

ORDINANCE No. 118057

COUNCIL BILL No. 111188

INDEXED

The City of Seattle

Council Bill No. 111188, AN ORDINANCE placing before the voters a proposition to lift temporarily the limit on regular property tax levies; providing for the submission to the qualified electors of the City at a special election to be held therein on May 21, 1996, a proposition authorizing the City to levy regular property taxes for up to five (5) years in excess of the otherwise applicable 100% limitation on regular property tax levies for purposes of a Commons park, improvements within and near that park, and affordable housing in the South Lake Union area; providing for acquisition, relocation

assistance, planning, design, engineering, construction, reconstruction, environmental assessment and remediation, utility relocation, financing, development, installation, equipping, repair and rehabilitation of and related to a Commons park, transportation and other improvements around the park, and preservation of affordable housing in the South Lake Union area; providing for the annual levy and collection of taxes; establishing a fund therefor; establishing certain administrative and financial procedures, including authorizing certain borrowings; and ratifying and confirming prior acts

REPORT OF

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

COMPTROLLER FILE No. _____

Introduced: MAR 2 5 1996	By: WEEKS
Referred: MAR 2 5 1996	To: COMMITTEE OF WHOLE
Referred:	To:
Referred:	To:
Reported: APR 3 1996	Second Reading: APR 3 1996
Third Reading: APR 3 1996	Signed: APR 3 1996
Presented to Mayor: APR 3 1996	Approved: APR 3 1996
Returned to City Clerk: APR 3 1996	Published: Full 30 days Consecutively
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Full Council vote 6-3

No Disk

INDEXED

The City of Seattle--Legislative Department

design, engineering, construction,
environmental assessment and remediation,
planning, development, installation, equipping,
maintenance and related to a Commons park,
other improvements around the park, and
affordable housing in the South Lake Union area;
annual levy and collection of taxes; establishing a
and imposing certain administrative and financial
and authorizing certain borrowings, and ratifying
or acts.

REPORT OF COMMITTEE

Date Reported
and Adopted

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

Full Council vote 6-3 Choe, Manning, Noland

Committee Chair

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ORDINANCE 118057

1
2
3 AN ORDINANCE placing before the voters a proposition to lift temporarily the limit on regular
4 property tax levies; providing for the submission to the qualified electors of the City at a
5 special election to be held therein on May 21, 1996, a proposition authorizing the City to levy
6 regular property taxes for up to five (5) years in excess of the otherwise applicable 106%
7 limitation on regular property tax levies for purposes of a Commons park, improvements
8 within and near that park, and affordable housing in the South Lake Union area; providing for
9 acquisition, relocation assistance, planning, design, engineering, construction, reconstruction,
10 environmental assessment and remediation, utility relocation, financing, development,
11 installation, equipping, repair and rehabilitation of and related to a Commons park,
12 transportation and other improvements around the park, and preservation of affordable housing
13 in the South Lake Union area; providing for the annual levy and collection of taxes;
14 establishing a fund therefor; establishing certain administrative and financial procedures,
15 including authorizing certain borrowings; and ratifying and confirming prior acts.

16 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

17 Section 1. Purpose. The purpose of this levy lid lift is to provide a portion of the funding for
18 real property acquisition, park and related transportation improvements, and housing preservation in
19 the South Lake Union area of Seattle.

20 Section 2. Findings. The City Council makes the following findings:

21 (a) Providing in whole or in part for real property acquisition and park improvements
22 together with related transportation improvements and housing preservation related to the impact of
23 park improvements, all in the South Lake Union area of Seattle, as described in the South Lake Union
24 Project definition below, is a public and municipal purpose.

25 (b) By providing an important park and recreation resource for the people of Seattle,
26 encouraging housing opportunities for employees at all income levels, and improving the area's
27 transportation infrastructure, development of the South Lake Union Project, as defined below, will
28

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1 provide incentives to retain many existing businesses and draw new businesses to the South Lake
2 Union area, thus promoting economic development.

3 (c) A need exists to begin acquisition of land for a Commons park as soon as possible, should
4 the voters approve this measure, to minimize costs in a time of projected rising land values and that
5 need constitutes an emergency under RCW chapter 29.13 requiring submission to the qualified
6 electors of The City of Seattle of a proposition, pursuant to RCW 84.55.050, lifting the 106% "lid" on
7 regular property tax levies for this purpose for five (5) years at a special election to be held on May
8 21, 1996.
9
10

11 Section 3. Definitions. As used in this ordinance, the following words shall have these
12 meanings:

13 (a) "City" means The City of Seattle.

14 (b) "City Legislative Authority" means the Mayor and the City Council.

15 (c) "Levy" means the levy of regular property taxes for the purposes and under the
16 conditions provided in this ordinance and authorized by the electorate pursuant to state law.

17 (d) "Project" means the South Lake Union Project.

18 (e) "South Lake Union Project" means the development, construction, reconstruction,
19 installation, equipping, repair and/or rehabilitating of new or existing facilities, grounds, and
20 improvements as described in the South Lake Union Project Description in Attachment 1 hereto and
21 as such description may be modified from time to time as set forth in Section 5 below.
22
23

24 (f) "Project Costs" means the costs of undertaking the Project, including but not limited to
25 the costs of planning, oversight, administration, design, legal services, engineering and architectural
26
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1 services, other consultants, acquisition, financing, development, relocation assistance, construction,
2 reconstruction, installation, repair, equipping and/or rehabilitation.

3 Section 4. South Lake Union Project Description. The South Lake Union Project Description
4 in Attachment 1 hereto is hereby approved. The South Lake Union Project Description may be
5 modified only in accordance with Section 5 hereof.
6

7 A maximum of Fifty Million Dollars (\$50,000,000) for the South Lake Union Project will be
8 provided by the principal proceeds of the Levy authorized herein. The remainder of the costs will be
9 paid from other City funds, other public funds, private funding and contributions, and other money
10 legally available to the City.
11

12 Section 5. Modification of Project. The South Lake Union Project, as defined in Section 3
13 above, may be modified from time to time as the City Legislative Authority may by ordinance
14 provide, consistent with the best interests of the City as determined by the Legislative Authority.
15

16 Section 6. Levy submittal. The City hereby submits to the qualified electors of the City a
17 proposition as authorized by RCW 84.55.050 to lift the one hundred six percent (106%) levy
18 limitation on regular property taxes contained in RCW 84.55.010 for property taxes levied in 1996
19 through 2000 for collection in 1997 through 2001, respectively, for the sole purpose of raising a
20 maximum of Fifty Million Dollars (\$50,000,000) in aggregate within five (5) years, to provide for
21 part of the cost of the Project. The proposition shall be limited so that the City shall not levy in any
22 year more than Eighteen Million Dollars (\$18,000,000) in excess of the maximum amount of regular
23 property taxes that it could have levied consistent with RCW chapter 84.55 in the absence of this
24 ordinance. If the maximum additional amount of Eighteen Million Dollars (\$18,000,000) were
25 collected in 1997, this would add approximately forty-one cents (\$0.41) per One Thousand Dollars
26
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1 (\$1,000) of assessed value to the dollar rate of regular property taxes. The levy rates for taxes levied
2 in years 1996 through 2000 for collection the following years will vary to reflect changes in the
3 municipal tax base and the City Legislative Authority's decisions as to what portion of the balance of
4 the Levy remaining to be collected shall be levied in each year. Pursuant to RCW 84.55.050 (4), the
5 maximum regular property taxes that may be levied in 2001 for collection in 2002 and in later years
6 shall be computed as if property taxes had not been increased under this ordinance.
7

8 Section 7. Application of Levy Proceeds. The proceeds of the Levy shall be deposited in the
9 City Treasury into a special fund entitled the "South Lake Union Project Fund" (the "Fund") which is
10 hereby created. Money in the Fund may be temporarily deposited or invested in such manner as may
11 be lawful for the investment of City money and interest and other earnings shall be added thereto.
12 The principal proceeds from the Levy and any interest or other earnings from their deposit or
13 investment shall be applied for Project Costs.
14

15 There may also be deposited in the Fund appropriations of the City and other money that may
16 become available from time to time to pay Project Costs.
17

18 If it appears that there will be more than sufficient funds in the South Lake Union Project Fund
19 to accomplish the South Lake Union Project, the City Legislative Authority by ordinance may
20 reallocate such additional moneys to enlargement or additions thereto or to other municipal purposes
21 which it finds will further accomplish the intent of the South Lake Union Project.
22

23 Section 8. Financing. To the extent permitted by applicable law the City may issue bonds,
24 notes, or other evidences of indebtedness payable wholly or in part from the proceeds of the additional
25 taxes authorized under this ordinance, and apply such tax proceeds to the payment of principal of,
26 interest on, and premium (if any) on such bonds, notes, or other evidences of indebtedness and to the
27
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1 payment of costs associated with such financing. The dates, terms, conditions, interest rate or rates and other
2 features of such financing or financings shall be determined by the City Legislative Authority. Any
3 such ordinance may provide for authorization of actions by the Director of Finance or other
4 authorized officers pursuant to RCW 39.50.030.

5
6 Section 9. Election; Ballot Title. The King County Director of Records and Elections, as ex
7 officio supervisor of elections, is hereby requested to find the existence of an emergency pursuant to
8 RCW Chapter 29.13, as described in Section 2, and is requested to assume jurisdiction of and to call
9 and conduct a special election and to submit to the qualified electors of the City the proposition set
10 forth below. The City Clerk is hereby authorized and directed not less than forty-five (45) days prior
11 to May 21, 1996, to certify the proposition to the King County Director of Records and Elections in
12 the following form:
13

14
15 **THE CITY OF SEATTLE**
16 **PROPOSITION NO. 1**
17 **(COMMONS PARK PROJECT)**
18

19 To create a public park of approximately 42 acres in the South Lake Union area, and fund
20 related transportation improvements and housing preservation, shall Seattle lift the 106% limit on
21 regular property taxes by a maximum of \$50,000,000 in total to be collected between 1997 and 2001
22 inclusive, setting maximum regular property taxes for 1997 collection at \$3.60 per thousand dollars of
23 assessed valuation (an increase of approximately \$0.41 per \$1,000), pursuant to Ordinance
24

25 118057

26 LEVY, YES _____

27 LEVY, NO _____
28

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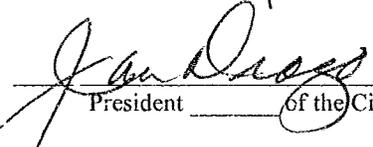
GSR:slc
4/3/96
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1 Section 10. Ratifications. Certification of such proposition by the City Clerk to the King
2 County Director of Records and Elections in accordance with law prior to the date of such election on
3 May 21, 1996, and any other acts consistent with the authority and prior to the effective date of this
4 ordinance, are hereby ratified and confirmed.

5 Section 11. Severability. If for any reason any portion of this ordinance be found invalid,
6 other portions of this ordinance not found invalid shall remain in full force and effect.

7 Section 12. This ordinance shall take effect and be in force thirty (30) days from and after its
8 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
9 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
10
11

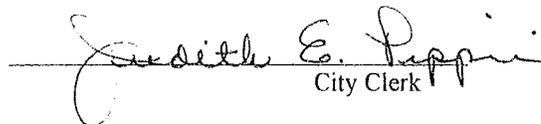
12
13 Passed by the City Council the 3 day of April, 1996, and signed by me in open
14 session in authentication of its passage this 3 day of April, 1996.

15
16
17 
18 President _____ of the City Council

19 Approved by me this 3rd day of April, 1996.

20
21 
22 Mayor

23
24 Filed by me this 3 day of April, 1996.

25
26 
27 City Clerk

28 (Seal)

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ATTACHMENT I

SOUTH LAKE UNION PROJECT DESCRIPTION

The Commons Park. The Commons park comprises approximately 42 acres of land, with general boundaries at Lake Union to the north, Denny Way to the south, Terry Avenue to the east, and Ninth Avenue to the west. Modifications to the existing street network may be necessary to complete the park design.

Real Property Acquisition. The purchase of land, buildings and other interests in real property within and near the Commons park boundary, including land required for related transportation improvements within and near the park;

Business Relocation. Implementation of a business relocation package to assist the businesses within the park boundary to relocate and reestablish elsewhere;

Building Demolition. The demolition, and asbestos abatement as necessary, of existing buildings within the park boundary, and the disposal of building demolition material;

Site Remediation. The environmental cleanup of land and buildings within the park boundary, including the removal of underground tanks and the cleanup and/or removal of contaminated soils, as needed;

Utility Work. The reworking of existing utilities, including the capping or removal of storm sewer, sanitary sewer, and electrical utilities within the park boundary and the reinforcement or removal of existing utilities and the installation of new utilities within and outside of the park boundary, as needed;

Park Preparation. The removal and disposal of pavement material within the park boundary, grading, filling and seeding of the park land in preparation for park development; and

Park Development. Depending on the elements incorporated into the final park design, the development of park features such as trails, playgrounds, picnic areas, restrooms, activity centers, and recreational sports facilities; the planting of trees, gardens, and other vegetation; and the installation of water features and park furniture.

Park-Related Streets and Traffic Modifications. The improvement of existing streets around the park, and traffic modifications to help channel traffic to and through the area around the park.

Affordable Housing Preservation. The preservation, through rehabilitation and/or replacement, of approximately 600 currently-unsubsidized affordable housing units.

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AN ORDER OF THE MANAGER
RECORDS AND ELECTIONS DIVISION
KING COUNTY, WASHINGTON

WHEREAS, the City Council of the City of Seattle, King County, Washington, did present on April 5, 1996, Ordinance No. 118057, dated April 3, 1996, wherein they request that a Special Election be held pursuant to R.C.W. 29.13.020, for the submission to the qualified voters of that jurisdiction one proposition for their consideration; and

WHEREAS, said governing body states that an emergency exists and, accordingly, requests that the Special Election be held on May 21, 1996; and

WHEREAS the request is found to be in compliance with the pertinent statutes governing special elections;

NOW, THEREFORE, BE IT ORDERED by the Manager, King County Division of Records and Elections, as ex officio Supervisor of Elections, having deemed an emergency to exist, that a Special Election shall be held in the City of Seattle on May 21, 1996, said election to be conducted at the prescribed polling places, for the purpose of submitting to the qualified voters of said jurisdiction the following ballot measure:

PROPOSITION NO. 1
COMMONS PARK PROJECT

To create a public park of approximately 42 acres in the South Lake Union area, and fund related transportation improvements and housing preservation, shall Seattle lift the 106% limit on regular property taxes by a maximum of \$50,000,000 in total to be collected between 1997 and 2001 inclusive, setting maximum regular property taxes for 1997 collection at \$3.60 per thousand dollars of assessed valuation (an increase of approximately \$0.41 per \$1,000), pursuant to Ordinance 118057?

YES

NO

The foregoing ballot titles have been certified in accordance with R.C.W. 29.27.065.

Dated at Seattle, Washington, this 5th day of April 1996.


John F. Charles, Manager
Division of Records and Elections

FILED
CITY OF SEATTLE
95 APR 16 AM 11:43
CITY CLERK

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City of Seattle
Legislative Department



96 APR -5 AM 10: 24

Office of the City Clerk
Judith E. Pippin
City Clerk April 4, 1996

HAND DELIVERED

Mr. John Charles, Manager
Department of Records and Elections
553 King County Administration Building
Seattle, WA 98104

**RECORDS & ELECTIONS
DIVISION**
RECEIVED BY: *Say Wilson*

Attention: Robert Bruce, Elections Superintendent

Dear Mr. Charles:

Enclosed is a certified copy of Seattle Ordinance 118057, relating to a special election to be held on May 21, 1996. The ordinance provides for a proposition authorizing the City to levy regular property taxes in excess of the otherwise applicable 106% limitation on regular property tax levies for purposes of a Commons park.

The ordinance directs the following form to be used in submittal of the proposition:

THE CITY OF SEATTLE
PROPOSITION NO. 1
(COMMONS PARK PROJECT)

To create a public park of approximately 42 acres in the South Lake Union area, and fund related transportation improvements and housing preservation, shall Seattle lift the 106% limit on regular property taxes by a maximum of \$50,000,000 in total to be collected between 1997 and 2001 inclusive, setting maximum regular property taxes for 1997 collection at \$3.60 per thousand dollars of assessed valuation (an increase of approximately \$0.41 per \$1,000), pursuant to Ordinance 118057?

LEVY, YES....[]

LEVY, NO....[]

If you have any questions, please call me at 684-8361.

Very truly yours,

Judith E. Pippin
Judith E. Pippin
City Clerk

f:levyjp.doc
cc: Carolyn VanNoy
Enclosure

Room 104, Municipal Building, Seattle, Washington 98104-1892
(206) 684-8344 FAX: (206) 386-9025 TDD: (206) 233-0025

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To Sandra John	From Sharon
Co.	Court of Appeals
Dept.	Phone # 424-5385
Fax # 684-8284	Fax #

FILE
 IN CLERK'S OFFICE
 COURT OF APPEALS
 STATE OF WASHINGTON - DIVISION I
 DATE MAY 01 1996
 William W. Baker
 CHIEF JUDGE

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

JORDAN BROWER and LINDA JORDAN,)
)
 Petitioners,)
)
 v.)
)
 JOHN CHARLES, JUDITH PIPPIN, and)
 CITY OF SEATTLE,)
 Respondents.)

No. 38462-7-1
 DIVISION ONE

FILED: MAY 01 1996

AGID, J. - On April 3, 1996, the Seattle City Council passed Ordinance 118057 to place Proposition 1 before Seattle's voters in a special election on May 21, 1996. If approved by the voters, Proposition 1 will authorize the City to temporarily lift the statutory 106 percent limit on regular property tax levies pursuant to RCW 84.55.050 to fund the South Lake Union Project, commonly known as the Commons project. Section 9 of the ordinance asks the King County Manager of Records and Elections (Manager),

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38462-7-1/2

John Charles, to call a special election pursuant to RCW Ch. 29.13, the special elections statute. Under RCW 29.13.020(2) the county auditor, upon the request of a governing body received 45 days before the proposed special election date, may call a special election if he determines an emergency exists. In King County, the county Manager of Records and Elections performs the functions of the county auditor for election purposes. See RCW 29.01.043. In order to comply with the 45-day time limit under RCW 29.13.020(2), the ordinance authorizes and directs the City Clerk to certify Proposition 1 to the Manager no less than 45 days prior to May 21, 1996, the proposed special election date.¹ Mayor Rice approved the ordinance on April 3, the same day the council passed it. Under section 12 of the ordinance, it does not take effect for 30 days after the Mayor's approval; i.e., May 3, 1996.

The Manager received a certified copy of Ordinance 118057 on April 5. On April 9, Jordan Brower and Linda Jordan filed a petition for a writ of prohibition and a complaint for an injunction and declaratory relief in the King County Superior Court seeking to keep Proposition 1 off the May 21 ballot. They contend that the City Clerk's delivery of the ordinance to the Manager on April 5 was null and void because the

¹Section 9 of the Ordinance, provides:

"The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to find the existence of an emergency pursuant to RCW Chapter 29.13, as described in Section 2, and is requested to assume jurisdiction of and to call and conduct a special election and to submit to the qualified electors of the City the proposition set forth below. The City Clerk is hereby authorized and directed not less than forty-five (45) days prior to May 21, 1996, to certify the proposition to the King County Director of Records and Elections."

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38462-7-1/3

ordinance, which directs her to certify Proposition 1 to the Manager, has not yet taken effect. They argue that she does not have authority to certify the proposition until the effective date of the ordinance, May 3, and that the Manager should be prohibited from placing it on the May 21 ballot because the City cannot comply with the 45-day time limit under the special elections statute. The superior court denied the writ of prohibition,² and the petitioners asked this court to review that ruling on an emergency basis. We granted their request for accelerated review and agreed to consider this case without the trial court record.³ We hold that the petitioners have not shown that the Manager is acting in excess of his jurisdiction, a showing they must make before a court can issue a writ of prohibition. Accordingly, we affirm the trial court.

As a preliminary matter, the City contends this case is not properly before us on appeal because the order denying the writ of prohibition is subject only to discretionary review. The City is wrong. A writ of prohibition is a special proceeding under RCW Ch. 7.16. RCW 7.16.020 provides that a "judgment in a special proceeding is the final determination of the rights of the parties therein." RCW 7.16.350 governs appellate review of rulings on extraordinary writs. It states: "From a final judgment in the superior

²The trial court did not rule on the petitioners' request for an injunction or declaratory judgment.

³Because we do not have the trial court record before us, we will consider only those facts the parties do not dispute. Accordingly, we do not need to rule on the City's motion to strike the petitioners' April 17, 1996 declaration supporting their motion for accelerated review and we deny its motion to file a declaration to controvert facts in the petitioners' declaration, all of which are irrelevant to our decision.

05/01 13:24 1996 FROM: 2063892613
SENT BY: Xerox Telecopier 70 5- 1-96 ; 1:08PM ;

TO: 0000
2063F92 0000

PAGE: 4
4

38462-7-1/4

court, in any such proceeding, appellate review by the supreme court or the court of appeals may be sought as in other actions." A trial court's disposition of an application for an extraordinary writ, therefore, is an appealable final judgment. See State ex rel. Moore v. Houser, 18 Wn. App. 363, 556 P.2d 556 (1976) reversed on other grounds, 91 Wn.2d 269, 588 P.2d 219 (1978). Accordingly, we resolve this appeal on the merits.

A writ of prohibition is the counterpart to a writ of mandamus. RCW 7.16.290. The superior court has authority to issue writs of prohibition to arrest "the proceedings of any tribunal, corporation, board or person, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person." RCW 7.16.290. The statutory writ may be invoked to prohibit judicial, legislative, executive, or administrative acts if the official or body to whom it is directed is acting in excess of its power. Windsor v. Bridges, 24 Wash. 540, 543, 64 P. 780 (1901). Prohibition is a drastic remedy and may only be issued where (1) a state actor is about to act in excess of its jurisdiction and (2) the petitioner does not have a plain, speedy and adequate legal remedy. County of Spokane v. Local 1553, American Federation of State, County & Mun. Employees, AFL-CIO, 76 Wn. App. 765, 768, 888 P.2d 735 (1995); see also Kreidler v. Eitenberry, 111 Wn.2d 828, 838, 768 P.2d 438 (1989). If either of these factors is absent, the court cannot issue a writ of prohibition. Kreidler, 111 Wn.2d at 838.

The dispositive issue here is whether the Manager would be acting outside his jurisdictional authority if he held a special election on May 21. The Manager's authority

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38462-7-1/5

to call a special election in this situation derives from RCW 29.13.020, the special elections statute.⁴ It provides that all "city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years." RCW 29.13.020(1). Under section (2) of the statute

[t]he county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor at least forty-five days prior to the proposed election date, may, if the county auditor deems an emergency to exist, call a special election in such city, town, or district.

The next special election date designated by the statute is May 21, 1996. See RCW 29.13.020(2)(d) (designating the third Tuesday in May as a special election date). As we noted above, the petitioners' sole contention is that the Manager should be prohibited from holding a special election on May 21 because the City Clerk did not have authority to certify Proposition 1 to him before May 3. Because she lacked authority to act until the effective date of the ordinance, they argue, it is impossible for the City to meet the 45-day deadline under the special elections statute.

⁴A taxing district also has authority to call a special election to authorize an increase in the regular property tax levy under RCW 84.55.050(1), but the City did not proceed under this statute. Unlike RCW 29.13.020(2), the levy statute does not require an emergency or 45 days notice as prerequisites to calling a special election. Cf. Long v. City of Olympia, 72 Wn.2d 85, 431 P.2d 729 (1967) (emergency is not a prerequisite to special annexation election because special annexation statute authorizes special election for this purpose). Although the City claimed at oral argument that it may have been calling a special election under RCW 84.55.050, it is clear from sections 2(c) and 9 of the ordinance that it was relying on the special elections statute.

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38462-7-1/6

The petitioners are correct that Ordinance 118057 will not take effect until May 3. We do not agree, however, that the City Clerk's act of delivering the ordinance to the Manager before its effective date has any bearing on his jurisdiction to call a special election for May 21 under RCW 29.13.020(2). Under that statute, the Manager may call a special election if the governing body of a city presents a request at least 45 days prior to the proposed election date and if he deems an emergency to exist. The language of the statute is very broad and grants the Manager complete discretion to determine whether a special election is warranted. There is no dispute that the Manager received Ordinance 118057 within 45 days of the proposed special election date and that it contained a request from the City Council to hold a special election. Once these steps were taken, the act of calling a special election was entirely within his discretion. A writ cannot issue to prohibit a discretionary act. Cf. Teed v. King County, 38 Wn. App. 635, 642, 677 P.2d 179 (1984) (writ of mandamus, RCW 7.16.160, the counterpart of a writ of prohibition, will not lie to compel performance of a discretionary act). We hold that the petitioners are not entitled to a writ of prohibition because the action they challenge here, i.e., the Manager's decision to call a special election, is a purely discretionary one.

The petitioners' argument confuses the City Clerk's authority to act under the ordinance with the Manager's jurisdiction to call a special election. Whether or not the City Clerk was acting without authority in certifying the ordinance does not affect the Manager's jurisdiction under the special elections statute. Once he receives a timely

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38462-7-1/7

request for a special election, RCW 29.13.020(2) clearly grants him jurisdiction to call a special election. A statutory writ of prohibition is only available to arrest an action in excess of a state actor's jurisdiction. It is not a proper remedy, however, where the only allegation is that the actor is exercising jurisdiction in an erroneous manner. Coughlin v. Seattle School Dist. 1, 27 Wn. App. 888, 892, 621 P.2d 183 (1980). Even assuming the petitioners are correct, that the City Clerk acted without authority, her alleged lack of authority cannot deprive the Manager of jurisdiction to call a special election because that jurisdiction is clearly conferred by statute.⁵ Therefore, a writ of prohibition is not available to stop the May 21 election.⁶

The petitioners contend that the City's timing has compromised the public's right to receive adequate notice of Proposition 1. We disagree. The purpose of the 45-day requirement under the special elections statute is to allow the county auditor sufficient

⁵The petitioners contend this issue is controlled by Fain v. Chapman, 89 Wn.2d 48, 569 P.2d 1135 (1977). We disagree because the statute in that case, by its terms, prohibited holding an election before a certain date. Furthermore, Fain did not address the issue presented here; whether a writ of prohibition can issue to prevent a special election called under RCW Ch. 29.13 where a governing body has lodged a timely request for the election with the county auditor.

⁶While we hold that the Manager has discretion to determine whether a governing body's request is sufficient to invoke his special election powers, he clearly has no discretion to make determinations regarding the *content* of ballot measures. See Save Our State Park v. Hordyk, 71 Wn. App. 84, 92, 856 P.2d 734 (1993). Accordingly, he could not look behind the City Clerk's certification and transmittal letter to determine whether she had authority to act or whether the Council was authorized to direct her to act prior to the effective date of the ordinance.

38462-7-1/8

time to accomplish administrative tasks associated with a special election. It is not designed to give the public that amount of notice of an upcoming election. By statute, the public is entitled to only 10 days notice of an upcoming election. RCW 29.27.080(1). Even this notice provision has been construed as a directory statute, requiring only substantial compliance. See School Dist. 81 v. Taxpayers, 37 Wn.2d 669, 225 P.2d 1063 (1950). Furthermore, the public's right to challenge a city ordinance by referendum, as provided in the City's Charter, is not implicated here because an ordinance to place a ballot proposition before the voters is not subject to a referendum. See Langdon v. City of Walla Walla, 112 Wash. 446, 468, 193 P. 1 (1920). Thus, although the petitioners are dissatisfied with the timing of the City's actions because it leaves them less time than they wish to campaign against Proposition 1, there is no right to notice under either state law or Seattle's charter that has been infringed by the City Clerk's certification of Ordinance 118057 to the Manager before its effective date.

Because we conclude that the Manager has jurisdiction to call a special election on May 21, we do not address the second showing required for a writ of prohibition: whether the petitioners have another adequate legal remedy available to them. Similarly, we do not reach the issue of whether the ratification clause in Ordinance 118057, which prospectively ratifies the City Clerk's certification of the ordinance as of its effective date, was illegal, as the petitioners contend or whether it

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38462-7-1/9

renders the petitioners' challenge moot as the City argues.

Affirmed.

WE CONCUR:

Baker, Cj

Asjd, J.

Coleman, J

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AN ORDER OF THE MANAGER
RECORDS AND ELECTIONS DIVISION
KING COUNTY, WASHINGTON

WHEREAS, the City Council of the City of Seattle, King County, Washington, did present on April 5, 1996, Ordinance No. 118057, dated April 3, 1996, wherein they request that a Special Election be held pursuant to R.C.W. 29.13.020, for the submission to the qualified voters of that jurisdiction one proposition for their consideration; and

WHEREAS, said governing body states that an emergency exists and, accordingly, requests that the Special Election be held on May 21, 1996; and

WHEREAS, the request is found to be in compliance with the pertinent statutes governing special elections;

NOW, THEREFORE, BE IT ORDERED by the Manager, King County Division of Records and Elections, as ex officio Supervisor of Elections, having deemed an emergency to exist, that a Special Election shall be held in the City of Seattle on May 21, 1996, said election to be conducted at the prescribed polling places, for the purpose of submitting to the qualified voters of said jurisdiction the following ballot measure:

PROPOSITION NO. 1
COMMONS PARK PROJECT

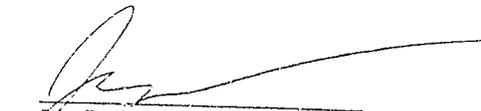
To create a public park of approximately 42 acres in the South Lake Union area, and fund related transportation improvements and housing preservation, shall Seattle lift the 106% limit on regular property taxes by a maximum of \$50,000,000 in total to be collected between 1997 and 2001 inclusive, setting maximum regular property taxes for 1997 collection at \$3.60 per thousand dollars of assessed valuation (an increase of approximately \$0.41 per \$1,000), pursuant to Ordinance 118057?

YES

NO

The foregoing ballot titles have been certified in accordance with R.C.W. 29.27.065.

Dated at Seattle, Washington, this 5th day of April 1996.


John F. Charles, Manager
Division of Records and Elections

FILED
CITY OF SEATTLE
96 APR 16 11:13
CITY CLERK

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City of Seattle
Legislative Department



96 MAY 8 PM 1:23

Office of the City Clerk
Judith E. Pippin
City Clerk

HAND DELIVERED

May 8, 1996

Mr. John Charles, Manager
Department of Records and Elections
553 King County Administration Building
Seattle, WA 98104

**RECORDS & ELECTIONS
DIVISION**

RECEIVED BY: *[Signature]*

Attention: Robert Bruce
Elections Superintendent

RE: May 21, 1996, special election for the City of Seattle

Dear Mr. Charles:

This will confirm that, pursuant to Ordinance 118057, the City of Seattle requests that the following proposition appear on a special election ballot on May 21, 1996, in the City of Seattle:

THE CITY OF SEATTLE

PROPOSITION NO. 1

(COMMONS PARK PROJECT)

To create a public park of approximately 42 acres in the South Lake Union area, and fund related transportation improvements and housing preservation, shall Seattle lift the 106% limit on regular property taxes by a maximum of \$50,000,000 in total to be collected between 1997 and 2001 inclusive, setting maximum regular property taxes for 1997 collection at \$3.60 per thousand dollars of assessed valuation (an increase of approximately \$0.41 per \$1,000), pursuant to Ordinance 118057?

LEVY, YES....[]

LEVY, NO....[]

A certified copy of that ordinance is enclosed. Please hold a special election in the City on that date.

Very truly yours,

[Signature]
Judith E. Pippin
City Clerk

Enclosure

f.ballot.doc

Room 104, Municipal Building, Seattle, Washington 98104-1892
(206) 684-8344 FAX: (206) 386-9025 TDD: (206) 233-0025

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Printed on Recycled Paper

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City of Seattle
Legislative Department



96 APR -5 AM 10:24

Office of the City Clerk
Judith E. Pippin
City Clerk April 4, 1996

HAND DELIVERED

Mr. John Charles, Manager
Department of Records and Elections
553 King County Administration Building
Seattle, WA 98104

RECORDS & ELECTIONS
DIVISION
RECEIVED BY: *Kay Wilson*

Attention: Robert Bruce, Elections Superintendent

Dear Mr. Charles:

Enclosed is a certified copy of Seattle Ordinance 118057, relating to a special election to be held on May 21, 1996. The ordinance provides for a proposition authorizing the City to levy regular property taxes in excess of the otherwise applicable 106% limitation on regular property tax levies for purposes of a Commons park.

The ordinance directs the following form to be used in submittal of the proposition:

THE CITY OF SEATTLE
PROPOSITION NO. 1
(COMMONS PARK PROJECT)

To create a public park of approximately 42 acres in the South Lake Union area, and fund related transportation improvements and housing preservation, shall Seattle lift the 106% limit on regular property taxes by a maximum of \$50,000,000 in total to be collected between 1997 and 2001 inclusive, setting maximum regular property taxes for 1997 collection at \$3.60 per thousand dollars of assessed valuation (an increase of approximately \$0.41 per \$1,000), pursuant to Ordinance 118057?

LEVY, YES....[] LEVY, NO....[]

If you have any questions, please call me at 684-8361.

Very truly yours,

Judith E. Pippin
Judith E. Pippin
City Clerk

f:levyjp.doc
cc: Carolyn VanNoy
Enclosure

Room 104, Municipal Building, Seattle, Washington 98104-1892
(206) 684-8344 FAX: (206) 586-9025 TDD: (206) 233-0025

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Commons

Special meeting
April 3

AN ORDINANCE placing before the voters a proposition to lift temporarily the limit on regular property tax levies; providing for the submission to the qualified electors of the City at a special election to be held therein on May 21, 1996, a proposition authorizing the City to levy regular property taxes for up to five (5) years in excess of the otherwise applicable 106% limitation on regular property tax levies for purposes of a Commons park, improvements within and near that park, and affordable housing in the South Lake Union area; providing for acquisition, relocation assistance, planning, design, engineering, construction, reconstruction, environmental assessment and remediation, utility relocation, financing, development, installation, equipping, repair and rehabilitation of and related to a Commons park, transportation and other improvements around the park, and preservation of affordable housing in the South Lake Union area; providing for the annual levy and collection of taxes; establishing a fund therefor; establishing certain administrative and financial procedures, including authorizing certain borrowings; and ratifying and confirming prior acts.

By Weems C/W

CB 111188

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118057

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Seattle City Council

PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

INFORMATION ON THIS SIGN-UP SHEET IS PUBLIC RECORD

#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS
✓ 1	Don Dudley	Commons	_____
✓ 2	D CUSHING	Commons	
✓ 3	C. Scarola	4	
✓ 4	B. Gregory	Commons	
✓ 5	Scott Reedman	Commons	_____
✓ 6	Dale McDonald	Stokdel & son	
✓ 7	Craig Webster	Maritime Heritage Museum	
✓ 8	Maria Molina	South Lake Union Residence Inn	
✓ 9	Brewster Perry	Commons supporter	
✓ 10	Scott SURDYKE	U.W. SP URBAN PLANNING	_____
✓ 11	Stan BUNNIS	SHARE / Downtown Market Services	509 Third Ave. #101 98104
✓ 12	Darlene Frank	Commons	
✓ 13	Michael Ross	CITIZEN	8447-50th Ave S. Seattle 98148

PRO

March 27, 1996

PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

NAME	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
	_____	_____	

son)			
Heritage Museum			
Fun			
is supporter			
BAN PLANNING Town Planning Services	509 Third Ave., #101	98104	520-8701
	8417-50th Ave S. Seattle	98118	

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Seattle City Council

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PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

INFORMATION ON THIS SIGN-UP SHEET IS PUBLIC RECORD

#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	Z
✓	Ron Henshaw	citizen	1962 2nd #926	981
-	Mike King		1514 NE 97th	981
-	PATRICIA ARNSTAD	COMMONS	2614 FOURTH AVE #1205	981
✓	Paul Sikora		900 First Av. S. #207	981
-	Kylier Conroy		12818 46th Dr SE	981
-	Jesus Conroy		12814 46th Dr SE	981
-	Brian A. Reich	Institute for Governance	1167 38th Ave	981
-	JOAN STUSSER		800-2ND AVENUE #38	981
-	HERMINIE STUSSER		800-2ND AVENUE #38	981
-	LIZ LATHAM	Commons	2350 10th Ave E. #206	981
-	Dorothy B. Lombard	"	3003-26th Ave West	981
-	Paul Livingston	WELFARE BUSINESS COALITION	1123 VALLEY ST	981
-	Juan Hays	COMMONS	5107 52nd NE S	981

PRO

March 27, 1996

PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

LOCATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
	1962 2nd #926	98101	
	1514- NE 97th	98105	
AS	2614 FOURTH AVE #1205	98121	
	900 First AV. S. #207	98134	587-2108 / 621-2000
	12818 46th St SE	98208	
	12814 46th St SE	98208	337 4319
remar	1167 3rd Ave	98122	916-5506 - not speaking - just watching
	800-2ND AVENUE #38	98109	282-1065
	800-2ND AVENUE #38	98109	282-1065
	2350 10th Ave E. #206	98102	325-6724
	3003-26th Ave West	98199	282-3310
BUSINESS NOW	1123 VALLEY ST	98109	382-1117
	5107 52nd NE S	98118	122-7551

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SEATTLE COMMONS

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(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	ZIP
Brian Jensen	Commons Yes	6843- 28 th NE Sea	98115
Jeff Taraday	Commons Yes	20 Aloha St.	98109
SHERRY RICHARDSON		8026 Fauntleroy way SW Sea	98136
Peter Mills	Commons Yes	6238 3 rd Ave NW Sea	98107
David Andrew	" "	1720 E. John St. #4 Seattle, WA	98112
Dimmy Polson	YES	244 40 th Ave E.	98112
Barbara L. Currier	Commons - yes!	1000 - 39 th E	98112
Sallie Thieme		909 W. 35 th ST 103	98103
Katey ROSE	" "	1526- 16 th AVE E.	98112
Shawn Carter		8018 19 th Ave NE	98115
Betsy Graef	Commons Yes	10738 Alton Av NE	98125
Lucy Fields	Commons NO	1102 5th APT 414 AVE SEA WA 98101	98101
Tim Fitzgerald	Commons Yes	1643 Federal Ave E	98102

PRO

March 27, 1996

PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

RESPONSE	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
yes	6843-28 th NE Sea	98115	
yes	20 Aloha St	98109	202 9254
	8026 Fauntleroy way SW Sea	98136	935-8981
yes	6278 3 rd Ave NW Sea	98107	784-4698
"	1720 E. John St. #4 Seattle, WA	98112	328-1581
S	244 40 th Ave E.	98112	322-4440
yes - yes!	1000-39 th E	98112	322-0707
	909 N. 35 th ST 103	98103	632-4182
	1526-16 th AVE E.	98112	
	8018 19 th Ave NE	98115	526-8112
yes	10738 Alton Ave NE	98125	
NO	1102 5th AVE SE	98101	373-6357
yes	1643 Federal Ave E	98102	

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SEATTLE COMMONS

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#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	
-	DOUG ADAMS		2030 Minor Ave E #201 Seattle	98
-	Mark Weinsaft		901 5th North #212 Seattle	98
-	Scott Strickland		414 W. 62nd	98
-	Will FOHRELL		3052 SW 116th Rd Seattle	98
-	Frank Hammond		109 E Roanoke	98
-	JEREMY EKNOIAN		206 23rd AVENUE E #1 SEATTLE	98
-	Rynn Sullivan		7014 20th NW Seattle	98
-	TERENCE ENLARD	SELF	6717 PALATINE AVE N SRK	98
-	JAMES Muckestone	-	400 Melrose Ave E #408 98102	9
-	James RULTS	Self	1117 SE 57th ST Bellevue	980
-	Victoria Schoenburg		503 N 61st	981
-	Michael Hubner	self	102 NW 82 St.	98
-	Dave Janis	Self	2008 NW 58th #102 Seattle	981

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March 27, 1996

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SEATTLE COMMONS

LOCATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
	2030 Minor Ave E #201 Seattle	98102	329-4105
	901 5th North #212 Seattle	98109	285-9362
	414 W. Burke	98119	283-4458
	3052 SW 116th Rd Seattle	98146	
	109 E Roanoke	98102	329-2212
	206 23rd Avenue E #1 SEATTLE	98112	
	7014 20th NW Seattle	98117	784-5232
	6717 PALATINIE AVE N SEA	98103	
	400 Melrose Ave E #408 98102	SEA	467-1991 (FAX)
	1117 SE 57th St Bellevue	98004	643-4910
	503 N 61st	98103	
	102 NW 82 St.	98117	
	2008 NW 58th #102 Seattle	98107	784-7176 / 784-5506

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#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	
-	Dianne O'Hagen	Self	10703-30 N. E Seattle	98
-	Mike O'Hagen	Self	10703-30 N. E Seattle	98
-	Ross Macfarlane	Self	11515 6th Ave NW	98
✓	CREEA HILL	"	1215 N 47th St	98
-	Sharon Haglund	-	2112 25th Ave E	98
-	Laura Reynolds	Wiggin	2102 49th SW	98
-	Tom Cypers	"	1709 39th	98
-	Jodi DeLeon	SELF	201 Galer St #1250	98
-	JEFF Sotkova	"	1509 1/2 8th Ave W	9811
-	CHRIS MAskill	SELF	6004 6th Ave NW SEH	98
-	Frankie Lu, Melvin Lu	self	5538-26th Ave S.	98
-	Ashley Andrew	"	210 N. 58th	98
-	ROBERT SEANUTZ	"	1210 LAKEVIEW BLVD E	98

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March 27, 1996

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SEATTLE COMMONS

LOCATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
	10703-30 N. E Seattle	98125	367-1835
	10703-30 N. E Seattle	98125	367-1835
	11515 6th Ave NW	98177	363-3171
	1215 N 47th St	98107	621-9270
	2612 25th Ave E	98112	323-6285
	2102 49th SW	98116	938-3642
	1709 39th	98122	223-9383
	201 6th St +1 250	98109	284-0292
	1509 1/2 8th Ave W	98119	285-1371
	6004 6th Ave NW SEA	98107	54 708-1580
	5538-26th Ave S.	98108	722-6021
	210 N. 58th	98103	
	1210 LAKEVIEW BLVD E.	98102	323-3031

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#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	
-	Kimberly Hines	SELF		
	Peter Newman	Washington Mutual		
	JOHN HAN	SELF	Seward Park	9
	David Syferd	commons volunteer		
	SANDY MCKEAN	SELF	MT BAKER, SEATTLE	9
	James W. Davie	Self	3814 NE 75th Street	98
	JACK WHITEFORD	SELF	4728-7th Ave NE Seattle	9
	GORDON McWILLIAMS	SELF	1620 E. PASTON TR SEATTLE	9
	Mike Lamb	Self	902 W Fulton St Seattle	9
	James Dentings	Self	2253 E ROANOKE St Seattle	
	John A. Morford	Commons	1902 NE 73	9
	John McDougal	Self	1623 5th AVE N #2	9

PRO

March 27, 1996

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SEATTLE COMMONS

ORGANIZATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
			206 233-7982
Mutual			781-7012
	SEWARD PARK	98118	722 7557
Volunteer			782-3835
	MT BAKER, SEATTLE	98144	206 721-0567
	3814 NE 75th Street	98115	523-4913
	4728-7th Ave NE Seattle	98105	547-6243
	1620 E. BOSTON TR SEATTLE	98112	322-9357
	902 W Felton St Seattle	98119	290 9235
	2253 E Loganok St Seattle	98112	
	1902 NE 73	98115	
	1623 5th AVE N #2	98109	285-1410

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SEATTLE COMMONS

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#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	
	David Innes	-	9725 12th Ave NW Seattle, WA	98
	David Innes	-	9725 12th Ave NW Seattle WA	98
	John Bennett	-	8312 8th Ave. NE Seattle, WA	98
	Pam Allen	-	9632 Woodland Park Ave N, SEA	98
	Rich Arneson	-	2707 Prosdh Ave W. Seattle	98
	Janet Pelz	Don't need to speak	6800 27th Ave NE	98
	JEFF Barreca		2612 WARREN AVE N SEA WA	98
	Patty Bormann		500 YALE AVE N	98
	Paul G. Conscience	SELF	725 E PIKE ST SEATTLE	98
	Jesse P. Fikes	self	2120 3rd Ave N Seattle	98
	Martha Moseley	not speaking	324 E. Laurelhurst Dr. NE	98

PRO

March 27, 1996

PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

ION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
	2120 3rd Ave N Seattle WA	98109	206-980-0126
	9725 12 th Ave NW Seattle WA	98117	781-5229
	8312 8 th Ave NE Seattle, WA	98115	526-7297
	9632 Woodland Park Ave N, SEA	98103	545-0126
	2707 Prosdh Ave W. Seattle	98118	286-9080
peaks	6800 27 th Ave NE	98115	
	2612 WARREN AVE N SEA WA	98109-1837	
	500 YAKI AVE N	98109	206 682 6897
	725 E PIKE ST SEATTLE	98102	528-2514
	2120 3 rd Ave N Seattle	98109	
ing	324 E. Laurelhurst Dr. NE	98105	

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Seattle City Council

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PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

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#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS
✓	Michael Kendall	SCOPE	1409 NE 56th
✓	Douglas Tealoy	Vision Seattle	1126 3rd Ave
✓	Joyce Moty	SASCA	1531-30th Ave S.
✓	Jill Smith		Center Park resident
✓	SHIRLEE HOLME	SCOPE	
✓	GENEVA FRIEDL	SASCA	1730 99th Ave S.
✓	Matthew Fox	SCOPE	330 Westlake N 98109
✓	JORDAN BROWER	Committee to Rescure our Community	Seattle
✓	MONTY HOLMES SR	SCOPE	
✓	Bonnie Heaven	SASCA	1803-30th Ave. S.
✓	BERNARD AL ROUSSEAU	SCOPE	3440 39 SW
✓	Leslie Green Foley	SCOPE	601 Westlake
✓	John Shaw (can't speak)	Aloha Inn	PO Box 2548 Seattle

CON

March 27, 1996

PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

LOCATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
	1409 NE 56th	98105	
ATTLE	1126 3rd Ave	98122	
A	1531-30th Ave S.	98144	
	Center Park resident	98144	
			282-4934
	1730 99th Ave S.	98144	323-1562
	330 Westlake N	98109	527-0648
Rescue Unit	Seattle	98125	
			282-4934
	1803-30th Ave S.	98144	
E	3440 39 SW	98116	
	601 Westlake	98109	623-9927
	PO Box 2548 Seattle	98111	283 6070

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Seattle City Council

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PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

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✓	GEOF LOGAN		4430 EVANSTON AVE N #202	98
✓	Shirley Tarnig	# One Ornamental Iron	216. 9th Ave No	981
✓	MATT GRANLARD			
✓	MONTY HOLMES	817 Republic	Scope	98
	Dennis Paulson	Premier Auto Body	Scope	
	Agnes Washington	Scope		
✓	JOHN FOX			
✓	P.E. Stachurski	SCOPE		
✓	DAVID O'BRIEN	Pacific Lincoln Mercury	6811 Westlake Ave N.	98
✓	Roy Nelson		928 Westlake No.	98
✓	BOB HEGAMIN			
✓	Dona Rousseau			
✓	CHARLIE CHONG	Neighborhood Republic		

CON

March 27, 1996

PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

LOCATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
	4430 EVANSTON AVE N #202	98103	633 2219
West Iron	216. 9 th Ave No	98109	622-4033
Public	Scope	98199	282 4934
Boady	Scope		362-3914
MacNair	6811 Westlake Ave N.	98109	628-4756
	928 Ullalake No.	98109	622-3825
Rayle			

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Seattle City Council

CON

PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

INFORMATION ON THIS SIGN-UP SHEET IS PUBLIC RECORD

#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	
	Michael Oberlin			
✓	ALEXANDER LIGHT	Self	417-11TH Ave E	9
✓	Michael OBERLIN	Pacific Link Mtn Vision	601 Westlake Ave N	9
✓	Ralph Grossman	Pacific Link Mtn Vision	601 Westlake Ave N	9
✓	JEFF PARSON	?		9
-	Erin Griffin	Hugh McNoven Co	104 Mercer St	9
✓	Brian Seidman	Self	2205 2nd Ave 509	9
✓	ANDREW MITCHELL	SELF	5525 16th NE SEATTLE WA	9
✓	Scott Species	Self	1914 Minor Ave #202 Sea WA	9
✓	Lyle Courtsal	Self	2442 NW Market #108 Sea, WA	9
✓	Jay Orr	Self	By 42383 Seattle 98126	9
✓	Joanne Wata	Self	Gen Del Kirkland	
✓	Kevin Price	Self		

CON

March 27, 1996

PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

NAME	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
	417-11TH Ave E	98102	328-2069
Marc Nissim	601 Westlake Ave W	98107	628 4756
Meredy	601 Westlake N	98107	628 4750
		98103	
	104 Mercer St	98107	622-5131
	2205 2nd Ave S09	98121	
	525 16 th NE SEATTLE WA	98105	525 4268
	1814 Minor Ave #202 Sea. WA	98101	
	2442 NW Market #108 Sea., WA	98107	021-8154
	By 47383 Seattle 98126	98126	
	Gen Del Kirkland		8

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Seattle City Council

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PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

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#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS
	EDWARD GILES	Society for Common Sense	
	MAMIE JACKSON		
	Sean Thomas McGill	Fringe Politician	Poet Yeah right
	CHRIS JACKINS	SELF	PO BOX 84063
	TIM BAKER	self	you have it
	JEFF MOSE	SELF	ditto
	Rich Long	self	"
	Virginia Christensen	taxpayer for Const. Amendment	900 P.O. Box 40788 Seattle
	RUDY MCCOY	PEASANT	8056 21st N-W
	Clarice Keegan		1509 N 145th ST
	John Stone	Resident	7314 - 25NW
	Doug Fields	Resident	1102 8th apt 414
	LUNA GARCIA	Resident	1126 REPUBLICAN ST.

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CON

March 27, 1996

PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

NAME	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
Politician, Poet	year right		
F	PO BOX 34063	98124	
	you have it	98122	
	ditto		
	"	98112	
comb. urban	PO Box 46788 Seattle	98146	
	8056 21st N-W	98117	
	1509 N 145th St	98133	
	7314 - 25th NW	98117	
	1102 8th apt 414	98101	343-5357
	1126 REPUBLICAN St.	98109	

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PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

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#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	
-	Janet M Syferd	Self	723 N 87th St.	
-	Doug Braund	Self	107 N. W. 84	
✓	Dino Ecklein	send the Commons Back to Boston		
✓	[scribble]	[scribble]		
✓	Jay Saucedo	Self	4226 Beachdrive SW #202	
✓	Faye Garneau	Aurora Assoc <small>Apptmentarts</small>	951 No 100th 9813	
-	Jeff Comer	Scope	525 Boren Ave N.	
-	B.F. Carr	Scope	" "	
-	P.N. Comer	Scope	525 BOREN AVE N	
-	Ernest E. Allen	"	120 Westlake N.	
-	Irene ALLEN		120 Westlake Ave. N	
✓	Ken Riddick	CASCADE SHELTER PROJECT	224-226 Minor W	
✓	Matt O'Shea	Cascade Shelter Project	724 1/2 Minor Ave N	

CON

March 27, 1996

PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

LOCATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
	723 N 87th St.	98103	782-3835
	107 N. W. 84	98117	789-7032
Trade to Boston			448-4700
	4226 Beachdrive SW #202	98116	
entirely w.	951 No 100th 9813	98133	526-1366
	525 Boren - 17	98109	
	" " 10	98109	
	525 BOREN AVE N	98109	
	120 Westlake N.	98109	622-6646
	120 Westlake Ave. N.	98109	622-6646
ten Project	224-226 Minor W	98109	233-0980
ten Project	724 1/2 Ave. N	98109	

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PUBLIC HEARING SIGN-UP SHEET

SEATTLE COMMONS

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#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS
✓	Kirsten Wright	DICK SMITH S-POINT CAFE	
✓	Osaka (L. Nelson)	1st East Medicine	
✓	Steve Rubstello	Adams TV	4411 Fremont N. Seattle
✓	John V. Fox	Seattle Displacement Coalition	4759 15 th NE Seattle
✓	Judy Hurley		
✓	Fokuy		

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STATE OF WASHINGTON - KING COUNTY

67869
City of Seattle, City Clerk

-ss.

No. PROPOSITION

Affidavit of Publication

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

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

CT: COMMONS PARK PROJ

was published on

05/10/96 05/11/96 05/13/96 05/14/96
05/15/96 05/16/96 05/17/96 05/18/96
05/20/96 05/21/96

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

Subscribed and sworn to before me on

05/22/96
[Signature]
Notary Public for the State of Washington,
residing in Seattle

City of Seattle
The following proposition will appear on the City of Seattle election ballot on Tuesday, May 21, 1996:

**THE CITY OF SEATTLE
PROPOSITION NO. 1
(COMMONS PARK PROJECT)**

To create a public park of approximately 42 acres in the South Lake Union area, and fund related transportation improvements and housing preservation, shall Seattle lift the 106% limit on regular property taxes by a maximum of \$50,000,000 in total to be collected between 1997 and 2001 inclusive, setting maximum regular property taxes for 1997 collection at \$3.60 per thousand dollars of assessed valuation (an increase of approximately \$0.41 per \$4,000), pursuant to Ordinance 118057?

LEVY, YES ()
LEVY, NO ()

Publication ordered by JUDITH E. PIP-
PIN, Clerk City.

Date of first official publication in Daily Journal of Commerce, Seattle, May 10, 1996. 5/26(97869)

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

Affidavit of Publication

State of Washington,
Counties of King and Snohomish,

Dan Taylor being duly sworn, says that he/she is the Authorized Agent of Seattle Times Company, publisher of The Seattle Times and representing the Seattle Post-Intelligencer, separate newspapers published daily in King and Snohomish Counties, State of Washington; that they are newspapers of general circulation in said Counties and State; that they have been approved as legal newspapers by orders of the Superior Court of King and Snohomish Counties; that the annexed, being a classified advertisement, was published in:

Newspaper	Publication Date
Sunday	5/12/96
Sunday	5/19/96

and not in a supplement thereof, and is a true copy of the notice as it was printed and/or distributed in the regular and entire issue of said paper or papers during all of said period, and that said newspaper or newspapers were regularly distributed to its subscribers during all of said period.

The following proposition will appear on the City of Seattle election ballot on Tuesday, May 21, 1996:

**THE CITY OF SEATTLE
PROPOSITION NO. 1
(COMMONS PARK PROJECT)**

To create a public park of approximately 42 acres in the South Lake Union area; and fund related transportation improvements and housing preservation; shall Seattle lift the 100% limit on regular property taxes by a maximum of \$70,000,000 in total to be collected between 1997 and 2001 inclusive, setting maximum regular property taxes for 1997 collection at \$3.50 per thousand dollars of assessed valuation (an increase of approximately \$0.41 per \$1,000), pursuant to Ordinance 118077.

LEVY, YES () LEVY, NO ()

Publication Ordered by
Judith E. Pippin, City Clerk

Dan Taylor

Subscribed and sworn to before me this 21 st day of May, 1996 .

Maurice E. Skjott

Notary Public in and for the State of Washington residing at Seattle

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STATE OF WASHINGTON - KING COUNTY

67847
City of Seattle, City Clerk

-SS.

No. ORDINANCE

Affidavit of Publication

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

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

CT:ORD 118057

was published on

05/10/96

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

05/10/96

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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