

ORDINANCE No. 124000

COUNCIL BILL No. 117586

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 6311 California Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and authorizing acquisition by condemnation.

# The City of Seattle--Legislative Department

Date Reported and Adopted \_\_\_\_\_

## REPORT OF COMMITTEE

*Sy Bagshaw*

Honorable President: \_\_\_\_\_

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

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

9.20.12 ~~PAS~~ Approve <sup>3-0</sup> SB, JG, RC

9.24.12 Passed 8-0 excused: TR

*Law Department*

Committee Chair

Introduced:	By:
Sept. 17, 2012	Bagshaw
Referred:	To:
	Parks and neighborhoods
Referred:	To:
Referred:	To:
Reported:	Second Reading:
Third Reading:	Signed:
9.24.12	9.24.12
Presented to Mayor:	Approved:
9.26.12	Oct. 1, 2012
Returned to City Clerk:	Published:
Oct. 2, 2012	title
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

**CITY OF SEATTLE**  
**ORDINANCE** 124000  
**COUNCIL BILL** 117586

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4 AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the  
5 acquisition of real property commonly known as 6311 California Avenue Southwest;  
6 authorizing acceptance and recording of the deed for open space, park, and recreation  
7 purposes; and authorizing acquisition by condemnation.

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

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

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

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

22 WHEREAS, Ordinance 122749 identifies the Morgan Junction Residential Urban Village for a  
23 potential neighborhood park acquisition; and

24 WHEREAS, the Department of Parks and Recreation considers the Morgan Junction Residential  
25 Urban Village as significantly underserved with quality open space, and the area is,  
26 therefore, a priority area for additional acquisitions for parks and open space; and

27 WHEREAS, the City has determined that the purchase of the property at 6311 California Avenue  
28 Southwest, adjacent to Morgan Junction Park will, after development, double the size of  
the existing park and meet the criteria to address open space needs established in  
Seattle's Parks and Recreation 2006 Development Plan, Seattle's 2006 Open Space Gap  
Report Update, and Seattle's Parks and Recreation 2011 Development Plan, and that it is  
in the public's best interest to acquire the same for open space, park, and recreation  
purposes; NOW, THEREFORE,



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

2 Section 1. That public convenience and necessity require that the following described  
3 real property, situated in the City of Seattle, County of King, State of Washington, and  
4 commonly known as the property at 6311 California Avenue Southwest (“Property”), together  
5 with all rights, privileges, and other property pertaining thereto, be acquired for open space,  
6 park, and recreation purposes:

7  
8 *Lots 3 and 4, Block 46, Sea View Park Addition to the City of Seattle, according to the*  
9 *plat thereof recorded in Volume 13 of Plats, page 80, in King County, Washington.*

10  
11 Section 2. The Superintendent of Parks and Recreation, or his or her designee, is  
12 authorized, on behalf of the City of Seattle, to negotiate and enter into an agreement to acquire  
13 the Property upon payment of just compensation therefore, and to accept a deed for the Property  
14 by attaching to the deed the Superintendent’s written acceptance thereof, and recording the same.  
15 The Property shall be accepted for open space, park, and recreation purposes, and placed under  
16 the jurisdiction of the Seattle Department of Parks and Recreation.

17  
18 Section 3. The Seattle City Attorney is authorized to commence and prosecute  
19 proceedings in the manner provided by law to condemn, take, damage, and appropriate the  
20 Property in fee simple, after just compensation has been made or paid into court for the owners  
21 thereof, in the manner provided by law; and to stipulate for the purposes of minimizing  
22 damages.



1                   Section 4. The entire cost of the acquisition provided for above shall be paid  
2 from the 2008 Parks Levy fund, or from such general fund of the City of Seattle as may be  
3 provided by law.

4  
5                   Section 5. Any acts consistent with the authority and prior to the effective date of this  
6 ordinance are hereby ratified and confirmed.

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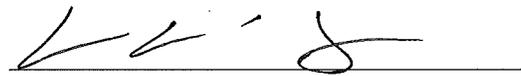


1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4  
5 Passed by the City Council the 24<sup>th</sup> day of September, 2012, and signed by  
6 me in open session in authentication of its passage this  
7 24<sup>th</sup> day of September, 2012.

8  
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11   
12 President \_\_\_\_\_ of the City Council

13 Approved by me this 1<sup>st</sup> day of October, 2012.

14  
15   
16 Michael McGinn, Mayor

17  
18 Filed by me this 2<sup>nd</sup> day of October, 2012.

19  
20   
21 Monica Martinez Simmons, City Clerk

22  
23 (Seal)



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Parks and Recreation	Donald Harris/684-8018	Amy Williams/233-2651

**Legislation Title:** AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 6311 California Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and authorizing acquisition by condemnation.

**Summary and background of the Legislation:**

This proposed legislation authorizes the Department of Parks and Recreation (DPR) to acquire the property located at 6311 California Avenue Southwest by negotiation or condemnation. The legislation also allows for the acceptance of the deed to the subject property for open space, park, and recreation purposes.

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. The Levy included an acquisition category calling for the City to acquire neighborhood park properties in areas with park and open space gaps. The proposed Council Bill authorizes DPR to acquire, by voluntary agreement or by condemnation, a 20,378 square-foot property located adjacent to Morgan Junction Park (which at 8,498 square feet does not completely fill the park service gap). The subject property is currently improved with a small commercial building leased to a mini-mart and a dry cleaner. The legislation authorizes the acceptance of the deed to the subject property for open space, park, and recreation purposes.

The proposed acquisition is well suited for redevelopment as an addition to the existing park. It will fill an identified open space gap in the Morgan Junction Residential Urban Center Village and help satisfy the goal to provide parks within walking distance for residents in and around urban villages. This is a key planning goal included in both Seattle's Parks and Recreation 2006 Development Plan and 2006 Open Space Gap Report Update, and Seattle's Parks and Recreation 2011 Development Plan. The property will not be redeveloped as a park until additional funding is available for that purpose.

The City has presented an offer to the property owners; however, there has been no agreement on price. The owners have the property on the market for \$2 million and DPR is currently reappraising the property. It is anticipated that, after acquisition, the City will manage the site until park design/construction funding becomes available by either relocating the tenants and demolishing the building or managing the existing leases until it is time to redevelop the park, depending on the terms of the leases.



<b>Project Name:</b>	<b>Project I.D.:</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date:</b>
Neighborhood Park Acquisitions-2008 Parks Levy	K730010	Morgan Junction Residential Urban Village – 6311 California Ave SW	April 2011	August 2013

This legislation creates, funds, or anticipates a new CIP Project.

This legislation does not have any financial implications.

This legislation has financial implications.

**Appropriations:**

<b>Fund Name and Number</b>	<b>Department</b>	<b>Budget Control Level*</b>	<b>Existing 2012 Appropriation</b>	<b>New 2012 Appropriation (if any)</b>	<b>2013 Anticipated Appropriation</b>
<b>TOTAL</b>					

Appropriations Notes: Funding from the Neighborhood Parks Acquisition category of the Levy will pay for this acquisition.

**Spending Plan and Future Appropriations for Capital Projects:**

<b>Spending Plan and Budget</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Total</b>
Spending Plan							
Current Year Appropriation							
Future Appropriations							

Spending Plan and Budget Notes: Costs for this acquisition will be funded from the Neighborhood Parks Acquisition category of the Levy.



**Funding Source:**

<b>Funding Source (Fund Name and Number, if applicable)</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
<b>TOTAL</b>							

Funding Source Notes:

Costs for this acquisition will be from the Neighborhood Parks Acquisition category of the Levy.

**Bond Financing Required:** N/A

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

Bond Notes:

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

<b>O&amp;M</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
<b>Uses</b>							
Start Up							
On-going	0	549	2,696	2,875	2,932	2,991	<b>12,043</b>
<b>Sources</b>							
Parks & Recreation Fund (10200)	0	549	2,696	2,875	2,932	2,991	<b>12,043</b>
<b>Total</b>	<b>0</b>	<b>549</b>	<b>2,696</b>	<b>2,875</b>	<b>2,932</b>	<b>2,991</b>	<b>12,043</b>

Operation and Maintenance Notes: Estimates assume online/acquisition date of March 2013, after due diligence is completed. O&M estimates are for the installation and repair of regulatory signs, graffiti removal, repair of small equipment, debris clean-up, on-going litter pick-up (including illegal dumping), maintaining safe sidewalk access and application of herbicide on noxious weeds. This estimate reflects the cost of care for the parcel should the leases be terminated and the building demolished. (DPR may choose to keep the existing tenants in place, which will bring in revenue and pay for maintenance costs – subject to due diligence review of the existing leases.) The O&M numbers listed above assume a 2% inflation rate in each successive year.



**Periodic Major Maintenance Costs for the Project: N/A**

Major Maintenance Item	Frequency	Cost	Likely Funding Source
<b>TOTAL</b>	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	2012 Positions	2012 FTE	2013 Positions* *	2013 FTE **
<b>TOTAL</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Position Notes:

**Do positions sunset in the future?** Not applicable.

**Other Implications:**

**a) Does the legislation have indirect financial implications, or long-term implications?**  
 The 2008 Parks and Green Spaces Levy provides funding for acquisition of new properties to fill gaps in urban villages. Funding has not been identified to develop and maintain the future expanded park; therefore, DPR intends to manage the site either by demolishing the building shortly after acquisition and maintaining it with minimal operations funding, or by keeping the tenants on the site after acquisition and using the rent revenue to pay expenses.

**b) 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 Park Acquisition subcategory of the 2008 Parks Levy Ordinance, which is acquiring property and expanding open space in the Morgan Junction Residential 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 making it prohibitively expensive for development as an expansion of the existing neighborhood park.

**c) Does this legislation affect any departments besides the originating department?**  
 No.



**d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

The scope of this project is to expand the size of the existing Morgan Junction Park. The Department could try to find another acquisition opportunity in the same area, but to do so would require spending additional resources and would delay the goal for park acquisition in this underserved area as called for in the 2008 Parks Levy. As stated, the target site would likely be redeveloped at some point in the future, thereby eliminating its possibility for development as an expanded neighborhood park.

**e) Is a public hearing required for this legislation? No.**

**f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes. Publication of notice is a required step for authorization of condemnation. Notices will be published in both *The Daily Journal of Commerce* and *The Seattle Times* before final action by the City Council, as required by State Law.

**g) Does this legislation affect a piece of property? Yes.**

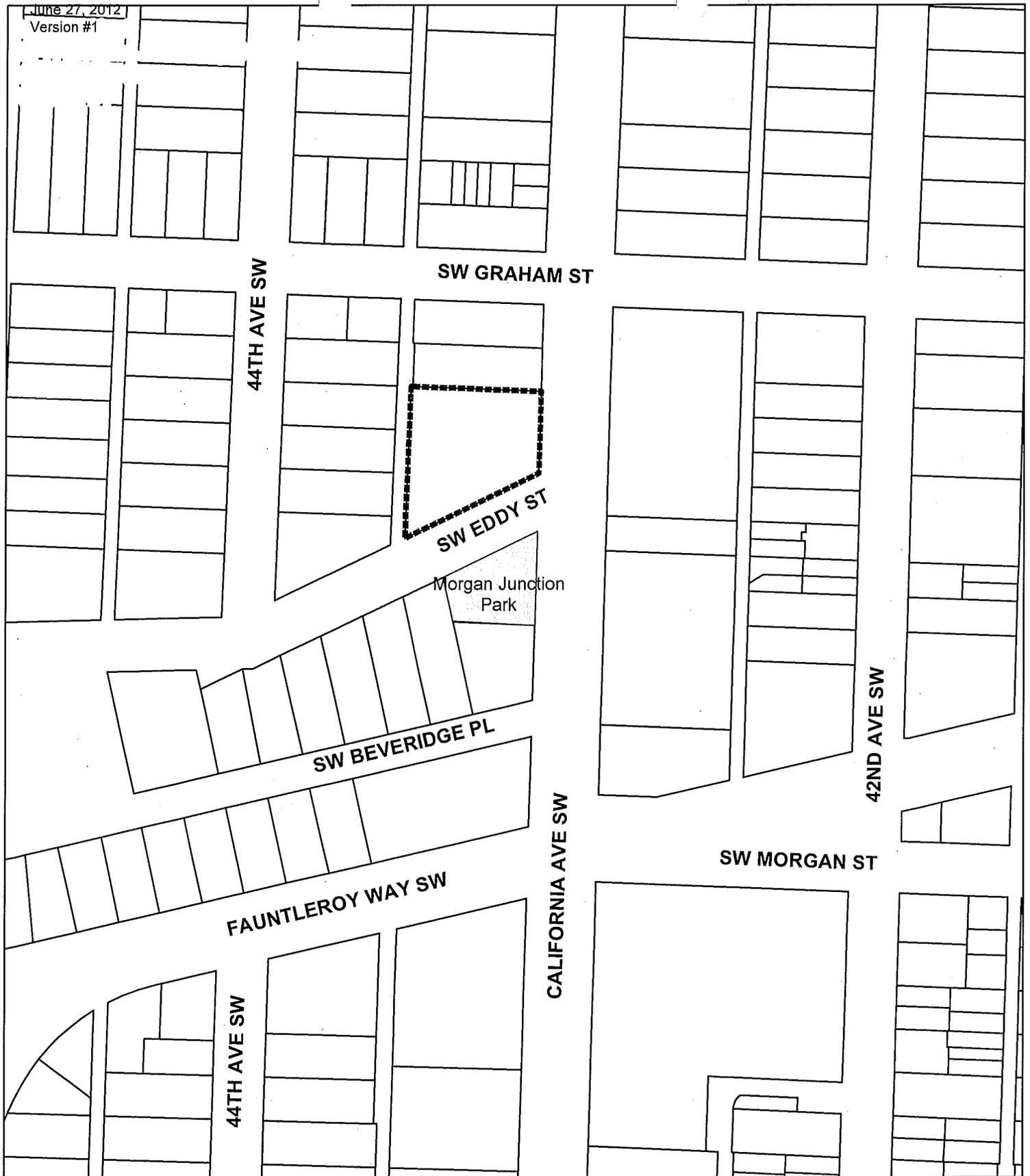
**h) Other Issues: None.**

**List attachments to the fiscal note below:**

Attachment A: Map of Morgan Residential Urban Village – Proposed Morgan Junction Park Addition – 6311 California Avenue Southwest



June 27, 2012  
Version #1

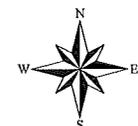
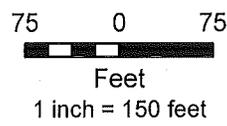


**Morgan Junction Residential Urban Village**  
**Proposed Morgan Junction Park Addition – 6311 California Avenue SW**



**Legend**

-  Target Property
-  Parks Boundary
-  Parcel Boundary



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 All rights reserved.

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

Orthophoto source:  
 Pictometry, Spring 2009  
 Map date: March 6, 2012



City of Seattle  
Office of the Mayor

August 14, 2012

Honorable Sally J. Clark  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that authorizes the acquisition of an approximately 20,378 square-foot parcel located at 6311 California Avenue SW. The property, located adjacent to the existing Morgan Junction Park, will double the size of the existing park in the Morgan Junction Residential Urban Village. The property is currently improved with a small building leased to a mini-mart and a dry cleaner.

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 in Seattle's 2006 Open Space Gap Report Update and Seattle's Parks and Recreation 2011 Development Plan. While we hope to reach a negotiated agreement with the owners, the attached Council Bill authorizes the City to acquire the property through the process of condemnation, should it become necessary.

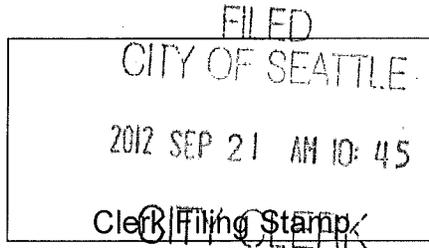
The acquisition of this property will help meet the City's goal of providing parks within walking distance for residents in urban villages, and will serve the needs of Morgan Junction for many years to come. Thank you for your consideration of this legislation. Should you have questions, please contact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

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council





**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR  
Council Bill 117586**

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

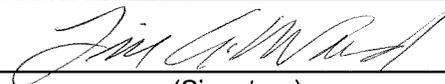
(Check all that apply below.)

- X 1. On the 5th day of September, 2012, I mailed via US Postal Service Certified Mail  
a  
X 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 16, 2012 and September 19, 2012 and the Daily Journal of  
Commerce on September 15, 2012 and September 19, 2012.
- 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 19th day of September, 2012.

The City of Seattle, Washington

Lise A. Ward



(Signature)

Senior Real Property Agent

Department of Parks and Recreation

(206) 733-9106



King County  
Always at your service

KING COUNTY HOME | NEWS | SERVICES | DIRECTORY | CONTACT

## King County E-commerce

Property Tax Web: Real Property Account Information

<b>Account/Parcel Summary</b>							
Tax Account Number	762570427505						
Parcel Number	7625704275						
Account Status	This account is active.						
Tax Payer Name	PONTIUS VERNON E JR+CASSAND719999						
Mailing Address	8529 LANDING LN SE PORT ORCHARD WA 98367						
Payment Status	<b>SECOND HALF AMOUNT IF PAID OR POSTMARKED BY OCTOBER 31, 2012.</b>						
Annual Statement Requested By							
Statement Request	<a href="#">Request Statement to be Mailed</a>						
Select Payment Amount	<table border="1"> <tr> <td>Current Year Tax</td> <td>Select</td> </tr> <tr> <td>Pay First Half 2012</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Pay Second Half 2012</td> <td>\$11,010.94 <input type="checkbox"/></td> </tr> </table>	Current Year Tax	Select	Pay First Half 2012	<input type="checkbox"/>	Pay Second Half 2012	\$11,010.94 <input type="checkbox"/>
Current Year Tax	Select						
Pay First Half 2012	<input type="checkbox"/>						
Pay Second Half 2012	\$11,010.94 <input type="checkbox"/>						
Actions	<a href="#">Add To Cart</a> <a href="#">View Cart</a> <a href="#">Search Again</a>						

**TO PAY MULTIPLE ACCOUNTS WITH ONE PAYMENT:** After clicking on the appropriate select box(es) and the "Add to Cart" button, click "Search Again" to continue locating and adding parcels/accounts.

If you would like to pay by mail, make your check payable to King County Treasury. Write your tax account number on your check and send it to:

King County Treasury  
500 Fourth Avenue, Room 600  
Seattle, WA 98104

[Tax Year Details](#)   [Receipts](#)   [2012 Tax/Fee Distribution](#)

2012 Tax Information

Tax:	\$ 20,725.79	Land value: \$ 2,037,800
Other Charges		Improvement value: \$ 1,000
Surface Water	\$ 1,284.02	Levy code:0010
Noxious Weed	\$ 2.10	Status: Taxable
Conservation	\$ 9.98	Omit year: 0000
<b>Total billed:</b>	<b>\$ 22,021.89</b>	
Amount paid: \$ 11,010.95		
Interest: \$ 0.00		
Penalty: \$ 0.00		

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

PORT ORCHARD WA 98367

Postage	\$ 0.45
Certified Fee	\$ 2.95
Return Receipt Fee (Endorsement Required)	\$ 2.35
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.75</b>



Sent To VERNON E + CASSA DIX PORTUS  
 Street, Apt. No., or PO Box No. 8529 LA DUE LANE SE  
 City, State, ZIP+4 PORT ORCHARD, WA 98367

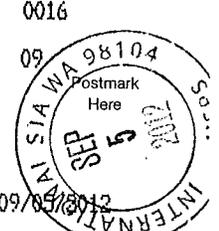
PS Form 3800, January 2001 See Reverse for Instructions

064T 0692 T000 0T52 T00L

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

SEATTLE WA 98154

Postage	\$ 0.45
Certified Fee	\$ 2.95
Return Receipt Fee (Endorsement Required)	\$ 2.35
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.75</b>



Sent To BILL WILLARD / LAW OFFICE OF WILLIAM WILLARD PLLC  
 Street, Apt. No., or PO Box No. 1001-4TH AVE; STE 4400  
 City, State, ZIP+4 SEATTLE, WA 98154

PS Form 3800, January 2001 See Reverse for Instructions

94T 0692 T000 0T52 T00L

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

PORT LUDLOW WA 98365

Postage	\$ 0.45
Certified Fee	\$ 2.95
Return Receipt Fee (Endorsement Required)	\$ 2.35
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.75</b>



Sent To ROBERT PORTUS  
 Street, Apt. No., or PO Box No. P.O. BOX 65409  
 City, State, ZIP+4 PORT LUDLOW, WA 98365

PS Form 3800, January 2001 See Reverse for Instructions

64T 0692 T000 0T52 T00L

**SENDER: COMPLETE THIS SECTION**

- 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.

1. Article Addressed to:

*MR. BILL WILLARD  
 IN CARE OF  
 WILLIAM WILLARD, PLLC  
 1001 EDWORTH AVE  
 SUITE 4400  
 SEATTLE, WA 98154*

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature *[Signature]*  Agent
- B. Received by (Printed Name) *[Signature]*  Addressee
- C. Date of Delivery *9/6/12*
- D. Is delivery address different from item 1?  Yes  No

3. Service Type
- Certified Mail
  - Registered Mail
  - Insured Mail
  - Express Mail
  - Return Receipt for Merchandise
  - C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes  No

2. Article Number (Transfer from service label) **7001 2510 0001 2690 1476**

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**SENDER: COMPLETE THIS SECTION**

- 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.

1. Article Addressed to:

*ROBERT PORTUS  
 P.O. BOX 65409  
 PORT LUDLOW, WA 98365  
 LUDLOW*

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature *[Signature]*  Agent
- B. Received by (Printed Name) *[Signature]*  Addressee
- C. Date of Delivery *9-11-12*
- D. Is delivery address different from item 1?  Yes  No

3. Service Type
- Certified Mail
  - Registered Mail
  - Insured Mail
  - Express Mail
  - Return Receipt for Merchandise
  - C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes  No

2. Article Number (Transfer from service label) **7001 2510 0001 2690 1483**

PS Form 3811, February 2004 Domestic Return Receipt 102595-



**City of Seattle**  
Parks and Recreation

BY CERTIFIED MAIL

September 5, 2012

Vernon E. and Cassandra Pontius  
8529 Landing Lane SE  
Port Orchard, WA 98367

Bill Willard  
Law Office of William Willard, PLLC  
1001 Fourth Avenue  
Suite 4400  
Seattle, WA 98154

**Notice of Seattle City Council Final Action to Adopt an Ordinance Authorizing  
Condemnation (Eminent Domain) of real property located 6311 California Avenue  
SW in the City of Seattle, Washington (King County Tax Parcel No. 762570-4275)**

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 6311 California Avenue SW in the City of Seattle (King County of Tax Parcel No. 762570-4275). 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 Neighborhoods Committee as a regular part of the committee meeting beginning at 9:30 a.m. on Thursday, September 20, 2012, in the City Council Chambers, located at 600 4<sup>th</sup> 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

**Pontius**

September 4, 2012

Page Two

If you attend the meeting, you will have the opportunity to express your views on the ordinance during the public comment period. You may also submit comments in writing to Committee Chair Sally Bagshaw at [sally.bagshaw@seattle.gov](mailto:sally.bagshaw@seattle.gov) or mail to Sally Bagshaw; Seattle City Council, 600 4<sup>th</sup> 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 Jan Bultmann of Councilmember Bagshaw's office at (206) 684-5326, or visit the Parks and Neighborhoods Committee's website at the following address: [http://www.seattle.gov/council/com\\_assign.htm#parks](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

Should the Parks and Neighborhoods Committee pass the Council Bill on to the City Council, the ordinance authorizing condemnation of your property will be presented for final action (adoption) to the Seattle City Council on Monday, September 24, 2012 at 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  
Robert Pontius; P.O. Box 65409; Port Ludlow, WA 98365  
John Pontius; [gpfarrier1@gmail.com](mailto:gpfarrier1@gmail.com)

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

1  
2  
3  
4 AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the  
5 acquisition of real property commonly known as 6311 California Avenue Southwest;  
6 authorizing acceptance and recording of the deed for open space, park, and recreation  
7 purposes; and authorizing acquisition by condemnation.

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

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

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

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

22 WHEREAS, Ordinance 122749 identifies the Morgan Junction Residential Urban Village for a  
23 potential neighborhood park acquisition; and

24 WHEREAS, the Department of Parks and Recreation considers the Morgan Junction Residential  
25 Urban Village as significantly underserved with quality open space, and the area is,  
26 therefore, a priority area for additional acquisitions for parks and open space; and

27 WHEREAS, the City has determined that the purchase of the property at 6311 California Avenue  
28 Southwest, adjacent to Morgan Junction Park will, after development, double the size of  
the existing park and meet the criteria to address open space needs established in  
Seattle's Parks and Recreation 2006 Development Plan, Seattle's 2006 Open Space Gap  
Report Update, and Seattle's Parks and Recreation 2011 Development Plan, and that it is  
in the public's best interest to acquire the same for open space, park, and recreation  
purposes; NOW, THEREFORE,

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

2 Section 1. That public convenience and necessity require that the following described  
3 real property, situated in the City of Seattle, County of King, State of Washington, and  
4 commonly known as the property at 6311 California Avenue Southwest ("Property"), together  
5 with all rights, privileges, and other property pertaining thereto, be acquired for open space,  
6 park, and recreation purposes:

7  
8 *Lots 3 and 4, Block 46, Sea View Park Addition to the City of Seattle, according to the*  
9 *plat thereof recorded in Volume 13 of Plats, page 80, in King County, Washington.*

10  
11 Section 2. The Superintendent of Parks and Recreation, or his or her designee, is  
12 authorized, on behalf of the City of Seattle, to negotiate and enter into an agreement to acquire  
13 the Property upon payment of just compensation therefore, and to accept a deed for the Property  
14 by attaching to the deed the Superintendent's written acceptance thereof, and recording the same.  
15 The Property shall be accepted for open space, park, and recreation purposes, and placed under  
16 the jurisdiction of the Seattle Department of Parks and Recreation.

17  
18 Section 3. The Seattle City Attorney is authorized to commence and prosecute  
19 proceedings in the manner provided by law to condemn, take, damage, and appropriate the  
20 Property in fee simple, after just compensation has been made or paid into court for the owners  
21 thereof, in the manner provided by law; and to stipulate for the purposes of minimizing  
22 damages.

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Section 4. The entire cost of the acquisition provided for above shall be paid from the 2008 Parks Levy fund, or from such general fund of the City of Seattle as may be provided by law.

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

1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4  
5 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2012, and signed by  
6 me in open session in authentication of its passage this  
7 \_\_\_\_ day of \_\_\_\_\_, 2012.

8  
9  
10  
11 \_\_\_\_\_  
12 President \_\_\_\_\_ of the City Council

13  
14 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

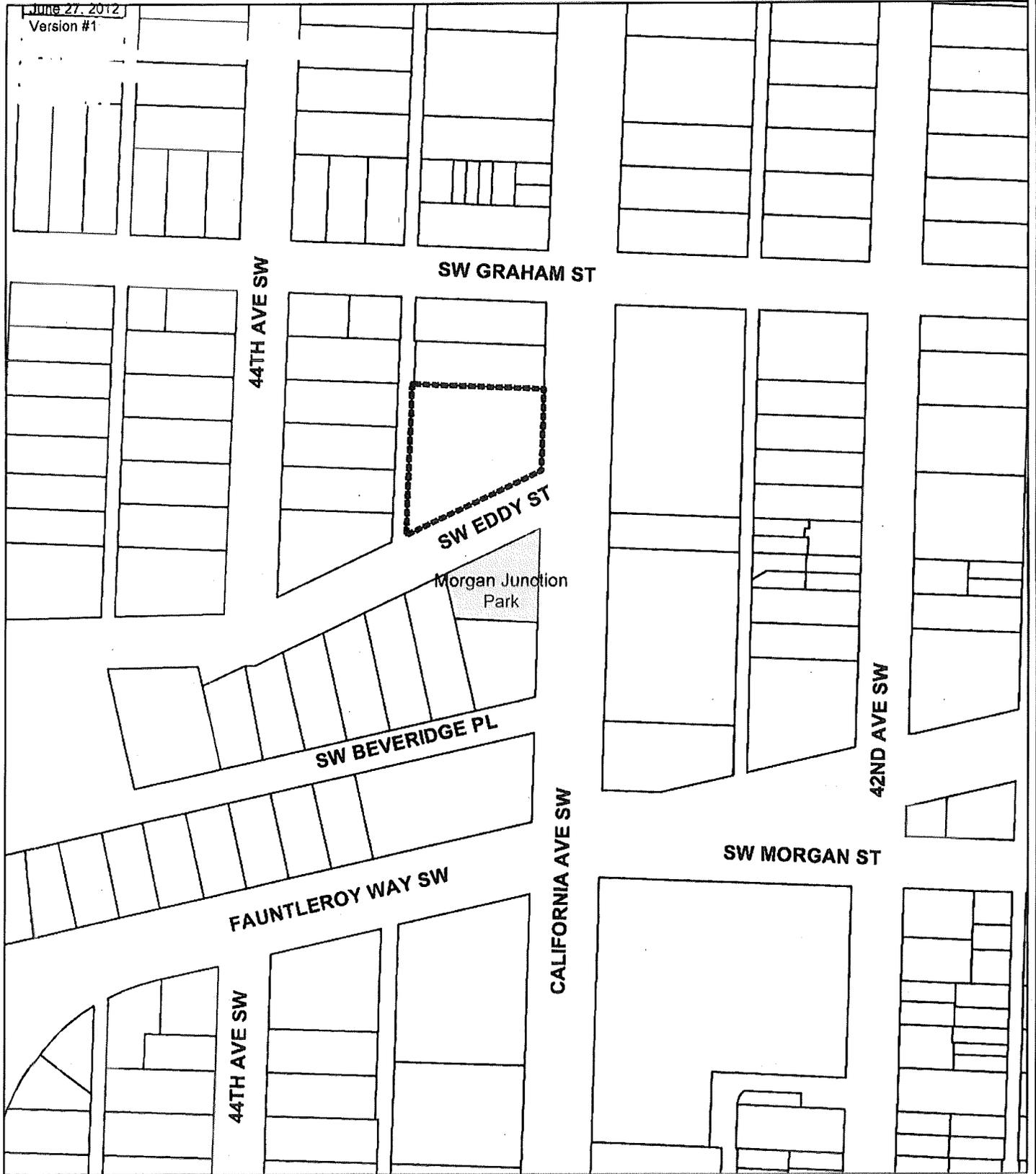
15  
16 \_\_\_\_\_  
17 Michael McGinn, Mayor

18  
19 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

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21 \_\_\_\_\_  
22 Monica Martinez Simmons, City Clerk

23 (Seal)

June 27, 2012  
Version #1

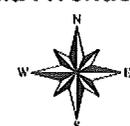
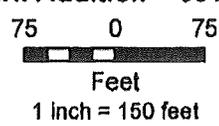


**Morgan Junction Residential Urban Village  
Proposed Morgan Junction Park Addition – 6311 California Avenue SW**



**Legend**

- Target Property
- Parks Boundary
- Parcel Boundary



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

Orthophoto source:  
Pictometry, Spring 2009  
Map date: March 6, 2012

# The Seattle Times

Seattle Dept Of Parks & Recreation  
Lise Ward  
800 Maynard Ave S 3rd Fl

Seattle, WA 98134

Re: Advertiser Account # 107207

Ad #: 237552

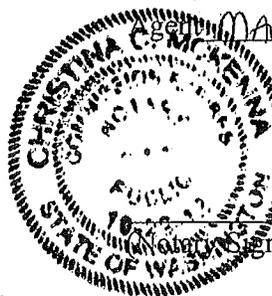
## Affidavit of Publication

STATE OF WASHINGTON  
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	09/16/12
Seattle Times	09/19/12



MAUREEN E. DUGGAN Signature Maureen E Duggan

Subscribed and sworn to before me on Sept 19, 2012  
DATE

Christina C. McKenna  
Signature, Notary Public in and for the State of Washington, residing at Seattle

**Christina C. McKenna**

# The Seattle Times

Re: Advertiser Account # 107207

Ad #: 237552

## AD TEXT

### NOTICE OF FINAL ACTION AUTHORIZING CONDEMNATION

Property location: 6311 California Avenue Southwest, Seattle, WA 98136 (King County Parcel No. 762570-4265) by condemnation. The property is legally described as: Lots 3 and 4, Block 46, Sea View Park Addition to the City of Seattle, according to the plat thereof recorded in Volume 13 of Plats, page 80, 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 consideration at the Seattle City Council Parks and Neighborhoods Committee for discussion and possible vote at 9:30 p.m. on Thursday, September 20, 2012. The Committee meets in City Council Chambers located on the 2nd Floor of Seattle City Hall, 600 Fourth Avenue, Seattle, WA 98104. Public testimony will also be taken at this time.

If the Parks and Neighborhoods Committee approves the ordinance, it will then be scheduled for final action by adoption by the Seattle City Council of the Council Bill 117586, authorizing condemnation, on Monday, September 24, 2012 at 2:00 p.m. 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 dates and times identified above before adoption of Council Bill 117586.

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

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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288411  
SEATTLE PARKS & RECREATION

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 12<sup>th</sup> 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:CONDEMN 6311 CALIF AVE

was published on

09/15/12 09/19/12

The amount of the fee charged for the foregoing publication is the sum of \$125.56 which amount has been paid in full.

MELISSA M. DOWD  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
11-21-15

Affidavit of Publication



Subscribed and sworn to before me on

09/19/2012



Notary public for the State of Washington,  
residing in Seattle

Customer: SEATTLE PARKS & RECREATION  
Ad Title: Notice of Final Action

# State of Washington, King County

## City of Seattle

### NOTICE OF FINAL ACTION AUTHORIZING CONDEMNATION

Property location: 6311 California Avenue Southwest, Seattle, WA 98136 (King County Parcel No. 762670-4266) by condemnation: The property is legally described as: Lots 3 and 4, Block 46, Sea View Park Addition to the City of Seattle, according to the plat thereof recorded in Volume 13 of Plats, page 30, 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 consideration at the Seattle City Council Parks and Neighborhoods Committee for discussion and possible vote at 9:30 p.m. on Thursday, September 20, 2012. The Committee meets in City Council Chambers located on the 2nd Floor of Seattle City Hall, 300 Fourth Avenue, Seattle, WA 98104. Public testimony will also be taken at this time.

If the Parks and Neighborhoods Committee approves the ordinance, it will then be scheduled for final action by adoption by the Seattle City Council of the Council Bill 117586, authorizing condemnation, on Monday, September 24, 2012 at 2:00 p.m. 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 dates and times identified above before adoption of Council Bill 117586.

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

Dates of publication in the Seattle Daily Journal of Commerce, September 15 and 19, 2012.

3/19(288411)

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STATE OF WASHINGTON – KING COUNTY

--SS.

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289250  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication 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 12<sup>th</sup> 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:123979-81,995-124010

was published on

10/11/12

The amount of the fee charged for the foregoing publication is the sum of \$265.05 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

10/11/2012

Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

The full text of the following legislation, passed by the City Council on September 24, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

### ORDINANCE NO. 123979

AN ORDINANCE relating to a new multi-purpose sports and entertainment facility; authorizing the Mayor to execute a memorandum of understanding with King County and ArenaCo; and to execute an interlocal agreement with the County.

### ORDINANCE NO. 123980

AN ORDINANCE relating to certain City-owned property located at 1620 12th Avenue East, commonly known as the East Precinct Parking Facility; authorizing the Director of Finance and Administrative Services to execute and record certain documents, including a Condominium Declaration, Survey Map and Plans, a Purchase and Sale Agreement, a Quit Claim Deed, a Ground Lease, a Sublease, and other agreements and documents in consideration of the development by Capitol Hill Housing Improvement Program of a six-story mixed-use facility with underground parking for the Seattle Police Department, commercial, retail and arts space, as well as affordable housing; and increasing appropriations in the 2012 Adopted Budget for certain activities of the Finance and Administrative Services Budget; all by a three-fourths vote of the City Council.

### ORDINANCE NO. 123981

AN ORDINANCE relating to economic and community development; authorizing a loan of federal Section 108 loan proceeds to finance development of the 12th Avenue Arts project at 12th Avenue and E. Pine Street; authorizing loan documents, amendments, replacements and related documents and actions; authorizing amendments to the City's 2009-2012 Consolidated Plan to reflect the transactions contemplated by this ordinance; designating the Pike/Pine neighborhood as a local economic zone for New Markets Tax Credit investments; and ratifying and confirming prior acts.

### ORDINANCE NO. 123995

AN ORDINANCE relating to the University District Parking and Business Improvement Area; increasing the assessment rates; and amending Ordinance 118412, as previously amended by Ordinance 120304 and by Ordinance 122212, in accordance therewith.

### ORDINANCE NO. 123996

AN ORDINANCE authorizing the Director of Finance and Administrative Services to execute a seven-year lease agreement between the City and Fu Quan, LLC, a Washington limited liability company, for a portion of the property located at 800 Maynard Avenue South, commonly known as the RDA Building.

### ORDINANCE NO. 123997

AN ORDINANCE relating to the regulation of the tow industry; revising tow industry regulations; repealing Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060, 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140, 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code; adding new sections to chapter 6.214; and amending the 2012 budget, Ordinance 123758, to appropriate funds and create a new position; all by a three-fourths vote of the City Council.

### ORDINANCE NO. 123998

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of existing drainage facilities.

### ORDINANCE NO. 123999

AN ORDINANCE relating to Seattle Public Utilities; authorizing the sale of certain real property at the North Transfer Station and ratifying and confirming certain prior acts.

### ORDINANCE NO. 124000

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 6311 California Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and authorizing acquisition by condemnation.

### ORDINANCE NO. 124001

AN ORDINANCE authorizing Seattle Public Utilities and Seattle Parks and Recreation to enter into a Settlement, Release and Cost Allocation Agreement with Puget Sound Energy, Inc. (PSE) for remediation of the combined Gas Works Park uplands and North Lake Union sediments; to enter into an Agreed Order or Consent Decree with the Washington State Department of Ecology or U.S. Environmental Protection Agency and PSE to undertake additional work at the Site consistent with the Agreement; and to seek and accept state Remedial Action Grants for cleanup work related to the Site.

### ORDINANCE NO. 124002

AN ORDINANCE relating to Seattle Public Utilities; authorizing the sale of approximately 148 acres located in Section 36, Township 23 North, Range 7 East W.M., in King County to the State of Washington Department of Natural Resources and the acceptance of a conservation easement on the same property; and declaring said property to be surplus to the City's needs and not required for continued utility needs.

### ORDINANCE NO. 124003

AN ORDINANCE relating to City employment; amending Sections 4.20.300, 4.21.040, 4.24.010, 4.24.030, 4.24.035, and 4.24.040 of the Seattle Municipal Code; authorizing a memorandum of understanding between the City of Seattle and City labor unions; and ratifying and confirming prior acts.

### ORDINANCE NO. 124004

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement between the City of Seattle and the International Association of Fire Fighters, Local 27 to be effective January 1, 2012 through December 31, 2014; providing payment therefor; and ratifying and confirming prior acts.

### ORDINANCE NO. 124005

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement between the City of Seattle and the Washington State Council of County and City Employees, Local 21C to be effective January 1, 2011 through January 31, 2014; providing payment therefor; and ratifying and confirming prior acts.

### ORDINANCE NO. 124006

AN ORDINANCE authorizing the Director of Finance and Administrative Services to execute and deliver a building separation easement and restrictive covenant agreement granting an air rights easement over portions of the West Precinct / 911 Communication Center, and to accept payment therefor.

### ORDINANCE NO. 124007

AN ORDINANCE relating to certain appointments; directing the City Clerk to establish and manage a registry of appointments to certain City positions and constituent committees; directing the Clerk to monitor and make public the status of all such appointments; and directing the Clerk to notify the Mayor and Council of pending and actual expirations of such appointments.

### ORDINANCE NO. 124008

AN ORDINANCE relating to the filing of consultant contracts; amending Section 20.50.070 of the Seattle Municipal Code to establish a date by which contracts must be filed with the City Clerk.

### ORDINANCE NO. 124009

AN ORDINANCE related to cable television; amending Ordinance 123954, which approved the transfer of the controlling interest in WaveDivision Holdings, LLC to Oak Hill Capital Partners III, L.P., to correct clerical errors in that legislation.

### ORDINANCE NO. 124010

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

Date of publication in the Seattle Daily Journal of Commerce, October 11, 2012.

10/11(289250)