ORDINANCE No. 124078

COUNCIL BILL No. 117667

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 4731 40th Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purpose; increasing appropriations to the Department of Parks and Recreation in the 2012 Adopted Budget; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

COMPTROLLER FILE No. _____

Introduced: 12/3/12	By: Bagshaw
Referred: 12/3/12	To: Parks and Neighborhoods
Referred:	To:
Referred:	To:
Reported:	Second Reading:
Third Reading: 12.10.12	Signed: 12.10.12
Presented to Mayor: 12.12.12	Approved: 12/17/12
Returned to City Clerk: 12/19/12	Published: Title
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

US5047

The City of Seattle--Legislative Department

Date Reported and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

12/6/12 Approve SB, JG, RC

12.10.12 Passed 8-0 excused: TR

Law Department

Committee Chair

SMEAD 45 YSP 17703

Lise A. Ward
DPR West Seattle Junction – 40th Ave SW Acq ORD
October 3, 2012
Version #1

CITY OF SEATTLE

ORDINANCE 124078

COUNCIL BILL 117667

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 4731 40th Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purpose; increasing appropriations to the Department of Parks and Recreation in the 2012 Adopted Budget; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

WHEREAS, by Resolution 31055 the City Council created the Parks and Green Spaces Levy Citizen's 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 West Seattle Junction Hub Urban Village for a potential neighborhood park acquisition; and

WHEREAS, the Department of Parks and Recreation considers the West Seattle Junction Hub Urban Village as significantly underserved with quality open space, and the area is, therefore, a priority area for additional acquisitions for parks and open space; and

WHEREAS, the City has determined that the purchase of the property at 4731 40th Avenue Southwest will, after development, 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

COUNCIL CLERK

Plan, 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. The Superintendent of Parks and Recreation, or his designee, is authorized to acquire, on behalf of the City of Seattle, the following described real property ("Property"), commonly known as 4731 40th Avenue Southwest, for a purchase price not to exceed $1,440,000:

Lots 32 through 35, Block 3, Scenic Park, according to the plat thereof recorded in Volume 15 of Plats, page 34, records of King County, Washington.

Section 2. The Superintendent of Parks and Recreation, or his designee, is authorized to execute such documents as he deems necessary or desirable to accomplish acquisition of the Property consistent with this ordinance. Upon delivery of the statutory warranty deed for the Property, the Superintendent or his designee is authorized to accept the deed on behalf of the City of Seattle 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. To pay for the Property and for necessary related costs and expenses, the appropriation for the following in the 2012 Adopted Budget and 2012-2017 Capital Improvement Program 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)	$1,465,000

CITY COUNCIL CLERK

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

Section 5. This ordinance shall take effect and be in force 30 days 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 three-fourths (3/4) vote of all the members of the City Council the 10th day of December, 2012, and signed by me in open session in authentication of its passage this 10th day of December, 2012.

President _____ of the City Council

Approved by me this 19th day of December, 2012.

Michael McGinn, Mayor

Filed by me this 19th day of December, 2012.

Monica Martinez Simmons, City Clerk

(Seal)

Form revised: December 6, 2011

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Parks and Recreation	Donald Harris/684-8018	Jeff Muhm/684-8049

Legislation Title: AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 4731 40th Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purpose; increasing appropriations to the Department of Parks and Recreation in the 2012 Adopted Budget; and ratifying and confirming certain prior acts; 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. The Levy includes an acquisition category and a neighborhood park acquisition subcategory. The West Seattle Junction Hub Urban Village is identified in this subcategory. The attached proposed Council Bill authorizes the Department of Parks and Recreation (DPR) to acquire an 11,500 square-foot vacant property located at 4731 40th Avenue SW. The legislation also authorizes the acceptance of the deed to the property for open space, park, and recreation purposes.

With over 1,500 units scheduled to come on line in the next couple of years, West Seattle Junction is an area in need of additional open space. In response to the demise of the Huling Brothers car dealership, the Department of Planning and Development (DPD) developed the West Seattle Triangle Urban Design Framework, which highlights some of the opportunities and challenges in this area. The Framework identifies 40th Avenue SW as a green street. Parks staff discovered a property listed for sale on 40th Avenue SW. The property is vacant, mid-block, and just to the west of a newly proposed 350-unit mixed-use development on the former Huling Brothers dealership. The property is centrally located on the proposed green street in the "Triangle" area and will allow for through-block pedestrian access in this area of large blocks. This proposed park will serve the present and future residents of the West Seattle Junction Hub Urban Village and satisfy the goal to provide parks within walking distance for residents in and around urban villages, a key planning goal included in Seattle's Parks and Recreation 2006 Development Plan, 2006 Open Space Gap Report Update, and Seattle's Parks and Recreation 2011 Development Plan. The property will not be developed as a park until additional funding is available for that purpose.

COUNCIL CLERK

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:
Neighborhood Park Acquisitions-2008 Parks Levy	K730010	West Seattle Junction Hub Urban Village – 4731 40th Ave SW	September 2012	June 2013

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

____ **This legislation does not have any financial implications.**

_X_ **This legislation has financial implications.**

Appropriations:

Fund Name and Number	Department	Budget Control Level*	Existing 2012 Appropriation	New 2012 Appropriation (if any)	2013 Anticipated Appropriation
2008 Parks Levy Fund (33860)	Parks and Recreation	K720010	$35,000	$1,465,000	$0
TOTAL			**$35,000**	**$1,465,000**	**$0**

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

Spending Plan and Future Appropriations for Capital Projects:

Spending Plan and Budget	2012	2013	2014	2015	2016	2017	Total
Spending Plan	$35,000	$1,465,000	$0	$0	$0	$0	**$1,500,000**
Current Year Appropriation	$1,500,000						
Future Appropriations		$0	$0	$0	$0	$0	**$1,500,000**

Spending Plan and Budget Notes: The current budget for this project is $1,500,000. The purchase price will not exceed $1,440,000, with an additional budget of $60,000 for administrative time, title insurance and closing costs, environmental testing, survey, etc. The projected 2013 expenses are for project closeout. The acquisition is scheduled to close January 2013; however, the seller desires to close in December 2012, if possible.

COUNCIL CLERK

Funding Source:

Funding Source (Fund Name and Number, if applicable)	2012	2013	2014	2015	2016	2017	Total
2008 Parks Levy Fund (33860)	$1,465,000	$0	$0	$0	$0	$0	**$1,465,000**
TOTAL	**$1,465,000**	**$0**	**$0**	**$0**	**$0**	**$0**	**$1,465,000**

Funding Source Notes:
Costs for this acquisition will be covered by the Neighborhood Parks Acquisition subcategory of the Levy. (The City may decide to apply for a King County Conservation Futures funding to reimburse up to 50% of the expenditure.)

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**

Bond Notes: N/A

COUNCIL CLERK

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

O&M	2012	2013	2014	2015	2016	2017	Total
Uses							
Start Up							
On-going	0	1,977	2,913	2,971	3,030	3,091	**13,982**
Sources							
Parks and Recreation Fund (10200)	0	1,977	2,913	2,971	3,030	3,091	**13,982**
Total	0	1,977	2,913	2,971	3,030	3,091	**13,982**

Operation and Maintenance Notes: Estimates assume acquisition date of January 2013. Maintenance includes installation and repair of regulatory signs (no dumping), graffiti removal, repair of small equipment, control for invasive growth, cleanup, and litter removal. The O&M numbers listed above assume a 2% inflation rate in each successive year. The difference from year one to two is the amount estimated for DPR shops costs; no shops costs included for the first year.

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	2012 Positions	2012 FTE	2013 Positions **	2013 FTE **
TOTAL	**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 create new neighborhood parks, and expand existing parks in and around urban villages. Funding has not been identified to develop and maintain the future park.

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 Parks Acquisitions subcategory of the 2008 Parks Levy Ordinance, which is acquiring property and expanding open space in the West Seattle Junction 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.

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 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 as called for in the 2008 Parks Levy. Additionally, the target site would likely be redeveloped with a high-density project at some point in the future, thereby eliminating its possibility for development as a 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? No.

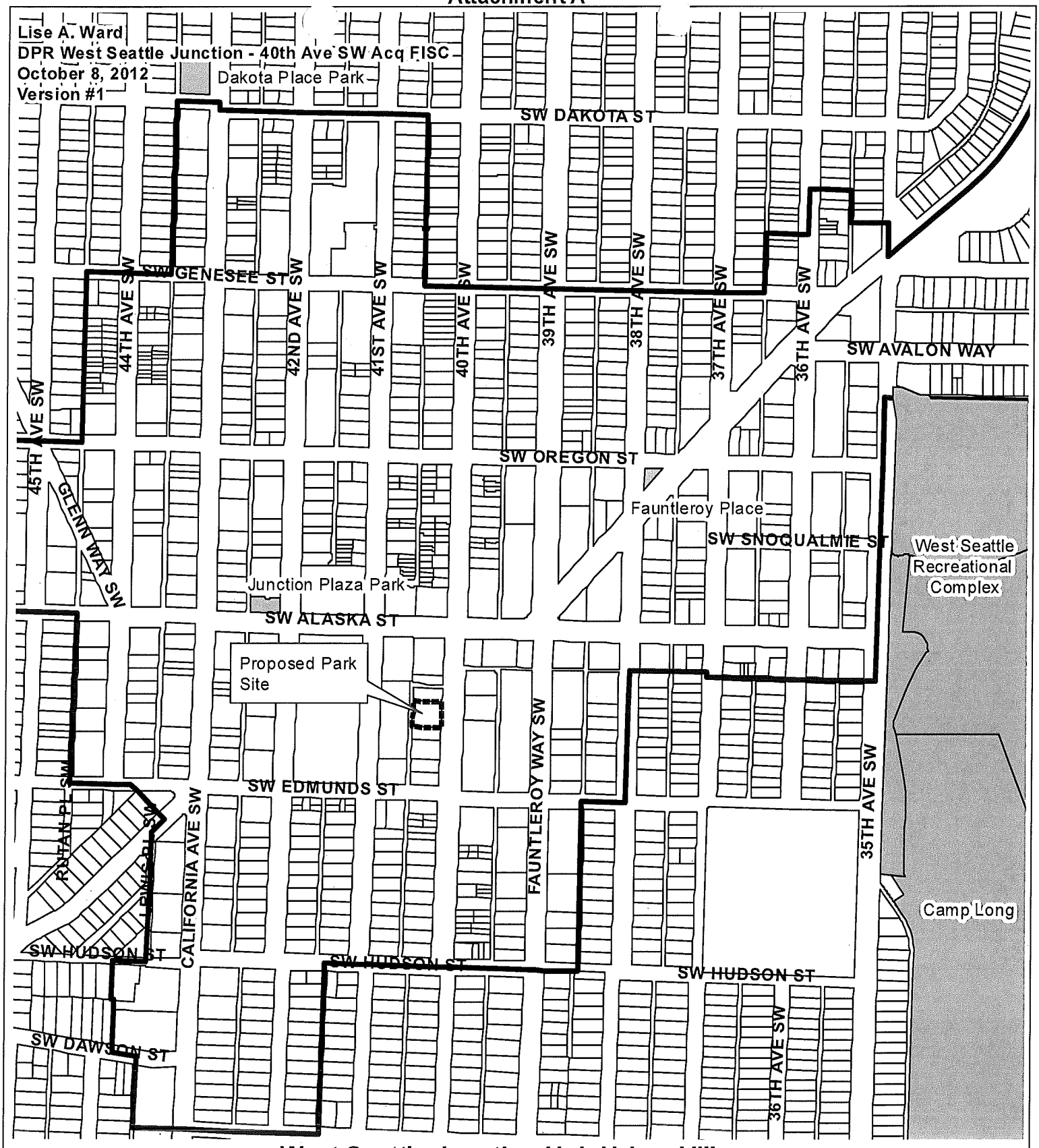
g) Does this legislation affect a piece of property? Yes.

h) Other Issues: None.

List attachments to the fiscal note below:

Attachment A: Map of Proposed Park Site – 4731 40th Avenue SW

Attachment A



West Seattle Junction Hub Urban Village
4731 40th Ave SW – Proposed Park Site

SEATTLE PARKS AND RECREATION

Legend
- Parcel of Interest
- Park Boundary
- Urban Village Boundary
- Parcel Boundary

250 0 250 500
Feet
1 inch = 500 feet

N W E S

©2012, CITY OF SEATTLE
All rights reserved.

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

Map date: October 8, 2012

Document Path: V:\Project\MISC\2008 Parks and Greenspaces Levy\Acquisitions\West Seattle Junction\4731 40th Ave SW - legis (P-ansi a).mxd

City of Seattle
Office of the Mayor

November 13, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that authorizes the acquisition of an approximately 11,500 square-foot vacant parcel located at 4731 40th Avenue SW, in the heart of the West Seattle Junction Hub Urban Village.

With over 1,500 dwelling units scheduled to come on line in the next couple of years, West Seattle Junction is an area in need of additional open space. In response to the demise of the Huling Brothers car dealership, the Department of Planning and Development (DPD) developed the West Seattle Triangle Urban Design Framework, which lays out a vision for a vibrant mixed-use district with locally-owned businesses, new residents, great transit connections and streetscapes, green features and public gathering places for West Seattle. Parks staff discovered a property for sale on 40th Avenue SW, an identified green street in the Urban Design Framework.

The subject property is a vacant, mid-block property listed for sale just to the west of a newly proposed 350-unit mixed-use development on the former Huling Brothers dealership site. The property is centrally located on 40th Avenue SW and will allow for through-block pedestrian access in this area of large blocks. This proposed park will serve the present and future residents of the West Seattle Junction Hub Urban Village.

The acquisition of this property will support the City's goal of providing parks within walking distance for residents in urban villages, and will serve the needs of the West Seattle Junction Hub Urban Village 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

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.mcginn@seattle.gov

COUNCIL CLERK

STATE OF WASHINGTON – KING COUNTY

--ss.

292031 No. 124078,079,080,081

CITY OF SEATTLE,CLERKS OFFICE

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:TITLE ONLY ORDINANCE

was published on

01/02/13

The amount of the fee charged for the foregoing publication is the sum of $82.34 which amount has been paid in full.

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

Subscribed and sworn to before me on

01/02/2013

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on December 10, 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. 124078

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 4731 40th Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purpose; increasing appropriations to the Department of Parks and Recreation in the 2012 Adopted Budget; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 124079

AN ORDINANCE relating to the Department of Parks and Recreation; accepting a deed for the donation of real property along the Burke-Gilman Trail in northeast Seattle, for open space, park, and recreation purposes; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124080

AN ORDINANCE relating to Queen Anne Bowl Playfield; authorizing a property exchange by conveyance of a strip of the Queen Anne Bowl Playfield property and acceptance of a deed for a portion of a parking lot to preserve parking for users of the Queen Anne Bowl Playfield; and superseding Ordinance 118477, which adopted Initiative 42, for purposes of this ordinance.

ORDINANCE NO. 124081

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

Date of publication in the Seattle Daily Journal of Commerce, January 2, 2013.

1/2(292031)