



SEATTLE CITY COUNCIL

Legislative Summary

CB 119628

Record No.: CB 119628

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 126019

In Control: City Clerk

File Created: 08/15/2019

Final Action: 12/13/2019

Title: AN ORDINANCE vacating the alley in Block 81, Terry's Second Addition, and an aerial portion of 9th Avenue between Jefferson Street and Alder Street on the petition of King County (Clerk File 304408); and accepting a Property Use and Development Agreement.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Ex 1 - Property Use and Development Agreement

Uploaded By: amy.gray@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	08/27/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	08/27/2019	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
1	Council President's Office	08/29/2019	sent for review	Sustainability and Transportation Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Sustainability and Transportation Committee						
1	City Council	09/09/2019	referred	Sustainability and Transportation Committee			

Action Text: The Committee recommends that City Council pass the Council Bill (CB).

Opposed: 0

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

Opposed: 0

Mayor's signature

Signed

returned

attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

CITY OF SEATTLE

ORDINANCE

126019

COUNCIL BILL

119628

AN ORDINANCE vacating the alley in Block 81, Terry's Second Addition, and an aerial portion of 9th Avenue between Jefferson Street and Alder Street on the petition of King County (Clerk File 304408); and accepting a Property Use and Development Agreement.

WHEREAS, King County (Petitioner) filed a petition under Clerk File 304408 to vacate the alley in Block 81 bounded by 9th Avenue, Jefferson Street, Terry Avenue, and James Street and an aerial portion of 9th Avenue between Jefferson Street and Alder Street; and

WHEREAS, following a February 28, 2003, public hearing on the petition, the Seattle City Council (City Council) conditionally granted the petition on March 31, 2003; and

WHEREAS, a Property Use and Development Agreement recorded on March 21, 2019, with the King County Recorder's Office under Recording No. 20190321000459 commits the Petitioner and their successors to fulfill on going public-benefit obligations required as part of the vacation; and

WHEREAS, as provided for in RCW 35.79.030 and Seattle Municipal Code Chapter 15.62, the Petitioner has paid the City a vacation fee of \$1,960,000 as determined by appraisal, of which \$845,823 was in cash and \$1,114,177 was paid as construction costs for renovating the Seattle Fire Department's Medic One unit at Harborview Medical Center; and

WHEREAS, the Petitioner has met all conditions imposed by the City Council in connection with the vacation petition; and

WHEREAS, vacating the alley in Block 81, Terry's Second Addition and the aerial portion of 9th Avenue, is in the public interest; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The alley in Block 81, Terry's Second Addition and the aerial portion of 9th Avenue, described below, are vacated:

Alley in Block 81

The alley in Block 81, Terry's 2nd Addition to the City of Seattle, as recorded in Volume 1 of Plats, page 87, records of King County, Washington, being the alley in the block bounded by Jefferson Street, 9th Avenue, James Street and Terry Avenue; together with

Aerial portion of 9th Avenue

That portion of the Southwest Quarter of the Southeast Quarter of Section 32, Township 25 North, Range 4 East, Willamette Meridian, lying entirely within 9th Avenue, between a bottom plane elevation of 355.6 feet and a top plane elevation of 467.3 feet, and described as follows:

Commencing at the intersection of centerlines of Jefferson Street and said 9th Avenue; Thence North 59°22'50" East along the centerline of said Jefferson Street, a distance of 33.00 feet, to the northerly extension of the easterly margin of right-of-way of said 9th Avenue;

Thence South 30°39'11" East along said extension, a distance of 33.00 feet to the northerly margin of right-of-way of said Jefferson Street;

Thence continuing South 30°39'11" East along said easterly margin of right-of-way of 9th Avenue, a distance of 72.48 feet to the True Point of Beginning;

Thence along the following six courses:

Continuing South 30°39'11" East 55.37 feet;

Thence South 61°40'06" West 44.50 feet;

Thence North 30°52'50" West 2.08 feet;

Thence South 53°51'09" West 21.63 feet to the westerly margin of right-of-way of said 9th Avenue;

Thence North 30°39'11" West along said westerly margin, a distance of 41.07 feet;

Thence North 48°37'47" East 67.17 feet to the Point of Beginning;

Said elevations described herein are expressed in terms of North American Vertical Datum of 1988 (NAVD 88) as of the date of this instrument and are based upon City of Seattle Benchmark No. SNV-2627, being a surface brass disk at the intersection of concrete walks at the southeast corner of Madison Street and Boren Avenue and having an elevation of 332.35 feet.

Section 2. The Property Use and Development Agreement, King County Recording No. 20190321000459, attached as Exhibit 1 to this ordinance is accepted.

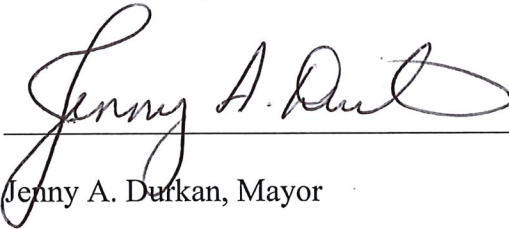
Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 9th day of December, 2019,
and signed by me in open session in authentication of its passage this 9th day of
December, 2019.



President _____ of the City Council

Approved by me this 13th day of December, 2019.


Jenny A. Durkan, Mayor

Filed by me this 13th day of December, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

Exhibit:
Exhibit 1 – Property Use and Development Agreement

When Recorded, Return to:

Attention:

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor:	<u>King County</u>
☐ Additional on page _____	
Grantee:	<u>City of Seattle</u>
☐ Additional on page _____	
Legal Description (abbreviated):	Lots 1-8, Block 81, Terry's Second Addition; Lots 1, 4-5, and 8, and portions of Lots 6 and 7, Block 82, Terry's Second Addition; Lots 1-8, Block 67, Terry's First Addition.
☒ Additional on :	<u>Exhibit 1</u>
Assessor's Tax Parcel ID #:	<u>859090-0220;859090-0216;859090-0185;859090-0186;859040-0545</u>
Reference Nos. of Documents Released or Assigned:	_____

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS INSTRUMENT is executed this date in favor of the City of Seattle, a municipal corporation ("City"), by King County, a political subdivision of the state of Washington.

WHEREAS, King County is vested in fee simple title in the real property situated in King County, Washington, described on Exhibit 1 (the "Property"), which is part of the Harborview Medical Center campus; and

WHEREAS, King County filed petition C.F. 304408 for the vacation of the alley in Block 81 of Terry's Second Addition to the City of Seattle located between 9th Avenue, Terry Avenue, James Street and Jefferson Street; and the aerial portion of 9th Avenue, beginning at a line approximately 80 feet south from the southerly margin of Jefferson Street to a line approximately 75 feet south of and parallel to this line, approximately 25 feet above the grade of 9th Avenue, which petition was considered under Chapter 35.79 of the Revised Code of Washington and Chapter 15.62 of the Seattle Municipal Code; and

WHEREAS, on February 28, 2003, the Transportation Committee of the Seattle City Council held a public hearing on the vacation petitions; and

WHEREAS, on March 31, 2003, the Seattle City Council granted approval of the vacation petitions, subject to conditions; and

WHEREAS, executing a Property Use and Development Agreement ("PUDA") is desired to ensure compliance with any on-going conditions of the vacation approval after passage of the vacation ordinance;

NOW, THEREFORE, King County covenants, bargains, and agrees on behalf of itself, its successors, and assigns:

Section 1. Addressed below are the vacation approval conditions that require on-going responsibility of King County and could not, therefore, be met before passage of the vacation ordinance.

- A. The structures built in the vacated areas shall be used only for activities related to Harborview Medical Center or other public purposes and for no other purpose.
- B. King County, through Harborview Medical Center, shall maintain the following features that it installed as public benefits relating to the street and alley vacations:
 - 1. Landscaping, including 28 street trees and extensive vegetation on and adjacent to Ninth Avenue, James Street, Terry Avenue, and Jefferson Street, and on the alley adjacent to the Maleng Building, which were planted as part of constructing the Maleng, and Ninth and Jefferson Buildings;
 - 2. Expanded sidewalks, significant building setbacks, plazas, and 2 bus stop

- benches, outside of and associated with the Maleng and Ninth and Jefferson Buildings that are intended for the public's use.
3. 18 pedestrian-level street lights installed on and adjacent to Ninth Avenue, James Street, Terry Avenue, and Jefferson Street as part of constructing the Maleng, and Ninth and Jefferson Buildings;
 4. Wayfinding signage intended for the public's benefit installed at 7 different street corners on the Harborview campus as part of constructing the Maleng, and Ninth and Jefferson Buildings.
- C. Permanent public art installed along Ninth Avenue and under the Maleng Sky Bridge as funded by the Maleng, and Ninth and Jefferson construction projects. 4Culture, a public development authority, agreed to be responsible for maintaining the art associated with the buildings identified in this PUDA.
- D. King County shall maintain in working condition the lighting on the underside of the Maleng Building where it crosses 9th Avenue.
- E. The replacement of any of the public amenities shall be of similar quality in design and materials as the original. Significant changes to the streetscape or public amenities provided shall require prior approval by the Seattle Department of Transportation.
- F. King County shall maintain the structural integrity of the Maleng Building that spans 9th Avenue for the protection of the public that passes beneath the building on 9th Avenue. Following an earthquake or other event that could cause structural damage to the building, King County shall have a structural engineer inspect the building for structural damage and submit a report to the City in a timely manner.
- G. King County shall defend, indemnify, and hold harmless the City of Seattle, its officials, officers, employees, and agents from all liabilities, claims, causes of action, judgments, or expenses, including reasonable attorney's fees and necessary litigation expenses, resulting from any actual or alleged bodily injury (including death) or actual or alleged damage to property arising out of or in connection to the siting of the Maleng Building over 9th Avenue. Upon any transfer of ownership, this obligation will be binding on successors and assigns. The indemnification obligations under this Agreement do not apply to any liabilities, claims, causes of action, judgments or expenses resulting from bodily injury or property damage caused by the negligence or intentional acts of the public or the City, or its officers, employees, elected officials, agents, or subcontractors.
- H. King County, through Harborview Medical Center, has funded the renovation of space on the Harborview Campus for the Seattle Fire Department's Medic One program. The renovation and move costs totaled \$1,114,177. These costs are an approved offset to the original fee obligation of \$1,960,000 for a final cash payment of \$845,823. King County is committed to providing space on the Harborview campus to Seattle Fire Department's Medic One program for the indefinite future.

Section 2. This Agreement may be amended or modified by agreement between King

County and the City; provided the amended Agreement shall be subject to approval by the City Council by ordinance. Nothing in the Agreement shall be construed as a surrender of the City's or King County's governmental powers.

Section 3: Notwithstanding the covenants contained in this Agreement, nothing in the Agreement shall constitute a public dedication of any portion of the Property.

Section 4. The legal description of the where the Property is located is included in Exhibit 1, which is incorporated by reference. An executed copy of this PUDA shall be recorded in the records of King County and the PUDA covenants shall to attach to and run with the Property.

Section 5. This PUDA is made for the benefit of the City and the public. The City may institute and prosecute any proceeding at law or in equity to enforce this PUDA.

Section 6. If any covenant, condition, or restriction in this instrument or any portion is invalidated or voided, the invalidity or voidness shall in no way affect any other covenant, condition, or restriction.

DATED this ____ day of _____ 2019.

KING COUNTY

By: _____

Its: _____

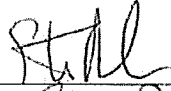
Anthony O. Wright, Director
Facilities Management Division

STATE OF WASHINGTON)
)
COUNTY OF KING)

ss.

On this day personally appeared before me Anthony O. Wright, to me known to be the Director, FM D of King County, a political subdivision of the state of Washington, the entity that executed the foregoing document, and acknowledged the foregoing document to be the free and voluntary act and deed of the entity for the uses and purposes addressed in the document, and on oath stated that the person signing this declaration was duly authorized to execute the document on behalf of the entity.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 18th day of _____, 2017.



Steve Rizika

(print or type name)

NOTARY PUBLIC in and for the State of Washington,
residing at Prater Island

My Commission expires: 5/30/2019

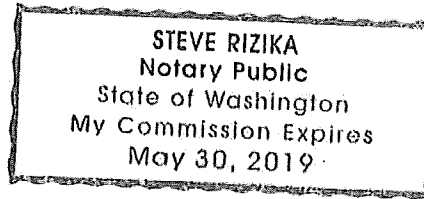


EXHIBIT 1
TO PROPERTY USE AND DEVELOPMENT AGREEMENT

Legal Description of Property



STATE OF WASHINGTON -- KING COUNTY

--SS.

380598

No. 126019,126020

CITY OF SEATTLE,CLERKS OFFICE

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:TITLE ONLY ORDINANCES

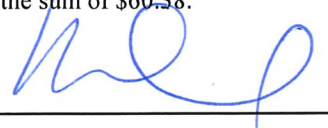
was published on

12/26/19

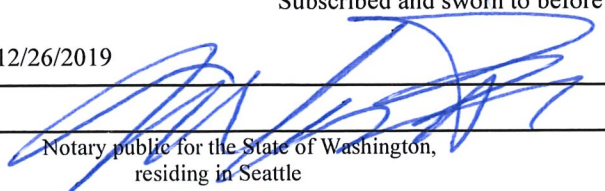
The amount of the fee charged for the foregoing publication is the sum of \$60.38.



Affidavit of Publication


Subscribed and sworn to before me on

12/26/2019


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on December 09, 2019, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 126019

Council Bill 119628

AN ORDINANCE vacating the alley in Block 81, Terry's Second Addition, and an aerial portion of 9th Avenue between Jefferson Street and Alder Street on the petition of King County (Clerk File 304408); and accepting a Property Use and Development Agreement.

Ordinance 126020

Council Bill 119719

AN ORDINANCE relating to City employment; authorizing execution of collective bargaining agreements between The City of Seattle and certain City unions; authorizing execution of a memorandum of agreement between The City of Seattle and The International Association of Machinists and Aerospace Workers District Lodge 160, Local 289; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, December 26, 2019.

12/26(380598)