

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117586

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

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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.

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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.

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11 _____
12 President _____ of the City Council

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14 Approved by me this ____ day of _____, 2012.

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16 _____
17 Michael McGinn, Mayor

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19 Filed by me this ____ day of _____, 2012.

20
21 _____
22 Monica Martinez Simmons, City Clerk

23 (Seal)



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
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.



Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:
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:

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

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:

Spending Plan and Budget	2011	2012	2013	2014	2015	2016	Total
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:

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

Funding Source Notes:

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

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:

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	549	2,696	2,875	2,932	2,991	12,043
Sources							
Parks & Recreation Fund (10200)	0	549	2,696	2,875	2,932	2,991	12,043
Total	0	549	2,696	2,875	2,932	2,991	12,043

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
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 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.

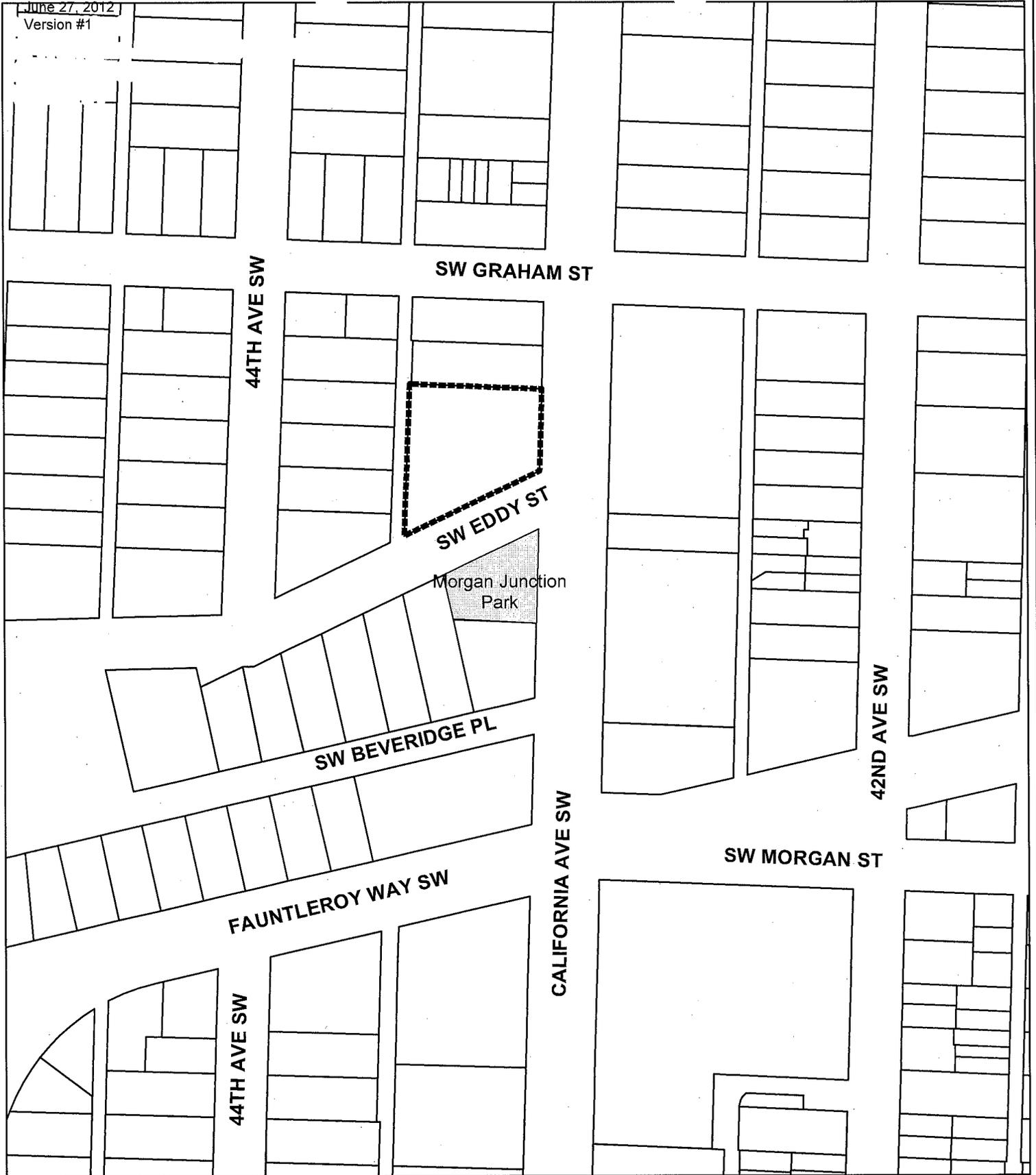
h) Other Issues: None.

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

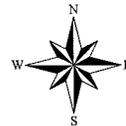
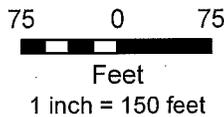


Morgan Junction Residential Urban Village
Proposed Morgan Junction Park Addition – 6311 California Avenue SW



Legend

- Target Property
- Parks Boundary
- Parcel Boundary



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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, 2nd 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

