

Ordinance No. 123136

Council Bill No. 116679

AN ORDINANCE providing for the acquisition by negotiation or by condemnation of land and other property rights at the location identified in the records of the King County Assessor as 2806 15th Avenue West and additionally identified as 2806 and 2808 15th Avenue West, Lot 11, Block 29, Gilman's Addition to the City of Seattle, according to the plat thereof recorded in Volume 5 of Plats, page 93, records of King County, Washington, for general municipal purposes including, but not limited to, the construction of Fire Station 20.

Related Legislation File:

Date Introduced and Referred: <u>10-12-09</u>	To: (committee): <u>Public Safety Full Council</u> Human Services Education
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>10-19-09</u>	Date Presented to Mayor: <u>10-20-09</u>
Date Signed by Mayor: <u>10-27-09</u>	Date Returned to City Clerk: <u>10-27-09</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <u>3</u>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle - Legislative Department



Council Bill/Ordinance sponsored by: _____

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
<u>10-19-09</u>	<u>Passed</u>	<u>9-0</u>

Law Department

ORDINANCE 123136

1
2 AN ORDINANCE providing for the acquisition by negotiation or by condemnation of land and
3 other property rights at the location identified in the records of the King County Assessor
4 as 2806 15th Avenue West and additionally identified as 2806 and 2808 15th Avenue
5 West, Lot 11, Block 29, Gilman's Addition to the City of Seattle, according to the plat
6 thereof recorded in Volume 5 of Plats, page 93, records of King County, Washington, for
7 general municipal purposes including, but not limited to, the construction of Fire Station
8 20.

9 WHEREAS, the Fire Facilities and Emergency Response Levy Program, proposed under
10 Ordinance 121230, was approved by Seattle voters on November 4, 2003; and

11 WHEREAS, the Fire Facilities and Emergency Response Levy Program provides for the
12 acquisition of land for the construction of a new Fire Station 20; and

13 WHEREAS, Ordinance 121380 authorized the Fleets and Facilities Department to negotiate for
14 the acquisition of real property as necessary to carry out all elements of the Fire Facilities
15 and Emergency Response Levy Program, and appropriated funds therefor; and

16 WHEREAS, the Fleets and Facilities Department in June of 2006 brought forward a proposal to
17 expand the current Fire Station 20 site through the acquisition of adjacent parcels, for the
18 purposes of constructing a new Fire Station 20; and

19 WHEREAS, the City Council rejected the proposal and subsequently approved Resolution 30978
20 expressing the City Council and Mayor's intent to work together to hire a consultant to
21 provide an additional review of possible replacement sites; and

22 WHEREAS, after examining the findings of both reviews of potential sites, City Council has
23 determined that the property legally described below, together with other property, is best
24 suited for the construction of a new Fire Station 20 and that it is in the public interest to
25 acquire the same for the purposes enumerated above; NOW, THEREFORE,

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

27 Section 1. Public convenience and necessity require that the following described real
28 property, at the location identified in the records of the King County Assessor as 2806 15th
29 Avenue West and additionally identified as 2806 and 2808 15th Avenue West, situated in the
30 City of Seattle, County of King, State of Washington, together with all rights, privileges, and
31 other property pertaining thereto, (hereinafter the "Property") be acquired through negotiation or



1 condemnation, for public use; namely for general municipal purposes including, but not limited
2 to, construction of a new Fire Station 20:

3 Lot 11, Block 29, Gilman's Addition to the City of Seattle, according to the plat
4 thereof recorded in Volume 5 of Plats, page 93, records of King County,
5 Washington.

6 Section 2. The Director of the Department of Fleets and Facilities or designee is
7 authorized on behalf of the City to negotiate and to enter into agreements to acquire the Property
8 upon payment of just compensation, to accept and record deeds and other necessary instruments
9 on behalf of the City, and to provide relocation assistance to the occupants of the Property.

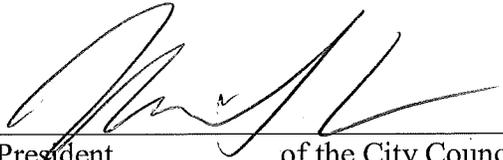
10 Section 3. The City Attorney is authorized to commence and prosecute proceedings in
11 the manner provided by law to condemn, take, damage, and appropriate in fee simple the
12 Property, including the lands and other property described herein after just compensation has
13 been made or paid into court for the owners thereof, in the manner provided by law; and to
14 stipulate for the purpose of minimizing damages.

15 Section 4. The cost of the acquisition provided for in this ordinance shall be paid
16 partially from funds originally authorized by Ordinance 121380 and the remainder from funds
17 that will be allocated through a supplemental appropriation to the 2009 Adopted Budget.

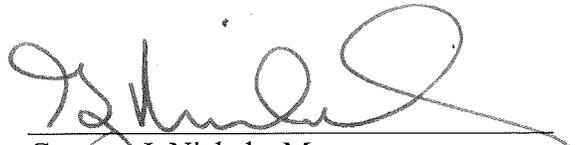
18 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
19 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
20 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
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2 Passed by the City Council the 19th day of October, 2009, and signed by me in open
3 session in authentication of its passage this 19th day of October, 2009.
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6 
President _____ of the City Council

7 Approved by me this 27th day of October, 2009.
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10 
11 Gregory J. Nickels, Mayor

12 Filed by me this 27th day of October, 2009.
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15 City Clerk

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17 (Seal)
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FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative – City Council	Kieu-Anh King 684-4678	Kathryn Ewing/206.733.9580

Legislation Title: AN ORDINANCE providing for the acquisition by negotiation or by condemnation of land and other property rights at the location identified in the records of the King County Assessor as 2806 15th Avenue West and additionally identified as 2806 and 2808 15th Avenue West, Lot 11, Block 29, Gilman’s Addition to the City of Seattle, according to the plat thereof recorded in Volume 5 of Plats, page 93, records of King County, Washington, for general municipal purposes including, but not limited to, the construction of Fire Station 20.

Summary and background of the Legislation:

The Fire Facilities and Emergency Response Levy Program (Levy Program) approved by Seattle voters on November 4, 2003, includes the acquisition of nine sites for relocation or expansion projects. Funds for all property acquisitions were originally authorized by Ordinance 121380.

The existing Fire Station 20 facility, located just off West Dravus Street at 3205 13th Avenue West, is 2,860 square feet and is located on 6,000 square feet of land. The current facility, built in the 1940’s and since remodeled, is too small to meet the Seattle Fire Department’s (SFD’s) current operational requirements. Additionally, its building systems are at the end of their useful lives. A review of City facilities by the Historic Preservation Program concluded that this facility is not of historic significance.

Because of the inadequacy of the current Fire Station 20, the Levy Program planned the construction of a new station. Beginning in 2005, SFD and the Fleets and Facilities Department (FFD) conducted a comprehensive review to identify candidate sites for a new fire station in the response area.

The recommendation to buy adjacent properties for site expansion was not approved and the City Council subsequently approved Resolution Number 30978 on April 9, 2007. This Resolution resulted in a collaborative effort by the City Council and Mayor to hire a consultant to conduct an additional review of possible replacement sites. The selected consultant, EnviroIssues, conducted an analysis of 42 potential sites.

Further review and analysis was undertaken on a limited number of sites, with a more in-depth review conducted for a site option located at the northeast corner of 15th Avenue West and West Armour Street and generally referred to as the “Four Seasons Site”. The review concluded that the Four Seasons Site is a feasible option for a replacement Fire Station 20. The Site consists of four parcels; the parcel identified in this legislation and adjoining parcels in companion legislation are proposed for acquisition for the purposes of constructing a new Fire Station 20.



Project Name:	Project I.D.	Project Location:	Start Date:	End Date
Fire Station 20 Land Acquisition	A1FL101	West Queen Anne		

x This legislation has financial implications.

There are no appropriations included in this legislation. The cost of the property acquisition authorized in this and companion ordinances will be partially funded from funds authorized and appropriated by Ordinance 121380. The remainder of the funding will be allocated through a supplemental appropriation to the 2009 Adopted Budget.

- **Do positions sunset in the future?** N/A
- **What is the financial cost of not implementing the legislation:**

In the short term, not implementing this legislation means that the City will not expend an amount of funds equal to the negotiated purchase price of this property parcel, and that the remaining balance of funds in this project (A1FL101) and a proposed supplemental appropriation to the 2009 Adopted Budget will be available for other City and/or Fire Facilities Levy uses.

In the long term, not implementing this legislation may cause an increased or a decreased financial burden on the City. Because this neighborhood fire station will need to be replaced eventually, the cost of purchasing an alternate site may be less or more than the cost of this site. If City property values increase in the future, not implementing this legislation will result in increased future-year costs to the City.

- **Does this legislation affect any departments besides the originating department?**

Yes. This legislation is Council-generated, but will require considerable follow-up effort by staff of the Real Estate Division at the Fleets & Facilities Department.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives**

The two siting processes conducted for Fire Station #20 have only identified one alternative to this legislation: to purchase, with eminent domain authority, two to three single-family residences adjacent to the current station site. This alternative has not been recommended by the City Council.

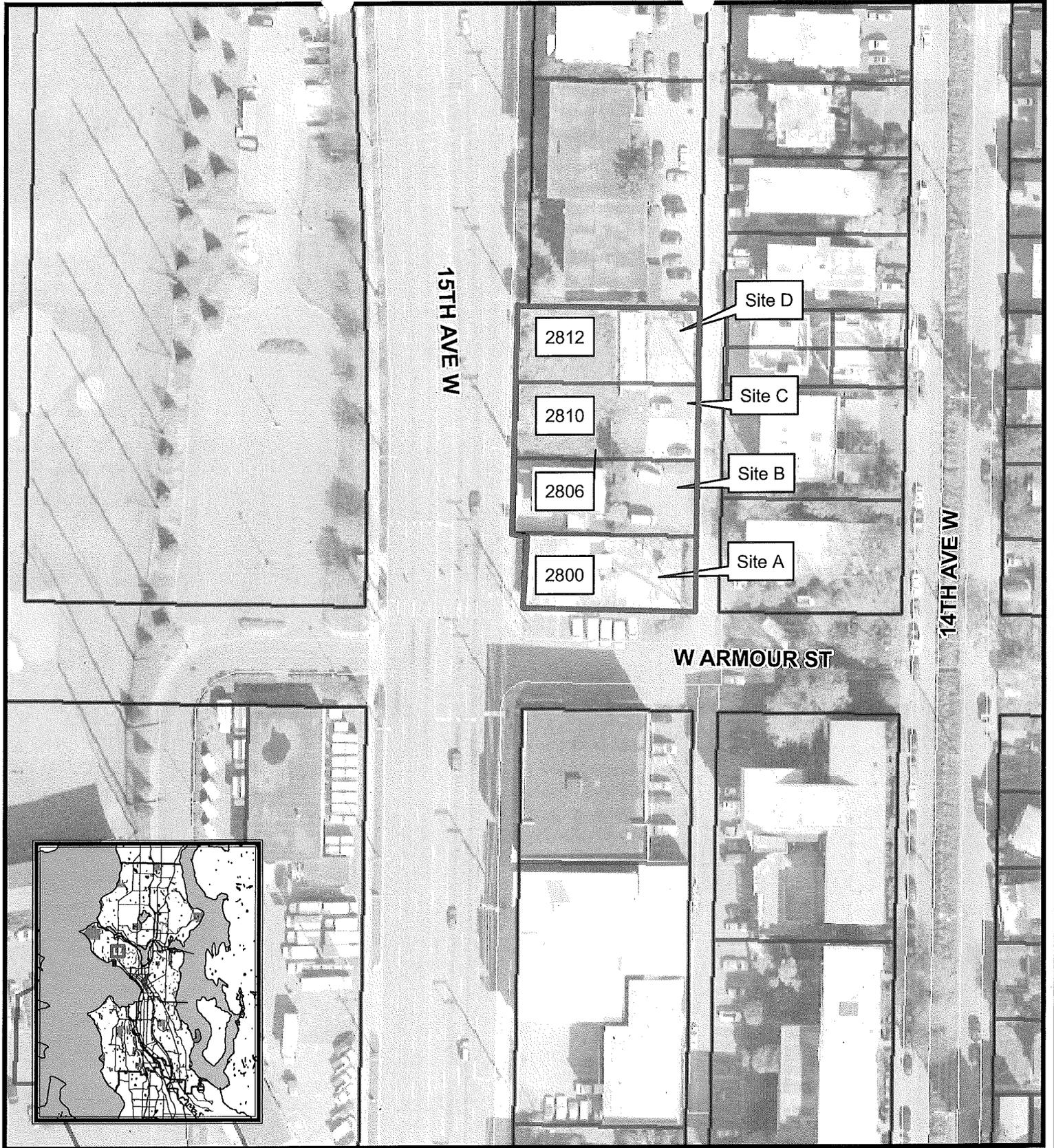
- **Is the legislation subject to public hearing requirements:** No



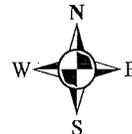
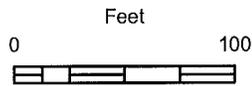
- **Other Issues (including long-term implications of the legislation):**

- **List attachments to the fiscal note below:**
Attachment 1 – Map, “Attachment 1 to LEG FS20 Property Purchase Parcel B Substitution ORD Fiscal Note”



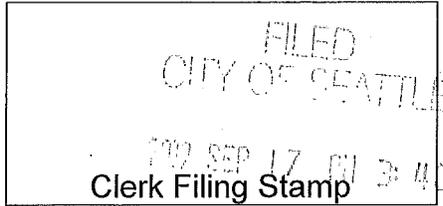


 **City of Seattle**
Four Seasons Site
Station 20



Produced by the City of Seattle
FFD Real Estate Services Division
WCraven Sept. 17, 2009
All rights reserved. No guarantee of any sort is implied,
including accuracy, completeness, or fitness for use.





**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
FS 20 – Parcel B**

I, Bill Craven, Sr. Planning and Development Specialist, hereby certify as follows:

(Check all that apply below.)

1. On the 17th day of September, 2009, I mailed via US Postal Service Certified Mail a
 notice of condemnation or
 other _____,
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.
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.
3. The notice designated in Attachment A was published in the Seattle Times on [date(s)] and the Daily Journal of Commerce on [date(s)].
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 17th day of September, 2009.

The City of Seattle, Washington

Bill Craven



(Signature)

Sr. Planning and Development Specialist

Fleets and Facilities

206-733-9238





City of Seattle

Gregory J. Nickels, Mayor

Fleets and Facilities Department

Brenda Bauer, Director

September 17, 2009

Werner and Gerta Kozber
3327 - 37th AVE. W.
Seattle, WA 98199-2510

VIA CERTIFIED AND FIRST CLASS MAIL

RE: Meeting Notice Regarding Fire Station 20 Site Selection and Land Acquisition

Dear Mr. and Mrs. Kozber;

The City Council will continue to consider site options for the construction of the new Fire Station 20 and will discuss those options at the City Council's Public Safety, Human Services & Education Committee meeting at 9:30 a.m. on Wednesday, October 7.

At this meeting, the Committee will vote on legislation authorizing the acquisition of a site for the project, including your property at 2806 15th Avenue West, King County Parcel Number 277060-3875. Authorization to condemn the property will also be considered during the meeting.

Should the Committee vote result in a decision to forward legislation authorizing acquisition to the full City Council, the full Council will discuss and vote on the legislation on Monday, October 19, 2009. The Council will meet at 2:00 p.m.

A notice with times, dates and locations for both City Council meetings is attached for your convenience.

Should you have any questions about the time or place of the meeting, please contact Bill Craven at 206-733-9238 or bill.craven@seattle.gov or Dave Goss 206-233-5069 or dave.goss@seattle.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Bauer".

Brenda Bauer



OFFICIAL PUBLIC MEETING NOTICE

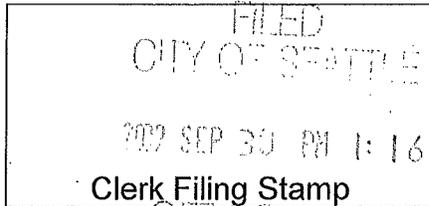
Regarding: Property at 2806 15th Avenue West Seattle, WA
King County Parcel Number: 277060-3875

The City of Seattle's City Council will be considering an ordinance to allow for the possible acquisition of property at 2806 15th Avenue West, Seattle, Washington, including potential use of its power of eminent domain (condemnation) for public use. The property at 2806 15th Avenue West in Seattle, WA (King County Parcel Number: 277060-3875) is necessary for the replacement of Fire Station 20. The proposed ordinance is scheduled to be addressed at City Council as follows:

- **Public Safety, Human Services, and Education Committee (committee vote):**
Wednesday, October 7, 2009, 9:30 a.m.
- **City Council (final action and adoption):**
Monday, October 19, 2009, 2:00 p.m.

All sessions are open to the public and held in City Council Chambers, second floor of Seattle City Hall, 600 Fourth Avenue, Seattle. Public comments are received by the Council at the start of each meeting.





**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Fire Station 20, Public Notice for Newspapers**

I, William Craven, Sr. Planning and Development Specialist, hereby certify as follows:

(Check all that apply below.)

1. On the [day of month] day of [month], 20[year], I mailed via US Postal Service Certified Mail a
- notice of condemnation or
 - other _____
- 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.
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.
3. The notice designated in Attachment A was published in the Seattle Times on September 23, 2009 and September 30, 2009 and the Daily Journal of Commerce on September 23, 2009 and September 30, 2009.
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 30th day of September, 2009.

The City of Seattle, Washington

William Craven

(Signature)

Sr. Planning & Dev. Specialist

Fleets and Facilities Department

206-733-9238



Newspaper Public Notices

For publication on September 23, 2009 and September 30, 2009

City of Seattle

Notice of Public Meeting Regarding Potential Property Acquisition

The City of Seattle intends to acquire ownership of one or more of the following properties for construction of the new Fire Station 20:

2800 15th Avenue West, Seattle, WA 98119. King County Parcel No.: 277060-3880

2806 15th Avenue West, Seattle, WA 98119. King County Parcel No.: 277060-3875

2810 15th Avenue West, Seattle, WA 98119. King County Parcel No.: 277060-3870

2812 15th Avenue West, Seattle, WA 98119. King County Parcel No.: 277060-3865

The City of Seattle intends to acquire ownership of the above property located in Seattle, WA including potential use of its power of eminent domain (condemnation) for public use. The proposed ordinance authorizing this acquisition will be presented to the Seattle City Council, Council Chambers in City Hall, 600 Fourth Avenue, Seattle, 2nd floor, as follows:

Public Safety, Human Services & Education Committee

Wednesday, October 7, 2009, 9:30 AM

City Council (final action; adoption)

Monday, October 19, 2009, 2:00 PM

Both sessions are open to the public.

For further information, contact:

Bill Craven

Real Estate Services Division

Fleets and Facilities Department

Bill.craven@seattle.gov

Voice: 206.733.9238 Fax: 206.684.0525



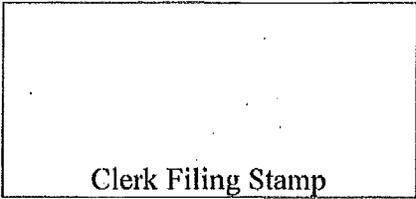
Instructions for Placing Ad

Daily Journal of Commerce: E-mail the ads to legals@dj.com, with the dates the ads need to run, and billing contact information.

The Daily Journal of Commerce is published Monday-Saturday. The deadline to place the legal ads Monday-Thursday is 3:00 pm for the next day's paper-on Friday the Saturday deadline is 11:00 am and the Monday deadline is 3:00 pm.

Seattle Times / NW Source Phone (206)652-6018. Must be submitted by noon the day before publication is desired.





**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Fire Station 20 Acquisition – Site B**

I, William Craven, Senior Planning and Development Specialist, Real Estate Division, Fleets & Facilities Department, City of Seattle, hereby certify as follows:

(Check all that apply below.)

- 1. On the 18th day of September, 2009, I mailed via US Postal Service Certified Mail a notice of condemnation or other _____, 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.
- 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.
- 3. The notice designated in Attachment A was published in the Seattle Times on [date(s)] and the Daily Journal of Commerce on [date(s)].
- 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 18th day of September, 2009.

The City of Seattle, Washington

William Craven



(Signature)

Sr. Planning and Development

Fleets & Facilities Department

206-733-9238



City of Seattle

Gregory J. Nickels, Mayor

Fleets and Facilities Department
Brenda Bauer, Director

September 17, 2009

Werner and Gerta Kozber
3327 - 37th AVE. W.
Seattle, WA 98199-2510

VIA CERTIFIED AND FIRST CLASS MAIL

RE: Meeting Notice Regarding Fire Station 20 Site Selection and Land Acquisition

Dear Mr. and Mrs. Kozber;

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At this meeting, the Committee will vote on legislation authorizing the acquisition of a site for the project, including your property at 2806 15th Avenue West, King County Parcel Number 277060-3875. Authorization to condemn the property will also be considered during the meeting.

Should the Committee vote result in a decision to forward legislation authorizing acquisition to the full City Council, the full Council will discuss and vote on the legislation on Monday, October 19, 2009. The Council will meet at 2:00 p.m.

A notice with times, dates and locations for both City Council meetings is attached for your convenience.

Should you have any questions about the time or place of the meeting, please contact Bill Craven at 206-733-9238 or bill.craven@seattle.gov or Dave Goss 206-233-5069 or dave.goss@seattle.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Bauer".

Brenda Bauer

OFFICIAL PUBLIC MEETING NOTICE

Regarding: Property at 2806 15th Avenue West Seattle, WA
King County Parcel Number: 277060-3875

The City of Seattle's City Council will be considering an ordinance to allow for the possible acquisition of property at 2806 15th Avenue West, Seattle, Washington, including potential use of its power of eminent domain (condemnation) for public use. The property at 2806 15th Avenue West in Seattle, WA (King County Parcel Number: 277060-3875) is necessary for the replacement of Fire Station 20. The proposed ordinance is scheduled to be addressed at City Council as follows:

- **Public Safety, Human Services, and Education Committee (committee vote):**
Wednesday, October 7, 2009, 9:30 a.m.
- **City Council (final action and adoption):**
Monday, October 19, 2009, 2:00 p.m.

All sessions are open to the public and held in City Council Chambers, second floor of Seattle City Hall, 600 Fourth Avenue, Seattle. Public comments are received by the Council at the start of each meeting.

STATE OF WASHINGTON – KING COUNTY

--SS.

246513
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.

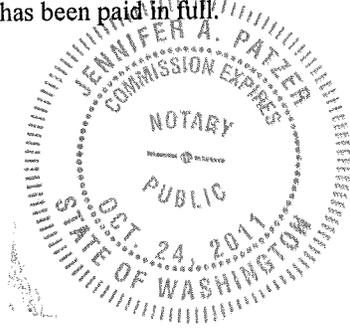
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123136 ORDINANCE

was published on

10/30/09

The amount of the fee charged for the foregoing publication is the sum of \$ 162.73, which amount has been paid in full.



Affidavit of Publication

Janele Oglesby

Subscribed and sworn to before me on
10/30/09 *[Signature]*

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 123136

AN ORDINANCE providing for the acquisition by negotiation or by condemnation of land and other property rights at the location identified in the records of the King County Assessor as 2806 15th Avenue West and additionally identified as 2806 and 2808 15th Avenue West, Lot 11, Block 29, Gilman's Addition to the City of Seattle, according to the plat thereof recorded in Volume 5 of Plats, page 93, records of King County, Washington, for general municipal purposes including, but not limited to, the construction of Fire Station 20.

WHEREAS, the Fire Facilities and Emergency Response Levy Program, proposed under Ordinance 121230, was approved by Seattle voters on November 4, 2003; and

WHEREAS, the Fire Facilities and Emergency Response Levy Program provides for the acquisition of land for the construction of a new Fire Station 20; and

WHEREAS, Ordinance 121380 authorized the Fleets and Facilities Department to negotiate for the acquisition of real property as necessary to carry out all elements of the Fire Facilities and Emergency Response Levy Program, and appropriated funds therefor; and

WHEREAS, the Fleets and Facilities Department in June of 2006 brought forward a proposal to expand the current Fire Station 20 site through the acquisition of adjacent parcels, for the purposes of constructing a new Fire Station 20; and

WHEREAS, the City Council rejected the proposal and subsequently approved Resolution 30978 expressing the City Council and Mayor's intent to work together to hire a consultant to provide an additional review of possible replacement sites; and

WHEREAS, after examining the findings of both reviews of potential sites, City Council has determined that the property legally described below, together with other property, is best suited for the construction of a new Fire Station 20 and that it is in the public interest to acquire the same for the purposes enumerated above; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Public convenience and necessity require that the following described real property, at the location identified in the records of the King County Assessor as 2806 15th Avenue West and additionally identified as 2806 and 2808 15th Avenue West, situated in the City of Seattle, County of King, State of Washington, together with all rights, privileges, and other property pertaining thereto, (hereinafter the "Property") be acquired through negotiation or condemnation, for public use; namely for general municipal purposes including, but not limited to, construction of a new Fire Station 20:

Lot 11, Block 29, Gilman's Addition to the City of Seattle, according to the plat thereof recorded in Volume 5 of Plats, page 93, records of King County, Washington.

Section 2. The Director of the Department of Fleets and Facilities or designee is authorized on behalf of the City to negotiate and to enter into agreements to acquire the Property upon payment of just compensation, to accept and record deeds and other necessary instruments on behalf of the City, and to provide relocation assistance to the occupants of the Property.

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 Property, including the lands and other property described herein 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. The cost of the acquisition provided for in this ordinance shall be paid partially from funds originally authorized by Ordinance 121380 and the remainder from funds that will be allocated through a supplemental appropriation to the 2009 Adopted Budget.

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 19th day of October, 2009, and signed by me in open session in authentication of its passage this 19th day of October, 2009.

Richard Conlin

President of the City Council

Approved by me this 27th day of October, 2009.

Gregory J. Nickels, Mayor

Filed by me this 27th day of October, 2009.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, October 30, 2009.
10/30(246513)