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Chip Nevins
DPR West Duwamish ORD
June 19, 2014
Version #1

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 118188

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AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 4201 16th Avenue SW; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and authorizing acquisition by condemnation.

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 West Duwamish Greenbelt for a potential greenspace acquisition; and

WHEREAS, the Department of Parks and Recreation has determined the West Duwamish Greenbelt provides significant open space benefits including wildlife habitat, recreational opportunities, buffer between the industrial and residential land-use 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 4201 16th Avenue SW will fill an important gap in the West Duwamish Greenbelt and remove a maintenance liability and that it is in the public's best interest to acquire the property for open space, park, and recreation purposes; 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 4201 16th Avenue SW (the "Property"), together with all rights, privileges, and other property pertaining thereto, be acquired for open space, park, and recreation purposes:

PARCEL A:

*THAT PORTION OF GOVERNMENT LOT 1, SECTION 13, TOWNSHIP 24 NORTH, RANGE 3 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING SOUTH OF THE PLAT OF SANDER'S SECOND ADDITION TO WEST SEATTLE, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 5 OF SANDER'S SECOND ADDITION TO WEST SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 56, IN KING COUNTY, WASHINGTON;
THENCE EAST 30 FEET;
THENCE (TO THE RIGHT 84°) SOUTH 06°00' EAST 85 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 06°00' EAST 100 FEET;
THENCE SOUTH 84°00' WEST 170 FEET;
THENCE NORTH 06°00' WEST 100 FEET;
THENCE NORTH 84°00' EAST 170 FEET TO THE TRUE POINT OF BEGINNING.*

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER AND ALONG A STRIP OF LAND 30 FEET IN WIDTH TO THE NORTH AND EAST OF AND PARALLEL TO A STRAIGHT LINE EXTENDING FROM THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED TO THE CENTERLINE OF 16TH AVENUE SOUTHWEST AT A POINT WHERE IT INTERSECTS THE SOUTHERLY LINE OF SANDER'S SECOND ADDITION TO WEST SEATTLE.

Section 2. The Superintendent of Parks and Recreation, or his 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.

Section 3. The Seattle City Attorney, or his designee, on behalf of The City of Seattle, 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

1 or paid into court for the owners thereof, in the manner provided by law; and to stipulate for the
2 purposes of minimizing damages.

3 Section 4. The entire cost of the acquisition provided for above shall be paid from the
4 2008 Parks Levy fund, or from such general fund of the City of Seattle as may be provided by
5 law.

6 Section 5. After acquisition, the Property shall be accepted for open space, park, and
7 recreation purposes, and placed under the jurisdiction of the Seattle Department of Parks and
8 Recreation.

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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 _____, 2014, and signed by me in open session in authentication of its passage this ____ day of _____, 2014.

President _____ of the City Council

Approved by me this ____ day of _____, 2014.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

Monica Martinez Simmons, City Clerk

(Seal)



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Parks & Recreation	Donald Harris/684-8018	Forrest Longman/684-0331

Legislation Title: AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 4201 16th Avenue SW; 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 4201 16th Avenue SW 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 important inholding properties within the City's greenspaces.

The proposed Council Bill authorizes DPR to acquire, by voluntary agreement or by condemnation, a 17,000 square-foot property located within the West Duwamish Greenbelt. The property is surrounded on all sides by DPR property and is currently improved with an unpermitted single-family house. DPR has been interested in this property for years in order to address encroachment, drainage and other property management issues; however, the City had a pending lawsuit that delayed any attempt at acquisition of the property. The house was recently foreclosed on by the lender and sold at auction to a real estate investor. This may be the last opportunity to remove this management headache before the new owner further improves and permits the property. The new owner is willing to consider selling the property to the City.

The City is in the process of appraising the property. While we hope to negotiate a purchase with the owner, it may become necessary to acquire the property by eminent domain. It is anticipated that, after acquisition, the City will demolish the house, remove the driveway and restore the property to fit into the surrounding greenspace.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:
West Duwamish GB- Shields	K730050	4201 16 th Avenue SW	4/2014	6/2015

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 2014 Appropriation	New 2014 Appropriation (if any)	2015 Anticipated Appropriation
TOTAL					

Appropriations Notes: 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	2014	2015	2016	2017	2018	2019	Total
Spending Plan							
Current Year Appropriation							
Future Appropriations							

Spending Plan and Budget Notes: Costs for this acquisition will be funded from the Green Space Acquisition category of the Levy.

Funding Source:

Funding Source (Fund Name and Number, if applicable)	2014	2015	2016	2017	2018	2019	Total
TOTAL							

Funding Source Notes: Costs for this acquisition will be from the Green Space Acquisition category of the Levy.

Uses and Sources for Operation and Maintenance Costs for the Project:

O&M	2014	2015	2016	2017	2018	2019	Total
Uses							
Start Up							
On-going	\$94	\$881	\$898	\$916	\$935	\$953	\$4,677
Sources (itemize)							
Park & Recreation Fund (10200)	\$94	\$881	\$898	\$916	\$935	\$953	\$4,677

Operation and Maintenance Notes: Single family residence and pavement will be demolished and revegetated. Property is to be managed as part of the greenbelt. The area is completely fenced bordering DPR's Westbridge maintenance facility to the east and the West Duwamish Greenbelt on the other three sides. It is at a street end and only a locked gate is exposed. It is in an industrial area with extremely limited access. Limited graffiti removal and fence repair might be needed. The O&M numbers listed above assume a 2% inflation rate in each successive year.

Funding sources for replacement of project: As real property, this acquisition will not be subject to replacement.

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 the City's greenspaces. DPR intends to manage the site by demolishing the building shortly after acquisition and maintaining it as part of the surrounding greenspace.
- b) **What is the financial cost of not implementing the legislation?**
 If this property is not acquired, the Department will have a constant management headache because of having a private residence within one of our major greenbelts.
- 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?**
 DPR could acquire another greenspace property, but no other alternative would address the current property management issues due to having this private inholding in the West Duwamish Greenbelt.
- 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

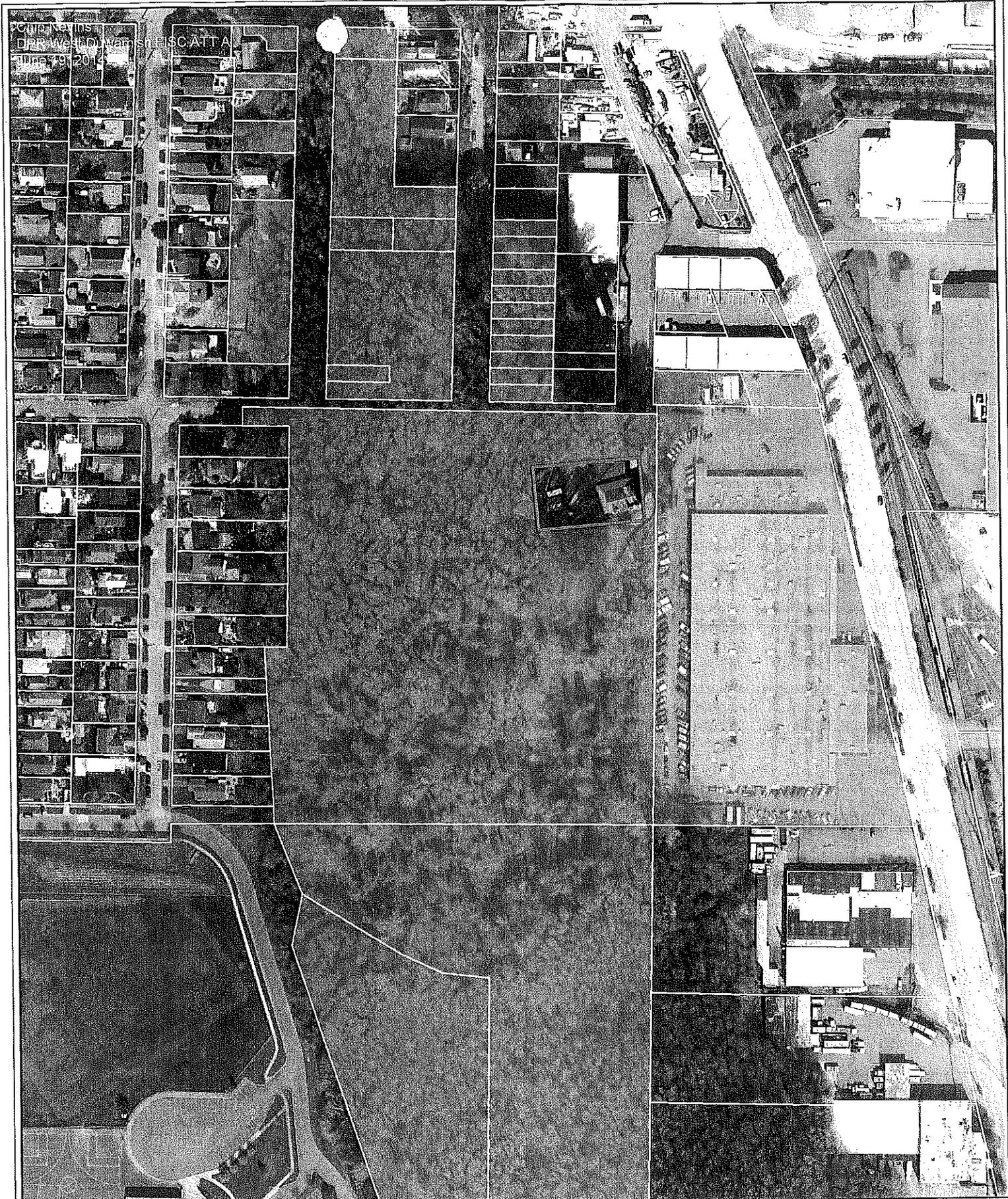
will be published in both The Daily Journal of Commerce and The Seattle Times before final action by the City Council, as required by State Law.

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

h) Other Issues: None.

List attachments to the fiscal note below:

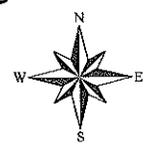
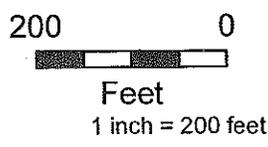
Attachment A: Map of the West Duwamish Greenbelt property - 4201 16th Avenue SW



Legend

-  Target Property
-  DPR
-  Parcel Boundary

West Duwamish GB: Shields



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

Map date: April 24, 2014



City of Seattle
Office of the Mayor

July 29, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that authorizes the acquisition of a 17,000 square-foot property located at 4201 16th Ave SW, in the West Duwamish Greenbelt. The property is surrounded on all sides by property owned by Seattle Parks and Recreation (DPR).

The property identified in this legislation has been a priority for DPR to acquire for over a decade because of on-going maintenance and encroachment issues. The acquisition would also consolidate City ownership in the City's largest greenbelt. DPR had been in litigation with the previous owner over a variety of code violations, but a recent foreclosure has opened up the door to acquiring the property. While DPR is working with the current owner and hopes to reach a negotiated agreement, the proposed Council Bill authorizes the City to acquire the property through the process of condemnation, should it become necessary.

The property acquisition authorized by this legislation will help consolidate DPR ownership in the City's largest greenbelt and clean up an on-going maintenance headache. Thank you for your consideration of this legislation. Should you have questions, please contact Donald Harris at 684-8018.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council





City of Seattle
Parks and Recreation

September 9, 2014

BY CERTIFIED MAIL

Frank Shields
4514 177th Ave SE
Bellevue, WA 98006
Tax Parcel #1324039025

Notice of Seattle City Council Final Action to Adopt an Ordinance Authorizing Condemnation (Eminent Domain) of real property commonly known as 4201 16th Avenue SW (King County Tax Parcel 1324039025) in the City of Seattle, Washington

Dear Mr. Shields:

The purpose of this Notice is to inform you that the City of Seattle City Council is expected to vote to approve an ordinance authorizing the acquisition of your real property rights located at 4201 16th Avenue SW (King County Tax Parcel 1324039025) in the City of Seattle, Washington. A copy of the proposed ordinance and a map depicting the project location are enclosed for your information.

This ordinance, if adopted, will contain authorization for the City to use condemnation to acquire your property as part of the Seattle Parks & Green Spaces Levy Acquisition Project.

You are identified by the tax rolls of King County as the owner of property affected by this legislation. The City is required by RCW 8.25.290 to provide each property owner affected by the ordinance with formal written notice before the City takes final action authorizing condemnation of property. The time, date, and place of the final action to approve the ordinance are described below.

Final Action

On September 5, 2014, the Parks and Neighborhoods Committee passed the Council Bill 118188 on to the City Council. The ordinance authorizing condemnation of your property will be presented for final action (adoption) to the Seattle City Council on Monday, September 29, 2014, 2:00 p.m., in the City Council Chambers, located at 600 4th Avenue, 2nd Floor, Seattle, WA. The Council's chambers and offices are physically accessible; and

Lise A. Ward, Senior Real Property Agent
Parks and Recreation
800 Maynard Avenue South
Third Floor
Seattle, WA 98134

Tel (206) 733-9106
Fax (206) 233-7038
TDD (206) 233-7061
lise.ward@seattle.gov

Frank Shields

September 5, 2014

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print and communications accesses are provided on request. Call 206-684-8888 (TDD: 206-233-0025) for further information.

If you attend the meeting, you will have the opportunity to express your views on the ordinance during the public comment period. You may also submit comments in writing to council@seattle.gov.

After approval of the ordinance the City of Seattle will be authorized to acquire your property for the Parks & Green Spaces Levy Acquisition Project through negotiation or may use its powers of eminent domain to condemn your property.

Please contact the undersigned at (206) 233-3879 with any questions.

Sincerely,

Chip Nevins
Acquisition Planner
Seattle Parks and Recreation

Enclosure

STATE OF WASHINGTON -- KING COUNTY

--SS.

315278
SEATTLE PARKS & RECREATION

No. 4201 16TH AVE SW

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

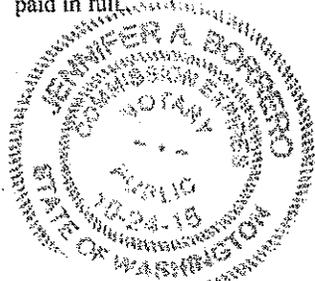
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:NOTICE OF FINAL ACTION

was published on

09/11/14 09/18/14

The amount of the fee charged for the foregoing publication is the sum of \$149.50 which amount has been paid in full.



[Handwritten signature]

Subscribed and sworn to before me on
09/18/2014
[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

The Seattle Times

Seattle Dept Of Parks & Recr
Lise Ward
800 Maynard Ave S 3rd Fl

Seattle, WA 98134

Re: Advertiser Account # 107207
Ad #: 471726

Agency Account #: 0
Agency Name:

Affidavit of Publication

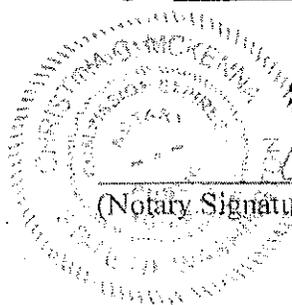
STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	09/15/14
Seattle Times	09/22/14

Agent Elana Hansen Dirkes Signature *Elana Hansen Dirkes*



Subscribed and sworn to before me on Sept 22 2014
DATE
Christopher McKenna
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle