#2
CB 117486

Susan Paine
SDOT Goodhue Plat ORD
April 30, 2012
Version #6

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117486

AN ORDINANCE approving and confirming the plat of "Goodhue" in a portion of Section 19, Township 26 North, Range 4 East, W.M. in King County, Washington with a modified plat condition; waiving the requirement of a surety bond under subsection 23.22.070.C of the Seattle Municipal Code and approving acceptance of an irrevocable standby letter of credit to guarantee completion of required facilities and improvements; and setting a date for completion of required facilities and improvements.

WHEREAS, a proposed plat of "Goodhue" has been submitted for approval (DPD Subdivision Application No. 3005091); and

WHEREAS, a proposed plat of "Goodhue" includes a dedication to the City of Seattle of easements for electrical and water utility purposes and right of way for Meridian Avenue North; and

WHEREAS, following review and recommendations by the various City departments that have jurisdiction in this matter and a public hearing before the Hearing Examiner of the City of Seattle, the Hearing Examiner approved the preliminary plat of "Goodhue" subject to certain conditions on March 5, 2009; and

WHEREAS, the Director of Planning and Development and the Director of Transportation determined that one of conditions imposed by the Hearing Examiner contained an error; and

WHEREAS, with consent of the subdivider of the plat of "Goodhue" as required by subsection 23.22.072.A of the Seattle Municipal Code (SMC), the Director of Planning and Development and the Director of Transportation recommend modification of Hearing Examiner Condition #2, by replacing:

"Provide public easements over the vehicle/pedestrian access easements (Tract C) on the face of the plat or concurrent with recording of the final plat. Provide appropriate easements for City Departments to access and work on the necessary utilities. For Tract C, provide documentation on the plat showing that the easement utilities will be maintained by the City, while the roadway will be maintained by the homeowner's association."

with:

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"Provide private easements for vehicle/pedestrian access over Tract C on the face of the plat or concurrent with recording the final plat. Provide appropriate easements for City Departments to access and work on the necessary utilities. For Tract C, provide documentation on the plat showing that the easement utilities will be maintained by the City, while the roadway will be maintained by the homeowner's association."; and

WHEREAS, the subdivider has not completed installation and construction of any of the required facilities and improvements for the subdivision; and

WHEREAS, due to changes in the surety market and other factors, the subdivider is unable to provide a bond as required by SMC 23.22.070.C to guarantee the completion of the required improvements; and

WHEREAS, the subdivider has secured its performance for the completion of facilities and improvements with an irrevocable standby letter of credit in the amount of $1,862,300; and

WHEREAS, under RCW 58.17.130, the City may accept a bond or other secure method for providing for and securing the actual construction and installation of the required improvements; and

WHEREAS, the Director of Transportation has determined that the amount of the irrevocable standby letter of credit is sufficient and the City Attorney's Office has approved the form; and

WHEREAS, the Director of Transportation and the Director of Planning and Development have, subject to Council approval of the modified plat condition, approved the final plat for the subdivision and have reported that the final plat now meets all of the requirements of the State platting law (RCW Ch. 58.17) and of the Seattle Municipal Code (SMC Ch. 23.22), except for the execution of the required certifications by the King County Assessor and the King County Comptroller and the completion of the improvements; and

WHEREAS, the Director of Transportation and the Director of Planning and Development report that the plat of "Goodhue", a copy of which is in C.F. No. 308766, is now complete and ready for City Council approval; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The plat of "Goodhue", a platting of a portion of the Southeast Quarter of the Northeast Quarter of Section 19, Township 26 North, Range 4 East, W.M., King County, Washington, is legally described as follows:

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That portion of the Southeast quarter of the Northeast quarter of Section 19, Township 26 North, Range 4 East, W.M., as described as follows:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SUBDIVISION 30 FEET WEST OF THE NORTHEAST CORNER THEREOF;

THENCE SOUTH ON A LINE PARALLEL TO AND 30 FEET WEST OF THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 613.35 FEET, MORE OR LESS, TO THE NORTHEASTERLY LINE OF ROOSEVELT WAY;

THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 328.24 FEET, MORE OR LESS, TO THE NORTHERLY PRODUCTION OF THE EAST LINE OF BURKE AVENUE AS SHOWN ON THE PLAT OF NORTH SEATTLE HEIGHTS DIV. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 38 OF PLATS, PAGE 41, RECORDS OF SAID COUNTY;

THENCE NORTH ALONG THE PRODUCED EAST LINE OF BURKE AVENUE, 420.63 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19;

THENCE EASTERLY ALONG SAID SUBDIVISION LINE 272.01 FEET, MORE OR LESS, TO THE POINT OF THE BEGINNING ;

EXCEPT THE NORTH 30 FEET THEREOF CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NO.581368.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Section 2. A modification to a preliminary plat condition, Hearing Examiner Condition #2, recommended by the Director of Planning and Development and the Director of Transportation and consented to by the subdivider of the plat of "Goodhue", as required by subsection 23.22.072.A of the Seattle Municipal Code (SMC), is hereby approved as follows:

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Replace:

"Provide public easements over the vehicle/pedestrian access easements (Tract C) on the face of the plat or concurrent with recording of the final plat. Provide appropriate easements for City Departments to access and work on the necessary utilities. For Tract C, provide documentation on the plat showing that the easement utilities will be maintained by the City, while the roadway will be maintained by the homeowner's association."

with:

"Provide private easements for vehicle/pedestrian access over Tract C on the face of the plat or concurrent with recording the final plat. Provide appropriate easements for City Departments to access and work on the necessary utilities. For Tract C, provide documentation on the plat showing that the easement utilities will be maintained by the City, while the roadway will be maintained by the homeowner's association."

Section 3. With respect to the plat of "Goodhue", together with any interest in abutting streets, and all dedications contained therein, as executed by City 26 by Isola Homes, LLC, a Washington Limited Liability Company, and approved by the Director of Transportation and the Director of Planning and Development, the following findings are hereby made:

(a) The final plat of the subdivision is in substantial conformance with the approved preliminary plat of the subdivision, as modified in Section 2 above; and

(b) When both the King County Assessor and King County Comptroller have affixed their certifications as required by RCW 58.17.160(4) the requirements of State law and City ordinances that were in effect at the time of preliminary plat approval will also have been satisfied by the subdivider; and

(c) The public use and interest will be served by the establishment of the subdivision, and the plat makes appropriate provision for the public health, safety and general welfare; and

(d) The Director of the Department of Transportation accepted an irrevocable standby letter of credit from City 26 by Isola Homes LLC, issued by Wells Fargo Bank in a form

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approved by the City Attorney's Office and naming the City of Seattle as the beneficiary to guarantee completion of the required facilities and improvements ; and

(e) The amount of the irrevocable standby letter of credit, $1,862,300, is sufficient to assure completion of required facilities and improvements; and

(f) The required facilities and improvements must be completed within two years of the effective date of this ordinance.

Section 4. City Council waives the requirement of a bond under SMC 23.22.070.C as the method to secure completion of the required facilities and improvements for the plat of "Goodhue" and approves the acceptance of the irrevocable standby letter of credit described in Section 3 (d) above.

Section 5. The plat of "Goodhue", a subdivision of a portion of the Southeast Quarter of the Northeast Quarter of Section 19, Township 26 North, Range 4 East, W.M., King County, Washington, including the dedications therein, is in all respects approved and the plat confirmed and accepted, subject to certification by the King County Assessor and King County Comptroller, and the City Clerk is hereby authorized and directed to execute a certificate upon the face of such plat attesting to the approval thereof as evidenced by enactment of this ordinance.

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Section 6. 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 ____ day of _____, 2012, and signed by me in open session in authentication of its passage this _____ day of _____, 2012.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2012.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

_____

Monica Martinez Simmons, City Clerk

(Seal)

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Form revised: December 6, 2011

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Transportation	Susan Paine 386-4681	Rebecca Guerra 684-5339

Legislation Title:
AN ORDINANCE approving and confirming the plat of "Goodhue" in a portion of Section 19, Township 26 North, Range 4 East, W.M. in King County, Washington with a modified plat condition; waiving the requirement of a surety bond under subsection 23.22.070.C of the Seattle Municipal Code and approving acceptance of an irrevocable standby letter of credit to guarantee completion of required facilities and improvements; and setting a date for completion of required facilities and improvements.

Summary of the Legislation:

This legislation approves a 26 lot subdivision at 13727 Meridian Avenue North in the Haller Lake neighborhood. The Hearing Examiner held a public hearing on April 23, 2009 and issued her approval of the preliminary plat of the subdivision on May 4, 2009, subject to certain conditions that have now been met, subject to City Council approval of a modified condition. The legislation also waives the requirement of a surety bond and approves acceptance of an irrevocable standby letter of credit to guarantee the completion of required improvements.

Background:

This subdivision divides the former Nellie Goodhue School property into 26 lots, which are permitted for development as a Clustered Housing Planned Development subject to terms and conditions of Master Use Permit 3004747. This subdivision is consistent with the area zoning, which is Single Family (SF5000). The Hearing Examiner held a public hearing on April 23, 2009 and made her decision approving the preliminary plat of the subdivision subject to certain conditions on May 4, 2009. The Director of Transportation has recommended that the requirement for the bonding of infrastructure improvements be waived and that acceptance of an irrevocable standby letter of credit, in form approved by the City Attorney, be approved by the City Council. The Department of Transportation and the Department of Planning and Development have determined that all preliminary plat conditions have been satisfied, subject to City Council approval of modification of a preliminary plat condition recommended by the Directors with consent of the subdivider.

Please check one of the following:

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

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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?**
None, although legislation is required per State law.

c) **Does this legislation affect any departments besides the originating department?**
Seattle City Light and Seattle Public Utilities have easements on the plat.

What are the possible alternatives to the legislation that could achieve the same or similar objectives?
Legislation is required per State law.

d) **Is a public hearing required for this legislation?**
No. A public hearing is required at the preliminary subdivision stage and this occurred on April 23, 2009 before the Hearing Examiner.

e) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No

f) **Does this legislation affect a piece of property?**
Yes

g) **Other Issues:** There are 2 issues with this Council Bill that are not typical.
1. There is an approval of a modified preliminary plat condition, as recommended by DPD and SDOT with the written consent of the subdivider. The subdivider's letter of consent is filed in the Clerk's File no. 308766.
2. The subdivider is unable to obtain a surety bond to guarantee the completion of the improvements and facilities, as required by SMC 23.22.070.C. The subdivider has, instead, provided an irrevocable standby letter of credit issued by Wells Fargo Bank in the amount of $1,862, 300.00, the amount estimated to be sufficient to complete all improvements required to be provided by the subdivider. Under state law, a municipality is permitted to accept a bond or other secure method of guarantee. The form of the irrevocable standby letter of credit and the financial strength of issuing bank have been approved by the City Attorney's office, and has been approved by the City Attorney. The Director of Transportation is recommending the waiver of the bond requirement and acceptance of the irrevocable standby letter of credit to guarantee the construction of the facilities and improvements for the Goodhue project.

The acceptance of the alternative financial instrument must be approved by City Council. A copy of the irrevocable standby letter of credit will be filed with the Clerk's Office.

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The subdivision of the parcel is subject to the approval and acceptance of the alternative financial instrument by City Council.

List attachments to the fiscal note below:

Attachment A: Location of Goodhue Plat

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Attachment A: Location of Goodhue Plat

Street address: 13727 Meridian Avenue North, Seattle

This drawing is intended for information purposes only and is not intended to modify the description of the property in the legislation.

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City of Seattle
Office of the Mayor

May 22, 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 approves a subdivision, including easements to the City for underground electrical purposes and for public water facility purposes and a dedication for Meridian Avenue North, at 13727 Meridian Avenue North in the Haller Lake neighborhood.

The recommendation for development of this site was published on March 5, 2009, under Master Use Permit (MUP) 3005091. After a public hearing, held on April 23, 2009, the Hearing Examiner issued approval of the preliminary plat on May 4, 2009, subject to certain conditions that, subject to City Council approval of a modified condition, have now been met. The Directors of Transportation and of Planning and Development have approved the final plat that divides the former Nellie Goodhue School site into 26 lots, subject to City Council approval of a modified preliminary plat condition. The Council Bill also includes a Council waiver of the bond for completion of all improvements required to be provided by the subdivider and approval of acceptance of an irrevocable standby letter of credit, in form approved by the City Attorney, in place of the bond. Except for the execution of the required certifications by the King County Assessor and King County Comptroller, the requirements of the State platting law and Seattle Municipal Code have been met, subject to Council approval of the modified plat condition and acceptance of the irrevocable standby letter of credit.

Thank you for your consideration of this legislation. Should you have questions, please contact Susan Paine at 386-4681.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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