

Ordinance No. 123414

Council Bill No. 116953

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 719 North 35th Street; authorizing acceptance and recording of a deed for open space, park, and recreation purposes; authorizing acquisition by condemnation; and increasing appropriations to the Department of Parks and Recreation in the 2010 Budget; all by a three-fourths vote of the City Council.

CF No. _____

| | | |
|--|---|-----------------------------|
| Date Introduced: <u>Sept. 7, 2010</u> | | |
| Date 1st Referred: <u>Sept. 7, 2010</u> | To: (committee) <u>Parks and Seattle Center</u> | |
| Date Re - Referred: | To: (committee) | |
| Date Re - Referred: | To: (committee) | |
| Date of Final Passage: <u>10.4.10</u> | Full Council Vote: <u>9-0</u> | |
| Date Presented to Mayor: <u>10.5.10</u> | Date Approved: <u>10.13.10</u> | |
| Date Returned to City Clerk: <u>10.13.10</u> | Date Published: | T.O. _____ F.T. <u>X</u> |
| Date Vetoed by Mayor: | Date Veto Published: | |
| Date Passed Over Veto: | Veto Sustained: | |

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: *SjB*
Councilmember

Committee Action:

9/16/10 APPROVE 3-0 TR, BN, SR

10.4.10 Passed 9-0

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

Law Department

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

ORDINANCE 123414

1
2 AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the
3 acquisition of real property commonly known as 719 North 35th Street; authorizing acceptance
4 and recording of a deed for open space, park, and recreation purposes; authorizing acquisition by
5 condemnation; and increasing appropriations to the Department of Parks and Recreation in the
6 2010 Budget; all by a three-fourths vote of the City Council.

7 WHEREAS, Resolution 31055 created the Parks and Green Spaces Levy Citizens' Advisory
8 Committee to ensure citizen participation in the development of a potential package of
9 parks, open space, boulevards, trails, green infrastructure, and recreation projects, and a
10 proposed set of options to fund the package; and

11 WHEREAS, the Parks and Green Spaces Levy Citizens' Advisory Committee, after being duly
12 appointed and after spending many hours in open meetings and receiving public
13 testimony and deliberating on the levy, voted by a strong majority to recommend that the
14 City Council place a \$145.5 million six-year levy proposal for park purposes before the
15 voters of Seattle; and

16 WHEREAS, in response to this recommendation, the City Council passed Ordinance 122749,
17 placing Proposition 2, the 2008 Parks and Green Spaces Levy before the voters of
18 Seattle; and

19 WHEREAS, the 2008 Parks and Green Spaces Levy was approved by Seattle voters on
20 November 4, 2008; and

21 WHEREAS, Ordinance 122749 identifies the Fremont Hub Urban Village for a potential
22 neighborhood park acquisition; and

23 WHEREAS, the Department of Parks and Recreation considers the Fremont Hub Urban Village
24 as significantly underserved with quality open space and is, therefore, a priority for
25 additional acquisition of parks and open space; and

26 WHEREAS, a vacant site adjacent to A.B. Ernst Park is well-suited for open space, park, and
27 recreation uses; and



1 WHEREAS, the City has determined that the purchase of the property lying west of A.B. Ernst
2 Park at 719 North 35th Street will augment an existing neighborhood park to meet the
3 criteria to address open space needs established in Seattle's Park and Recreation
4 Comprehensive Plan, Seattle's Parks and Recreation Plan 2000, and Seattle's 2006 Open
5 Space Gap Report Update, and that it is in the public's best interest to acquire the same
6 for open space, park, and recreation purposes; NOW, THEREFORE,

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

8 Section 1. That public convenience and necessity require that the following described
9 real property, situated in the City of Seattle, County of King, State of Washington, and
10 commonly known as the 719 North 35th Street ("Property"), together with all rights, privileges,
11 and other property pertaining thereto, be acquired for open space, park, and recreation purposes:

12 *The east 6 feet of Lot 5 and all of Lot 6, Block 34, Denny and*
13 *Hoyt's Addition to Seattle, according to the plat thereof recorded*
14 *in Volume 2 of Plats, page 136, in King County, Washington.*

15 Section 2. The Superintendent of Parks and Recreation ("Superintendent"), or his
16 designee, is authorized, on behalf of the City of Seattle, to negotiate and enter into agreements
17 to acquire the Property upon payment of just compensation therefore, and to accept a deed for
18 the Property by attaching to the deed the Superintendent's written acceptance thereof, and
19 recording the same. The Property shall be accepted for open space, park, and recreation
20 purposes, and placed under the jurisdiction of the Seattle Department of Parks and Recreation.

21 Section 3. The Seattle City Attorney is authorized to commence and prosecute
22 proceedings in the manner provided by law to condemn, take, damage, and appropriate the
23 Property in fee simple, after just compensation has been made or paid into court for the owners
24 thereof, in the manner provided by law; and to stipulate for the purposes of minimizing
25 damages.
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27
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1 Section 4. To pay for the Property and for necessary related costs and expenses, the
2 appropriation for the following in the 2010 Adopted Budget is increased from the funds shown,
3 as follows:

| Fund | Department | Capital Improvement Program: Program (Number) | Amount |
|---------------------------------|-------------------------|--|-----------|
| 2008 Parks Levy Fund (33860) | Parks and Recreation | 2008 Parks Levy – Neighborhood Park Acquisition (K720010) | \$800,000 |

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1 Section 5. This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by a 3/4 vote of all the members of the City Council the 4ⁿ day of
5 October, 2010, and signed by me in open session in authentication of its
6
7 passage this 4ⁿ day of October, 2010.

8
9
10 
11 President _____ of the City Council

12 Approved by me this 13ⁿ day of October, 2010.

13
14 
15 Michael McGinn, Mayor

16 Filed by me this 13ⁿ day of October, 2010.

17
18 
19 City Clerk

20 (Seal)



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|----------------------|------------------------------|---------------------------|
| Parks and Recreation | Donald Harris/684-8018 | Jennifer Devore/615-1328 |

Legislation Title: AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 719 North 35th Street; authorizing acceptance and recording of a deed for open space, park, and recreation purposes; authorizing acquisition by condemnation; and increasing appropriations to the Department of Parks and Recreation in the 2010 Budget; all by a three-fourths vote of the City Council.

Summary and background of the Legislation:

On November 4, 2008, Seattle voters approved a six-year property tax levy, the 2008 Parks and Green Spaces Levy (Levy), for the purpose of improving and expanding the City's parks and green spaces. This proposed legislation authorizes the Department of Parks and Recreation (DPR) to acquire real property located at 719 North 35th Street by negotiation or condemnation. The legislation allows for the acceptance of the deed to the subject property for open space, park, and recreation purposes.

The acquisition will help meet the City's goal of providing adequately-sized parks within walking distance for residents in urban villages. The purchase and development of this site will provide a 4,320 square-foot addition to an existing, 7,200 square-foot neighborhood park. The expanded park will meet the 10,000 square-foot size criteria to address open space needs established in Seattle's Park and Recreation Comprehensive Plan, Seattle's Parks and Recreation Plan 2000, and Seattle's 2006 Open Space Gap Report Update.

An offer has been presented to the owners, based on an appraisal of the property. While we hope to reach a negotiated agreement, it may become necessary to acquire the property through condemnation, and this legislation provides this authority.

| Project Name: | Project I.D. | Project Location: | Start Date: | End Date |
|---|---------------------|---|--------------------|------------------|
| Fremont Hub Urban Village Acquisition | K730060 | 719 North 35 th Street, adjacent to Ernst Park | November 2009 | December 2010 |

- *Please check any of the following that apply:*

- This legislation creates, funds, or anticipates a new CIP Project.**
 This legislation does not have any financial implications.
 This legislation has financial implications.



Appropriations:

| Fund Name and Number | Department | Budget Control Level* | Existing 2010 Appropriation | New 2010 Appropriation (if any) | 2011 Anticipated Appropriation |
|------------------------------|----------------------|-----------------------|-----------------------------|---------------------------------|--------------------------------|
| 2008 Parks Levy Fund (33860) | Parks and Recreation | K720010 | \$0 | \$800,000 | \$0 |
| TOTAL | | | \$0 | \$800,000 | \$0 |

Notes:

Spending Plan and Future Appropriations for Capital Projects:

| Spending Plan and Budget | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | Total |
|----------------------------|-----------|------|------|------|------|------|-----------|
| Spending Plan | \$798,241 | | | | | | \$798,241 |
| Current Year Appropriation | \$800,000 | | | | | | |
| Future Appropriations | | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

Notes: The current budget for this project is \$800,000 (\$1,759 expended in 2009), which includes land cost, administrative time, title insurance and closing costs, environmental assessment etc.

Funding source:

| Funding Source (Fund Name and Number, if applicable) | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | Total |
|--|------------------|------------|------------|------------|------------|------------|------------------|
| 2008 Parks Levy Fund (33860) | \$800,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$800,000 |
| TOTAL | \$800,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$800,000 |

Notes:



Bond Financing Required: N/A

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

Uses and Sources for Operation and Maintenance Costs for the Project:

| O&M | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | Total |
|---------------------------------|--------------|----------------|----------------|----------------|----------------|----------------|-----------------|
| Uses | | | | | | | |
| Start Up | | | | | | | |
| On-going | \$797 | \$3,186 | \$3,250 | \$3,315 | \$3,381 | \$3,449 | \$17,378 |
| Sources (itemize) | | | | | | | |
| Parks & Recreation Fund (10200) | \$797 | \$3,186 | \$3,250 | \$3,315 | \$3,381 | \$3,449 | \$17,378 |
| Total | \$797 | \$3,186 | \$3,250 | \$3,315 | \$3,381 | \$3,449 | \$17,378 |

Notes: Maintenance of the undeveloped site assumes acquisition as early as September 2010 and includes minimal hardscape maintenance as well as garbage/litter control (illegal dumping). Site will be developed at a later time, and will need new operation and maintenance costs developed at that time. 2010 costs will be covered by the existing budget.

Periodic Major Maintenance costs for the project: N/A

| Major Maintenance Item | Frequency | Cost | Likely Funding Source |
|------------------------|------------|------------|-----------------------|
| | | | |
| TOTAL | N/A | N/A | N/A |

Funding sources for replacement of project: As real property, this acquisition will not be subject to replacement.



Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact: N/A

| Position Title and Department* | Position # for Existing Positions | Fund Name & # | PT/FT | 2010 Positions | 2010 FTE | 2011 Positions ** | 2011 FTE ** |
|--------------------------------|-----------------------------------|---------------|------------|----------------|------------|-------------------|-------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

Notes:

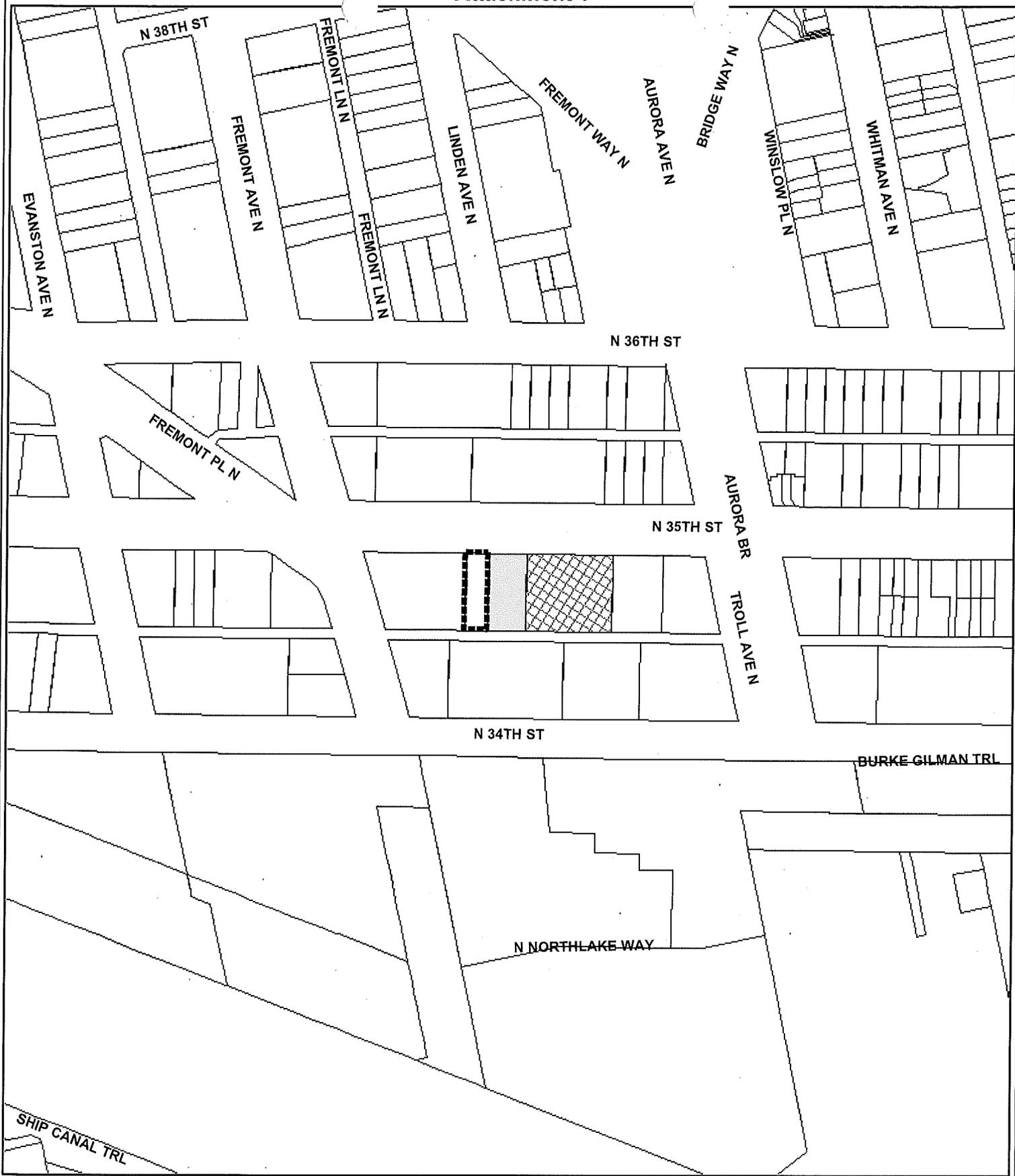
- **Do positions sunset in the future?** N/A
- **What is the financial cost of not implementing the legislation?** If this property is not acquired, there will be a delay in achieving one of the goals of the Neighborhood Parks Acquisitions category of the 2008 Parks Levy Ordinance, which is acquiring property and expanding open space in the Fremont Hub Urban Village. This delay and further staff costs to meet this goal with another property would consume additional resources from the 2008 Parks Levy Fund. Additionally, the target site would likely be redeveloped at some point in the future, thereby eliminating its possibility for development as a neighborhood park.
- **Does this legislation affect any departments besides the originating department?** No.
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** The Department could try to find another opportunity like this in the same area, but to do so would require spending additional resources and would delay the goal for park acquisition and development in this underserved area as mentioned in the 2008 Parks Levy. City Council approval is required for authorization to acquire and accept a deed for real property or to acquire by condemnation.
- **Is the legislation subject to public hearing requirements?** No. However, RCW 8.25.290 requires public notice of the Council Bill after its passage by the City Council Parks and Seattle Center Committee and before it is approved by the full Council. DPR staff will coordinate the required public notice.
- **Other Issues:** None.

List attachments to the fiscal note below:

Attachment 1: Fremont Hub Urban Village – Proposed Acquisition (map)



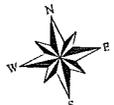
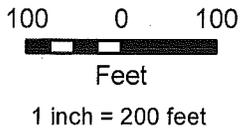
Attachment 1



Fremont Hub Urban Village - Proposed Acquisition



| Legend | |
|--------|-----------------|
| | Acquisition |
| | Library |
| | Park Boundary |
| | Parcel Boundary |

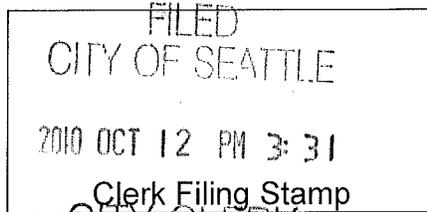


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No warranties of any sort, including accuracy, fitness or merchantability accompany this product.

Map date: March 4, 2010





CITY CLERK

**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
Council Bill 116953**

I, Lise A. Ward, Senior Real Property Agent, hereby certify as follows:

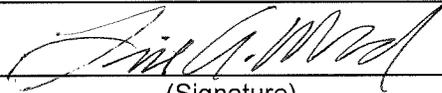
(Check all that apply below.)

- X 1. On the 14th day of September, 2010, 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.
- 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 September 22, 2010 and September 29, 2010 and the Daily Journal of Commerce on September 22, 2010 and September 29, 2010.
- 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 6th day of October, 2010.

The City of Seattle, Washington

Lise A. Ward


(Signature)

Senior Real Property Agent

Dept of Parks and Recreation

(206) 733-9106



City of Seattle
Parks and Recreation

BY CERTIFIED MAIL

September 14, 2010

Mr. Brian Regan
Fremont Court, LLC
8 Boston Street, #1
Seattle, WA 98109

**Notice of Seattle City Council Final Action to Adopt an Ordinance Authorizing
Condemnation (Eminent Domain) of real property located 719 North 35th
Street in the City of Seattle, Washington (King County Tax Parcel No. 197220-
2775)**

Dear Property Owner:

The purpose of this Notice is to inform you that the City of Seattle City Council is expected to vote to approve an ordinance authorizing the acquisition of your real property rights located at 719 North 35th Street in the City of Seattle (King County of Tax Parcel No. 197220-2775). A copy of the proposed ordinance and a map depicting the project location are enclosed for your information.

This ordinance if adopted will contain authorization for the City to use condemnation to acquire your property as part of the Seattle Parks & Green Spaces Levy Acquisition Project.

You are identified by the tax rolls of King County as the owner of property affected by this legislation. 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. The time, date, and place of the final action to approve the ordinance are described below.

The City will take public comment and discuss the ordinance at the Seattle City Council Parks and Seattle Center Committee as a regular part of the committee meeting beginning at 9:30 a.m. on Thursday, September 16, 2010, in the City Council Chambers, located at 600 4th Avenue, 2nd Floor, Seattle, WA. The Council's chambers and offices are physically accessible; and print and communications accesses are provided on request. Call 206-684-8888 (TDD: 206-233-0025) for further information.

Lise A. Ward, Senior Real Property Agent
Parks and Recreation
800 Maynard Avenue South
Third Floor
Seattle, WA 98134

Tel (206) 733-9106
Fax (206) 233-7038
TDD (206) 233-7061
lise.ward@seattle.gov

FREMONT COURT, LLC

September 14, 2010

Page Two

If you attend the meeting, you will have the opportunity to express your views on the ordinance during the public comment period. 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. You may also submit comments in writing to Committee Chair Sally Bagshaw at sally.bagshaw@seattle.gov or mail to Sally Bagshaw; Seattle City Council, 600 4th Avenue; Seattle, WA 98104.

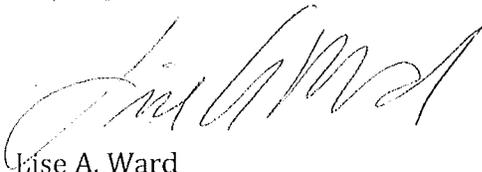
If you have questions about the committee meeting format, the agenda for the meeting, or the public comment section, please contact Philip Roewe of Councilmember Bagshaw's office at (206) 684-8801, or visit the Parks and Seattle Center Committee's website at the following address: http://www.seattle.gov/council/com_assign.htm#parks If the Committee approves the ordinance, it will be forwarded to the full City Council for final action.

Final Action

If forwarded by the Parks and Seattle Center Committee to the full City Council for a vote, the ordinance authorizing condemnation of your property will be presented for final action (adoption) to the Seattle City Council on Monday, October 4, 2010, 2:00 p.m., in the City Council Chambers, located at 600 4th Avenue, 2nd Floor, Seattle, WA. After approval of the ordinance the City of Seattle will be authorized to acquire your property for the Parks & Green Spaces Levy Acquisition Project through negotiation or may use its powers of eminent domain to condemn your property.

Please contact the undersigned at (206) 733-9106 with any questions.

Thank you.



Lise A. Ward
Senior Real Property Agent

Enclosure

Cc: Councilmember Sally Bagshaw



City of Seattle Legislative Information Service

Information retrieved on September 14, 2010 1:25 PM

Council Bill Number: 116953

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 719 North 35th Street; authorizing acceptance and recording of a deed for open space, park, and recreation purposes; authorizing acquisition by condemnation; and increasing appropriations to the Department of Parks and Recreation in the 2010 Budget; all by a three-fourths vote of the City Council.

Date introduced/referred: Sep 7, 2010
Status: In Committee

Committee: Parks and Seattle Center
Sponsor: BAGSHAW

Index Terms: FREMONT, LAND-ACQUISITION, CONDEMNATION, OPEN-SPACE-LAND, PARKS, DEPARTMENT-OF-PARKS-AND-RECREATION

Fiscal Note: [Fiscal Note to Council Bill 116953](#)

Text

Note to users: {- indicates start of text that has been amended out
-} indicates end of text that has been amended out
{+ indicates start of text that has been amended in
+} indicates end of text that has been amended in

ORDINANCE _____

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WHEREAS, Resolution 31055 created the Parks and Green Spaces Levy Citizens' Advisory Committee to ensure citizen participation in the development of a potential package of parks, open space, boulevards, trails, green infrastructure, and recreation projects, and a proposed set of options to fund the package; and

WHEREAS, the Parks and Green Spaces Levy Citizens' Advisory

Committee, after being duly appointed and after spending many hours in open meetings and receiving public testimony and deliberating on the levy, voted by a strong majority to recommend that the City Council place a \$145.5 million six-year levy proposal for park purposes before the voters of Seattle; and

WHEREAS, in response to this recommendation, the City Council passed Ordinance 122749, placing Proposition 2, the 2008 Parks and Green Spaces Levy before the voters of Seattle; and

WHEREAS, the 2008 Parks and Green Spaces Levy was approved by Seattle voters on November 4, 2008; and

WHEREAS, Ordinance 122749 identifies the Fremont Hub Urban Village for a potential neighborhood park acquisition; and

WHEREAS, the Department of Parks and Recreation considers the Fremont Hub Urban Village as significantly underserved with quality open space and is, therefore, a priority for additional acquisition of parks and open space; and

WHEREAS, a vacant site adjacent to A.B. Ernst Park is well-suited for open space, park, and recreation uses; and

WHEREAS, the City has determined that the purchase of the property lying west of A.B. Ernst Park at 719 North 35th Street will augment an existing neighborhood park to meet the criteria to address open space needs established in Seattle's Park and Recreation Comprehensive Plan, Seattle's Parks and Recreation Plan 2000, and Seattle's 2006 Open Space Gap Report Update, and that it is in the public's best interest to acquire the same for open space, park, and recreation purposes; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity require that the following described real property, situated in the City of Seattle, County of King, State of Washington, and commonly known as the 719 North 35th Street ("Property"), together with all rights, privileges, and other property pertaining thereto, be acquired for open space, park, and recreation purposes:

The east 6 feet of Lot 5 and all of Lot 6, Block 34, Denny and

Hoyt's Addition to Seattle, according to the plat thereof recorded

in Volume 2 of Plats, page 136, in King County, Washington.

Section 2. The Superintendent of Parks and Recreation ("Superintendent"), or his designee, is authorized, on behalf of the City of Seattle, to negotiate and enter into agreements to acquire the Property upon payment of just compensation therefore, and to accept a deed for the Property by attaching to the deed the Superintendent's written acceptance thereof, and recording the same. The Property shall be accepted for open space, park, and recreation purposes, and placed under the jurisdiction of the Seattle Department of Parks and Recreation.

Section 3. The Seattle City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate the Property in fee simple, 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 purposes of minimizing damages.

Section 4. To pay for the Property and for necessary related costs and expenses, the appropriation for the following in the 2010 Adopted Budget is increased from the funds shown, as follows:

| Fund | Department | Capital Improvement Program: Program (Number) | Amount |
|------------------------------|----------------------|--|-----------|
| 2008 Parks Levy Fund (33860) | Parks and Recreation | 2008 Parks Levy -- Neighborhood Park Acquisition (K720010) | \$800,000 |

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

Passed by a 3/4 vote of all the members of the City Council the ____ day of _____, 2010, and signed by me in open session in authentication of its passage this ____ day of _____, 2010.

 President _____ of the City Council

Approved by me this ____ day of _____, 2010.

 Michael McGinn, Mayor

Filed by me this ____ day of _____, 2010.

City Clerk

(Seal)

Lise A. Ward
DPR Fremont HUV Acq ORD
July 22, 2010
Version #1a



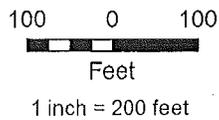
Attachment 1



Fremont Hub Urban Village - Proposed Acquisition



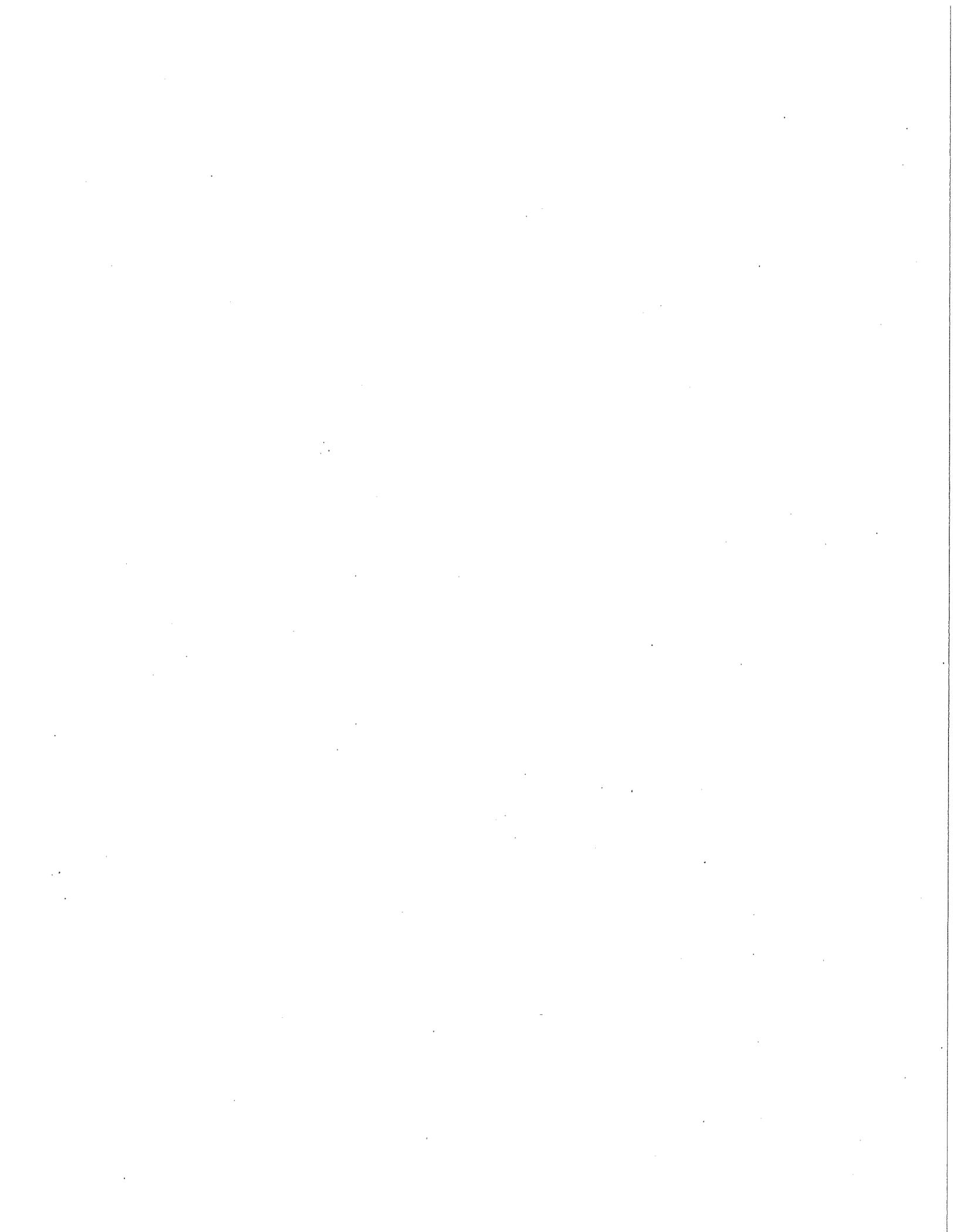
| Legend | |
|--------|-----------------|
| | Acquisition |
| | Library |
| | Park Boundary |
| | Parcel Boundary |

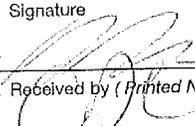


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No warranties of any sort, including accuracy, fitness or merchantability accompany this product

Map date: March 4, 2010



| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY | |
|--|---|-----------------------------|
| <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. | A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee X  | |
| 1. Article Addressed to: Mr Brian Regan Fremont Court LLC 8 Boston St. #1 Seattle WA 98109 | B. Received by (Printed Name) | C. Date of Delivery 2/15 |
| 2. Article Number <small>(Transfer from service label)</small> | D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |
| | 7001 2510 0001 2690 2190 | |

STATE OF WASHINGTON – KING COUNTY

--SS.

260631
SEATTLE PARKS & RECREATION DEPT.

No. 719 N 35 ST

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.

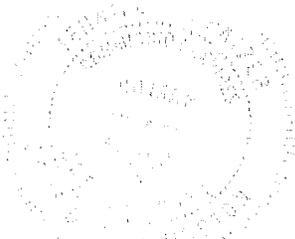
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:NOTICE OF FINAL ACTION

was published on

09/22/10 09/29/10

The amount of the fee charged for the foregoing publication is the sum of \$ 81.90, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

09/29/10

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

NOTICE OF FINAL ACTION
AUTHORIZING CONDEMNATION

Property location: 719 N 35th St, Seattle, WA 98103 (King County Parcel No. 197229-2775) by condemnation. The property is legally described as: The east 6 feet of Lot 5 and all of Lot 6, Block 34, Denny and Hoyt's Addition to Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 136, in King County, Washington.

As required by State law, the Department of Parks and Recreation is notifying you of its intention to acquire ownership of the above property located in Seattle, WA using its power of eminent domain.

Municipal legislation will be presented for final action by adoption by the Seattle City Council of the Council Bill 118958, authorizing condemnation, on Monday October 4, 2010 at 2:00 PM in Seattle City Council Chambers located on the 2nd floor of Seattle City Hall, 600 Fourth Avenue, Seattle, WA 98104.

All persons claiming an interest in the property may appear and be heard on the date and time identified above before adoption of Council Bill 118958.

For further information, please contact Donald Harris, Parks and Greenways Acquisition Manager, at (206) 684-8018.

Dates of publication in the Seattle Daily Journal of Commerce, September 22 and 29, 2010.

0/29(260631)

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*, printed and published in Seattle, King County, State of Washington; that is a newspaper of general circulation in said County and State; that it has been approved as legal newspaper by order of the Superior Court of King County; that the annexed, being a display advertisement, was published in:

| Advertiser | Newspaper | Publication Date |
|--|---------------|---|
| Seattle Dept of Parks & Recreation – Notice of Final Action Authorizing Condemnation | Seattle Times | Ad# 4096276 dated 09/22/2010 Page C4 and 9/29/2010 Pg C6 |

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 during all of said period, and that said newspaper was regularly distributed to its subscribers during all of said period.

**NOTICE OF FINAL
ACTION AUTHORIZING
CONDEMNATION**

Property location: 719 N 35th St, Seattle, WA 98103 (King County Parcel No. 197229-2775) by condemnation. The property is legally described as: The east 6 feet of Lot 5 and all of Lot 6, Block 34, Denny and Hoyt's Addition to Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 136, in King County, Washington.

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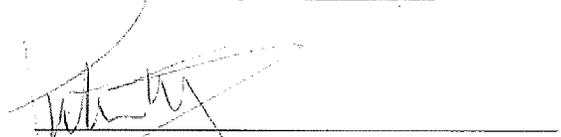
Municipal legislation will be presented for final action by adoption by the Seattle City Council of the Council Bill 116953, authorizing condemnation, on Monday October 4, 2010 at 2:00 PM in Seattle City Council Chambers located on the 2nd floor of Seattle City Hall, 600 Fourth Avenue, Seattle, WA 98104.

All persons claiming an interest in the property may appear and be heard on the date and time identified above before adoption of Council Bill 116953.

For further information, please contact Donald Harris, Parks and Greenspaces Acquisition Manager, at (206) 684-8018.



Subscribed and sworn to before me on
this 5th day of October, 2010.



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



City of Seattle
Office of the Mayor

August 24, 2010

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill that authorizes the acquisition of vacant property located at 719 North 35th Street, adjacent to A.B. Ernst Park, in the Fremont Hub Urban Village. The property identified in this legislation is well-suited for development as an addition to the existing park and will serve an area that currently needs additional open space as identified by Seattle's Parks and Recreation Plan 2000 and Seattle's 2006 Open Space Gap Report Update.

Department of Parks and Recreation staff presented an initial offer to the property owners based on an appraisal of the property. While we hope to reach a negotiated agreement, it may become necessary to acquire the property through condemnation, and this legislation provides that authority.

The property acquisition authorized by this legislation will help meet the City's goal of providing parks within walking distance for residents in our urban villages, and will serve the needs of families in Fremont for many years to come. Thank you for your consideration of this legislation. Should you have questions, please contact Donald Harris at 684-8018.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGinn".

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcgin@seattle.gov



STATE OF WASHINGTON – KING COUNTY

--SS.

261956
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.

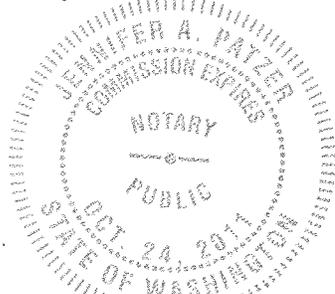
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123414 ORDINANCE

was published on

10/20/10

The amount of the fee charged for the foregoing publication is the sum of \$ 177.45, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

10/20/10

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 123414

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 719 North 35th Street; authorizing acceptance and recording of a deed for open space, park, and recreation purposes; authorizing acquisition by condemnation; and increasing appropriations to the Department of Parks and Recreation in the 2010 Budget; all by a three-fourths vote of the City Council.

WHEREAS, Resolution 31055 created the Parks and Green Spaces Levy Citizens' Advisory Committee to ensure citizen participation in the development of a potential package of parks, open space, boulevards, trails, green infrastructure, and recreation projects, and a proposed set of options to fund the package; and

WHEREAS, the Parks and Green Spaces Levy Citizens' Advisory Committee, after being duly appointed and after spending many hours in open meetings and receiving public testimony and deliberating on the levy, voted by a strong majority to recommend that the City Council place a \$145.5 million six-year levy proposal for park purposes before the voters of Seattle; and

WHEREAS, in response to this recommendation, the City Council passed Ordinance 122749, placing Proposition 2, the 2008 Parks and Green Spaces Levy before the voters of Seattle; and

WHEREAS, the 2008 Parks and Green Spaces Levy was approved by Seattle voters on November 4, 2008; and

WHEREAS, Ordinance 122749 identifies the Fremont Hub Urban Village for a potential neighborhood park acquisition; and

WHEREAS, the Department of Parks and Recreation considers the Fremont Hub Urban Village as significantly underserved with quality open space and is, therefore, a priority for additional acquisition of parks and open space; and

WHEREAS, a vacant site adjacent to A.B. Ernst Park is well-suited for open space, park, and recreation uses; and

WHEREAS, the City has determined that the purchase of the property lying west of A.B. Ernst Park at 719 North 35th Street will augment an existing neighborhood park to meet the criteria to address open space needs established in Seattle's Park and Recreation Comprehensive Plan, Seattle's Parks and Recreation Plan 2000, and Seattle's 2006 Open Space Gap Report Update, and that it is in the public's best interest to acquire the same for open space, park, and recreation purposes; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity require that the following described real property, situated in the City of Seattle, County of King, State of Washington, and commonly known as the 719 North 35th Street ("Property"), together with all rights, privileges, and other property pertaining thereto, be acquired for open space, park, and recreation purposes:

The east 6 feet of Lot 5 and all of Lot 6, Block 34, Denny and Hoyt's Addition to Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 136, in King County, Washington.

Section 2. The Superintendent of Parks and Recreation ("Superintendent"), or his designee, is authorized, on behalf of the City of Seattle, to negotiate and enter into agreements to acquire the Property upon payment of just compensation therefor, and to accept a deed for the Property by attaching to the deed the Superintendent's written acceptance thereof, and recording the same. The Property shall be accepted for open space, park, and recreation purposes, and placed under the jurisdiction of the Seattle Department of Parks and Recreation.

Section 3. The Seattle City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate the Property in fee simple, 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 purposes of minimizing damages.

Section 4. To pay for the Property and for necessary related costs and expenses, the appropriation for the following in the 2010 Adopted Budget is increased from the funds shown, as follows:

| Fund -- Department -- Capital Improvement Program (Number) -- Amount | Program: Program |
|--|------------------|
|--|------------------|

| | |
|---|--|
| 2008 Parks Levy Fund (33860) -- Parks and Recreation -- 2008 Parks Levy -- Neighborhood Park Acquisition (K720010) -- \$800,000 | |
|---|--|

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

Passed by a 3/4 vote of all the members of the City Council the 4th day of October, 2010, and signed by me in open session in authentication of its passage this 4th day of October, 2010.

Richard Conlin

President of the City Council

Approved by me this 13th day of October, 2010.

Michael McGinn, Mayor

Filed by me this 13th day of October, 2010.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, October 20, 2010.

10/20(261956)