

Ordinance No. 124366

Council Bill No. 117971

AN ORDINANCE relating to the Department of Parks and Recreation, concerning Mount Claire Park, finding that an exchange of property between the City of Seattle and Ellhu Estey and Cynthia L. David, owners of property adjacent to Mount Claire Park, is necessary, as required by Ordinance 118477, also known as Initiative 42; and authorizing the Superintendent of Parks and Recreation to sign as co-petitioner in an application for a Lot Boundary Adjustment; and, if the Lot Boundary Adjustment is approved, authorizing the Superintendent to accept a deed from Estey and David, or their successors in interest, for certain property meeting the criteria of Initiative 42; and executing and delivering a Quit Claim Deed for certain Mount Claire Park property to Estey and David, or their successors in interest, all to resolve encroachments onto park property.

Related Legislation File:

Date Introduced and Referred: <u>11.25.13</u>	To: (committee): <u>Parks and Neighborhoods</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>12/9/13</u>	Date Presented to Mayor: <u>12/10/13</u>
Date Signed by Mayor: <u>12.16.13</u>	Date Returned to City Clerk: <u>12.17.13</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: E. J. Bagshaw

Committee Action:

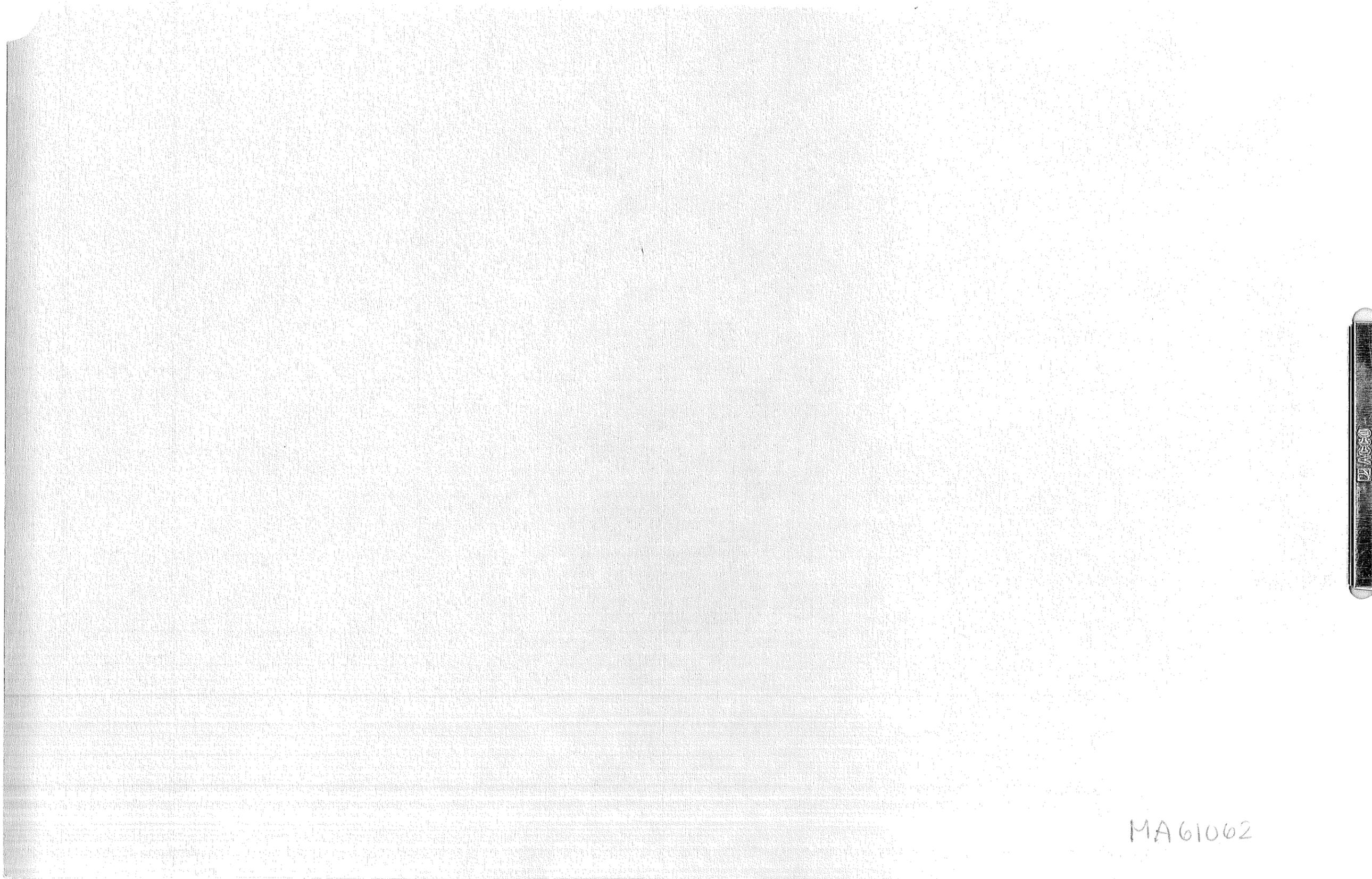
Date	Recommendation	Vote
<u>12/5/13</u>	<u>Pass</u>	<u>2-0 (SB, JG)</u>

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

Full Council Action:

Date	Decision	Vote
<u>12/9/13</u>	<u>Passed</u>	<u>9-0</u>

*Law Department*



MA61062

**CITY OF SEATTLE**  
**ORDINANCE** 124304  
**COUNCIL BILL** 117971

1  
2  
3  
4 AN ORDINANCE relating to the Department of Parks and Recreation, concerning Mount Claire  
5 Park, finding that an exchange of property between the City of Seattle and Elihu Estey  
6 and Cynthia L. David, owners of property adjacent to Mount Claire Park, is necessary, as  
7 required by Ordinance 118477, also known as Initiative 42; and authorizing the  
8 Superintendent of Parks and Recreation to sign as co-petitioner in an application for a Lot  
9 Boundary Adjustment; and, if the Lot Boundary Adjustment is approved, authorizing the  
10 Superintendent to accept a deed from Estey and David, or their successors in interest, for  
11 certain property meeting the criteria of Initiative 42; and executing and delivering a Quit  
12 Claim Deed for certain Mount Claire Park property to Estey and David, or their  
13 successors in interest, all to resolve encroachments onto park property.

14 WHEREAS, public park land, now known as Mount Claire Park, was established by plat in  
15 1907; and

16 WHEREAS, a large, irregular-shaped parcel, purchased by Elihu Estey and Cynthia L. David in  
17 2008, borders park property located north and east of the Estey/David property; and

18 WHEREAS, a survey prepared for Estey and David in 2010 revealed certain long-existing  
19 private improvements associated with their property, notably portions of a circular  
20 driveway and a sports court, encroached on the park property; and

21 WHEREAS, Estey and David seek to resolve the encroachments by means of a Lot Boundary  
22 Adjustment and exchange of deeds, meeting all conditions of Ordinance 118477  
23 (Initiative 42); and

24 WHEREAS, a public hearing regarding the exchange has been held, as part of the City Council's  
25 consideration of the matter;

26 NOW, THEREFORE,

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

28 Section 1. The City Council finds that an exchange of portions of Mount Claire Park for  
portions of the Estey/David property, contiguous to Mount Claire Park, is necessary because  
there is no reasonable and practical alternative to resolve the encroachments, and a Lot Boundary



1 Adjustment as presented and illustrated in Department of Planning and Development (DPD) Lot  
2 Boundary Adjustment No. 3013122, attached hereto, will result in an exchange of lands in which  
3 the City receives replacement property equivalent or better in size, value, and usefulness, as  
4 required by Ordinance 118477.

5  
6 Section 2. The Superintendent of Parks and Recreation (Superintendent), or his designee,  
7 is authorized to cooperate as a co-petitioner in an application to DPD for a Lot Boundary  
8 Adjustment, DPD # 3013122, between the City's Mount Claire Park and the Estey/David  
9 property.

10  
11 Section 3. If the Lot Boundary Adjustment referred to in Section 2 is approved, the  
12 Superintendent is authorized, on behalf of the City of Seattle, to accept a Quit Claim Deed from  
13 Elihu Estey and Cynthia L. David, or their successors in interest, and record the same in the King  
14 County Records, to the following described property:

15 IN GOVERNMENT LOT 3 OF SECTION 10, TOWNSHIP 24 N, RANGE 4 E, W.M.:

16 ALL PORTIONS OF BLOCK 35, AS PLATTED AND DEDICATED IN THE PLAT OF MT.  
17 BAKER PARK, VOLUME 16 OF PLATS, PAGE 3, RECORDS OF KING COUNTY,  
18 WASHINGTON, AND OF THE REPLAT OF A PORTION OF THE PLAT OF MT. BAKER  
19 PARK, VOLUME 20, PAGE 99, RECORDS OF KING COUNTY, WASHINGTON, LYING  
20 NORTHERLY AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

21  
22 COMMENCING AT THE NORTHWEST CORNER OF BLOCK 35; THENCE ALONG  
23 THE EASTERLY MARGIN OF MOUNT CLAIRE DRIVE SOUTH, S 08°19'59" W 53.05  
24 FEET TO THE POINT OF BEGINNING; THENCE S 79°02'59" E 32.00 FEET, THENCE N  
25 01°45'09" W 55.89 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE RIGHT,  
26 HAVING A RADIUS OF 30.00 FEET FOR AN ARC LENGTH OF 71.73 FEET; THENCE S  
27



1 41°15'17" E 58.64 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE RIGHT,  
2 HAVING A RADIUS OF 75.00 FEET FOR AN ARC LENGTH OF 58.56 FEET; THENCE S  
3 03°28'47" W 38.80 FEET; THENCE ALONG A TANGENTIAL CURVE TO THE LEFT,  
4 HAVING A RADIUS OF 350.00 FEET FOR AN ARC LENGTH OF 60.01 FEET; THENCE  
5 S 06°20'33" E 34.63 FEET; THENCE S 28°34'19" E 50.55 FEET; THENCE S 55°58'17" W  
6 13.76 FEET, MORE OR LESS, TO THE EASTERLY MARGIN OF MOUNT BAKER  
7 DRIVE SOUTH; THENCE ALONG SAID MARGIN N 12°37'57" E 3.50 FEET, TO THE  
8 MOST SOUTHERLY POINT OF SAID BLOCK 35 AND THE TERMINUS OF SAID  
9 LINE; SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF  
10 WASHINGTON.

11 The revised boundary line will result in a reduction of 2,392.3 square feet of the Estey/David  
12 property, in three separate locations, those areas attaching to Mount Claire Park.

13  
14 Section 4. Upon receipt of the deed from Estey and David, or their successors in interest,  
15 referred to in Section 3, the Superintendent or his designee is hereby authorized to execute and  
16 record, for and on behalf of the City of Seattle, a Quit Claim Deed to Elihu Estey and Cynthia L.  
17 David, or their successors in interest, for the following described property:

18 THOSE PORTIONS OF THE NW 1/4 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 24  
19 NORTH, RANGE 4 EAST, LYING SOUTHERLY AND WESTERLY OF MOUNT CLAIRE  
20 DRIVE SOUTH, WESTERLY OF SHORELAND DRIVE SOUTH, EASTERLY OF  
21 CASCADIA AVENUE SOUTH AND NORTHERLY OF MOUNT BAKER DRIVE SOUTH,  
22 ALL AS PLATTED AND DEDICATED ON THE PLAT OF MT. BAKER PARK,  
23 ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 16 OF PLATS, PAGE  
24 3, IN KING COUNTY, WASHINGTON, LYING SOUTHERLY AND WESTERLY OF THE  
25 FOLLOWING DESCRIBED LINE:



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12 SOUTH; THENCE, ALONG SAID MARGIN N 12°37'57" E 3.50 FEET, TO THE MOST  
13 SOUTHERLY POINT OF SAID BLOCK 35 AND THE TERMINUS OF SAID LINE,  
14 SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

15 The revised boundary line will result in a reduction of 1,652.8 square feet of park property, in  
16 three separate locations, those areas attaching to the Estey/David property.

17 The Lot Boundary Adjustment will increase the size of Mount Claire Park by 739.5 square feet.



1 Section 5. 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 9<sup>th</sup> day of December, 2013, and  
6 signed by me in open session in authentication of its passage this  
7 9<sup>th</sup> day of December, 2013.

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

11  
12 Approved by me this 16<sup>th</sup> day of December, 2013.

13  
14   
15 Michael McGinn, Mayor

16  
17 Filed by me this 17<sup>th</sup> day of December, 2013.

18  
19   
20 Monica Martinez Simmons, City Clerk

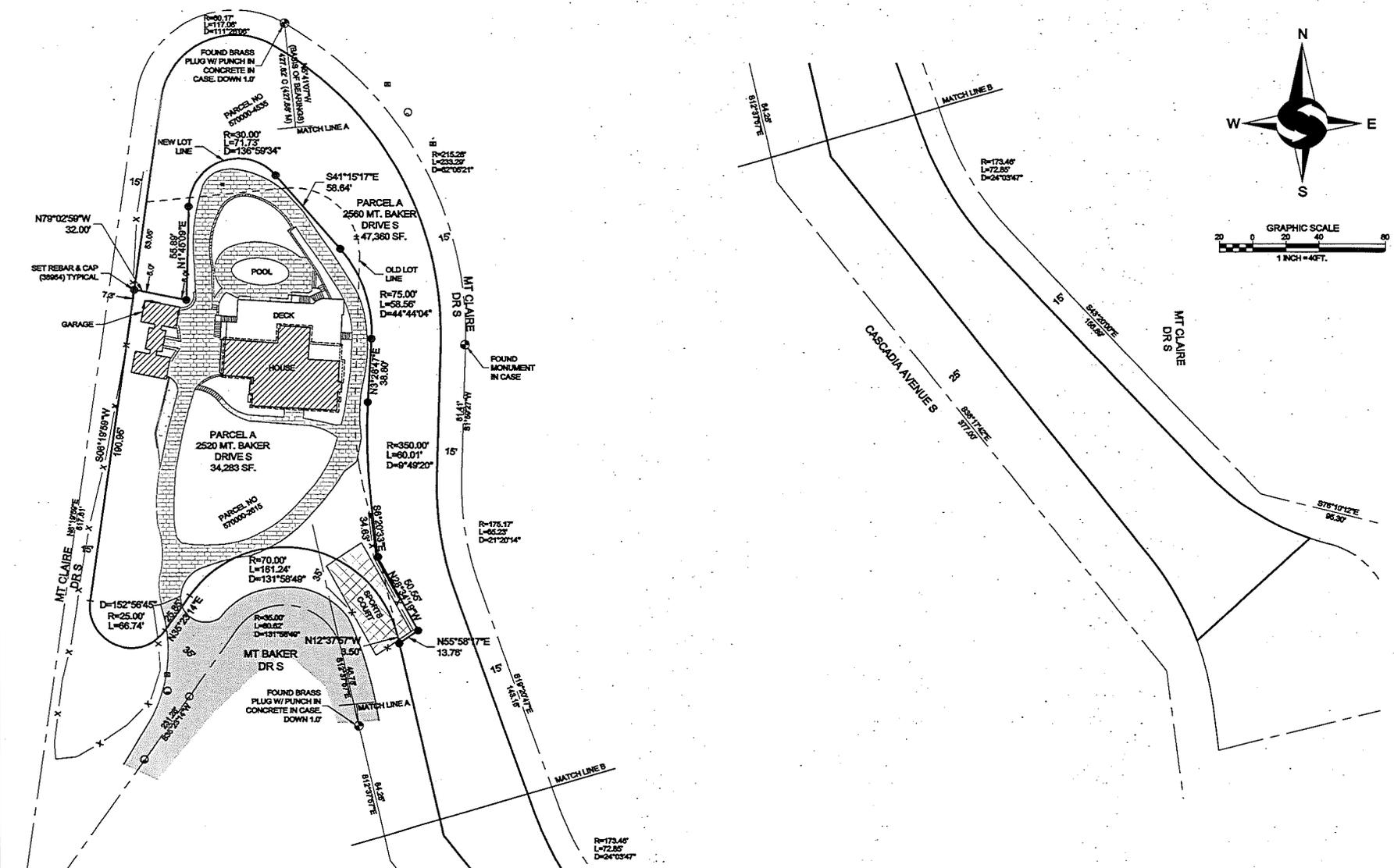
21 (Seal)

22 Attachment 1: Proposed Lot Boundary Adjustment 3013122  
23  
24  
25  
26  
27



LOT BOUNDARY ADJUSTMENT NUMBER: 3013122

RECORDING NO. VOL/PAGE

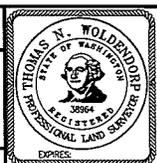


- LEGEND**
- ⊕ FOUND MONUMENT AS DESCRIBED
  - X- CHAINLINK FENCE
  - ▨ CONCRETE/BRICK WALL
  - ⊙ ASPHALT SURFACE
  - CONCRETE SURFACE
  - ▨ BRICK SURFACE

PROJECT#: 11-185 SHEET: 2 OF 2

NE 1/4, SW 1/4, SEC 10, TWP 24N, RNG 4E, W.M.

**LOT BOUNDARY ADJUSTMENT**  
 CYNTHIA DAVID / CITY OF SEATTLE  
 2520 MOUNT BAKER DRIVE S  
 SEATTLE, WA 98144



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www.site-survey-mapping.com 10115 214th Avenue NE Redmond WA 98053 Phone: 425.644.2078

PKS  
 CITY  
 CLERK

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Parks and Recreation	MaryLou Whiteford 684-7388	Jeff Muhm 684-8049

**Legislation Title:**

AN ORDINANCE relating to the Department of Parks and Recreation, concerning Mount Claire Park, finding that an exchange of property between the City of Seattle and Elihu Estey and Cynthia L. David, owners of property adjacent to Mount Claire Park, is necessary, as required by Ordinance 118477, also known as Initiative 42; and authorizing the Superintendent of Parks and Recreation to sign as co-petitioner in an application for a Lot Boundary Adjustment; and, if the Lot Boundary Adjustment is approved, authorizing the Superintendent to accept a deed from Estey and David, or their successors in interest, for certain property meeting the criteria of Initiative 42; and executing and delivering a Quit Claim Deed for certain Mount Claire Park property to Estey and David, or their successors in interest, all to resolve encroachments onto park property.

**Summary of the Legislation:**

The legislation authorizes a lot boundary adjustment (LBA) and exchange of deeds with a private property owner adjacent to Mount Claire Park in the Mt. Baker neighborhood in order to eliminate an encroachment onto park property. The LBA and property exchange meet the requirements of Ordinance 118477, commonly known as Initiative 42, resulting in the park receiving land greater in size and equivalent in value, location and usefulness.

**Background:**

Mount Claire Park was dedicated in the 1907 plat of Mt. Baker Park. The steeply-sloped park land wraps around the east and north sides of the single lot in Block 35. Block 35 is improved with a single-family house built in 1922. A circular driveway follows the easterly property line, adjacent to the park property, then around the north side of the house, and south along the west side of the house. In three separate locations, the private driveway wanders beyond the property line and onto the park land.

The LBA will allow the existing house and private improvements to remain intact by relinquishing small areas of park property on the north and east sides of Block 35. It will add two areas to the park, on the northwest and northeast corners of Block 35. Attachment A is a map illustrating the original configuration and the proposed changes. The private property owners are paying for the staff time and other expenses incurred by Parks to complete this transaction.



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

**Other Implications:**

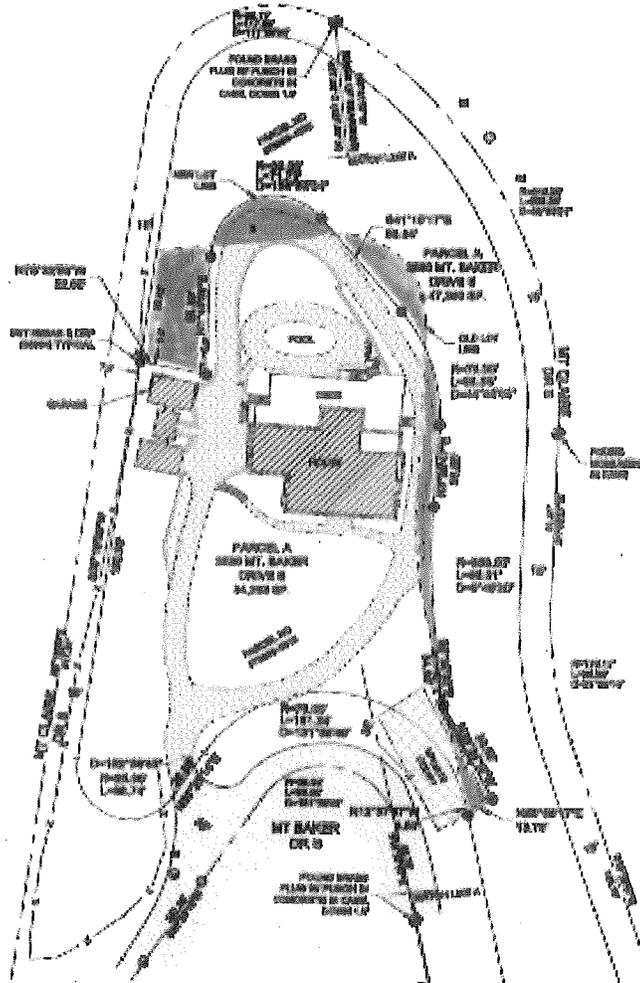
- a) **Does the legislation have indirect financial implications, or long-term implications?**  
No.
- b) **What is the financial cost of not implementing the legislation?**  
There is no financial cost to the City of not implementing this legislation. The private property owner has paid for Parks staff time and other expenses to complete this transaction; therefore, there is also no cost to the Department for implementation.
- 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?**  
There are none.
- e) **Is a public hearing required for this legislation?**  
Yes. The City Council's Parks and Neighborhoods Committee meeting will be the public hearing.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
No. The public hearing will be advertised through the City Council's regular meeting notification process.
- g) **Does this legislation affect a piece of property?**  
Yes. This legislation results in a slightly altered shape and slightly increased size of Mount Claire Park.
- h) **Other Issues:**  
There are none.

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

Attachment A: Map of Mount Claire Park Lot Boundary Adjustment



**LOT BOUNDARY ADJUSTMENT NUMBER: 0018122**



To be deeded by Estey/David to City



To be deeded by City to Estey/David





City of Seattle  
Office of the Mayor

November 5, 2013

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 authorizing a lot boundary adjustment and exchange of deeds to cure an encroachment onto Mount Claire Park in the Mt. Baker neighborhood. The lot boundary adjustment slightly alters the shape of the park and the exchange of deeds results in a slight increase in the size of the park.

Upon discovering that a long-existing driveway and private sports court encroached on adjacent park property, the owners of 2520 Mt. Baker Drive South approached Seattle Parks and Recreation seeking to correct the situation. A lot boundary adjustment was proposed as a solution to resolve the encroachment. The private property owners are paying for the staff time and other expenses incurred by Parks to complete this transaction.

The proposed lot boundary adjustment and property exchange meet the requirements of Ordinance 118477, generally referred to as Initiative 42. Ordinance 118977 requires property exchanges to provide the City with land of equivalent or better size, value, location and usefulness in the vicinity, serving the same community and the same park purposes. The proposed exchange increases the size of the park by 739.5 square feet. In addition, Ordinance 118477 expressly permits lot boundary adjustments.

Thank you for your consideration of this legislation. Should you have questions, please contact MaryLou Whiteford at 684-7388.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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

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



FILED  
CITY OF SEATTLE  
2014 FEB -6 PM 4:20  
CITY CLERK

STATE OF WASHINGTON -- KING COUNTY

--SS.

306358  
CITY OF SEATTLE, CLERKS OFFICE

No. 124366,367,368,369,370

**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.

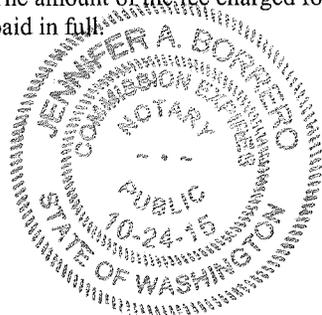
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT; TITLE ONLY ORDINANCE

was published on

01/10/14

The amount of the fee charged for the foregoing publication is the sum of \$119.60 which amount has been paid in full.



*Samuel Coleby*

Subscribed and sworn to before me on

01/10/2014

*[Signature]*

Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication

# State of Washington, King County

## City of Seattle

The full text of the following legislation, passed by the City Council on December 9, 2013, 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. 124366

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### ORDINANCE NO. 124367

AN ORDINANCE relating to water services of Seattle Public Utilities; revising water rates and charges for service to wholesale customers, and amending Seattle Municipal Code Chapter 21.04.440 in connection therewith.

### ORDINANCE NO. 124368

AN ORDINANCE relating to the Seattle Department of Parks and Recreation; authorizing the Superintendent to enter into a lease agreement with the North Seattle Chamber of Commerce for the purpose of providing recreational and community programs to the public at the City of Seattle's Lake City Community Center.

### ORDINANCE NO. 124369

AN ORDINANCE relating to the parking facility at the Woodland Park Zoo; amending the Woodland Park Zoo Operations and Management Agreement between The City of Seattle and the Woodland Park Zoological Society ("WPZS"); agreeing to the terms of repayment by WPZS of an outstanding obligation to the City for predevelopment costs incurred with respect to a proposed structured parking facility; agreeing to the City's payment of a portion of the costs for WPZS to provide a smaller surface parking lot to relieve parking congestion in the neighborhood surrounding the Zoo; amending Ordinance 124058, which adopted the 2013 Budget, including the 2013-2018 Capital Improvement Program (CIP); increasing appropriations in the Parks Infrastructure budget control level for the Zoo Parking Development Project; and revising project descriptions; all by a three-fourths vote of the City Council.

### ORDINANCE NO. 124370

AN ORDINANCE relating to the Seattle Department of Parks and Recreation; authorizing the Superintendent to enter into a lease agreement with the Tiny Tots Development Center for the purpose of providing day care services and community programs to the public at the Hutchinson Community Center.

Date of publication in the Seattle Daily Journal of Commerce, January 10, 2014.

1/10(306358)

FILED  
CITY OF SEATTLE  
2014 FEB -6 PM 4:20  
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STATE OF WASHINGTON -- KING COUNTY

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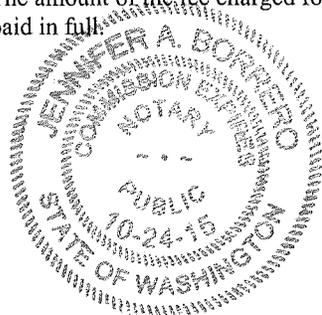
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Subscribed and sworn to before me on

01/10/2014

*[Signature]*

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Affidavit of Publication

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