#8
CB 117453

Lise A. Ward
DPR CT-ID Acq 1227 S Jackson ORD
March 15, 2012
Version #2

ORDINANCE _____

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 1227 South Jackson Street; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; authorizing acquisition by condemnation; increasing appropriations to the Department of Parks and Recreation in the 2012 Adopted Budget; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

WHEREAS, by Resolution 31055 the City Council created the Parks and Green Spaces Levy Citizen's Advisory Committee to ensure citizen participation in the development of a potential package of parks, open space, boulevards, trails, green infrastructure, and recreation projects, and a proposed set of options to fund the package; and

WHEREAS, the Parks and Green Spaces Levy Citizens' Advisory Committee, after being duly appointed and after spending many hours in open meetings and receiving public testimony and deliberating on the levy, voted by a strong majority to recommend that the City Council place a $145.5 million six-year levy proposal for park purposes before the voters of Seattle; and

WHEREAS, in response to this recommendation, the City Council passed Ordinance 122749, placing Proposition 2, the 2008 Parks and Green Spaces Levy, before the voters of Seattle; and

WHEREAS, the 2008 Parks and Green Spaces Levy was approved by Seattle voters on November 4, 2008; and

WHEREAS, Ordinance 122749 identifies the Chinatown-International District Urban Center Village for a potential neighborhood park acquisition; and

WHEREAS, the Department of Parks and Recreation has determined the Chinatown-International District Urban Center Village as significantly underserved with quality open space, and the area is, therefore, a priority area for additional acquisitions for parks and open space; and

WHEREAS, the City has determined that the purchase of the property at 1227 South Jackson Street will, after development, provide a new park that meets 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 property for open space, park, and recreation purposes; NOW THEREFORE,

DIS CITY CLERK

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity require that the following described real property, situated in the City of Seattle, County of King, State of Washington, and commonly known as 1227 South Jackson Street (Property), together with all rights, privileges, and other property pertaining thereto, be acquired for open space, park, and recreation purposes:

Lots 6 and 13, Block 2, Syndicate Addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, page 44, in King County, Washington; EXCEPT the north 15 feet of said Lot 6 condemned in King County Superior Court Cause Number 56407 for widening of South Jackson Street.

Section 2. The Superintendent of Parks and Recreation or his or her designee (Superintendent) is authorized, on behalf of the City of Seattle, to negotiate and enter into agreements to acquire the Property upon payment of just compensation not to exceed One Million Four Hundred Thousand and no/100 Dollars ($1,400,000.00), and to accept a deed for the Property by attaching to the deed the Superintendent's written acceptance thereof, and recording the same. The Property shall be accepted for open space, park, and recreation purposes, and placed under the jurisdiction of the Seattle Department of Parks and Recreation.

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

Section 4. To pay for the Property and for necessary related costs and expenses, the appropriation of the following in the 2012 Adopted Budget is increased from the funds shown, as follows:

Fund	**Department**	**Capital Improvement Program: Program (Number)**	**Amount**
2008 Parks Levy Fund (33860)	Parks and Recreation	2008 Parks Levy – Neighborhood Park Acquisition (K720010)	$1,435,000

CITY CLERK

Section 5. Any acts consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

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 a three-fourths (3/4) vote of all the members of 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)

CITY CLERK

Form revised: December 6, 2011

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 1227 South Jackson Street; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; authorizing acquisition by condemnation; increasing appropriations to the Department of Parks and Recreation in the 2012 Adopted Budget; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

Summary and background of the Legislation: 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 and green space properties in areas with park and open space gaps. This legislation authorizes the Department of Parks and Recreation (DPR) to acquire an 11,734 square-foot property by negotiation or condemnation in the Chinatown-International District Urban Center Village, an area that currently has identified open space needs. The vacant property has a graveled parking lot and a billboard sign. The parking lot is leased to a local business for client parking.

This site was selected through a cooperative effort with the community. Working with the Seattle Chinatown International District Public Development Authority, the Department was able to engage community leaders and work with the University of Washington's Department of Landscape Architecture on a schematic design charrette exercise that ultimately led to the prioritization of the South Jackson Street property for the neighborhood park site.

The property is located at 1227 South Jackson Street in the Little Saigon section of the Chinatown-International District Urban Center Village. This acquisition will fill an identified open space gap in this Urban Village, and will 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 Seattle's 2006 Open Space Gap Report Update, and in Seattle's Parks and Recreation 2011 Development Plan. The property will not be developed as a park until additional funding is available for that purpose. In the interim, the billboard lease will be cancelled if possible; and the parking lot use might remain, depending on the current permit and lease provisions. By keeping the parking lot in use, DPR would generate a small income stream to offset the costs of maintaining the property. If it is not possible to maintain the parking lot, the Department would make minor improvements with existing budget to make the area safe for interim public use. There are no plans to fully develop the park.

CITY CLERK

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:
Neighborhood Park Acquisitions-2008 Parks Levy	K730010	1227 South Jackson Street	March 2011	June 2012

____ **This legislation creates, funds, or anticipates a new CIP Project.**

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

X__ **This legislation has financial implications.**

Appropriations:

Fund Name and Number	Department	Budget Control Level*	Existing 2011 Appropriation	New 2012 Appropriation (if any)	2013 Anticipated Appropriation
2008 Parks Levy Fund (33860)	Parks and Recreation	K720010	$35,000	$1,435,000	$0
TOTAL			**$35,000**	**$1,435,000**	**$0**

Appropriations Notes: The City will apply 2011 King County Conservation Futures Tax funding to the acquisition costs. The total reimbursement will be $750,000, or half of the $1,400,000 purchase price and half of qualifying acquisition expenses, and will be used to offset the acquisition costs shown in the above table. Both the Seattle City Council and the King County Council have approved the grant. The interlocal agreement amendment is awaiting final signatures.

Spending Plan and Future Appropriations for Capital Projects:

Spending Plan and Budget	2012	2013	2014	2015	2016	2017	Total
Spending Plan	$1,442,134						
Current Year Appropriation							
Future Appropriations							

Spending Plan and Budget Notes: The current budget for this project is $1,470,000. Per the acquisition agreement, the purchase price is not to exceed $1,400,000, with an additional estimated $70,000 for administrative time, community outreach, title insurance, and closing costs, environmental review, survey, etc. The Department spent $27,866 in 2011, bringing the 2012 spending plan to $1,442,134.

DPS CITY CLERK

Funding Source:

Funding Source (Fund Name and Number, if applicable)	2012	2013	2014	2015	2016	2017	Total
2008 Parks Levy Fund (33860)	$1,435,000						
TOTAL	**$1,435,000**						

Funding Source Notes:
The project budget is $1,470,000, of which $35,000 was appropriated in 2011.

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	$928	$3,141	$3,204	$3,268	$3,333	**$3,400**	**$17,274**
Sources (itemize)							
Rent income	$12,000	$24,000	$ 24,000	$ 24,000	$ 24,000	$ 24,000	$ 132,000
Net cost (income)	$(11,072)	$(20,859)	$(20,796)	$(20,732)	$ 20,667)	$(20,600)	$(114,726)

Operation and Maintenance Notes:
The current parking lease, which generates$1,200 per month in revenues, terminates in October 2015. The Department is not certain if the lease will continue after the property is acquired, or if it will be terminated due to permitting issues. In the event the parking lease is terminated, the new facility O&M estimates listed above reflect the cost to care for the cleared, graveled parcel. The maintenance work for the property will include litter and trash pickup, potential for encampment removal due to the proximity to a known homeless encampment area, removal and control of invasive weeds, installation and repair of regulatory signs (no dumping), graffiti removal, and water service testing.

If the lease is not terminated, the lessee would be responsible for maintaining the site. The Department would use the lease revenues to offset O&M costs in other parks.

2015 CITY CLERK

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?**
Yes, the long-term implication of purchasing this property is that funding will eventually be needed to develop and maintain it as a neighborhood park.

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 Parks Acquisitions category of the 2008 Parks Levy Ordinance, which is to acquire property and expand open space in the Chinatown-International District Urban Center Village. A delay would incur more staff costs and consume additional Levy resources. Also, the property would likely be sold to another party if the Department did not move forward with this acquisition.

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**

DPS CITY CLERK

similar objectives?
The Department could try to find another opportunity like this 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 mentioned in the 2008 Parks Levy.

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 prior to final action by the City Council, as required by State Law.

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

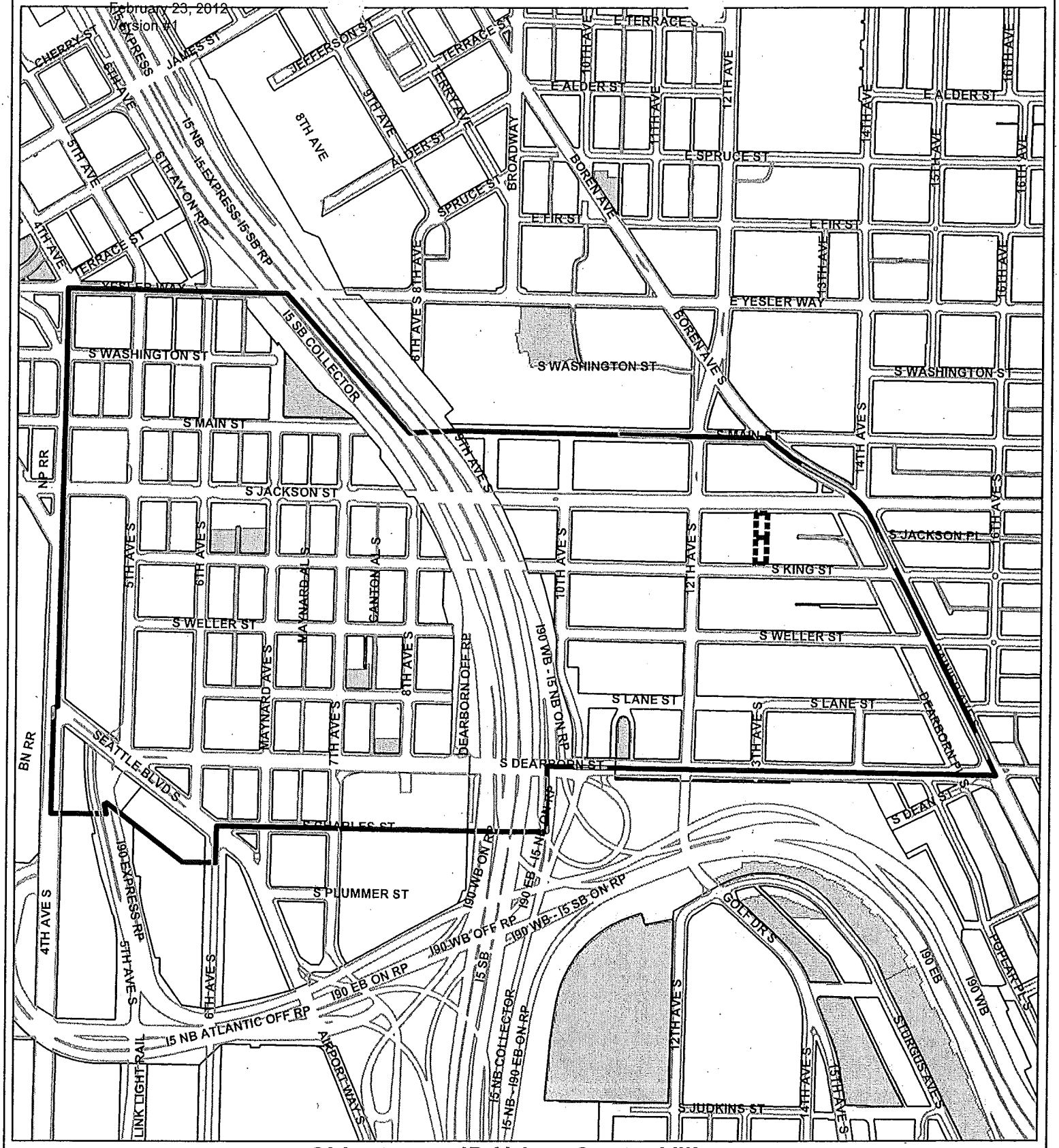
h) **Other Issues:** None.

List attachments to the fiscal note below:

Attachment A: Chinatown-International District Urban Center Village – Proposed Acquisition (map)

DIS CITY CLERK

Attachment A



Chinatown - ID Urban Center Village
Proposed 1227 South Jackson Street Park Site

SEATTLE PARKS AND RECREATION

300 0 300
Feet
1 inch = 600 feet

Legend
- Proposed Park Site
- Urban Village Boundary
- Park Boundary
- Pavement Egde
- Right of Way

N W E S

©2012, CITY OF SEATTLE
All rights reserved.

No warranties of any sort, including fitness, accuracy, or merchantability accompany this product.

Map date: January 25, 2012

file: v:\Projects\MISC\2008 Parks and Greenspace Levy\Acquisitions\International District UV\IDCC UCV - Proposed 1227 - legls (P-ansi a) [illegible]

City of Seattle
Office of the Mayor

March 27, 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 11,734 square-foot property located at 1227 South Jackson Street, in the Little Saigon section of the Chinatown-International District Urban Center Village. The Chinatown-International District Urban Center Village was identified in the 2008 Parks and Green Spaces Levy for neighborhood park acquisition to fill an open space gap.

The property is located midblock between 12th Avenue South and Rainier Avenue South, bounded on the north by South Jackson Street, and by South King Street on the south. It is currently leased to a billboard company and to a neighborhood business for customer parking. There are no funds available for park development at this time, so the Department's preference is to acquire the property subject to the parking lease to generate a modest revenue stream. Continuation of the parking lease is contingent upon the lessee having all necessary permits for the parking use from the Department of Planning and Development.

This site was selected through a cooperative effort with the community. Working with the Seattle Chinatown International District Public Development Authority, the Department was able to engage community leaders and work with the University of Washington's Department of Landscape Architecture on a schematic design exercise that ultimately led to the prioritization of the South Jackson Street property for the neighborhood park site.

The Department of Parks and Recreation has negotiated an agreement with the property owner, in lieu of condemnation, subject to City Council approval. This legislation also contains language authorizing eminent domain, in the event the seller does not sign the negotiated agreement or otherwise fails to perform.

The property acquisition authorized by this legislation will help meet the City's goal of providing parks within walking distance for residents in our urban villages, and will serve the needs of families in Little Saigon 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

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.mcginn@seattle.gov

2012 CITY CLERK