

Ordinance No. 122626

Council Bill No. 116130

AN ORDINANCE relating to the 14th Ave. S Street Improvements project and the Bike Master Plan Implementation program; authorizing the Director of Transportation to acquire property rights necessary for widening an existing sidewalk on the east side of 14th Avenue South between S Director Street and S Henderson Street; authorizing acquisition of real property rights, through negotiation and use of eminent domain (condemnation); and authorizing payment of all other costs associated with the acquisition.

CF No. _____

Date Introduced: <u>2-4-08</u>		
Date 1st Referred: <u>2-4-08</u>	To: (committee) <u>Transportation</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>2-11-08</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>2-11-08</u>	Date Approved: <u>2-14-08</u>	
Date Returned to City Clerk: <u>2-14-08</u>	Date Published: <u>3</u>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: [Signature]
Councilmember

Committee Action:

2/5 Approve 4-0
SD, SC, RM, TR

2-11-08 Passed 9-0

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

Law Department

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

ORDINANCE 122626

AN ORDINANCE relating to the 14th Ave. S Street Improvements project and the Bike Master Plan Implementation program; authorizing the Director of Transportation to acquire property rights necessary for widening an existing sidewalk on the east side of 14th Avenue South between S Director Street and S Henderson Street; authorizing acquisition of real property rights, through negotiation and use of eminent domain (condemnation); and authorizing payment of all other costs associated with the acquisition.

WHEREAS, in 1998 (updated in 2005) the City adopted the Transportation Strategic Plan that sets strategies for achieving Seattle Comprehensive Plan goals; and

WHEREAS, the 14th Ave. S Street Improvements project is consistent with Seattle Comprehensive Plan and Transportation Strategic Plan goals to meet the current and future mobility needs of residents, businesses and visitors with a balanced transportation system, and to make the best use of the City's limited street capacity while seeking to balance competing uses; and

WHEREAS, the Seattle Department of Transportation will use this opportunity to leverage funding from the "Bridging the Gap" Bike Master Plan Implementation program to supplement the budget of the 14th Ave. S Street Improvements project for the acquisition of the real property; and

WHEREAS, the property will be used to widen a section that is part of the larger Duwamish Bike Trail which currently does not meet standards for a multi-use path; and

WHEREAS, this project will improve conditions for freight, pedestrians, cyclists, and general-purpose traffic on a key access route that serves two Comprehensive Plan designated centers (the Duwamish Manufacturing and Industrial Center, and the South Park Residential Urban Village) and is consistent with the goal of encouraging development and density in designated centers; and

WHEREAS, the project is part of the City's plan to increase public sector investment in the South Park Neighborhood and to support the South Park Action Agenda; NOW,
THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:



1 Section 1. Public convenience and necessity require that real property interests generally
2 shown on Exhibits 1 and 2 of this Ordinance, situated in the City of Seattle, County of King,
3 State of Washington, together with all rights, privileges and other property pertaining thereto, be
4 acquired for transportation and related purposes through negotiations and use of eminent domain
5 (condemnation), if necessary, for widening of an existing sidewalk on the east side of 14th
6 Avenue South between S Director Street and S Henderson Street.
7

8 Section 2. The Director of Transportation or her designee is authorized, on behalf of the
9 City of Seattle, to negotiate and enter into written agreements for and acquire, after payment of
10 just compensation, such real property interests as described in Exhibits 1 and 2. The Director is
11 also authorized to accept deeds and other written instruments on behalf of the City of Seattle by
12 attaching to the instrument her written acceptance thereof, and recording the same. The property
13 or real property interests acquired shall be accepted for transportation and general municipal
14 purposes and placed under the jurisdiction of the Seattle Department of Transportation. The cost
15 of the acquisitions, including purchase price and transaction costs, together with relocation
16 benefits to the extent required by law, shall be paid from the funds appropriated, or to be
17 appropriated, for such purposes in connection with the project.
18
19

20 Section 3. The City Attorney is authorized to commence and prosecute proceedings in the
21 manner provided by law to condemn, take, damage, and appropriate in fee simple the lands and
22 other property interests as described in Exhibits 1 and 2, determined by the Director of
23 Transportation or her designee to be necessary to the project, provided said lands, rights, and
24 privileges, and other property are to be appropriated and taken only after just compensation has
25
26



1 been made or paid into court for the owners thereof, in the manner provided by law; and to
2 stipulate for the purpose of minimizing damages.

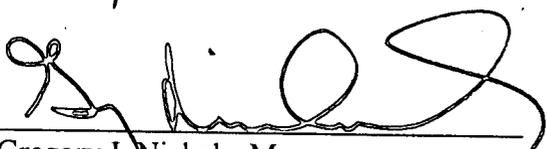
3 Section 4. Any act consistent with the authority and prior to the effective date of the
4 ordinance, including, without limitation, acceptance of a grant of possession and use, is hereby
5 approved and accepted.
6

7 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
8 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
9 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

10 Passed by the City Council the 11th day of February, 2008, and signed by me in open
11 session in authentication of its passage this 11th day of February, 2008.
12

13
14 
15 President _____ of the City Council
16

17 Approved by me this 14th day of February, 2008.
18

19 
20 Gregory J. Nickels, Mayor
21

22 Filed by me this 14th day of February, 2008.
23

24 
25 City Clerk
26

(Seal)



Jody Sisson: JS
SDOT 14th Avenue South Property ORD
October 24, 2007
Version #4

1 Exhibit 1: 14th Avenue South Street Improvements Project Map

2 Exhibit 2: Contact List for Properties Affected

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

January 8, 2008

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

Dear Council President Licata:

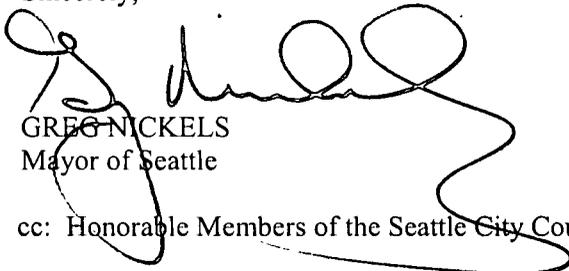
I am transmitting the attached proposed Council Bill that authorizes the Director of Transportation to acquire property rights through negotiation and use of eminent domain (condemnation), if necessary, for widening an existing sidewalk on the east side of 14th Avenue South between S Director Street and S Henderson Street. This work is part of the 14th Avenue South Street Improvements project and will improve a portion of the Duwamish Trail for bicyclists and pedestrians.

The overall project will include paving 14th Avenue South, constructing new sidewalks and planting street trees, improvements that are designed to increase City investment in the South Park neighborhood and support the South Park Action Agenda.

The proposed Council Bill authorizes the Director of Transportation or her designee, on behalf of the City of Seattle, to appraise and acquire at fair market value through negotiations or the use of eminent domain, if necessary, the real property interests to widen the existing sidewalk and authorizes payment of all other costs associated with the property acquisition.

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

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

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

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



**14TH AVENUE SOUTH STREET IMPROVEMENTS PROJECT
CONTACT LIST FOR PROPERTIES AFFECTED (PRELIMINARY 60% DESIGN)**

Project Parcel No.	Tax ID No.	Property Owner	Occupant	Property Owner's (OR Tax Payer's) Address	Property Address (Per King County Tax Records)	Abbreviated Legal Description (Per King County Tax Records)
1	7883608578	SANTOS, AVILA & BLANCA	AAA USED TIRES & WHEELS	8144 5th Ave SW, Seattle, WA 98106	9004 14th Ave South, Seattle, WA 98108	BLK 44 LOT 1-2-3 SOUTH PARK LOT 1, LESS PORTION FOR STATE HIGHWAY TGVW ALL LOT 2 TGVW LOT 3 LESS E 5FT
2	7883608594	SANTOS, AVILA & BLANCA	Van Pak ET AL	8144 5th Ave SW, Seattle, WA 98106	9014 14th Ave South, Seattle, WA 98108	BLK 44 LOT 46-47-48 SOUTH PARK LOT 46, LESS E 5FT TGVW ALL OF LOT 47 TGVW LOT 48 LESS W 10 FT TGVW



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
SDOT	Larry Huggins 684-5001	Stephen Barham 733-9084

Legislation Title:

AN ORDINANCE relating to the 14th Ave. S Street Improvements project and the Bike Master Plan Implementation program; authorizing the Director of Transportation to acquire property rights necessary for widening an existing sidewalk on the east side of 14th Avenue South between S Director Street and S Henderson Street; authorizing acquisition of real property rights, through negotiation and use of eminent domain (condemnation); and authorizing payment of all other costs associated with the acquisition.

Summary and background of the Legislation:

In 1998 (updated in 2005) the City adopted the Transportation Strategic Plan that sets strategies for achieving Seattle Comprehensive Plan goals. This Project is consistent with Comprehensive Plan and Strategic Plan goals and strategies to meet the current and future mobility needs of residents, businesses and visitors with a balanced transportation system and to make the best use of the City's limited street capacity while seeking to balance the competing uses.

The 14th Ave. S Street Improvements project will improve conditions for freight, pedestrians and general-purpose traffic on a key access route that serves two Comprehensive Plan designated centers (the Duwamish Manufacturing and Industrial Center and the South Park Residential Urban Village), and is consistent with the goal of encouraging development and density in designated urban centers.

A portion of this project will widen an existing sidewalk on the east side of 14th Ave. S between S Director and S Henderson Streets. This particular section is a part of the larger Duwamish Bike Trail and currently does not meet standards for a multi-use path. The acquisitions will allow the sidewalk widening needed to meet the standards. The parcels described in Exhibits 1 and 2 are the only acquisitions required for completion of the project. The budget of the 14th Ave. S Street Improvements project will be supplemented with \$200,000 of Bike Master Plan Implementation funding for this purpose.

Project Name:	Project I.D.	Project Location:	Start Date:	End Date
14 th Ave. S Street Improvements	TC366220	14 th Ave S/ S Dallas St/ S Director St	3 rd Qtr 2003	4 th Qtr 2009
Bike Master Plan Implementation	TC366760	City-wide	Ongoing	Ongoing



- 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.)

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

 X **This legislation has financial implications.** (Please complete all relevant sections that follow.)

Appropriations: This table should reflect appropriations that are a direct result of this legislation. In the event that the projects associated with this ordinance have appropriations that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below. Finally, if this legislation does not directly change an appropriation, but results in budget authority being moved within a Budget Control Level, or to a Budget Control Level (up to 10%), please explain in the Notes section below.

Fund Name and Number	Department	Budget Control Level*	2007 Appropriation	2008 Anticipated Appropriation
TOTAL				

*See budget book to obtain the appropriate Budget Control Level for your department.

Notes: Appropriations to support this legislation are included in the 2008 Adopted Budget.

Spending Plan and Future Appropriations for Capital Projects: Please list the timing of anticipated appropriation authority requests and expected spending plan. In addition, please identify your cost estimate methodology including inflation assumptions, the projected costs of meeting applicable LEED standards, and the percent for art and design as appropriate.

Spending Plan and Budget	2007	2008	2009	2010	2011	2012	Total
Spending Plan							
Current Year Appropriation							
Future Appropriations							



Notes: The spending plan and future anticipated appropriations are displayed in the 2008-2013 Adopted CIP.

Funding source: Identify funding sources including revenue generated from the project and the expected level of funding from each source.

Funding Source (Fund Name and Number, if applicable)	2007	2008	2009	2010	2011	2012	Total
TOTAL							

*in thousands

Notes: Funding sources to support this legislation are displayed in the 2008-2013 Adopted CIP.

Bond Financing Required: If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount.

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
N/A					
TOTAL					

Uses and Sources for Operation and Maintenance Costs for the Project: Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost.

O&M	2007	2008	2009	2010	2011	2012	Total
Uses	N/A						
Start Up							
On-going							
Sources (itemize)	N/A						

Notes:

Periodic Major Maintenance costs for the project: Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency.

Major Maintenance Item	Frequency	Cost	Likely Funding Source
N/A			

TOTAL			
--------------	--	--	--

Funding sources for replacement of project: Identify possible and/or recommended method of financing the project replacement costs.

N/A

Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact: This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Position Title and Department*	Position Number for Existing Positions	Fund Name and Number	Part-Time/ Full Time	2007 Positions	2007 FTE	2008 Positions **	2008 FTE* *
N/A							
TOTAL							

* List each position separately

** 2008 positions and FTE are total 2008 position changes resulting from this legislation, not incremental changes. Therefore, under 2008, please be sure to include any continuing positions from 2007.

Notes:

- **Do positions sunset in the future?** (If yes, identify sunset date):

N/A

What is the financial cost of not implementing the legislation: (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

If the legislation is not implemented, necessary right-of-way cannot be acquired and the sidewalk would be sub-standard for the multi-use trail. It is not possible to estimate alternative construction costs, and it is difficult to quantify a cost associated with the City's plans to complete the Duwamish Trail.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives** (Include any potential alternatives to the proposed legislation, including



using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

None

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future?)*

No

- **Other Issues** *(including long-term implications of the legislation):*

N/A

Please list attachments to the fiscal note below:



Gregory J. Nickels, Mayor

Grace Crunican, Director

Seattle Department of Transportation

January 18, 2008

BY CERTIFIED MAIL

Avila Santos and Blanca Santos
8144 5th Avenue SW
Seattle, WA 98106

Re: City of Seattle 14th Avenue South Street Improvements Project

Notice of Seattle City Council Transportation Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property for Public Purposes through Negotiation and the Exercise of Eminent Domain (Condemnation)

Tax Parcel No. 788360-8578 & 788360-8594
9004 & 9014 14th Avenue South, Seattle WA 98108

Dear Mr. & Mrs. Santos:

The purpose of this notice is to inform you that the Seattle City Council is expected to vote on an ordinance authorizing the Seattle Department of Transportation to acquire all property rights needed for the 14th Avenue South Street Improvements Project. This project will widen an existing sidewalk on the east side of 14th Avenue South between South Director and South Henderson Streets. This particular section of the existing 14th Avenue South Street Improvements Project is part of the larger Duwamish Bike Trail Project that does not meet standards for a multi-use path. A copy of the proposed ordinance and a map indicating the project alignment are enclosed for your information.

This ordinance, if passed, will contain authorization to use condemnation. The City is required by RCW 8.25.290 to provide each property owner affected by the ordinance with formal written notice before the City takes final action authorizing condemnation of property. You are identified by the tax rolls of King County as the owner of property affected by this legislation. The time, date and place of the final action to vote on the ordinance are described below.

The City will introduce the ordinance at the Seattle City Council Transportation Committee for discussion and possible vote as a regular part of the committee meeting beginning 9:30 a.m. on Tuesday, February 5, 2008. Public testimony will also be taken at that time. If you wish to attend this Transportation Committee meeting, the Committee



Key Tower, 700 5th Avenue, Suite 3900, Seattle, WA 98104-5043
Tel: (206) 684-ROAD (684-7623), TTY/TDD (206) 684-4009, FAX: (206) 684-5180
Internet address: <http://www.seattle.gov/transportation>
An equal employment opportunity employer.
Accommodations for people with disabilities provided on request.



meets in the City Council Chambers, which are located at 601 5th Avenue, 2nd Floor, Seattle, WA. The Council's chambers and offices are physically accessible; print and communications access are provided on request. Call 206-684-8888 (TDD: 206-233-0025) for further information.

If you would like, you will have the opportunity to express your views on the ordinance during the public comment section of the Transportation Committee meeting. Public comments are received by the committee at the start of the meeting and are generally limited to a total of 10 minutes of comments for each agenda item. If you have questions about the committee meeting format, the agenda for the meeting, or the public comment section, please contact Jodie Vice (Transportation Committee Staff) at (206) 684-8801, or visit the Transportation Committee's website at the following address:
www.seattle.gov/council/committees/Committee_Trans.htm.

If the Transportation Committee approves the ordinance, it will then be scheduled for final City Council action. Final action on the ordinance by the City Council is expected to occur on Monday, February 11, 2008, at 2:00 p.m., in the City Council Chambers, which are located at 601 5th Avenue, 2nd Floor, Seattle, WA. After approval of the ordinance by the full City Council, the City of Seattle will be authorized to acquire property for the 14th Avenue South Project from you through negotiation, or may use its powers of eminent domain to condemn your property.

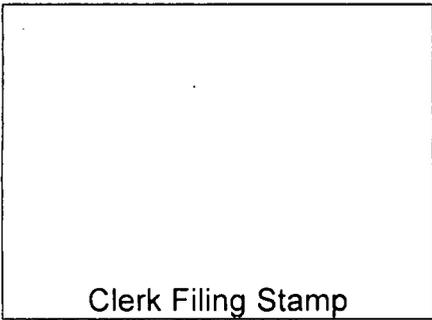
Thank you.

Fay Alexander
SDOT Real Property
Seattle Department of Transportation – SMT 39-00
P.O. Box 34996
Seattle, WA 98124-4996
(206) 684-8244

Enclosure

Cc: Councilmember Jan Drago, Chair, Transportation Committee
Councilmember Sally Clark, Vice-Chair, Transportation Committee





**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Council Bill Number 116130**

I, Fay Alexander, Real Property Agent, hereby certify as follows:

(Check all that apply below.)

- X 1. On the 17th day of January, 2008, I mailed via US Postal Service Certified Mail a notice of condemnation or other Notice of Seattle City Council Transportation Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property for Public Purposes through Negotiation and the Exercise of Eminent Domain (Condemnation) a true and correct representative copy of which is attached and designated as Attachment A, to those persons whose names and addresses appear on the attached list as Attachment B.
- X 2. For condemnation legislation: The notice designated in Attachment A constitutes adequate notice to property owners, pursuant to RCW 8.12 and 8.25, that the City may take final action to authorize condemnation of the subject property.
- X 3. The notice designated in Attachment A was published in the Seattle Times on 1/26/08 & 2/1/08 and the Daily Journal of Commerce on 1/25/08 & 2/1/08.
- X 4. This Certificate of Mailing and Publication and complete Attachments A and B are hereby filed with the City Clerk of the City of Seattle.

Dated this 4th day of February, 2008.

The City of Seattle, Washington

Fay Alexander

Fay Alexander
(Signature)

Real Property Agent

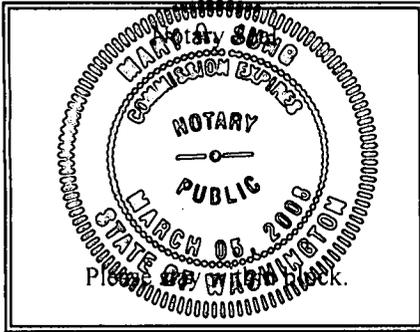
SDOT

206-684-8244

STATE OF WASHINGTON)
 : §
County of King)

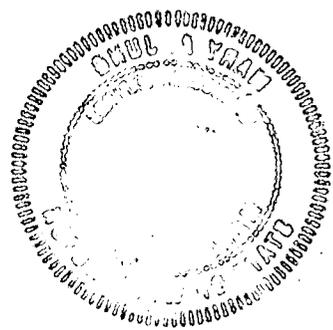
On this 4th day of February, 2008, before me personally appeared FAY ALEXANDER, to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

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



Mary A. Jung
Notary (print name) MARY A. Jung
Notary Public in and for the State of Washington,
residing at Seattle, Washington
My Appointment expires March 5, 2008





Public Meeting and Planned Final Action by the Seattle City Council Regarding 14th Avenue South Street Improvements Project Property Acquisition Ordinance, Authorizing Property Acquisition by Negotiation and/or Eminent Domain (Condemnation)

Attention all parties holding an interest in the following King County Tax Parcel Numbers located in Seattle, Washington: 789360-0576 and 789360-0594

The City of Seattle hereby notifies you of a planned meeting to consider an Ordinance of the Seattle City Council authorizing the acquisition of all property rights needed for the 14th Avenue South Street Improvements project for public purposes, through negotiation and/or the exercise of eminent domain (condemnation). This meeting, which is open to the public, will be held at 3:00 p.m. on Monday, February 11, 2008 at the City Council's chambers located at 601 5th Avenue, 2nd Floor, Seattle, WA. At the meeting, the City Council is expected to take final action on the Ordinance, which authorizes acquisition by negotiation and/or condemnation of all or a portion of each of the properties identified above, either temporarily or permanently, for the project. The City is required by new law HB 1485 (Chapter 06, 2007 Laws) to provide notice before the City takes final action authorizing condemnation of property.

If you have questions about the project, Ordinance, or City Council meeting, please contact Fay Alexander, SDOT Real Property Agent, at (206) 865-2444, or visit the City Council's website at: www.seattle.gov/council.

To: Fay Alexander
Fr: Kathy Baldwin

2pgs

The Seattle Times, representing the Seattle Post-Intelligencer

Customer: SEATTLE DEPT OF TRANSPORTATI Phone: 2066845150

Type: TRAN Contract Number: 0

Address: PO BOX 34996
SEATTLE WA 98124

Ad Number: 3864480 Version: 2

Bill To: 1721889 Placed For: 1721889

Bill To Admc: 029373901 Place For Admc: 029373901

Sort: PUBLIC MEETING AND PLANNEDFINAL ACTION

Price: \$1710.72 RC: TLNA

Class: 381; PUBLIC NOTICES Size: 1 (columns) x 54.00 (lines)

Position:

Caller: EMAIL

Insert Dates: 01/26/2008 01/26/2008 01/26/2008 02/01/2008 02/01/2008 02/01/2008



AFFIDAVIT OF PUBLICATION

State of Washington,

Counties of King and Snohomish,

Kathy Baldwin, being duly sworn, says that he/she is an Authorized Agent of The Seattle Times Company, publisher of *The Seattle Times* and representing the Seattle Post-Intelligencer, separate daily newspapers, printed and published in Seattle, King County, State of Washington; that they are newspapers of general circulation in said County and State; that they have been approved as legal newspapers by order of the Superior Court of King County; that the annexed, being a display advertisement, was published in:

Advertiser	Newspaper	Publication Data
Seattle Dept of Transportation	Seattle Times & Post-Intelligencer (NWclassifieds)	Ad# 3864480 Date 01/26/08 Page G2 Date 02/01/08 Page G3

And not in 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.



Kathy Baldwin

Subscribed and sworn to before me this 1st day of February 2008

Patricia Martinez

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



STATE OF WASHINGTON - KING COUNTY

--ss.

219814
CITY OF SEATTLE:SDOT

No. PUBLIC MEETING&FINAL ACTI

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.

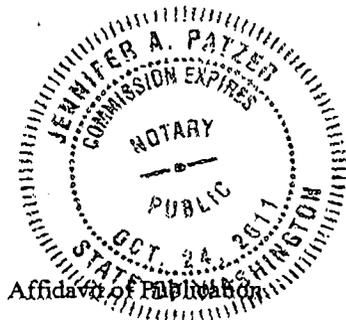
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:14TH AVE SO IMPRVMENTS

was published on

01/25/08 02/01/08

The amount of the fee charged for the foregoing publication is the sum of \$ 112.40, which amount has been paid in full.



[Handwritten Signature]

Subscribed and sworn to before me on

02/01/08

[Handwritten Signature]

Notary public for the State of Washington,
residing in Seattle





DAILY JOURNAL OF COMMERCE

ADVERTISING PROOF

Date: 02/01/2008
Adnum: 219814
Custid: 6015

Customer: CITY OF SEATTLE:SDOT
Ad Title: Public Meeting and Planned Final Action – 14th Avenue South Street Improvements

City of Seattle

Public Meeting and Planned Final Action by the Seattle City Council Regarding 14th Avenue South Street Improvements Project Property Acquisition Ordinance, Authorizing Property Acquisition by Negotiation and/or Eminent Domain (Condemnation)

Attention all parties holding an interest in the following King County Tax Parcel Numbers located in Seattle Washington: 788360-8578 and 788360-8594

The City of Seattle hereby notifies you of a planned meeting to consider an Ordinance of the Seattle City Council authorizing the acquisition of all property rights needed for the 14th Avenue South Street Improvements project for public purposes, through negotiation and/or the exercise of eminent domain (condemnation). This meeting, which is open to the public, will be held at 2:00 p.m. on Monday, February 11, 2008 at the City Council's chambers located at 601 6th Avenue, 2nd Floor, Seattle, WA. At the meeting, the City Council is expected to take final action on the Ordinance, which authorizes acquisition by negotiation and/or condemnation of all or a portion of each of the properties identified above, either temporarily or permanently, for the project. The City is required by new law HB 1485 (Chapter 68, 2007 Laws) to provide notice before the City takes final action authorizing condemnation of property.

If you have questions about the project, Ordinance, or City Council meeting, please contact Fay Alexander, SDOT Real Property Agent, at (206) 684-8244, or visit the City Council's website at: www.seattle.gov/council/

Dates of publication in the Seattle Daily Journal of Commerce, January 25, February 1, 2008.

2/1(219814)





Gregory J. Nickels, Mayor

Seattle Department of Transportation

Grace Crunican, Director

January 17, 2008

BY CERTIFIED MAIL

Avila Santos and Blanca Santos
8144 5th Avenue SW
Seattle, WA 98106

Re: City of Seattle 14th Avenue South Street Improvements Project

Notice of Seattle City Council Transportation Committee Meeting and Seattle City Council Meeting Authorizing Acquisition of Property for Public Purposes through Negotiation and the Exercise of Eminent Domain (Condemnation)

Tax Parcel No. 788360-8578 & 788360-8594
9004 & 9014 14th Avenue South, Seattle WA 98108

Dear Mr. & Mrs. Santos:

The purpose of this notice is to inform you that the Seattle City Council is expected to vote on an ordinance authorizing the Seattle Department of Transportation to acquire all property rights needed for the 14th Avenue South Street Improvements Project. This project will widen an existing sidewalk on the east side of 14th Avenue South between South Director and South Henderson Streets. This particular section of the existing 14th Avenue South Street Improvements Project is part of the larger Duwamish Bike Trail Project that does not meet standards for a multi-use path. A copy of the proposed ordinance and a map indicating the project alignment are enclosed for your information.

This ordinance, if passed, will contain authorization to use condemnation. The City is required by RCW 8.25.290 to provide each property owner affected by the ordinance with formal written notice before the City takes final action authorizing condemnation of property. You are identified by the tax rolls of King County as the owner of property affected by this legislation. The time, date and place of the final action to vote on the ordinance are described below.

The City will introduce the ordinance at the Seattle City Council Transportation Committee for discussion and possible vote as a regular part of the committee meeting beginning 9:30 a.m. on Tuesday, February 5, 2008. Public testimony will also be taken at that time. If you wish to attend this Transportation Committee meeting, the Committee



Key Tower, 700 5th Avenue, Suite 3900, Seattle, WA 98104-5043
Tel: (206) 684-ROAD (684-7623), TTY/TDD (206) 684-4009, FAX: (206) 684-5180

Internet address: <http://www.seattle.gov/transportation>

An equal employment opportunity employer.

Accommodations for people with disabilities provided on request.

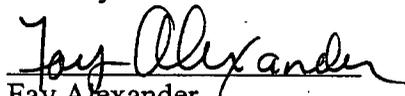


meets in the City Council Chambers, which are located at 601 5th Avenue, 2nd Floor, Seattle, WA. The Council's chambers and offices are physically accessible; print and communications access are provided on request. Call 206-684-8888 (TDD: 206-233-0025) for further information.

If you would like, you will have the opportunity to express your views on the ordinance during the public comment section of the Transportation Committee meeting. Public comments are received by the committee at the start of the meeting and are generally limited to a total of 10 minutes of comments for each agenda item. If you have questions about the committee meeting format, the agenda for the meeting, or the public comment section, please contact Jodie Vice (Transportation Committee Staff) at (206) 684-8801, or visit the Transportation Committee's website at the following address:
www.seattle.gov/council/committees/Committee_Trans.htm.

If the Transportation Committee approves the ordinance, it will then be scheduled for final City Council action. Final action on the ordinance by the City Council is expected to occur on Monday, February 11, 2008, at 2:00 p.m., in the City Council Chambers, which are located at 601 5th Avenue, 2nd Floor, Seattle, WA. After approval of the ordinance by the full City Council, the City of Seattle will be authorized to acquire property for the 14th Avenue South Project from you through negotiation; or may use its powers of eminent domain to condemn your property.

Thank you.



Fay Alexander
SDOT Real Property
Seattle Department of Transportation – SMT 39-00
P.O. Box 34996
Seattle, WA 98124-4996
(206) 684-8244

Enclosure

Cc: Councilmember Jan Drago, Chair, Transportation Committee
Councilmember Sally Clark, Vice-Chair, Transportation Committee



The City of Seattle

14th Avenue South Street Improvements Project



Legend

- Parcels w/ Assessor data
- Streets
 - Residential
 - Arterials
 - State Highway
 - Interstate Freeway
 - Arterials & Local Streets - large scale
 - Residential
 - Principal Arterial
 - Minor Arterial
 - Collector Arterial
 - State Route/Freeway



0 50 100 Feet

Produced by the City of Seattle

October 24, 2007

THE CITY OF SEATTLE, 2007. All rights reserved.

For purposes of our 2007 map, including accuracy, completeness, or timeliness.

Exhibit 1



Public Meeting and Planned Final Action by the Seattle City Council Regarding the 14th Avenue South Street Improvements Project Property Acquisition Ordinance, Authorizing Property Acquisition by Negotiation and/or Eminent Domain (Condemnation)

Attention all parties holding an interest in the following King County Tax Parcel Numbers located in Seattle, Washington: 780360-0378 and 780360-0394

The City of Seattle hereby notifies you of a planned meeting to consider an Ordinance of the Seattle City Council authorizing the acquisition of all property rights needed for the 14th Avenue South Street Improvements project for public purposes, through negotiation and/or the exercise of eminent domain (condemnation). This meeting, which is open to the public, will be held at 2:00 p.m. on Monday, February 11, 2008 at the City Council's chambers located at 601 5th Avenue, 2nd Floor, Seattle, WA. At the meeting, the City Council is expected to take final action on the Ordinance, which authorizes acquisition by negotiation and/or condemnation of all or a portion of each of the properties identified above, either temporarily or permanently, for the project. The City is required by new law HB 1403 (Chapter 69, 2007 Laws) to provide notice before the City takes final action authorizing condemnation of property.

If you have questions about the project, Ordinance, or City Council meeting, please contact Fay Alexander, SBOT Real Property Agent, at (206) 864-8244, or visit the City Council's website at: www.seattle.gov/council.

To: Fay Alexander
FR: Kathy Baldwin

2pgs

The Seattle Times, representing the Seattle Post-Intelligencer

Customer: SEATTLE DEPT OF TRANSPORTATI Phone: 2066845150
Type: TRAN Contract Number: 0
Address: PO BOX 34996
SEATTLE WA 98124
Ad Number: 3864480 Version: 2
Bill To: 1721889 Placed For: 1721889
Bill To Admc: 029373901 Place For Admc: 029373901
Sort: PUBLIC MEETING AND PLANNEDFINAL ACTION
Price: \$1710.72 RC: TLNA
Class: 381: PUBLIC NOTICES Size: 1 (columns) x 54.00 (lines)
Position:
Caller: EMAIL
Insert Dates: 01/26/2008 01/26/2008 01/26/2008 02/01/2008 02/01/2008 02/01/2008



AFFIDAVIT OF PUBLICATION

State of Washington,

Counties of King and Snohomish,

Kathy Baldwin being duly sworn, says that he/she is an Authorized Agent of The Seattle Times Company, publisher of *The Seattle Times* and representing the Seattle Post-Intelligencer, separate daily newspapers, printed and published in Seattle, King County, State of Washington; that they are newspapers of general circulation in said County and State; that they have been approved as legal newspapers by order of the Superior Court of King County; that the annexed, being a display advertisement, was published in:

Advertiser	Newspaper	Publication Data
Seattle Dept of Transportation	Seattle Times & Post-Intelligencer (NWclassifieds)	Ad# 3864480 Date 01/26/08 Page G2 Date 02/01/08 Page G3

And not in 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.



Kathy Baldwin

Subscribed and sworn to before me this 1st day of February 2008

Patricia Martinez

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



STATE OF WASHINGTON – KING COUNTY

--SS.

220633
CITY OF SEATTLE, CLERKS OFFICE

No.

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.

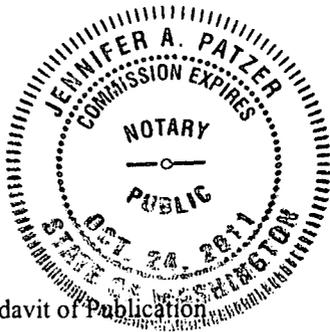
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122626 ORDINANCE

was published on

02/15/08

The amount of the fee charged for the foregoing publication is the sum of \$ 196.70, which amount has been paid in full.



Affidavit of Publication

[Handwritten signature]

Subscribed and sworn to before me on

02/15/08

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 122626

AN ORDINANCE relating to the 14th Ave. S Street Improvements project and the Bike Master Plan Implementation program; authorizing the Director of Transportation to acquire property rights necessary for widening an existing sidewalk on the east side of 14th Avenue South between S Director Street and S Henderson Street; authorizing acquisition of real property rights, through negotiation and use of eminent domain (condemnation); and authorizing payment of all other costs associated with the acquisition.

WHEREAS, in 1998 (updated in 2005) the City adopted the Transportation Strategic Plan that sets strategies for achieving Seattle Comprehensive Plan goals; and

WHEREAS, the 14th Ave. S Street Improvements project is consistent with Seattle Comprehensive Plan and Transportation Strategic Plan goals to meet the current and future mobility needs of residents, businesses and visitors with a balanced transportation system, and to make the best use of the City's limited street capacity while seeking to balance competing uses; and

WHEREAS, the Seattle Department of Transportation will use this opportunity to leverage funding from the "Bridging the Gap" Bike Master Plan Implementation program to supplement the budget of the 14th Ave. S Street Improvements project for the acquisition of the real property; and

WHEREAS, the property will be used to widen a section that is part of the larger Duwamish Bike Trail which currently does not meet standards for a multi-use path; and

WHEREAS, this project will improve conditions for freight, pedestrians, cyclists, and general-purpose traffic on a key access route that serves two Comprehensive Plan designated centers (the Duwamish Manufacturing and Industrial Center, and the South Park Residential Urban Village) and is consistent with the goal of encouraging development and density in designated centers; and

WHEREAS, the project is part of the City's plan to increase public sector investment in the South Park Neighborhood and to support the South Park Action Agenda;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Public convenience and necessity require that real property interests generally shown on Exhibits 1 and 2 of this Ordinance, situated in the City of Seattle, County of King, State of Washington, together with all rights, privileges and other property pertaining thereto, be acquired for transportation and related purposes through negotiations and use of eminent domain (condemnation), if necessary, for widening of an existing sidewalk on the east side of 14th Avenue South between S Director Street and S Henderson Street.

Section 2. The Director of Transportation or her designee is authorized, on behalf of the City of Seattle, to negotiate and enter into written agreements for and acquire, after payment of just compensation, such real property interests as described in Exhibits 1 and 2. The Director is also authorized to accept deeds and other written instruments on behalf of the City of Seattle by attaching to the instrument her written acceptance thereof, and recording the same. The property or real property interests acquired shall be accepted for transportation and general municipal purposes and placed under the jurisdiction of the Seattle Department of Transportation. The cost of the acquisitions, including purchase price and transaction costs, together with relocation benefits to the extent required by law, shall be paid from the funds appropriated, or to be appropriated, for such purposes in connection with the project.

Section 3. The City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate in fee simple the lands and other property interests as described in Exhibits 1 and 2, determined by the Director of Transportation or her designee to be necessary to the project, provided said lands, rights, and privileges, and other property are to be appropriated and taken only after just compensation has been made or paid into court for the owners thereof, in the manner provided by law; and to stipulate for the purpose of minimizing damages.

Section 4. Any act consistent with the authority and prior to the effective date of the ordinance, including, without limitation, acceptance of a grant of possession and use, is hereby approved and accepted.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval 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 11th day of February, 2008, and signed by me in open session in authentication of its passage this 11th day of February, 2008.

Nick Licata

President of the City Council

Approved by me this 14th day of February, 2008.

Gregory J. Nickels, Mayor

Filed by me this 14th day of February, 2008.

(Seal) Judith Pippin

City Clerk

Exhibit 1: 14th Avenue South Street Improvements Project Map

Exhibit 2: Contact List for Properties Affected

See City Clerk for Exhibits

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, February 15, 2008.

2/15(220633)