CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117907

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 8809 Fremont Avenue North; 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 2013 Adopted Budget and the 2013-2018 Capital Improvement Program; and ratifying and confirming certain prior acts; all by 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 Greenwood/Phinney Ridge Residential Urban Village for potential neighborhood park acquisition; and

WHEREAS, the Department of Parks and Recreation considers the Greenwood/Phinney Ridge Residential Urban 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, Greenwood Park, located at 602 North 87th Street, is just outside the Greenwood/Phinney Ridge Residential Urban Village boundary, but serves the residents of the northern portion of the Urban Village; and

WHEREAS, the City has been trying to acquire the property at 8809 Fremont Avenue North for over a decade because it is an in-holding in Greenwood Park; and

WHEREAS, the property came up for sale and the City was not able to acquire it before a developer did; and

WHEREAS, if the City does not acquire the property now before it is redeveloped the opportunity will be lost;

NOW, THEREFORE, 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 the property at 8809 Fremont Avenue North ("Property"), together with all rights, privileges, and other property pertaining thereto, be acquired for open space, park, and recreation purposes:

THE NORTH 24.5 FEET OF LOT 2, AND ALL OF LOT 3, BLOCK 4, OSNER'S SUBURBAN HOMES ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 9 OF PLATS, PAGE 92, IN KING COUNTY, WASHINGTON; EXCEPT THAT PORTION THEREOF LYING NORTH OF A LINE BEGINNING AT A POINT ON THE WEST LINE OF FREMONT AVENUE NORTH 94.8 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 3, AND RUNNING THENCE WEST AND PARALLEL WITH THE NORTH LINE OF LOT 3, A DISTANCE OF 80.01 FEET TO THE WEST LINE OF THE EAST 80 FEET OF SAID LOT 3.

Section 2. The Superintendent of Parks and Recreation, or his or her designee, is authorized, on behalf of the City of Seattle, to negotiate and enter into an agreement to acquire the Property for a purchase price equivalent to just compensation, 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. In order to pay for necessary capital costs and expenses incurred, or to be incurred, but for which insufficient appropriations were made due to causes that could not reasonably have been foreseen at the time the 2013 budget was adopted, the appropriation for the following in the 2013 Adopted Budget and the 2013-2018 Adopted Capital Improvement Program 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)	$300,000

Section 5. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is 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 _____, 2013, and signed by me in open session in authentication of its passage this _____ day of _____, 2013.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2013.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Form revised: December 12, 2012

FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Parks and Recreation	Donald Harris/684-8018	Jeff Muhm/684-8049

Legislation Title:
AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; authorizing the acquisition of real property commonly known as 8809 Fremont Avenue North; 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 2013 Adopted Budget and the 2013-2018 Capital Improvement Program; and ratifying and confirming certain prior acts; all by three–fourths vote of the City Council.

Summary and background of the Legislation: This proposed legislation authorizes the Department of Parks and Recreation (DPR) to acquire the property located at 8809 Fremont Avenue North by negotiation or by 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 a ±4,216 square-foot property located adjacent to Greenwood Park. The subject property is currently improved with a small single family house.

The City has been trying to buy this property since the acquisition of the original Greenwood Park property in the 1990's, but the owners have been unresponsive to our attempts. Greenwood Park encompasses almost an entire city block just outside the Greenwood/Phinney Residential Urban Village and provides a variety of park and recreation opportunities to the Greenwood residents. The property suddenly came on the market and an offer was accepted before the City had a chance to respond. The buyers have agreed to assign their purchase and sale agreement to the City if the City pays the costs incurred by the buyer, which are modest. While we hope to reach a negotiated agreement with the owner (DPR has requested modifications to the purchase and sale agreement including conditions for acceptable appraisal, environmental site assessment and Council authorization to purchase), 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 is identified in the Greenwood neighborhood plan as well as the 2009 Greenwood Park master plan. The structure will be removed and the property will be left vacant until additional funding is available for park development.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:
Neighborhood Park Acquisitions-2008 Parks Levy	K730010	8809 Fremont Ave N	May 2013	June 2014

____ **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 2013 Appropriation	New 2013 Appropriation (if any)	2014 Anticipated Appropriation
2008 Parks Levy Fund (33860)	Parks and Recreation	K720010	$0	$300,000	$0
TOTAL			**$0**	**$300,000**	**$0**

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: In 1,000s

Spending Plan and Budget	2013	2014	2015	2016	2017	2018	Total
Spending Plan	$240	$60					**$300**
Current Year Appropriation	$300						
Future Appropriations		$0	$0	$0	$0	$0	**$300**

Spending Plan and Budget Notes: The current budget for this project is $300,000. The purchase price will not exceed $211,152 (contingent on appraisal), with an additional budget of $88,848 for administrative time, title insurance and closing costs, environmental testing, survey, etc. The projected 2014 expenses are for structure removal. The acquisition is scheduled to close September 30, 2013, in lieu of condemnation.

Funding Source:

Funding Source (Fund Name and Number, if applicable)	2013	2014	2015	2016	2017	2018	Total
2008 Parks Levy Fund (33860)	$300,000	$0	$0	$0	$0	$0	**$300,000**
TOTAL	**$300,000**	**$0**	**$0**	**$0**	**$0**	**$0**	**$300,000**

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	2013	2014	2015	2016	2017	2018	Total
Uses							
Start Up							
On-going	$0	$1,886	$3,847	$3,224	$4,002	$4,082	**$17,041**
Sources (itemize)							
Parks and Recreation Fund (10200)	$0	$1,886	$3,847	$3,224	$4,002	$4,082	**$17,041**
Total	$0	$1,886	$3,847	$3,224	$4,002	$4,082	**$17,041**

Operation and Maintenance Notes: Estimates assume acquisition date of October 2013, and the beginning of operations and maintenance costs in July 2014, after the removal of the structure. O&M estimates are for limited lawn-mowing and irrigation, on-going litter and trash pick-up, maintaining safe sidewalk access and application of herbicide on noxious weeds. There is also a legal requirement to test water lines. 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 remove the structure shortly after acquisition and maintain it with minimal operations funding.

b) What is the financial cost of not implementing the legislation?
If this property is not acquired, there will be a new house in Greenwood Park affecting users' enjoyment and Parks maintenance of Greenwood 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 Greenwood Park. The alternative is to allow a new house to be built on this property and eliminate the possibility of acquiring this property in the future.

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.

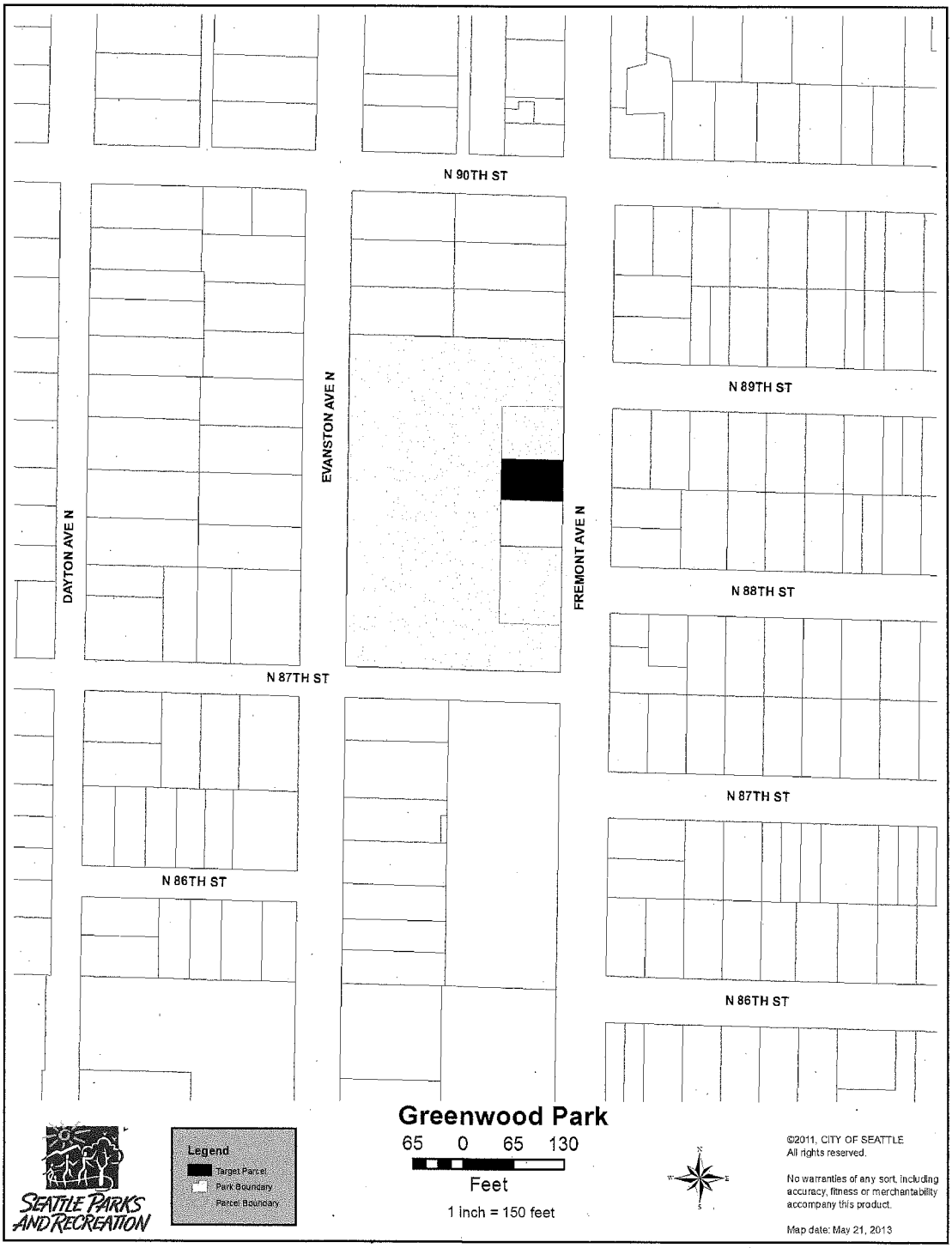
g) **Does this legislation affect a piece of property?** Yes.

h) **Other Issues**: None.

List attachments to the fiscal note below:

Attachment A: Map of Proposed Greenwood Park Addition – 8809 Fremont Avenue North

ATTACHMENT A: Map of Greenwood Park Acquisition



This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation

City of Seattle
Office of the Mayor

July 30, 2013

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 a 4,216 square-foot parcel located at 8809 Fremont Avenue North. The property, located adjacent to the existing Greenwood Park, will move us one step closer towards the goal of incorporating the east side of the block into the park, as originally envisioned. The property is currently improved with a small single family house.

The property identified in this legislation has been an acquisition priority for Seattle Parks and Recreation (DPR) for over a decade. During that time, Parks has tried repeatedly to acquire this property. The property went on the market in early May 2013 and an offer was accepted before the City had a chance to respond. The buyer has agreed to assign its purchase and sale agreement to the City if the City pays its expenses incurred, which are modest. The acquisition of this property is identified in the Greenwood neighborhood plan as well as the 2009 Greenwood Park master plan. While we hope to reach a negotiated agreement with the owner (DPR has asked the owner for certain modifications to the purchase and sale agreement, including a delayed closing date to allow time for environmental site assessment and Council authorization), 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 Greenwood 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
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