



SEATTLE CITY COUNCIL

Legislative Summary

CB 119711

Record No.: CB 119711

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 126026

In Control: City Clerk

File Created: 10/29/2019

Final Action: 12/23/2019

Title: AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of Finance and Administrative Services, on behalf of Seattle Public Utilities, to negotiate and execute a real property lease amendment with Georgetown LLC, for yard space at 5821 First Ave South; and ratifying and confirming certain prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Sponsors: Bagshaw

Attachments: Att 1 – Second Amendment to Lease

Uploaded By: adrian.matanza@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	11/19/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	11/19/2019	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	11/25/2019	sent for review	Finance and Neighborhoods Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Finance and Neighborhoods Committee						
1	City Council	12/02/2019	referred	Finance and Neighborhoods Committee			

Legislative Summary Continued (CB 119711)

1 Finance and 12/11/2019 pass Pass
Neighborhoods
Committee

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

In Favor: 3 Chair Bagshaw, Vice Chair González , Member Harrell

Opposed: 0

1 City Council 12/16/2019 passed Pass

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

In Favor: 6 Councilmember Bagshaw, Councilmember González , Council
President Harrell, Councilmember Juarez, Councilmember O'Brien,
Councilmember Pedersen

Opposed: 0

1 City Clerk 12/17/2019 submitted for Mayor
Mayor's signature

1 Mayor 12/20/2019 Signed

1 Mayor 12/23/2019 returned City Clerk

1 City Clerk 12/23/2019 attested by City Clerk

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

CITY OF SEATTLE

ORDINANCE 126026

COUNCIL BILL 119711

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of Finance and Administrative Services, on behalf of Seattle Public Utilities, to negotiate and execute a real property lease amendment with Georgetown LLC, for yard space at 5821 First Ave South; and ratifying and confirming certain prior acts.

WHEREAS, in January 2006, Ordinance 122019 authorized Seattle Public Utilities (SPU) to enter into a seven-year lease agreement, with one extension, for materials yard space with the Georgetown LLC for property located at 5821 First Ave South, Seattle, Washington that expires in February 2020; and

WHEREAS, SPU, after an extensive search for a permanent yard, has determined that the existing leased yard location meets its current operational needs, and

WHEREAS, the property owner, Georgetown LLC, is willing to continue leasing the property to the City but will not consider a sale of the property; and

WHEREAS, the operational necessity for a south-end yard requires an amendment of the existing lease as SPU continues to search for a permanent materials yard; and

WHEREAS, FAS and SPU have determined that it would be best suitable for the City to amend the lease of 53,000 square foot yard space, for an additional five-year term with one extension, with Georgetown LLC to meet the space needs of SPU's Water Operations Division; and

WHEREAS, the Director of Finance and Administrative Services (FAS)'s authority under Seattle Municipal Code Section 3.127.020 is limited to negotiating and executing leases,

1 for and on behalf of the City, that do not exceed five years and that do not lease more
2 than 18,000 square feet of yard space; NOW, THEREFORE,

3 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

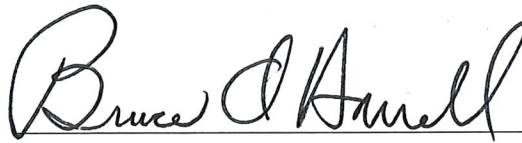
4 Section 1. The Director of Finance and Administrative Services (“Director”) or the
5 Director’s designee is authorized to negotiate and execute, for and on behalf of The City of
6 Seattle (“the City”), a lease amendment, with Georgetown LLC, substantially in the form of
7 Attachment 1 to this ordinance and identified as Lease Agreement, providing for the City’s use
8 and occupancy of the real property located at 5821 First Ave South in Seattle.

9 Section 2. The lease payments contemplated by the terms of any lease agreement or
10 amendment authorized in Section 1 of this ordinance shall be charged to the appropriate
11 expenditure allowance in the budget of the Department of Finance and Administrative Services
12 (FAS) and shall be reimbursed to FAS by the Seattle Public Utilities Department.

13 Section 3. Any act consistent with the authority of this ordinance taken after its passage
14 and prior to its effective date is ratified and confirmed.

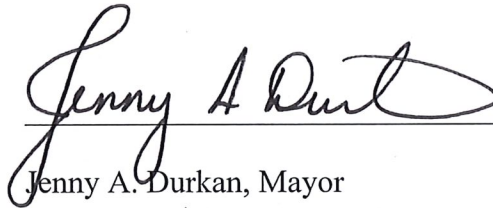
Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 16th day of December, 2019,
and signed by me in open session in authentication of its passage this 16th day of
December, 2019.

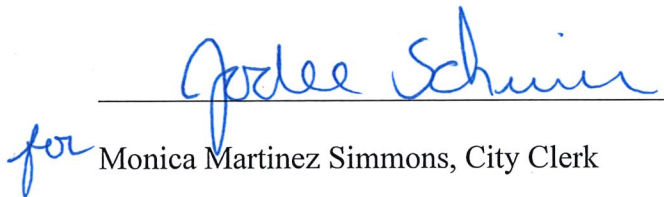


President _____ of the City Council

Approved by me this 20th day of December, 2019.


Jenny A. Durkan, Mayor

Filed by me this 23rd day of December, 2019.


for Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 – Second Amendment to Lease

SECOND AMENDMENT TO LEASE

THIS SECOND AMENDMENT TO LEASE ("First Amendment"), dated as of the _____ day of _____, 2019, is entered into by and between GEORGETOWN LLC, a Washington limited liability company, (the "Lessor"), and THE CITY OF SEATTLE, a municipal corporation of the State of Washington (the "City").

RECITALS

A. The City and Lessor entered into that certain Lease Agreement executed on February 7, 2006 by the Director of Seattle Public Utilities ("Lease"), as approved by City Council Ordinance 122016, for the premises commonly known as 5821 First Avenue South, Seattle, Washington, containing approximately 53,000 square feet of land (the "Premises"). Capitalized terms not defined herein shall have the meanings assigned to them in the Lease.

B. The Lease commenced on March 1, 2006 for an initial seven-year term and was extended for a seven (7) year period commencing March 1, 2013.

C. The City wishes to renew the lease for an additional five-year term, and an option for a second five year-term, based upon an agreement between the Parties to adjust the Rent to a rate in line with current market conditions.

D. This lease amendment is subject to City Council approval.

AGREEMENT

Landlord and Tenant agree as follows:

1. Term. The Term of the Lease shall be extended for a period of five (5) years commencing March 1, 2020 and expiring February 28, 2025 ("Extension Term"). The Lease may be extended an additional five (5) year term, commencing March 1 2025 and expiring February 28, 2030, with a written notice sent to Landlord not sooner than 180 days and not less than 90 days to Lease Expiration.

2. Rent. Beginning with the commencement of the Extension Term, the Rent for the Premises shall be adjusted to THIRTEEN THOUSAND TWO HUNDRED FIFTY dollars (\$13,250) per month. The Rent shall be further adjusted at the beginning of the third (3rd), and fifth (5th) years of the Renewal Term by the cumulative percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Seattle-Tacoma-Bremerton, All Urban Consumers (1982-1984=100) All Items, over the prior fixed rate period.

3. Effectiveness. Except as expressly amended herein, all other terms and conditions of the Lease shall remain in full force and effect.

EXECUTED as of the date set forth above.

“City”

The City of Seattle, a municipal
corporation of the State of Washington

By: _____
Name: _____
Title: _____

“Lessor”

Georgetown LLC, a
Washington limited liability company

By: _____
Name: _____
Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (s)he signed this instrument, on oath stated that (s)he was authorized to execute the instrument and acknowledged it as the _____ of Georgetown, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 2019.

(print or type name)
NOTARY PUBLIC in and for the State of _____,
residing at _____
My Commission expires: _____

STATE OF _____)
) ss.
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (s)he signed this instrument, on oath stated that (s)he was authorized to execute the instrument and acknowledged it as the _____ of The City of Seattle, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 2019.

(print or type name)
NOTARY PUBLIC in and for the State of _____,
residing at _____
My Commission expires: _____

STATE OF WASHINGTON -- KING COUNTY

--SS.

380774

No.

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.

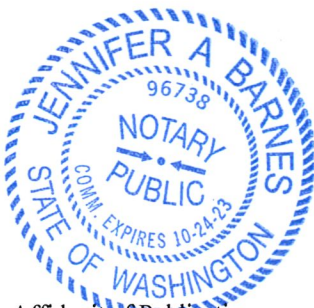
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:126021-126029 TITLE

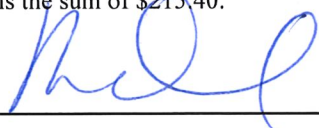
was published on

01/06/20

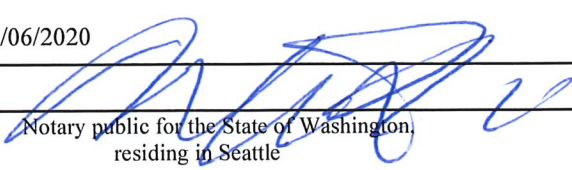
The amount of the fee charged for the foregoing publication is the sum of \$215.40.



Affidavit of Publication


Subscribed and sworn to before me on

01/06/2020


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 16, 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 126021

Council Bill 119724

AN ORDINANCE relating to services for people experiencing homelessness; authorizing the Mayor to execute an interlocal agreement with King County for the establishment of the King County Regional Homelessness Authority; and ratifying and confirming certain prior acts.

Ordinance 126022

Council Bill 119727

AN ORDINANCE appropriating money to pay certain audited claims for the week of December 2, 2019 through December 6, 2019 and ordering the payment thereof.

Ordinance 126023

Council Bill 119721

AN ORDINANCE authorizing, in 2019, acceptance of funding from non-City sources; authorizing the heads of the Executive Department, Law Department, Seattle Fire Department, Seattle Police Department, Seattle Public Library, Department of Parks and Recreation, and Seattle Public Utilities to accept specified grants, private funding, and subsidized loans and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

Ordinance 126024

Council Bill 119709

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer and storm drain easements within Seattle as being surplus to City utility needs; authorizing the General Manager/CEO of Seattle Public Utilities to relinquish such easement rights and to accept new easements; placing the real property rights and interests conveyed by the easements under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Ordinance 126025

Council Bill 119710

AN ORDINANCE relating to Seattle Public Utilities; accepting easements granted to The City of Seattle for installation, operation, and maintenance of hydrants, water mains, domestic meter vaults, fire service meters, and appurtenances necessary for water utility purposes at various locations in Seattle; placing the property rights and interests conveyed by the easements under the jurisdiction of Seattle Public Utilities; and ratifying and confirming certain prior acts.

Ordinance 126026

Council Bill 119711

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of Finance and Administrative Services, on behalf of Seattle Public Utilities, to negotiate and execute a real property lease amendment with Georgetown LLC, for yard space at 5821 First Ave South; and ratifying and confirming certain prior acts.

Ordinance 126027

Council Bill 119712

AN ORDINANCE relating to City-owned property; authorizing the transfer of jurisdiction of certain property in Lots 1 and 2, Sharpless Second Addition to the City of Seattle, commonly referred to as 4502 Midvale Avenue North; Tract 18, Excelsior

Acre Tracts, commonly referred to as 9399 8th Ave South; Block 19B, Supplemental Plat Blocks 6, 7, 18, and 19B of York Addition to Seattle, commonly referred to as 3601 York Road South; and a portion of the Southwest quarter of the Southwest quarter of Section 23, Township 24, Range 04, Willamette Meridian, commonly referred to as 6298 51st Place South; from the Department of Finance and Administrative Services to the Seattle Department of Transportation; designating the properties for street purposes; and laying off, opening, widening, extending, and establishing portions of North Midvale Place, 8th Avenue South, York Road South, and 51st Place South.

Ordinance 126028

Council Bill 119716

AN ORDINANCE relating to City employment, commonly referred to as the Fourth Quarter 2019 Employment Ordinance; designating positions as exempt from the civil service system and returning a position to the civil service system; and establishing a new title and salary; all by a 2/3 vote of the City Council.

Ordinance 126029

Council Bill 119725

AN ORDINANCE relating to City employment; creating a compensation program for the position of Chief Technology Officer; specifying provisions for the administration of said compensation program; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, January 6, 2020.

1/6(380774)