

ORDINANCE No. 118123

*MS*  
*Law Department*

ORDINANCE No. 111306

INDEXED

The City of Seattle--Legislation

REPORT OF COMMITTEE

ORDINANCE providing for the  
of land and other property rights in a  
Claim No. 50, being parts of  
Township 24 North, Range 4 East, W  
County, Washington, lying south of Riverside Addition,  
thereof recorded in Volume 5 of Plats, page  
County, Washington, for open space, park and  
recreation purposes: East Duwamish Greenbelt under the Seattle  
Open Space and Trails Bond Program.

Honorable President:

Your Committee on \_\_\_\_\_

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

*4/29/96 Parks, Public Lands and Recreation*

*4/29/96 Held. motion by*

*Full Council*

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: <i>APR 22 1996</i>	By: DONALDSON
Referred: <i>APR 22 1996</i>	To: PARKS, PUBLIC GROUNDS AND RECREATION COMMITTEE
Referred:	To:
Referred:	To:
Reported: <i>MAY - 3 1996</i>	Second Reading: <i>MAY - 6 1996</i>
Third Reading: <i>MAY - 6 1996</i>	Signed: <i>MAY - 6 1996</i>
Presented to Mayor: <i>MAY - 7 1996</i>	Approved: <i>MAY 13 1996</i>
Returned to City Clerk: <i>MAY 14 1996</i>	Published: <i>Title</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Committee Chair

*MS*  
*Law Department*

INDEXED

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_

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

*4/24/96 Parks, Public Grounds and Recreation 2-1 Do Pass*

*4/29/96 Held. motion by Donaldson*

*Full Council vote 5-0*

\_\_\_\_\_  
Committee Chair

OFFICE OF THE CLERK OF THE CITY OF SEATTLE  
1000 4TH AVENUE, SUITE 1000, SEATTLE, WA 98101  
PHONE: (206) 468-2000 FAX: (206) 468-2001

ORDINANCE 118123

1  
2  
3 AN ORDINANCE providing for the acquisition by condemnation of land and other property rights  
4 in a portion of H. Van Asselt Donation Claim No. 50, being parts of Sections 27, 28, 33  
5 and 34, Township 24 North, Range 4 East, W.M., in King County, Washington, lying  
6 south of Riverside Addition, according to the plat thereof recorded in Volume 5 of Plats,  
7 page 92, in King County, Washington, for open space, park and recreation purposes (East  
8 Duwamish Greenbelt) under the Seattle Open Space and Trails Bond Program.

9 WHEREAS, the voters of King County approved the Public Green Spaces, Greenbelts,  
10 Open Space, Parks and Trails Bond Issue on November 7, 1989 to provide funds for the  
11 preservation of open space; and

12 WHEREAS, Resolution 27987 and King County Ordinance 9071 identified the greenbelts and  
13 natural areas to be preserved with bond funds; and

14 WHEREAS, City of Seattle Ordinance 114900 authorized the Superintendent of Parks and  
15 Recreation to acquire property in identified greenbelts and natural areas by negotiation or,  
16 when authorized by ordinance, through condemnation; NOW THEREFORE,

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

18 Section 1. That public convenience and necessity demand that the following described real  
19 property situated in Seattle, King County, Washington, to wit:

20 The east 115 feet of the west 233 feet of the east 784 feet of that portion of H. Van Asselt  
21 Donation Claim No. 50, being parts of Sections 27, 28, 33 and 34, Township 24 North,  
22 Range 4 East, W.M., in King County, Washington, lying south of Riverside Addition,  
23 according to the plat thereof recorded in Volume 5 of Plats, page 92, in King County,  
24 Washington; EXCEPT the north 1678.326 feet thereof; AND EXCEPT the south 869.88  
25 feet thereof.

26 together with all rights, privileges and other property pertaining thereto be and the same are hereby  
27 condemned, appropriated, and taken for public use, namely for open space, park and recreation  
28 purposes (East Duwamish Greenbelt).

29 Section 2. Said lands, rights, and privileges, and other property, are to be appropriated  
30 and taken only after just compensation has been made or paid into court for the owners thereof  
31 in the manner provided by law.

32 Section 3. The entire cost of the acquisition provided for in this ordinance shall be paid  
33 from the Seattle Open Space and Trails Bond Fund or from such general fund of the City of  
Seattle as may be provided by law.

Section 4. The City Attorney is hereby authorized and directed to begin and prosecute  
proceedings in the manner provided by law to condemn, take, damage and appropriate the lands

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and other property necessary to carry out the provisions of this ordinance and to stipulate for the purpose of minimizing damages.

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

Section 6. This Ordinance shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

PASSED by the City Council the 6 day of May, 1996, and signed by me in open session in authentication of its passage this 6 day of May, 1996.

Markus Clark  
President Pro Tem of the City Council

Approved by me this 13 day of May, 1996.

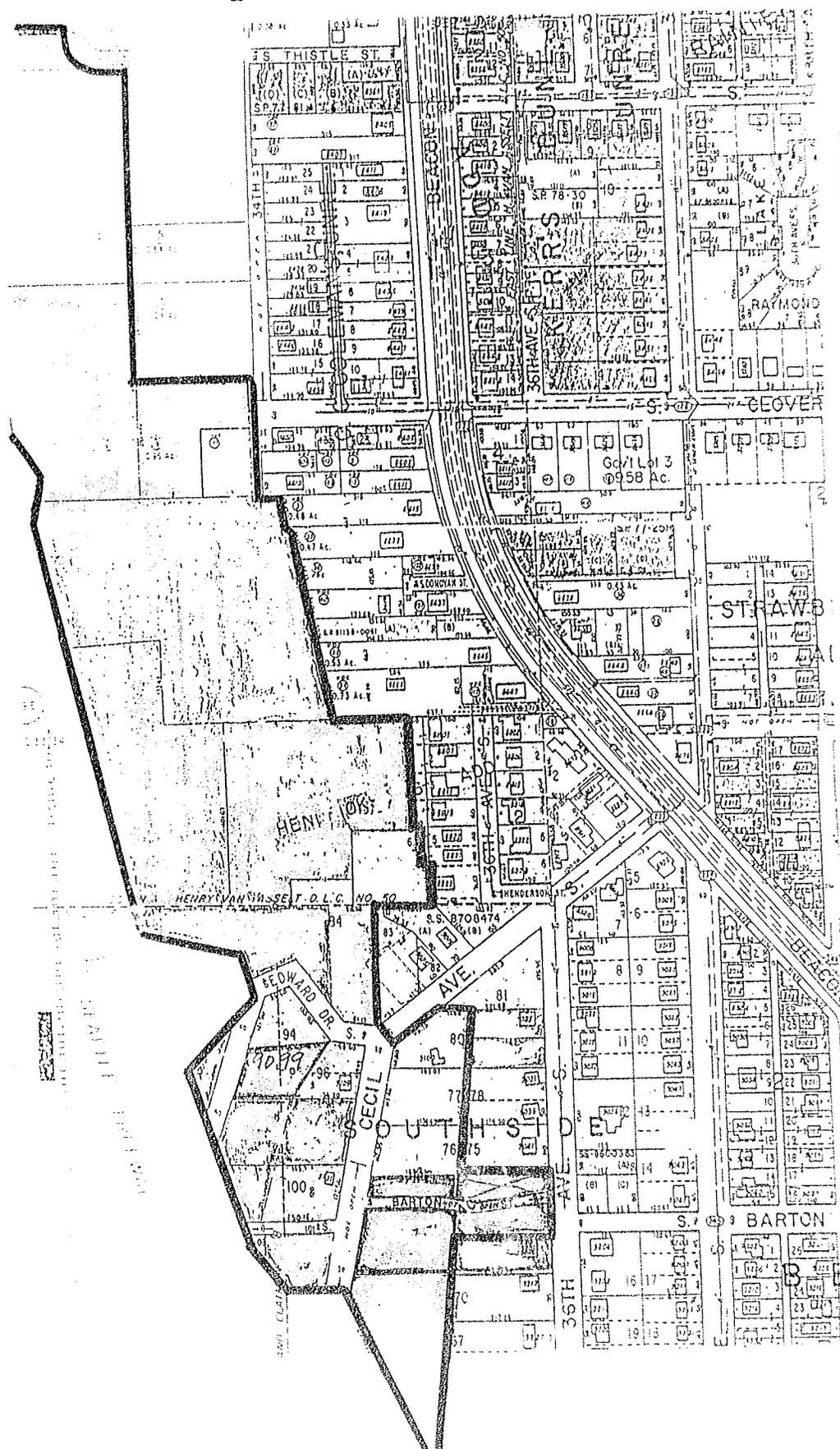
Norman B. Rice  
Norman B. Rice, Mayor

Filed by me this 14 day of May, 1996.

Janith E. Pippin  
City Clerk

(SEAL)

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RECEIVED OMP

APR 17 1996

Seattle  
Department of  
Parks and Recreation



Holly Miller, Superintendent  
Norman B. Rice, Mayor

April 12, 1996

The City Council  
City of Seattle

Via: Mayor Norman B. Rice  
Attention: Tom Tierney, Director, Office of Management and Planning  
Subject: AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in a portion of H. Van Asselt Donation Claim No. 50, being parts of Sections 27, 28, 33 and 34, Township 24 North, Range 4 East, W.M., in King County, Washington, lying south of Riverside Addition, according to the plat thereof recorded in Volume 5 of Plats, page 92, in King County, Washington, for open space, park and recreation purposes (East Duwamish Greenbelt) under the Seattle Open Space and Trails Bond Program.

Dear Councilmembers:

The Department of Parks and Recreation is herein proposing legislation to acquire by condemnation certain undeveloped properties within the East Duwamish Greenbelt.

The importance of preserving key undeveloped properties in greenbelt areas was first recognized in the early 1970's with the Forward Thrust Bond Resolution which designated specific funds for the acquisition of greenbelts and buffer strips on hillsides. More recently, in 1977, the Urban Greenbelt Plan, which incorporated the city's past greenbelt planning efforts, was adopted by Resolution of the City Council. This Urban Greenbelt Plan identified fourteen greenbelts within the City; among them the East Duwamish Greenbelt.

The strategic plans proposed that a phased and sequential pattern of acquisition would best facilitate long-range completion. A specific pattern of purchase to maximize public benefit and access was developed as part of each phase of the plan and is in process of implementation. It is also important to recognize that additional funding from the Washington Wildlife and Recreation Program of the Interagency Committee for Outdoor Recreation has enabled the City of Seattle to pursue a more complete program of acquisition and preservation.

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Letter - Bounds to City Council  
East Duwamish Greenbelt/DeGuzman  
Page 2

Crucial among the priority acquisitions is the undeveloped lot that is the subject of the proposed condemnation, and which is adjacent to other city-owned property. The site is steep and wooded with tall Big Leaf maples. There are remains of an old concrete foundation which suggest that the site would support a single family residence. The building potential is further increased by the relatively easy access to this site via South Cloverdale Street and 34th Avenue South. Acquisition of this lot would consolidate the public ownership of green spaces along the side of the hill to preserve a substantial buffer to the freeway as well as provide a corridor for wildlife habitat.

The City of Seattle, through the Department of Parks and Recreation Open Space Program, has negotiated in good faith with the owner to acquire these properties at a fair market value as determined by an independent real property appraisal. It is the opinion of the Open Space Program staff that all reasonable attempts to negotiate purchase of this property have been made, and that these negotiations have been unsuccessful. We are therefore seeking to proceed with the acquisition of these properties through condemnation.

If you need further information, please contact Donald A. Harris, Director of Environmental Programs for the Department of Parks and Recreation at (206) 684-8018.

Sincerely,



Kenneth R. Bounds  
Acting Superintendent

BR/jw  
n:\condenu\11109364.cvt

Attachments

cc: Donald Harris  
Bill Blair  
Warren Eckstrom  
Lanny Shuman  
Dwight Perkins  
Celia Grether - OMP  
Judy Nevins - Law Department

Legislative Request Supporting Information

In conformance with the City of Seattle's Standard Operating Procedure 200-001, the following information is submitted:

Title of Project or Program:

East Duwamish Greenbelt (CIP Project # 72902, WC 913 OB).

This project has been approved as part of the Seattle Open Space and Trails Bond Program under Ordinance No. 114900. The Open Space Program has been unable to complete negotiations for the purchase of the properties and requires authority to acquire by condemnation the land and other property rights.

Project Statement of Objectives:

The ordinance will: 1) Authorize the City Attorney to exercise the City's power of eminent domain to acquire property located within the East Duwamish Greenbelt project area.

Fund Sources:

Seattle Open Space and Trails Bond Program

Personnel or Equipment Required:

No additional personnel or equipment will be required for the acquisition; however, funding for maintenance and stewardship will be necessary in the future.

Alternative Fund Source:

No additional fund source has been identified for this property acquisition.

Contact Persons:

Donald M. Harris - 684-8018; Warren Eckstrom - 684-7041.

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# City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director  
Norman B. Rice, Mayor

April 17, 1996

The Honorable Mark Sidran  
City Attorney  
City of Seattle

*JBN  
4/23/96*



*96-112*

Dear Mr. Sidran:

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

REQUESTING DEPARTMENT: Management and Planning

SUBJECT: AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in a portion of H. Van Asselt Donation Claim No. 50, being parts of Sections 27, 28, 33 and 34, Township 24 North, Range 4 East, W.M., in King County, Washington, lying south of Riverside Addition, according to the plat thereof recorded in Volume 5 of Plats, page 92, in King County, Washington, for open space, park and recreation purposes (East Duwamish Greenbelt) under the Seattle Open Space and Trails Bond Program.

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

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Celia Grether at 684-8048.

Sincerely,

Norman B. Rice  
Mayor

by

*Celia W Grether*

*for* TOM TIERNEY  
Director

h:\admin\legis\law\trs\gre'n2

Enclosure

COPY RECEIVED  
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CITY ATTORNEY

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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:

_____	_____
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\_\_\_\_\_  
*[Handwritten Signature]*

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

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STATE OF WASHINGTON - KING COUNTY

68214  
City of Seattle, City Clerk

-ss-

No. ORDINANANCE

Affidavit of Publication

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on May 6, 1996 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 684-8314.

ORDINANCE NO. 118118

AN ORDINANCE authorizing a collective bargaining agreement between The City of Seattle and Seattle Police Dispatchers' Guild, effective through December 31, 1997; and providing payment therefor.

ORDINANCE NO. 118119

AN ORDINANCE relating to the City Light Department; authorizing the execution of the First Amendment to the Central Fuel Supply Agreement Dated as of January 1, 1992.

ORDINANCE NO. 118122

AN ORDINANCE relating to the City Light Department, authorizing an easement agreement with the State of Washington, Department of Transportation (the "State") for use of the City of Seattle Street Transmission Line Right of Way in King County, Washington, for a right of way for State Highway SR 530 (P. M. #341019-3-302).

ORDINANCE NO. 118123

AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in a portion of H. Van Asselt Donation Claim No. 50, being parts of Sections 27, 28, 33 and 34, Township 24 North, Range 4 East, W. M., in King County, Washington, lying south of Riverside Addition, according to the plat thereof recorded in Volume 6 of Plats, page 92, in King County, Washington, for open space, park and recreation purposes (East Dawnish Greenbelt) under the Seattle Open Space and Trails Bond Program.

ORDINANCE NO. 118124

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

Publication ordered by JUDITH PIP-PIN, City Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, May 21, 1996. 5/21/68214

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

OTOT:118118, 19-23-24

was published on

6/21/96

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

*David H. Hallgren*

Notary Public for the State of Washington, residing in Seattle

Affidavit of Publication

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