SEATTLE CITY COUNCIL

Legislative Summary

CB 118592

Record No.: CB 118592 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 124967 **In Control:** City Clerk

File Created: 11/25/2015

Final Action: 12/17/2015

Title: AN ORDINANCE vacating the south 168 feet of the alley adjacent to Lots 17 through 24, lying between Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska Junction of the West Seattle neighborhood of Seattle, on the petition of Fauntleroy Place LLC (Clerk File 308171), and ratifying and confirming certain prior acts.

Notes: To replace CB 118574 with corrected number of feet to be vacated.

	Date
Filed with City Clerk:	12/17/2015
Mayor's Signature:	12/17/2015
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Sponsors: Rasmussen

Attachments: Att A - Property Use and Development Agreement

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	12/01/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	12/02/2015	sent for review	Transportation Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Transportation Committee						
	Notes:						
1	Full Council	12/07/2015	referred	Transportation Committee			
	Action Text: The Council Bill (CB) was referred. to the Transportation Committee						
	Notes:						
1	Transportation Committee	12/08/2015	pass				Pass
	Action Text: The Committee recommends that Full Council pass the Council Bill (CB).						

In Favor: 2 Chair Rasmussen, Member Godden

Opposed: 0

Absent(NV): 3 Alternate Licata, Bagshaw, Burgess

1	Full Council	12/14/2015	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:

In Favor: 8 Council President Burgess, Councilmember Godden, Councilmember González , Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

1	City Clerk	12/16/2015	submitted for Mayor's signature	Mayor

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1	Mayor	12/17/2015	Signed

Action Text: The Council Bill (CB) was Signed.

Notes:

1	Mayor	12/17/2015	returned	City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

1	City Clerk	12/17/2015	attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 124967

COUNCIL BILL 118592

AN ORDINANCE vacating the south 168 feet of the alley adjacent to Lots 17 through 24, lying between Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska Junction of the West Seattle neighborhood of Seattle, on the petition of Fauntleroy Place LLC (Clerk File 308171), and ratifying and confirming certain prior acts.

WHEREAS, Hancock Fabrics, Inc., and Fauntleroy Place LLC ("Petitioner") filed a petition under Clerk File 308171 to vacate the south 190 feet of the alley adjacent to Lots 17 through 24, lying between Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska Junction of the West Seattle neighborhood of Seattle; and

WHEREAS, Fauntleroy Place LLC is the successor in interest and the current Petitioner; and

WHEREAS, following a May 8, 2007, public hearing on the petition, the Seattle City Council ("City Council") conditionally granted the petition; and

WHEREAS, a Property Use and Development Agreement recorded with the King County Recorder's Office under Recording No. 20150708002118 commits the Petitioner and their successors to fulfill ongoing public-benefit obligations required as part of the vacation; and

WHEREAS, the Petitioner dedicated the alley segment accepted in Ordinance 124705 to provide a new alley access connecting 40th Avenue SW and SW Oregon Street; and

WHEREAS, as provided for in RCW 35.79.030 and Seattle Municipal Code Chapter 15.62, the Petitioner has paid the City a vacation fee of $60,000 that is the full appraised value of the property; and

WHEREAS, Fauntleroy Place LLC has met all conditions imposed by the City Council in connection with the vacation petition; and

WHEREAS, vacating the south 168 feet of the alley adjacent to Lots 17 through 24, lying between Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska Junction of the West Seattle neighborhood of Seattle is in the best interests of the public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The south 168 feet of the alley adjacent to Lots 17 through 24, lying between Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska Junction of the West Seattle neighborhood of Seattle described below are vacated:

That portion of the alley lying between Blocks 55 and 56, Boston Company's Plat of West Seattle, recorded in volume 3 of Plats, page 19, Records of King County Washington, lying north of the north margin of Southwest Alaska Street and lying south of the easterly extension of a line being 23.50 feet south of and parallel with the north line of Lot 17, Block 55 of said plat; situate in the City of Seattle, King County, Washington.

Section 2. The Property Use and Development Agreement, King County Recording Number 20150708002118, attached as Attachment A to this ordinance, is accepted.

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 4. 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 the City Council the 14th day of December, 2015, and signed by me in open session in authentication of its passage this 14th day of December, 2015.

President _____ of the City Council

Approved by me this 17th day of December, 2015.

Edward B. Murray, Mayor

Filed by me this 17th day of December, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment A - Property Use and Development Agreement

Electronically Recorded
20150708002118
SIMPLIFILE AG 75.00
Page 001 of 004
07/08/2015 04:33
King County, WA

After Recording Return To:
Seattle Department of Transportation
Attn: Ms. Beverly Barnett
Seattle Municipal Tower
P.O. Box 34996
Seattle WA 98124-4996

NGS-CM-4217

THIS DOCUMENT IS RECORDED
AS A COURTESY ONLY.
FIRST AMERICAN TITLE INSURANCE CO.
ASSUMES NO LIABILITY FOR
SUFFICIENCY, VALIDITY OR ACCURACY

Grantor: 3922 SW Alaska LLC, a Washington limited liability company

Grantee: City of Seattle, a municipal corporation of the State of Washington

Abbreviated Legal:

Lots 10 through 24, Block 56, and Lots 18 through 24 and ptn 17, Block 55, Boston Co.'s Plat of West Seattle, Vol. 3 of Plats, P. 19, King County, WA, less ptns for streets and alley
Full legal description at **Exhibit A**

Assessor's Tax Parcel Nos.: 095200-7175, 095200-7265

Reference of Documents
Assigned or Released: Not Applicable

PROPERTY USE AND DEVELOPMENT AGREEMENT

This Property Use And Development Agreement ("Agreement") is executed as of the 10TH day of JUNE, 2015, by 3922 SW Alaska LLC, a Washington limited liability company, ("Owner") in favor of the City of Seattle, a municipal corporation of the State of Washington ("City").

ORIGINAL
Electronically Recorded

After Recording Return To:
Seattle Department of Transportation
Attn: Ms. Beverly Barnett
Seattle Municipal Tower
P.O. Box 34996
Seattle WA 98124-4996

NGS-CM-4217

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Assessor's Tax Parcel Nos.: 095200-7175, 095200-7265

Reference of Documents
Assigned or Released: Not Applicable

PROPERTY USE AND DEVELOPMENT AGREEMENT

This Property Use And Development Agreement ("Agreement") is executed as of the 10TH day of JUNE, 2015, by 3922 SW Alaska LLC, a Washington limited liability company, ("Owner") in favor of the City of Seattle, a municipal corporation of the State of Washington ("City").

WITNESSETH

WHEREAS, Owner is vested in fee simple title to the real property in King County, Washington, legally described in **Exhibit A** (the "Property") that is attached to this Agreement; and

WHEREAS, Owner is developing the Property with a mixed use project as reviewed by the Seattle Department of Planning and Development under Project No. 3009161 as modified by Project No. 3014161, and as reviewed by the Seattle Department of Transportation under Street Improvement Permit No. 21818 (the "Project SIP"); and

WHEREAS, a petition was filed under Council File 308171 to vacate a portion of the north-south mid-block alley extending northerly from SW Alaska Street, to become part of the Project, and contemplated that the Owner would dedicate a section of east-west alley and provide an alley easement in order to preserve the alley functions on the block; and

WHEREAS, on June 18, 2007, the alley vacation was preliminarily approved by the City Council subject to conditions, including a condition that the Project provide certain public benefit features; and

WHEREAS, on November 16, 2012, the preliminary approval was extended with the additional condition of overlapping, continuous rain protection along the SW Alaska Street and 39th Avenue SW facades of the Project; and

WHEREAS, the Owner has conveyed to the City, and the City has accepted, a Deed For Alley Purposes (King County Recording #20140429000572) and Easement For Alley Purposes (King County Recording #20140429000569); and

WHEREAS, the public benefit features included a public plaza space in right-of-way bulb at the SE Project corner at SW Alaska Street and 39th Avenue SW; a public art element in the public plaza space; enhanced sidewalk widths and landscaping along SW Alaska Street and along 39th Avenue SW over and above City code requirements; weather protection along the Project's SW Alaska Street and 39th Avenue SW facades; a decorative bike rack in the right-of-way; and street furniture; and all of which improvements are reflected in the Project SIP; and

WHEREAS, the public benefit features also included a $25,000 payment to Seattle Parks that the Owner has made prior to the execution of this Agreement; and

WHEREAS, the public benefit features included provision of "flex car" spaces in the Project garage; and

WHEREAS, execution of this Agreement is desired to ensure compliance with any ongoing conditions to provide public benefit features as part of the Project subsequent to passage of the alley vacation ordinance;

NOW, THEREFORE, the Owner covenants, bargains, and agrees on behalf of itself and its successors and assigns to the following conditions:

Section 1. The following features as shown in the approved drawings of the Project SIP in the right-of-way adjacent to the Project shall be maintained by the Owner for the life of the Project:

A. The public plaza space in right-of-way bulb at the southeast corner Project at the intersection of SW Alaska Street and 39th Avenue SW, which is approximately 2,690 square feet in area (excluding surrounding sidewalks and including landscaped areas), as shown in more detail in the Project SIP;
B. The public art element of a ground-level mosaic that is installed in the public plaza space;
C. The sidewalks and landscaping adjacent to the Project along SW Alaska Street and along 39th Avenue SW;
D. The weather protection along the Project's SW Alaska Street and 39th Avenue SW facades;
E. The decorative bike rack in the right-of-way; and
F. The street furniture as shown in the Project SIP.

After installing the public amenity features above, the amenities may be repaired or modified after written consent of the Director of the Department of Transportation, provided that the quality of the amenities shall not be diminished. After installation, the amenity features shall remain in place in the configuration shown in the Project SIP unless changed by action of the City, such as right-of-way reconfigurations for bicycle lanes or other public purposes at the City's sole discretion.

Section 2. The Owner shall make available at a commercially-reasonable rate up to two spaces for flex cars in the Project's parking garage. If in the future, flex cars are no longer used as a means of transportation in the neighborhood, SDOT may waive or modify this requirement in its sole discretion.

Section 3. Upon the effective date of the vacation ordinance, the Owner shall provide and thereafter maintain in full force and effect, commercial general liability insurance providing for a limit of not less than $1,000,000 per occurrence for any damages to persons or property related to Owner's installation, maintenance and use of the public amenities listed above. The insurance policy shall name the City as an additional insured.

Section 4. The Owner shall indemnify, hold harmless, and defend the City for any and all claims arising from Owner's installation and use of the public amenities as set forth in that certain Public Place Indemnity Agreement ("Indemnity Agreement") between the Owner and the City and recorded under King County Recording No. 20130408002187. The Indemnity Agreement shall remain in place for the life of the Project.

Section 5. An executed copy of this Agreement shall be recorded in the records of King County, and the covenants contained in the Agreement shall be deemed to touch and concern the use of the Property and shall run with the land.

Section 6. This Agreement is made for the benefit of the City and the public as represented by the City. The City may institute and prosecute a proceeding at law or in equity against the Owner to enforce this Agreement.

Section 6. In the event any covenant or condition or restriction of this Agreement is deemed invalid or void, such invalidity or voidness shall not affect any other covenant, condition, or restriction.

Executed as of the date first written above:

3922 SW ALASKA LLC,
a Washington limited liability company

By: _____
Name: Thomas M. Lee
Its: Manager

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 11th day of June, 2015, I certify that I know of have satisfactory evidence that THOMAS M. LEE appeared before me and acknowledged that he signed this instrument and on oath stated that he was authorized to execute this instrument as the Manager or 3922 SW ALASKA LLC, a Washington limited liability company, and acknowledged it to be the free and voluntary act of such company for the uses and purposes mentioned in this instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of June, 2015.

DEBBIE A. METULLY
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
NOVEMBER 19, 2015

_____
Debbie A. Metully
(Print or type name)
NOTARY PUBLIC in and for the State of Washington.
Residing at Seattle
My commission expires 11/19/2015

Exhibit A

PARCEL A

LOTS 17 THROUGH 24, INCLUSIVE, BLOCK 55 OF BOSTON CO.'S PLAT OF WEST SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 19, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF SAID LOT 24 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 70682, AS PROVIDED BY ORDINANCE NO. 21302 OF THE CITY OF SEATTLE;

AND EXCEPT THAT PORTION OF SAID LOT 17, DEDICATED FOR ALLEY PURPOSES, RECORDED UNDER RECORDING NUMBER 20140429000572, RECORDS OF KING COUNTY, WASHINGTON;

AND EXCEPT THAT PORTION OF SAID LOT 17, AS SHOWN ON A BOUNDARY LINE AGREEMENT, RECORDED UNDER RECORDING NUMBER 20130909001729, RECORDS OF KING COUNTY, WASHINGTON.

PARCEL B

LOTS 10 THROUGH 24, INCLUSIVE, BLOCK 56, OF BOSTON CO.'S PLAT OF WEST SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 19, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF SAID LOTS 23 AND 24 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NOS. 70682 AND 93059 FOR STREET PURPOSES, AS PROVIDED BY ORDINANCE NOS. 21302 AND 29063, RESPECTIVELY, OF THE CITY OF SEATTLE;

AND EXCEPT THAT PORTION OF SAID LOTS 10 THROUGH 16, INCLUSIVE, DEDICATED FOR ALLEY PURPOSES, RECORDED UNDER RECORDING NUMBER 20140429000572, RECORDS OF KING COUNTY, WASHINGTON.

PARCEL C

THAT PORTION OF THE ALLEY DESCRIBED AS FOLLOWS WHICH, UPON VACATION, WOULD ATTACH BY OPERATION OF LAW:

THAT PORTION OF ALLEY LYING BETWEEN BLOCKS 55 AND 56, BOSTON CO'S PLAT OF WEST SEATTLE ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE(S) 19, RECORDS OF KING COUNTY, WASHINGTON, LYING NORTH OF SOUTHWEST ALASKA STREET AND LYING SOUTH OF THE EASTERLY EXTENSION OF A LINE BEING 23.50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF LOT 17, BLOCK 55, OF SAID PLAT.

STATE OF WASHINGTON -- KING COUNTY

--ss.

332162 No.

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:124956-124968 TITLE

was published on

01/08/16

The amount of the fee charged for the foregoing publication is the sum of $219.47 which amount has been paid in full.

MELISSA M. DOWD
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
11-21-19

Subscribed and sworn to before me on

01/08/2016

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 14, 2015, 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.

Ord 124956

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

Ord 124957

AN ORDINANCE related to cable television; authorizing the Mayor or the Mayor's designee to enter into a renewed Cable Television Franchise Agreement with Comcast Cable Communications Management, LLC; and authorizing the Chief Technology Officer to enter into other agreements for the purpose of implementing or administering the renewed franchise.

Ord 124958

AN ORDINANCE approving and confirming the plat of "Greenbelt Station" in the portions of Southwest 1/4 of Northeast 1/4 of Section 34, Township 24 North, Range 4 East, W.M. in King County, Washington.

Ord 124959

AN ORDINANCE relating to City employment commonly referred to as the Fourth Quarter 2015 Employment Ordinance; establishing new salaries that implement 2016 increases required by Ordinance 124490; amending Ordinance 124927; increasing funds; designating positions as exempt from Civil Service status; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ord 124960

AN ORDINANCE relating to employment in Seattle; amending Chapters 14.16, 14.17, 14.19, and 14.20 of the Seattle Municipal Code to prescribe additional remedies and enforcement procedures, harmonize ordinance language, and add provisions to facilitate compliance; amending Section 3.14.931 of the Seattle Municipal Code to update duties of the Seattle Human Rights Commission; and amending Section 5.55.230 of the Seattle Municipal Code to require labor standards compliance for business license tax certificates.

Ord 124961

AN ORDINANCE authorizing, in 2015, acceptance of funding from non-City sources; authorizing the heads of the Executive Department, City Budget Office, Department of Neighborhoods, Department of Parks and Recreation, Human Services Department, Seattle Fire Department, Seattle Police Department, Department of Information Technology, and Seattle Public Utilities to accept specified grants, private funding donations and subsidized loans and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

Ord 124962

AN ORDINANCE relating to the 2015 Budget; amending Ordinance 124648, which adopted the 2015 Budget, including the 2015-2020 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; revising project allocations for certain projects in the 2015-2020 CIP; creating both exempt and nonexempt positions; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ord 124963

AN ORDINANCE relating to the creation of a Title 6 business license; adding a new Chapter 6.208 to the Seattle Municipal Code; and amending Sections 5.30.030, 5.32.150, 5.55.230, 6.10.005, 6.20.050, 6.214.310, 6.250.030, 6.500.140, 7.04.645, 21.16.060, 21.16.080, and 22.214.060 of the Seattle Municipal Code.

Ord 124964

AN ORDINANCE relating to historic preservation; imposing controls upon the Seattle Post-Intelligencer Globe, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Ord 124965

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to execute amendments to wheeling agreements between The City of Seattle and North City Water District and between The City of Seattle and Olympic View Water and Sewer District.

Ord 124966

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter into a Joint Project Agreement with King County to design, construct, operate, and maintain the Ship Canal Water Quality Project, in partial fulfillment of the objectives of the Consent Decree authorized under Ordinances 123908 and 124129, and the "Plan to Protect Seattle's Waterways" authorized under Ordinance 124766, to reduce Combined Sewer Overflows; and ratifying and confirming certain prior acts.

Ord 124967

AN ORDINANCE vacating the south 168 feet of the alley adjacent to Lots 17 through 24, lying between Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska Junction of the West Seattle neighborhood of Seattle, on the petition of Fauntleroy Place LLC (Clerk File 308171), and ratifying and confirming certain prior acts.

Ord. 124968

AN ORDINANCE relating to taxicab, transportation network company, and for-hire vehicle drivers; amending Section 6.310.110 of the Seattle Municipal Code; adding a new Section 6.310.735 to the Seattle Municipal Code; and authorizing the election of driver representatives.

Date of publication in the Seattle Daily Journal of Commerce, January 8, 2016.

1/8(332162)