in King County, Washington, all lying within the following described boundaries:

Beginning at the most Southerly corner of Lot 8 in said plat;
thence Northwesterly along the Southwesterly lines of said Lots 8, 7, 6 and 5, a distance of 160 feet to the most Westerly corner of said Lot 5;
thence continuing Northwesterly along said Southwesterly line produced a distance of 8.57 feet;
thence Easterly and Southerly along the arc of a curve to the right having a radius of 300 feet, a distance of 186.65 feet to a point in the Southwesterly line of said Lot 8;
thence Southwesterly along said Southeasterly line to the point of beginning.

Parcel 7-7232

Lot 4, Block 2, Orchard Hill Addition to the City of Seattle, according to the plat recorded in Volume 9 of Plats, page 56, in King County, Washington.

CS 19.2

Parcel 7-7219

Lots 31, 32 and 33, Block 28, Rainier Boulevard Fourth Addition, to the City of Seattle according to the plat thereof recorded in Volume 11 of Plats, page 33, in King County, Washington, EXCEPT any improvements which are the property of the City's tenant.

Parcel 7-7260

Lots 1 and 2 in Block 24 of Rainier Boulevard Third Addition, as per plat recorded in Volume 10 of Plats on page 40, records of King County;

Parcel 7-7282

Lot 14 in Block 26 of Rainier Boulevard Third Addition to the City of Seattle, as per plat recorded in Volume 10 of Plats on page 40, records of King County;
EXCEPT that portion thereof condemned in King County Superior Court Cause Nos. 448308 and 451675 for street;

Parcel 7-7285

Lots 7 and 8 in Block 29 of Rainier Boulevard Fourth Addition to the City of Seattle, as per plat recorded in Volume 11 of Plats on page 33, records of King County;

Parcel 7-7279B

Lot 18, Block 26, Rainier Boulevard Third Addition to Seattle, according to the plat recorded in Volume 10 of Plats, page 40, in King County, Washington;
EXCEPT that portion condemned for street purposes under King County Superior Court Cause No. 448308.

Parcel 7-6360

Parcel A:
The North 30 feet of Lots 16 and 17 in Block 3 of Twenty-second Street Addition to the City of Seattle, as per plat recorded in Volume 9 of Plats, on page 16, records of King County;

Parcel B:
Lots A, B, C and D and unplatted strip on the West of Lots A, B and D of Seattle Homestead Association, First Addition to Seattle, as per plat recorded in Volume 1 of Plats, on page 129, records of King County;

CS 19.2

Parcel 7-6361

Lots 3, 4, 5 and 6 in Block 3 of Seattle Homestead Association, First Addition to Seattle, as per plat recorded in Volume 1 of Plats, on page 129, records of King County;

Parcel 7-6511

That portion of Lot 6, lying East of the West line of Empire Way South, AND ALL of Lots 7, 8 and 9, AND the West 15 feet of Lot 10 in Block 1 of Bradner's Addition to the City of Seattle, as per plat recorded in Volume 5 of Plats, on page 49, records of King County;

Parcel 7-6570

Lot 10 of Bemis Addition to the City of Seattle, as per plat recorded in Volume 7 of Plats on page 51, records of King County;
EXCEPT that portion of said Lot 10 conveyed for street purposes by deed recorded under Recording No. 3075659;

Parcel 7-6225

All remaining interest, IF ANY, in Lot 23 in Block 14, Rainier Boulevard Second Addition, as per plat recorded in Volume 9 of Plats on page 73, records of King County.
(Note: Conveyance needed for the purpose of clearing title only.)

owned by the City of Seattle and required by the State of Washington for the construction of SR-90, as contemplated by the "Agreement For Construction of Interstate 90" authorized by Ordinance 111093.

Section 2. Any act pursuant to the authority and prior to the effective date of this legislation is hereby ratified and confirmed.

(To be used for all Ordinances except Emergency.)

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 29th day of May, 1984,

and signed by me in open session in authentication of its passage this 29th day of May, 19 .

President of the City Council.

Approved by me this 4th day of June, 1984.

Mayor.

Filed by me this 4th day of June, 1984.

Attest:

City Comptroller and City Clerk.

(SEAL)

Published

By Theresa Dunbar
Deputy Clerk.

CSS 8.1.6

POSSESSION AND USE AGREEMENT

In the Matter of State Route 90, Jct. SR 5 to W. Shore Mercer Island, Section 1, Jct. SR 5 to Bradner Place South

This AGREEMENT is made and entered into by and between the State of Washington, hereinafter referred to as the "State", and the undersigned, hereinafter referred to as the "Owners":

WITNESSETH

WHEREAS, the State affirms that the owner's real estate described herein is required by the State for immediate highway construction;

AND WHEREAS, the State affirms that any delay in its construction program is contrary to the public interest;

AND WHEREAS, the State has made a firm and continuing offer to pay the amount of $438,650.00, including properties to be traded *for the purchase of the following described real estate situated in* King *County, in the State of Washington:*

See Exhibit "A" attached hereto, and by this reference made a part hereof.

AND WHEREAS, the State and the Owners have executed an agreement for construction of SR-90 under which the Owners will convey title to Sturgus Park and other City owned property to the State, and the State will replace the park lands needed, with other equivalent lands and facilities for park purposes;

AND WHEREAS, the Owners require time to evaluate said firm offer and/or to resolve any questions concerning just compensation;

NOW THEREFORE, it is agreed that:

1. *The above described real estate is necessary for a public use of the State of Washington.*

2. *The State will issue a warrant in payment to the owners of the amount of the firm offer stated above, subject only to deduction of the value of interests of others therein.*

3. *If it becomes necessary for the State to institute condemnation proceedings, the owners have no objection to the State's forthwith entering of an Order Adjudicating Public Use provided by RCW 8.04.070 and that this instrument will be treated as and accorded the same provisions as the Order for Immediate Possession provided by RCW 8.04.090, et seq.*

4. *The Owners hereby waive the requirement of a written notice to move, as provided by RCW 8.26.180, and will surrender possession of the above described real estate to the State not later than* May 14, 1984.

It is understood and agreed that the delivery of this agreement is hereby tendered and that the terms and obligations hereof shall not become binding upon the State of Washington unless and until accepted and approved hereon in writing for the State of Washington, Department of Transportation by its Secretary or his duly authorized representative.

Accepted and Approved

Date .....

WASHINGTON STATE
Department of Transportation

By: .....
Title-

Dated this ..... *day of* .....

THE CITY OF SEATTLE, a municipal corporation of the State of Washington

By: .....
Charles Royer, Mayor

Attest
By: _____
Tim Hill, City Comptroller

(INDIVIDUAL ACKNOWLEDGEMENT FORM)

STATE OF Washington
County of King } *ss.*

On this *day of* *before me personally appeared*

to me known to be the individual *described in and who executed the foregoing instrument, and acknowledged that* *signed and sealed the same as* *free and voluntary act and deed, for the uses and purposes therein mentioned.*

Given under my hand and official seal the day and year last above written.

.....

Notary Public in and for the State of .....

Residing at .....

(CORPORATION ACKNOWLEDGEMENT FORM)

STATE OF Washington
County of King } *ss.*

On this *day of* *before me personally appeared*

to me known to be the Charles Royer and Tim Hill Mayor and City Comptroller *of the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.*

Given under my hand and official seal the day and year last above written.

.....

Notary Public in and for the State of Washington

Residing at .....

POSSESSION AND USE AGREEMENT

FROM .....

TO

STATE OF WASHINGTON

IN

County

State Route .....

Parcel No. .....

DOT FORM 262-075
REVISED 10/77

EXHIBIT "A"

Parcel 7-6226

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(Note: Conveyance needed for the purpose of clearing title only.)

REC'D OMB MAY 0 1 1984

Seattle
Engineering Department

Eugene V. Avery, Director of Engineering
Charles Royer, Mayor

~~S26375~~

April 27, 1984

REC'D OMB MAY 0 3 1984

S26412

Honorable City Council
City of Seattle

VIA: Mayor Charles Royer

ATTENTION: Gary Zarker, Director
Office of Management and Budget

Honorable Members:

SUBJECT: State of Washington, Department of Transportation
Possession and Use Agreement - SR-90

The Department of Transportation of the State of Washington is currently proceeding with construction of Interstate 90 (I-90) in several areas of the project. Two of the areas of construction activity proposed for the very near future are the Rainier Valley and the north end of Beacon Hill.

Several City-owned parcels lie within the highway corridor in those areas. Pursuant to the "Agreement for the Construction of I-90" authorized by Ordinance 111093, parks lands in this corridor will be exchanged for like lands of equal value.

In the separate Seattle Access Project on the west side of I-90, the State will acquire land which will impact the City's Charles Street Complex. The City intends to explore additional land exchanges, or other forms of compensation for lands conveyed by this agreement, which will mitigate the impacts on the Charles Street Complex.

Our review of the appraisals of the City properties made by the State's appraiser and the necessary negotiations could take several weeks to accomplish. The State has informed us that any delay in obtaining title to City-owned properties would upset the entire bidding and construction schedule for this phase of the project.

In keeping with the intent of the above-referenced I-90 agreement pledging cooperation, we are proposing immediate execution of a Possession and Use Agreement as an interim step to allow work to proceed. Attached is a draft of an ordinance authorizing execution, together with a copy of the proposed agreement. We jointly recommend immediate passage of the proposed legislation.

Any questions concerning the I-90 corridor liaison should be directed to Robert Chandler, Engineering Department at 2354.

Sincerely,

George Pernsteiner
Director
Department of Administrative Services

Walter R. Hundley
Superintendent
Department of Parks and Recreation

Eugene V. Avery
Director
Department of Engineering

Kenneth M. Lowthian
Superintendent
Water Department

Lloyd Hara
City Treasurer

GP:we:bm

Attachment

100-014

I. TITLE

Agreement with D.O.T. to provide the State immediate possession and use of City-owned property within the I-90 Corridor.

II. OBJECTIVE

To allow the State D.O.T. to certify right of way in a timely fashion to assure continued Federal Funding for the I-90 project.

III. FISCAL

No additional City funding is necessary.

The City's appraisal staff is now reviewing the State's offers. When tentative agreement is reached on the amount of compensation which the City should receive, additional proposed legislation will be submitted to the Council. Such legislation will identify the specific City funds which initially paid for these various properties and the amounts with which these funds will be credited out of the State's compensation payment.

IV. PERSONNEL

No new personnel required.

V. EQUIPMENT

No new equipment required.

VI. EVALUATION

There is not sufficient time to properly evaluate the State offers before the State must certify the right of way to FHWA.

A Possession and Use Agreement allows the State to proceed with the I-90 project. At the same time it assures the City the ability to negotiate for a fair price for the City-owned properties.

VII. ALTERNATIVES

There are no practical alternatives that would not interfere with the timing of the I-90 construction schedule.

City of Seattle

Executive Department-Office of Management and Budget
Gary Zarker, Director
Charles Royer, Mayor

May 9, 1984

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Engineering

SUBJECT: Authorizing an agreement with WSDOT for possession and use of certain City property in the I-90 corridor.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

(X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.

( ) Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By

GARY ZARKER
Budget Director

GZ/kc/cc

Enclosure

cc: Eugene Avery, Director, SED

CITY-OWNED PROPERTIES NEEDED FOR I-90 (Cont'd.)
PAGE 2

ORD. NO.	INTENDED USE	CITY DEPT.	CONTACT PERSON	LOTS & BLOCKS	PLAN SHEET	WSDOT SCHED		STATE PARCEL	OFFER DATE	AMOUNT OF OFFER	CITY REVIEW	AMOUNT PAID	PAYMENT DATE	RECORDING NO.	ADDITIONAL COMMENTS
	PARKS & REC.	PARKS	McMILLAN	c & d SH1	6/15	10/84		7-6360	3/21/84	$ 59,500.					TO BE TRADED
75690	PARKS & REC.	PARKS	McMILLAN	3-6;3 SH1	6/15	11/84		7-6361	3/21/84	$100,800.					TO BE TRADED
&	PARKS & REC.	PARKS	McMILLAN	a & b SH1	6/15	5/85		7-6389							SLOPES ONLY
76338	PARKS &	PARKS	McMILLAN	1-3;2 SH1	6/15			7-6390							SLOPES ONLY
77360	GMP & R/W	SED	ANDERSON	7&10;1Br A	8/15	3/85		7-6511		150.					
69608	GMP & R/W	SED	ANDERSON	10;B Be A	8/15	3/85		7-6570	3/21/84	$ 9,100.					
62096	PLAYGROUND	PARKS	McMILLAN	GOVT.L.6 S.9	7&9/15			7-7325							SLOPE EASEMENT (PLAYGROUND)
85316	GMP GREEN-BELT	PARKS	McMILLAN	17-18;6 AA	10/15			7-7329							
92971	TAX PROP. S.F.	TREASURER	WALKER	12-17;5 JR	2/13			7-6531						8307080574	Q.C.
92971	TAX PROP. S.F.	TREASURER	WALKER	9-11; 1 JR	2/13	11/85		7-6587							
92971	TAX PROP. S.F.	TREASURER	WALKER	4;5 JR	2/13			7-6594						8307080573	Q.C.
92971	TAX PROP. S.F.	TREASURER	WALKER	3-11; 6 JR	2&3/13			7-6599						8101090163	Q.C.
92971	TAX PROP. S.F.	TREASURER	WALKER	20-22;6 JR	2&3/13			7-6602						8101130123	Q.C.

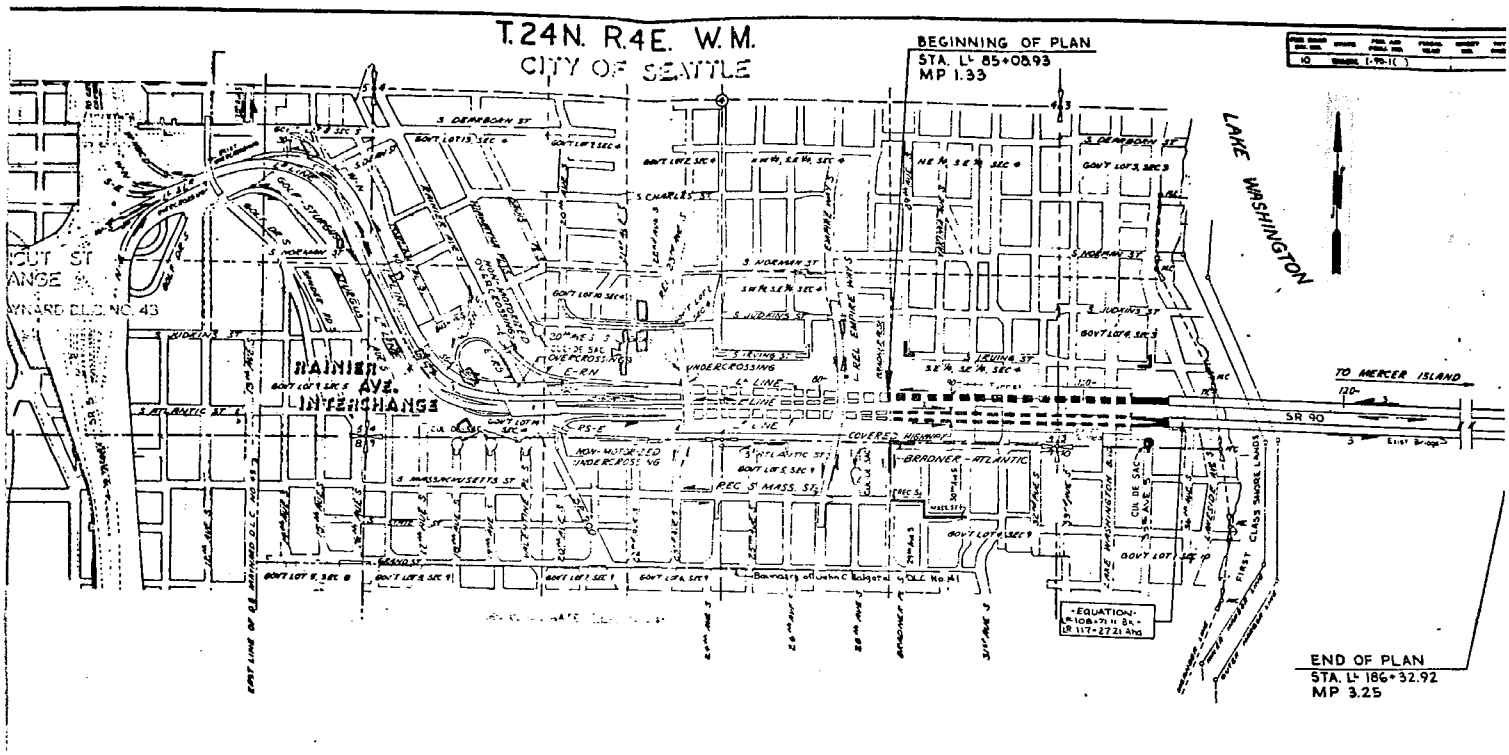
438,650

REVISED: 04/09/84

CITY-OWNED PROPERTIES NEEDED FOR I-90

ORD. NO.	INTENDED USE	CITY DEPT.	CONTACT PERSON	LOTS & BLOCKS	PLAN SHEET	WSDOT SCHED.		STATE PARCEL	OFFER DATE	AMOUNT OF OFFER	CITY REVIEW	AMOUNT PAID	PAYMENT DATE	RECORDING NO.	ADDITIONAL COMMENTS
80892	R/W	SED	ANDERSON	2,3;41 RB5	2-3/15			7-6229A		$ 60,273.	$60,273.				P&U AGREEMENT
37320	PARKS & OTHER	PARKS	McMILLAN		2/15			7-6229B1							TO BE TRADED
"	"	"	"					" B2							
"	"	"	"					" B3		$331,727.					P&U AGREEMENT
"	"	"	"					" B4							
"	"	"	"					" B5							
---	R/W	SED	ANDERSON	23; 14RB2	3/15	4/84 *		7-6225	---	---					SHOULD HAVE BEEN DEEDED TO PITZL
81864	GMP	DAS	COOLEY	5-8;39RB5	3/15	10/84		7-6226	3/21/84	$ 67,600.					
90021	TAX PROP. S.F.	TREASURER	WALKER	4;2 OH	3/15	4/84 *		7-7232	3/21/84	$ 15,000.					
80892	GMP	DAS	COOLEY	30-33;28RB4	4&5/15	10/84		7-7219	3/21/84	72,500 ~~$125,000.~~					LEASE ORD.90158('61)
90021	TAX PROP. S.F.	TREASURER	WALKER	1-2;24RB3	5/15	4/84 *		7-7260	3/21/84	$ 38,400.					
83111		SED	ANDERSON	14;26RB3	5/15	10/84		7-7282	3/21/84	$ 22,800.					
87736	GMP FOR R/W	SED	ANDERSON	7;29RB4	5/15	4/84 *		7-7285	~~6/30/83~~ 4/6/84	~~$ 16,000~~ $ 25,900					
50281	CEDAR R. PIPE	WATER	COOK	8;29RB4	5/15	4/84 *		7-7285	6/30/83						
81749	GMP & R/W	SED	ANDERSON	18;26RB3	5/15	10/84		7-7279B	3/21/84	$ 26,900.					

* 4/23 or 5/14 Ad. Date



VICINITY MAP

TOTAL LENGTH OF PROJECT: 1.92 MILES

I certify that I have personally reviewed and approved and plans included on sheets 10 through 13 of the project of this plan title and further acknowledge that my seal has been placed thereon.