

Ordinance No. 122066

Council Bill No. 115526

me

The City of Seattle - Legislative
Council Bill/Ordinance sponsored by

AN ORDINANCE relating to the acquisition of real property needed for the construction of the 5th Avenue NE Improvements project, authorizing the correction of the legal description and accepting and assigning a partial transfer of jurisdiction of portions thereof, and assuring other property rights needed for the project for street purposes.

Committee

Pass 3-0 TO P.S.J.

4-10-06 Passed 9-0

CF No. _____

Date Introduced: MAR 27 2006		
Date 1st Referred: MAR 27 2006	To: <i>(committee)</i>	TRANSPORTATION
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: 4-10-06	Full Council Vote: 9-0	
Date Presented to Mayor: 4-10-06	Date Approved: 4/10/06	
Date Returned to City Clerk: 4/17/06	Date Published: SAP	T.O. <input checked="" type="checkbox"/> F.T. _____
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready for presentation to Full Council

Law Department

Law Dept. Review

OMP Review

City Clerk Review

we

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Lawrence
Councilmember

Committee Action:

Pass 3-0 JUDICIAL

4-10-06 Passed 9-0

TRANSPORTATION

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Department

we
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Law Dept. Review

OMP
Review

City Clerk
Review

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ORDINANCE 122066

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AN ORDINANCE relating to the acquisition of real property needed for the construction of the 5th Avenue NE Improvements project, authorizing the correction of the legal description and accepting and assigning a partial transfer of jurisdiction of portions thereof, and acquiring other property rights needed for the project for street purposes.

WHEREAS, Ordinance 120870 authorized the acquisition of real property, located at the northeast corner of NE 105th Street and 5th Avenue NE, for general municipal purposes; and

WHEREAS, such property was selected and acquired as a shared site for development and construction of a new Northgate branch library, a community center and park; and

WHEREAS, the entire site to be acquired was comprised of two (2) King County tax parcels; and

WHEREAS, the legal description of the real property, as stated in Ordinance 120870, included only the northerly tax parcel and omitted the description for the southerly portion of the site, that being the second tax parcel; and

WHEREAS, initial management and control over the real property to be acquired was assigned by Ordinance 120870 to the Department of Parks and Recreation and to the Seattle Public Library; and

WHEREAS, by Resolutions 30641 and 30642, Council directed Seattle Department of Transportation to develop and identify transportation and traffic management improvements in the Northgate area; and

WHEREAS, consistent with the intent of Resolutions 30641 and 30642 and as a condition of development of the shared site, the NE 105th Street right-of-way must be widened to accommodate increased vehicle traffic and provide for safe pedestrian use; and

WHEREAS, consistent with the intent of Resolutions 30641 and 30642 and as a condition of development of the shared site, certain traffic control devices known as "traffic detection loops" are to be installed beneath the pavement surface of the entrance driveway to monitor access from the site onto 5th Avenue NE; and

WHEREAS, the Seattle City Council wishes to authorize the acceptance of a deed and an easement for properties, in connection with anticipated street improvements to the



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1 Northgate Traffic System Management/5th Avenue NE Pedestrian Improvement Project;
2 NOW, THEREFORE,

3 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

4 Section 1. The legal description of the property authorized for acquisition under
5 Ordinance 120870 at Section 1. is amended to include the entire site and is corrected as follows:
6

7 The north 2/3rd of that portion of the south four-fifths of the west half of the southwest
8 quarter of the southwest quarter of the southeast quarter of Section 29, Township 26
North, Range 4, East, W.M., in King County, Washington, described as follows:

9 Beginning at the southwest corner of said subdivision, thence south 88°18' 58" east along
10 the south line of said subdivision a distance of 40.02 feet to the east margin of Fifth
11 Avenue Northeast and the TRUE POINT OF BEGINNING, thence continuing south 88°
12 18' 58" east a distance of 290.53 feet, thence north 00° 08' 58" east a distance of 531.01
13 feet, thence north 88° 19' 59" west a distance of 291.97 feet to said east margin of Fifth
Avenue Northeast, thence south 00° 00' 20" east along said east margin a distance of
530.96 feet to the TRUE POINT OF BEGINNING.

14 **TOGETHER WITH**

15 The south 1/3rd of that portion of the south four-fifths of the west half of the southwest
16 quarter of the southwest quarter of the southeast quarter of Section 29, Township 26
17 North, Range 4, East, W.M., in King County, Washington, described as follows:

18 Beginning at the southwest corner of said subdivision, thence south 88°18' 58" east along
19 the south line of said subdivision a distance of 40.02 feet to the east margin of Fifth
20 Avenue Northeast and the TRUE POINT OF BEGINNING, thence continuing south 88°
21 18' 58" east a distance of 290.53 feet, thence north 00° 08' 58" east a distance of 531.01
22 feet, thence north 88° 19' 59" west a distance of 291.97 feet to said east margin of Fifth
23 Avenue Northeast, thence south 00° 00' 20" east along said east margin a distance of
24 530.96 feet to the TRUE POINT OF BEGINNING.



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Larry Huggins
SDOT DPR Northgate TJO ORD
11/15/05
version #1

1 Section 2. The Superintendent of Parks and Recreation and the City Librarian are
2 authorized to accept, on behalf of the City, a Limited Warranty Deed, King County Recording
3 #20020814001925, for the real property described in Section 1 above.

4
5 Section 3. Jurisdiction of the following described real property is hereby transferred from
6 the Department of Parks and Recreation and Seattle Public Library to the Seattle Department of
7 Transportation for street purposes to widen NE 105th Street:

8
9 The south 30 feet of the following described property:

10 The south 1/3rd of that portion of the south four-fifths of the west half of the southwest
11 quarter of the southwest quarter of the southeast quarter of Section 29, Township 26
North, Range 4, East, W.M., in King County, Washington, described as follows:

12 Beginning at the southwest corner of said subdivision, thence south 88° 18' 58" east along
13 the south line of said subdivision a distance of 40.02 feet to the east margin of Fifth
14 Avenue Northeast and the TRUE POINT OF BEGINNING, thence continuing south 88°
15 18' 58" east a distance of 290.53 feet, thence north 00° 08' 58" east a distance of 531.01
16 feet, thence north 88° 19' 59" west a distance of 291.97 feet to said east margin of Fifth
17 Avenue Northeast, thence south 00° 00' 20" east along said east margin a distance of
18 530.96 feet to the TRUE POINT OF BEGINNING.

19 Section 4. The following described property is placed under the partial and limited
20 jurisdiction of Seattle Department of Transportation for street purposes, to the extent only as
21 necessary to install, maintain, and operate traffic flow monitoring devices, including those
22 installed under the pavement surface and commonly referred to as "traffic detection loops,"
23 provided that any occupancy of or activity on such property that could limit, restrict, or in any
24 way adversely affect access to or operation of the library or park and recreation facilities thereon



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1 shall be coordinated with and approved by the management of the branch library and the
2 management of the community center:

3 The west 8.00 feet of the south 69.5 feet of the north 81.5 feet, together with the east
4 46.00 feet of the west 54.00 feet of the south 12.00 feet of the north 40.00 feet. Also,
5 together with the west 2.5 feet of the north 12.00 feet of the following described property:

6 The north 2/3rd of that portion of the south four-fifths of the west half of the southwest
7 quarter of the southwest quarter of the southeast quarter of Section 29, Township 26
North, Range 4, East, W.M., in King County, Washington, described as follows:

8 Beginning at the southwest corner of said subdivision, thence south 88°18' 58" east along
9 the south line of said subdivision a distance of 40.02 feet to the east margin of Fifth
10 Avenue Northeast and the TRUE POINT OF BEGINNING, thence continuing south 88°
11 18' 58" east a distance of 290.53 feet, thence north 00° 08' 58" east a distance of 531.01
12 feet, thence north 88° 19' 59" west a distance of 291.97 feet to said east margin of Fifth
13 Avenue Northeast, thence south 00° 00' 20" east along said east margin a distance of
14 530.96 feet to the TRUE POINT OF BEGINNING.

15 Section 5. The Director of Transportation, or her designee, is hereby authorized to acquire
16 and accept on behalf of the City of Seattle the following deed and easement, each granting to the
17 City of Seattle property rights for street and street-related purposes, as more particularly
18 described in the document listed after each Grantor's name:

19 **Northgate Mall Partnership**, a Delaware General Partnership dated November 14, 2005
20 P.M. #292604-9272, Warranty Deed - recorded under King County Recording #
21 20051114003131.

22 **Northgate Mall Partnership**, a Delaware General Partnership dated November 14, 2005
23 P.M. # 292604-9272, Easement - recorded under King County Recording #
24 20051114003132.

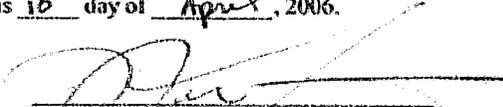
25 Section 6. Any act pursuant to the authorization and prior to the effective date of this
26 ordinance is hereby ratified and confirmed.



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

4 Passed by the City Council the 10th day of April, 2006, and signed by me in open
5 session in authentication of its passage this 10th day of April, 2006.

6
7 
8 President _____ of the City Council

9 Approved by me this 14th day of April, 2006.

10
11 
12 Gregory J. Nickels, Mayor

13 Filed by me this 17 day of April, 2006.

14
15 
16 City Clerk

17 (Seal)

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FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Department of Transportation	Larry Huggins 4-5001	Jennifer Devore 5-1328

Legislation Title:

AN ORDINANCE relating to the acquisition of real property needed for the construction of the 5th Avenue NE Improvements project, authorizing the correction of the legal description and accepting and assigning a partial transfer of jurisdiction of portions thereof, and acquiring other property rights needed for the project for street purposes.

Summary and background of the Legislation:

This proposed legislation will correct the legal description of the Northgate property and authorize the Superintendent of Parks and Recreation and the City Librarian to accept the deed. In addition, the legislation will assign jurisdiction or partial jurisdiction of portions of the Northgate property to Seattle Department of Transportation (SDOT).

The 3.55 acre Northgate property located at the northeast corner of 5th Avenue NE and NE 105th Street was acquired in 2002, under Ordinance 120870, for the development of a new park, community center and library, all as part of Northgate area improvements. The entire Northgate site was comprised of two tax parcels. However, Ordinance 120870 included only the legal description of the northerly tax parcel and omitted the description for the southerly tax parcel. This proposed legislation amends the legal property description to include the description of the southerly portion of the property. Absent specific authority to accept all of the property, the condition of the City's title to that portion not described could be questioned. The deed to the property, recorded in King County records on August 14, 2002 (#20020814001925), includes a description of both tax parcels.

Management and control over the entire site was initially assigned to the Department of Parks and Recreation and the Seattle Public Library. In addition to correcting the legal description of the site, this legislation assigns jurisdiction (partial jurisdiction in one location) over two small pieces of the property to SDOT for street purposes to accommodate transportation improvements associated with the area's overall development, consistent with traffic improvement directives set by Resolutions 30641 and 30642.

The street improvements that depend on these transfers are components of the Northgate 5th Avenue NE Improvement Project, Phase I. These improvements help create a safer, attractive public and private environment that encourages pedestrian activity. More particularly, the improvements directly related to these transfers increase opportunities for pedestrian movement between the new Library, Community Center, Park and surrounding community. A key feature of the project is the alignment of the entry for the Community Center/Library with that of Northgate Mall.

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Section 3 of the ordinance assigns full jurisdiction of a 30-foot wide strip of land at the southerly boundary of the site to SDOT. This will allow construction of a right-turn lane from NE 105th Street onto 5th Avenue NE and construction of a pedestrian pathway. Section 4 of the ordinance assigns partial jurisdiction (akin to an easement on private property) to SDOT over a small area located at the entryway for the new library and community center, located on 5th Avenue NE across from the entrance to Northgate Mall. Traffic signal actuators will be installed beneath the site's entry roadway surface to regulate the flow of traffic through the new traffic signals on 5th Avenue NE. These uses for street improvements are associated with development requirements for the site and are typical of what would be required in similar private development projects.

Project Name:	Project I.D.	Project Location:	Start Date:	End Date
5 th Avenue NE Improvements	TC 366230	5 th Ave NE between NE 100 th St. and NE 112 th St.	December 2005	May 2006 for Phase I; 4 th Qtr. 2008 for entire project

- Please check any of the following that apply:

 This legislation creates, funds, or anticipates a new CIP Project. (Please note whether the current CIP is being amended through this ordinance, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)

 X **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

March 7, 2006

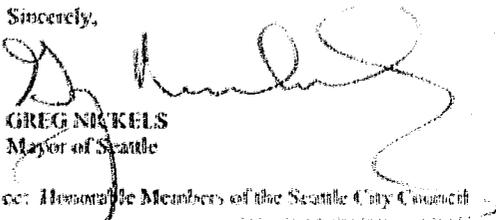
Honorable Nick Licata
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Licata:

I am pleased to submit the attached proposed Council Bill, which corrects the legal description of the Northgate property that is being developed for a library, community center, and park. In addition, the legislation authorizes the City Librarian and the Superintendent of Parks and Recreation to accept a deed to the property. Finally, the Council Bill assigns Seattle Department of Transportation (SDOT) jurisdiction over portions of the Northgate property for the purpose of widening NE 105th Street to accommodate increased traffic and installing traffic control devices to regulate traffic flow in the area.

These changes will improve traffic conditions, allowing safe, convenient access for our citizens to enjoy the new Northgate library, community center, and park. Thank you for your consideration of this legislation. Should you have questions, please contact Larry Huggins at 684-5001.

Sincerely,


GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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600 Fourth Avenue, 2nd Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: mayors.office@seattle.gov

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STATE OF WASHINGTON - KING COUNTY

--55.

197302
CITY OF SEATTLE CLERKS OFFICE

No. TITLE ONLY

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 hereafter 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

CI:122066-61,65-70

was published on

04/21/06

The amount of the fee charged for the foregoing publication is the sum of \$ 124.20, which amount has been paid in full.



[Signature]
Subscribed and sworn to before me on
04/21/06 *[Signature]*
Notary public for the State of Washington,
residing in Seattle

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State of Washington, King County

City of Seattle

RESOLUTION NO. 123456
The first part of the following resolution...

RESOLUTION NO. 123457
The second part of the following resolution...

RESOLUTION NO. 123458
The third part of the following resolution...

RESOLUTION NO. 123459
The fourth part of the following resolution...

RESOLUTION NO. 123460
The fifth part of the following resolution...

RESOLUTION NO. 123461
The sixth part of the following resolution...

RESOLUTION NO. 123462
The seventh part of the following resolution...

RESOLUTION NO. 123463
The eighth part of the following resolution...

RESOLUTION NO. 123464
The ninth part of the following resolution...

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