

CB
117118
#3

ORDINANCE

1
2
3 AN ORDINANCE vacating a portion of Wolcott Avenue between the east margin of Rainier
4 Avenue South and the west margin of the alley in Block 17, C.D. Hillman's Atlantic City
5 Addition to the City of Seattle Division No. 2, on the petition of Housing Resources
6 Group and Chung Tai International Chan Buddhist Association; suspending the vacation
7 compensation provision of Seattle Municipal Code subsection 15.62.090A to accept one-
8 half the appraised value for the purposes of this ordinance only; and accepting a Property
9 Use and Development Agreement as reflected in Clerk File 309627.

10 WHEREAS, the Housing Resources Group and Chung Tai International Chan Buddhist
11 Association ("Petitioners") filed a petition to vacate a portion of Wolcott Avenue
12 between the east margin of Rainier Avenue South and the west margin of the alley in
13 Block 17, C.D. Hillman's Atlantic City Addition to the City of Seattle Division No. 2;
14 and

15 WHEREAS, following a May 19, 2009 public hearing on the petition, the Seattle City Council
16 ("City Council") conditionally granted the petition subject to conditions that have now
17 been met; and

18 WHEREAS, a Property Use and Development Agreement recorded with the King County
19 Recorder's Office commits the Housing Resources Group and their successors to fulfill
20 ongoing public-benefit obligations required as a result of the street vacation; and

21 WHEREAS, the City Council finds there are unique circumstances associated with this vacation
22 including: the unusual size and orientation of the right-of-way that impedes developing
23 adjacent parcels, the property's location in an economically-depressed area, the fact that
24 the property has been vacant and undeveloped for an extended period of time, the
25 suitability of the development to support transit use given its location on an arterial at a
26 major bus stop, the City Council's support for providing low-income housing, and the
27 City's investment in developing low-income housing for this project; and

28 WHEREAS, the City Council finds that the totality of the unique circumstances associated with
the vacation support considering the vacation fee paid to the City; and for the purposes of
this ordinance only, the vacation compensation provision of Seattle Municipal Code
subsection 15.62.090A is suspended, and a fee of one-half of the appraised value,
\$232,800, is accepted for the vacated street; and

WHEREAS, as provided for by Section 35.79.030 RCW, and Seattle Municipal Code Chapter
15.62 except subsection 15.62.090A which has been suspended for the purposes of this

1 ordinance only; the Petitioners have paid the City a vacation fee of one-half the appraised
2 value of the property; NOW, THEREFORE,

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

4 Section 1. The real property described below is vacated:

5 All of Wolcott Avenue Right of Way, as deeded to the City of Seattle by King
6 County in deed filed under King County Recording No. 2564745, and described
7 as follows:

8 Commencing at the intersection of the west margin of the Alley in Block 17, C.D.
9 Hillman's Atlantic City Addition to the City of Seattle, Division No. 2 according
10 to the Plat thereof recorded in Volume 12 of Plats, Page 103 records of King
11 County, Washington, with the north margin of South Rose Street as deeded to the
12 City of Seattle under Ordinance No. 40913;

13 Thence North 04° 59' 19" West along the west margin of said Alley a distance of
14 89.38 feet to the southeasterly corner of said deeded Right of Way at a point
15 30.00 feet southwesterly of the monumented centerline of said Wolcott Avenue,
16 as measured at right angles thereto, and the TRUE POINT OF BEGINNING;

17 Thence following the boundary of said deeded Right of Way through the
18 following courses:

19 North 42° 07' 27" West a distance of 252.64 feet to the west margin of Rainier
20 Avenue South as vacated by Ordinance No. 40849;

21 Thence North 00° 01' 43" West along said west margin a distance of 36.84 feet to
22 a point on the westerly extension of the North line of said Block 17;

23 Thence South 89° 52' 44" East along said westerly extension a distance of 47.70
24 feet to the beginning of a non-tangent curve concave to the northeast from which
25 the radius point bears North 48° 28' 10" East a distance of 190.00 feet;

26 Thence southeasterly along the arc of said curve through a central angle of 00° 35'
27 37" a distance of 1.97 feet;

28 Thence South 42° 07' 27" East a distance of 166.71 feet to a point on the west
margin of said Alley in Block 17;

Thence South 04° 59' 19" East along said west margin a distance of 99.39 feet to
the TRUE POINT OF BEGINNING.

1 Together with that portion of Wolcott Avenue abutting Parcel A of City of Seattle
2 Short Plat No. 83-309, Recording No. 8501080638 and described as follows:

3 Beginning at the Southwest corner of said Parcel A;

4 Thence North 89° 52' 44" West along the westerly extension of the south line of
5 said Parcel A, also being the westerly extension of the north line of said Block 17,
6 for a distance of 47.70 feet to the east margin of said Rainier Avenue South;

7 Thence North 00° 01' 43" West along said east margin a distance of 125.78 feet to
8 the west line of said Parcel A and the beginning of a tangent curve concave to the
9 northeast from which the radius point of said curve bears North 89° 58' 17" East a
10 distance of 190.00 feet;

11 Thence southeasterly along the arc of said curve through a central angle of 41° 30'
12 07" a distance of 137.63 feet to the POINT OF BEGINNING.

13 Right of way area contains 15,404 feet or 0.3536 acres of land, more or less.

14 RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills
15 upon the above described property in the reasonable original grading of any right of way abutting
16 upon said property after said vacation; and further,

17 RESERVING to the City of Seattle the right to reconstruct, maintain, and operate any
18 existing overhead or underground utilities in said rights-of-way until the beneficiaries of said
19 vacation arrange with the owner or owners thereof for their removal.

20 Section 2. The Property Use and Development Agreement, King County Recording
21 Number 20110211000518, attached as Attachment A, is accepted.

22 Section 3. The first two sentences of Seattle Municipal Code subsection 15.62.090A that
23 prescribe the required payment for vacating a street is suspended for the purpose of this
24 ordinance only; and a fee in the amount of one-half of the appraised value, \$232,800, is accepted
25 as full payment for the above-described vacated street.
26

1 Section 4. 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 Passed by the City Council the ____ day of _____, 2011, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2011.

7
8 _____
9 President _____ of the City Council

10
11 Approved by me this ____ day of _____, 2011.

12
13 _____
14 Michael McGinn, Mayor

15
16 Filed by me this ____ day of _____, 2011.

17
18 _____
19 City Clerk

20 (Seal)

21
22 Attachment A: Property Use and Development Agreement
23
24
25
26
27
28

When Recorded, Return to:
Housing Resources Group
1651 BELLEVUE AVENUE
SEATTLE, WA 98122
Attention: Becky Bicknell



20110211000518

HRG ROSE STREET AG 68.00
PAGE-001 OF 007
02/11/2011 12:19
KING COUNTY, WA

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor: 1) HRG Rose Street Limited Partnership

Grantee: 1) City of Seattle

Legal

Description:

(abbreviated)

Full description on

Exhibit 1 of document:

Parcels A & B, City of Seattle SP No. 77-48, at King County Recorder's No. #7706160547; and Ptn of Blk 17, CD Hillman's Atlantic City Addition to City of Seattle, Div 2, Vol 12 of Plats, Pg 103, King County, Washington

Assessor's Tax

333650-0007-01; 333650-0006-02; 333650-0005-03

Parcel ID #:

Reference Nos. of Documents

N/A

Released or Assigned:

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS INSTRUMENT is executed in favor of the **City of Seattle**, a municipal corporation ("City"), by **HRG Rose Street Limited Partnership**, a Washington limited partnership ("Owner").

WITNESSETH

WHEREAS, the Owner is vested in fee simple title in the real property located in King County, Washington as described in Exhibit 1 (the "Property"); and the Owner holds easement rights to additional real property located immediately north of the Property pursuant to the easement agreement recorded in the real property records of King County, Washington, at recording number 20100208001909; and

WHEREAS, a petition, C.F. 309627, was filed to vacate a portion of Wolcott Avenue South extending from the east margin of Rainier Avenue South to its terminus at the west margin of the alley in Block 17, C.C. Hillman's Atlantic City View Addition; and

WHEREAS, the vacation petition was considered by the City as provided for in Chapter 35.79 of the Revised Code of Washington and Seattle Municipal Code Chapter 15.62; and

WHEREAS, on May 19, 2009 the Transportation Committee of the Seattle City Council held a public hearing on the vacation petition; and

WHEREAS, on May 26, 2009 the Seattle City Council granted approval of the vacation petition subject to conditions (the "Conditions");

WHEREAS, the Owner has now constructed a mixed-use building on the Property (the "Building"); and as required in the Conditions has or will complete certain improvements adjacent to the Building, maintain the improvements, and create public access; and

WHEREAS, execution of a Property Use and Development Agreement (PUDA) ensures compliance with any on-going Conditions following passage of the vacation ordinance;

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

Section 1 The following Conditions are on-going obligations and responsibilities of the Owner.

- A. The pedestrian sidewalk along the driveway north of the Building shall remain open to the public and, along with the adjacent landscaping, shall be maintained in a manner consistent with City code and rules.

- B. The decorative bicycle racks on Rainier Ave. S. shall remain available for public use and shall be maintained in a manner that allows them to be fully used for their intended purpose.
- C. The gateway plaza along the south of the Building and south of the secured entry gate to the Building on South Rose Street shall remain open to the public and shall be maintained in a manner consistent with City code and rules.
- D. The area of the sidewalk extension at S. Rose Street, Rainier Avenue S., and Wabash Avenue S., including landscaping, north of the curb on the north side of S. Rose St. and the northeast side of Wabash Avenue S. shall remain open to the public and shall be maintained in a manner consistent with City code and rules.
- E. The location of the public benefits listed above are shown on the attached drawing at Exhibit 2 ("Public Benefit Areas"). The replacement of any of the public benefits listed above shall be of similar quality in design and materials as the original. Changes to the public benefits shall require prior written approval by the Seattle Department of Transportation.

Section 2 This Agreement may be amended or modified by agreement between the Owner and the City; provided, the amended Agreement shall be approved by the City Council by ordinance. Nothing in the Agreement shall be construed as a surrender of the City's governmental powers.

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 all damages arising out of bodily injuries or death. The insurance policies obtained shall be approved as to form by the City Risk Manager, and shall name the City as an additional insured.

Section 4 The Owner shall indemnify, hold harmless, and defend the City and its officers, agents and employees, from any and all claims, losses, liabilities, liens, costs, or expenses including attorney's fees, resulting from or arising out of public use of those portions of the Public Benefit Areas shown on the attached drawing at Exhibit 2 and located on the Property (within the property line shown on Exhibit 2), except to the extent resulting from the negligence or intentional acts of the City. If any claim covered by this paragraph is asserted against the City; Owner, upon notice thereof from the City, shall defend the City at its sole cost and expense, and shall pay any final judgment rendered upon any claim.

Section 5 An executed copy of this Property Use and Development Agreement shall be recorded in the records of King County for the Property and the covenants shall be deemed to attach to and run with the Property.

Section 6 This Property Use and Development Agreement is made for the benefit of the City and the public. The City may institute and prosecute any proceeding at law or in equity

EXHIBIT 1

PROPERTY USE AND DEVELOPMENT AGREEMENT

Legal Description of Property

PARCEL A:

Parcel B, City of Seattle Short Plat Number 77-48, according to the Short Plat recorded under Recording Number 7706160547, said Short Plat being a portion of Lots 1 through 8, inclusive, Block 17, C.D. Hillman's Atlantic City Addition to the City of Seattle, Division No. 2, according to the plat thereof recorded in Volume 12 of Plats, page 103, in King County, Washington.

TOGETHER WITH the street to be vacated pursuant to City of Seattle Clerk File Number 309627 dated May 19, 2009 that will attach by operation of law.

PARCEL B:

That portion of Block 17, C.D. Hillman's Atlantic City Addition to the City of Seattle, Division No. 2, according to the plat thereof recorded in Volume 12 of Plats, page 103, in King County, Washington, and of vacated Rainier Avenue as vacated by Ordinance No. 40849 of the City of Seattle, described as follows: Beginning at the intersection of the west line of Lot 1, Block 17, with the north line of Rose Street as deeded to the City of Seattle under Ordinance No. 40913; Thence west along said north line 61.48 feet to a point of curve; Thence along a curve to the right having a radius of 15.00 feet, an arc distance of 23.55 feet to a point of tangency; Thence north along the east line of Rainier Avenue as established under said Ordinance No. 40849, 135.00 feet; Thence east parallel with the north line of said Lot 1, Block 17, a distance of 100.00 feet; Thence south parallel with said east line of Rainier Avenue to the said north line of Rose Street; Thence west along said north line of Rose Street to the point of beginning.

PARCEL C:

Parcel A, City of Seattle Short Plat Number 77-48, according to Short Plat recorded under Recording Number 7706160547, said Short Plat being a portion of Lots 1 through 8, inclusive, Block 17, C.D. Hillman's Atlantic City Addition to the City of Seattle, Division No. 2, according to the plat thereof recorded in Volume 12 of Plats, page 103, in King County, Washington.

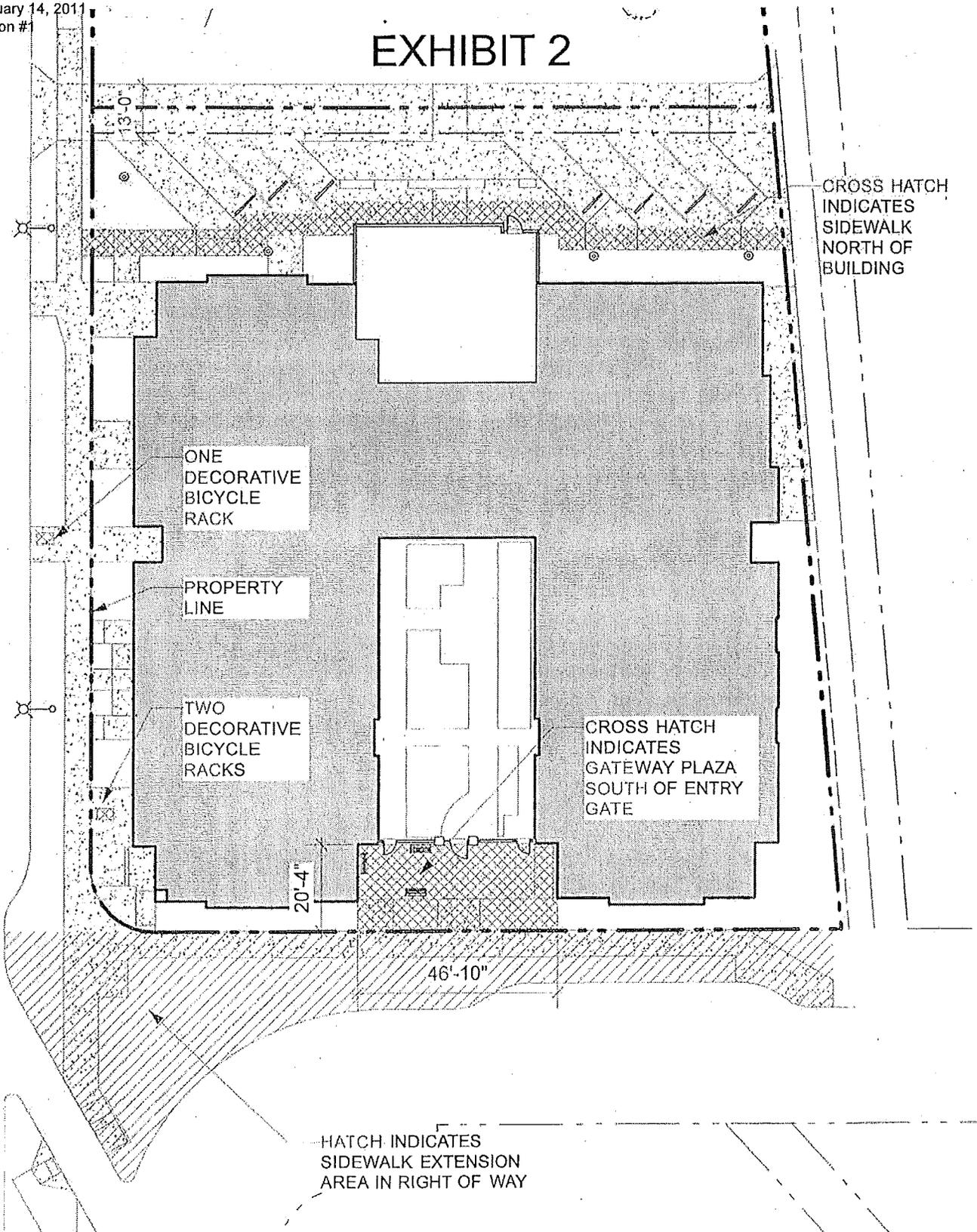
TOGETHER WITH the street to be vacated pursuant to City of Seattle Clerk File Number 309627 dated May 19, 2009 that will attach by operation of law.

EXHIBIT 2

PROPERTY USE AND DEVELOPMENT AGREEMENT

Drawing of Public Benefit Areas Subject to PUDA

EXHIBIT 2



Dwg. No: ARSK-064	Project #: 07006.00	Project Title: ROSE STREET PUBLIC BENEFIT AREAS SUBJECT TO PUDA		SMR Architects 911 Western Avenue Suite 200 Seattle, WA 98104 (206) 623-1104
	Date: 2/9/11			
	Drawn: SS			
	Scale: 1/30"=1'-0"			

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Transportation	Beverly Barnett/684-7564	Stephen Barham/733-9084

Legislation Title:

AN ORDINANCE vacating a portion of Wolcott Avenue between the east margin of Rainier Avenue South and the west margin of the alley in Block 17, C.D. Hillman's Atlantic City Addition to the City of Seattle Division No. 2, on the petition of Housing Resources Group and Chung Tai International Chan Buddhist Association; suspending the vacation compensation provision of Seattle Municipal Code subsection 15.62.090A to accept one-half the appraised value for the purposes of this ordinance only; and accepting a Property Use and Development Agreement as reflected in Clerk File 309627.

Summary of the Legislation:

This Council Bill completes the vacation process for a portion of Wolcott Avenue between the east margin of Rainier Avenue South and the west margin of the alley in Block 17, C.D. Hillman's Atlantic City Addition to the City of Seattle Division No. 2, on the petition of Housing Resources Group and Chung Tai International Chan Buddhist Association and accepts a Property Use and Development Agreement. This legislation temporarily suspends SMC 15.62.090A, which establishes the compensation amount for the street vacation process.

Background: (Include a brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable.)

On May 26, 2009, the City Council voted to conditionally grant the petition to vacate a portion of Wolcott Avenue. HRG subsequently constructed Phase One consisting of a four-story, mixed-use building with a below-grade parking garage at the southern end of the site at Rainier Avenue South and South Rose Street. A portion of the building is located on the proposed vacation area. The building includes 71 one and two-bedroom units for low-income individuals and families, and some ground-floor commercial space.

To meet its public benefit requirement, HRG extended the sidewalk and traffic island on the south side of the intersection of Rainier Avenue South and South Rose Street to the north, shortening the size of the pedestrian crossing and supporting transit use. The completed project also incorporates improvements such as a small residential courtyard on South Rose Street with benches, a pedestrian sidewalk path on the north side, and bicycle racks on Rainier Avenue South.

Unique circumstances associated with the vacation were considered by City Council regarding the vacation fee, including the unusual size and orientation of the right-of-way which impedes the ability to develop the adjacent parcels, the location of the property in an economically

depressed area, the fact that the property has been vacant and undeveloped for an extended period of time, the suitability of the development to support transit use given its location on an arterial at a major bus stop location, the City Council support for the provision of low-income housing, and City investment in developing low-income housing. For these reasons, the SMC 15.62.090A provision establishing the compensation amount for a vacated street was suspended and a fee in the amount of one-half of the appraised value was accepted.

Please check one of the following:

This legislation does not have any financial implications.
(Stop here and delete the remainder of this document prior to saving and printing.)

This legislation does not accept or appropriate funds. The Seattle Department of Transportation received a vacation fee of \$232,800 in 2011, at which time 50 percent was deposited in the CRS Unrestricted Subaccount and 50 Percent in the CRS Street Vacation Subaccount.

Attachment A: Street Vacation Map.

Attachment B: Site Plan



**Wolcott Avenue
 Street Vacation
 C.F. 309627**

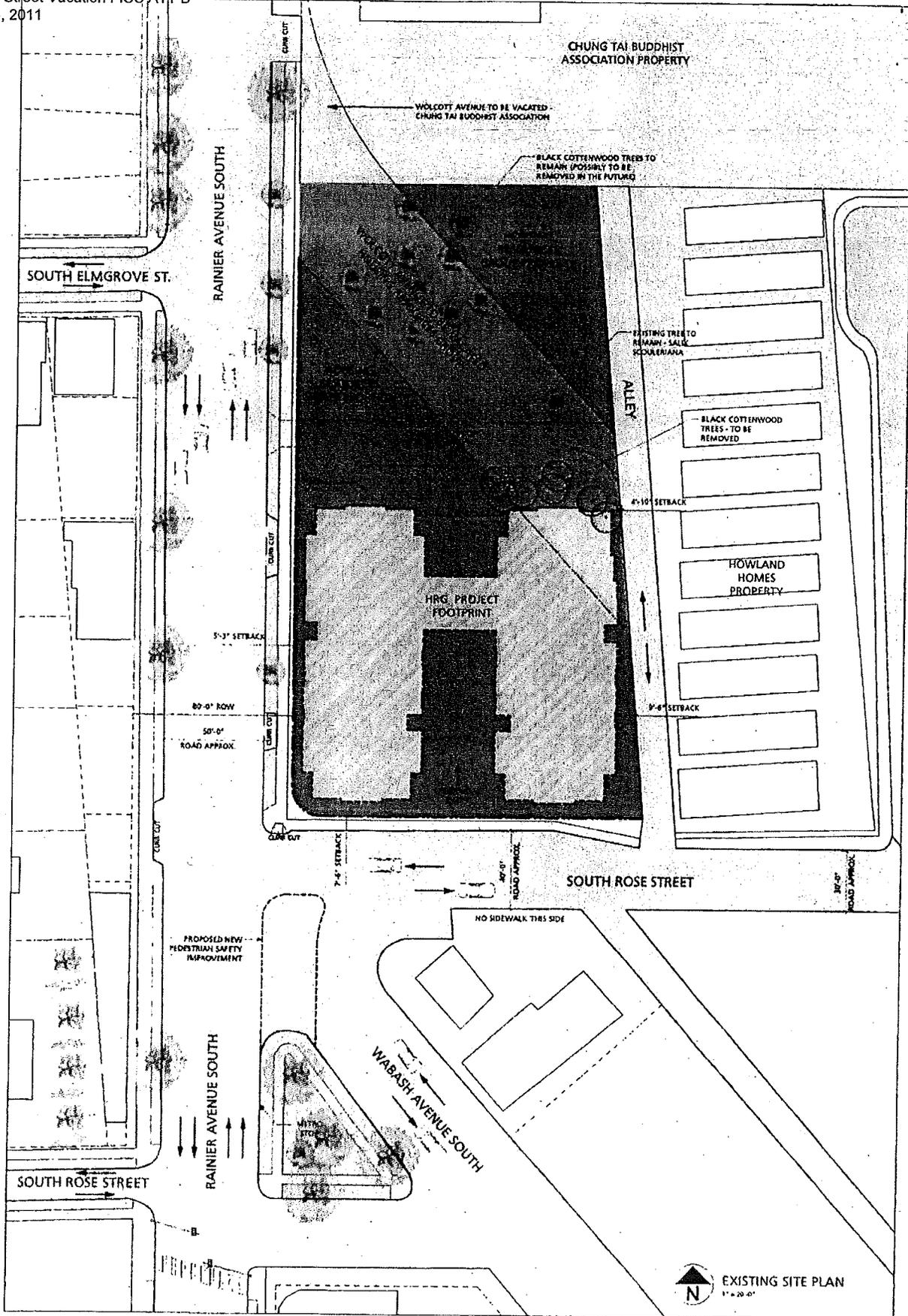
Petitioners:
 Housing Resources Group &
 Chung Tai International Chan
 Buddhist Association

Zoning: NC2-40

Proposed Vacation Area:
 15,234 sq ft

SDOT Street Vacations

Lake Washington
 South City Limits



ROSE STREET APARTMENTS
 8124 RAINIER AVENUE SOUTH

SITE PLAN - EXISTING CONDITIONS
 DESIGN COMMISSION MEETING #1 - 2/19/09

911 Western Avenue
 Suite 200
 Seattle, WA 98104





City of Seattle
Office of the Mayor

February 22, 2011

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

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that would complete the vacation process for the petitioners Housing Resources Group (HRG) and Chung Tai International Chan Buddhist Association that would allow a new mixed-use development project to be built in the Rainier Valley between the Rainier Beach and Hillman City neighborhoods in Seattle. The Petitioners sought to vacate the portion of Wolcott Avenue between Rainier Avenue South and the alley in Block 17, C.D. Hillman's Atlantic City Addition to the City of Seattle Division No. 2. This legislation also accepts a Property Use and Development Agreement that commits HRG and their successors to fulfill ongoing public benefit obligations in connection with this project.

On May 26, 2009, the City Council voted to conditionally grant the petition to vacate a portion of Wolcott Avenue for the affordable housing project. HRG subsequently constructed Phase One of the project consisting of a four-story, mixed-use building with a below-grade parking garage at the southern end of the site at Rainier Avenue South and South Rose Street. A portion of the building is located on the proposed vacation area. The building includes 71 one and two-bedroom units for low-income individuals and families, and some ground-floor commercial space.

To meet its public benefit requirement, HRG extended the sidewalk and traffic island on the south side of the intersection of Rainier Avenue South and South Rose Street to the north, shortening the pedestrian crossing and supporting transit use. The project also incorporates improvements such as a small residential courtyard on South Rose Street with benches, a pedestrian sidewalk path on the north side, and bicycle racks on Rainier Avenue South.

Thank you for your support of this legislation that supports the creation of high-density, affordable-housing units adjacent to transit, and allows the City to leverage its ongoing transit investment in the Rainier Valley. If you have any questions please contact Beverly Barnett at (206) 684-7564.

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.mcgin@seattle.gov