SEATTLE CITY COUNCIL

Legislative Summary

Res 31770

Record No.: Res 31770 **Type:** Resolution (Res) **Status:** Adopted

Version: 1 **Ord. no:** **In Control:** City Clerk

File Created: 09/01/2017

Final Action: 09/29/2017

Title: A RESOLUTION amending procedures for the Evaluation of the Reuse and Disposal of the City's Real Property, to update certain portions of the procedures and expedite the disposition of properties for affordable housing development, consistent with the recommendations of the Housing Affordability and Livability Agenda (HALA) Advisory Committee adopted by the City Council in Resolution 31622.

Notes:

	Date
Filed with City Clerk:	9/29/2017
Mayor's Signature:	9/29/2017
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Sponsors: Burgess

Attachments: Att A - Evaluation of the Reuse and Disposal of the City's Real Property v3

Drafter: patrick.wigren@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	City Clerk	09/06/2017	sent for review	Council President's Office			
	Action Text: The Resolution (Res) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	09/07/2017	sent for review	Affordable Housing, Neighborhoods, and Finance Committee			
	Action Text: The Resolution (Res) was sent for review. to the Affordable Housing, Neighborhoods, and Finance Committee						
	Notes:						

1	Full Council	09/11/2017	referred	Affordable Housing, Neighborhoods, and Finance Committee	
1	Affordable Housing, Neighborhoods, and Finance Committee	09/15/2017	adopt as amended		Pass

Action Text: The Committee recommends that Full Council adopt as amended the Resolution (Res).

Notes: Substitute Version 2 of Attachment A

In Favor: 2 Chair Burgess, Member Johnson

Opposed: 0

1	Full Council	09/25/2017	adopted as amended		Pass

Action Text: The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution:

Notes:

Councilmember Bagshaw left the Council Chamber at 3:10 p.m.

Councilmember Bagshaw entered the Council Chamber at 3:11 p.m.

ACTION 1:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Resolution 31770, Attachment A, by substituting Appendix F, as shown in Attachment 1 to the Minutes.

ACTION 2:

Motion was made and duly seconded to adopt Resolution 31770 as amended.

In Favor: 7 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1	City Clerk	09/28/2017	submitted for Mayor's signature	Mayor
1	Mayor	09/29/2017	Signed	
1	Mayor	09/29/2017	returned	City Clerk
1	City Clerk	09/29/2017	attested by City Clerk	

Action Text: The Resolution (Res) was attested by City Clerk.

Notes:

Traci Ratzliff
LEG Disposition Policies RES
D1a

CITY OF SEATTLE

RESOLUTION 31770

A RESOLUTION amending procedures for the Evaluation of the Reuse and Disposal of the City's Real Property, to update certain portions of the procedures and expedite the disposition of properties for affordable housing development, consistent with the recommendations of the Housing Affordability and Livability Agenda (HALA) Advisory Committee adopted by the City Council in Resolution 31622.

WHEREAS, Resolution 29799, adopted in August 1998, established policies and procedures to govern the acquisition, reuse, or disposal of City real property; and

WHEREAS, the policies were last modified in April 2006 via Resolution 30862; and

WHEREAS, the Housing Affordability and Livability Agenda (HALA) Advisory Committee issued its final recommendations and report in July 2015; and

WHEREAS, the HALA Report included a recommendation to prioritize the use of surplus and underutilized public property for affordable housing; and

WHEREAS, the City Council adopted Resolution 31622, establishing a work plan to implement key recommendations of the HALA report that included using publicly owned properties for development of affordable housing and consideration of revisions to the City's policies governing the disposition of surplus properties to facilitate such efforts; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. The Procedures for Evaluation of the Reuse and Disposal of the City's Real Property adopted by Resolution 29799 and amended by Resolution 30862, are hereby amended and revised as shown in Attachment A.

Section 2. Transition and applicability. If adopted by Council and unless otherwise provided by applicable ordinance or other law, the amendments and revisions shown in Attachment A are to apply to Excess Properties currently going through the procedures for disposal of Excess Properties, as well as future disposals of Excess Properties. However, Council does not intend that each Excess Property must restart the process in order to comply with these amendments and revisions.

Adopted by the City Council the 25th day of September, 2017, and signed by me in open session in authentication of its adoption this 25th day of September, 2017.

President _____ of the City Council

The Mayor concurred the 29th day of September, 2017.

Tim Burgess, Mayor

Filed by me this 29th day of September, 2017.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment A: Procedures for the Evaluation of the Reuse and Disposal of the City's Real Property

CITY OF SEATTLE

PROCEDURES
FOR THE EVALUATION OF THE REUSE AND DISPOSAL OF THE CITY'S REAL PROPERTY

September 12, 2017

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A. Underutilized Property Review Form
B. Excess Property Description
C. Excess Property Notice
D. Excess Property Response Form
E. Excess Property Proposed Use Form
F. Property Review Process Determination Form

Table		Follows
1	Procedures for Periodic Review of Real Property by Jurisdictional Department	Appendices
2	Details to be Reported on the *Excess Property Response Form*	Appendices

1.0 DEFINITIONS

When the terms defined here appear in text, they are capitalized.

Disposal	The Trade or Sale of Real Property in which the City has a fee interest to a non-City entity.
Easement	A right to use land owned by another for a special purpose.
Encumbrance	Any claim, lien, charge, or liability attached to and binding on Real Property, including those that affect the physical condition of the property and those that affect the title, which may lessen its value, or burden, obstruct, or impair its use but not necessarily prevent transfer of title.
Excess Property	Real Property that the Jurisdictional Department has formally determined it no longer needs for the Department's current or future use.
Fully Utilized Municipal Use Property	Municipal Use Property that is actively being used for municipal purposes to the fullest capacity possible under any required restrictions on its Municipal Use.
Hold	The period of time for which final legislative action on an Excess Property is delayed to give the proposed Transferee time to complete conditions necessary to the conclusion of the Transfer or Transfer of Jurisdiction.
Interim Use	The use of property for a non-municipal use(s) on a short-term basis during the period of time prior to its being used for its proposed future Municipal Use.
Joint Use	The shared use of City-owned Real Property by two or more City departments or by a City department(s) and one or more Public Agencies or private parties.
Jurisdiction	The mechanism by which the City allocates primary responsibility and authority for Real Property as assigned by ordinance.
Jurisdictional Department	The City department or departments with responsibility for a specific parcel of Real Property as assigned by City Council.

Managing Department	The City department to which all or a portion of the management responsibility for a specific property has been delegated by agreement with the Jurisdictional Department and/or by ordinance.
Municipal Use	Active or passive use of Real Property to carry out general purposes of the City or to accomplish City goals and objectives.
Public Agency	A federal, state, or local (other than The City of Seattle) governmental entity, including but not limited to school districts; port districts; fire, sewer, and water districts; and public development authorities.
RES	See Real Estate Services.
Real Estate Oversight Committee	A committee comprised of City department heads (or their designees) appointed by the Mayor and the Chair of the Council Budget Committee, chaired by the Deputy Mayor or other Mayoral designee that has the authority to review and make recommendations to Departments or to the Executive on Real Property matters.
Real Property	Land and appurtenances to land, including buildings, structures, fixtures, fences, and improvements erected upon or affixed to the same.
Real Property Asset Management Information System (RPAMIS)	A comprehensive database of information cataloging Real Property owned by the City.
Real Estate Services (RES)	City organization in the Finance and Administrative Services Department (FAS) that is responsible for strategic or "corporate" management of City Real Property, except for those properties outside Seattle, those properties under the jurisdiction of the City Light Department, those properties under the control of the Seattle Public Utilities Department, those properties under the control of the Seattle Center, and properties for which the City Charter specifically provides for jurisdiction by a specific department other than FAS.

Reuse	The use of an Unused Property or Underutilized Property, after review and assessment of the property's potential uses. Such uses may be facilitated by Transfers, Transfers of Jurisdiction, or Transfers of Partial Jurisdiction, and such uses may entail Interim Uses and Joint Uses.
Sale	The conveyance to a non-City entity of all or a portion of a parcel of Real Property for consideration.
Surplus Property	Excess Property formally designated by the City Council as not needed to carry out any recognized goal or policy of the City.
Trade	The exchange of one or more parcels of Real Property for other Real Property.
Transfer	The conveyance to a non-City entity of all or a portion of the rights associated with a parcel of Real Property.
Transfer of Jurisdiction	The internal process by which the City changes the department that has responsibility for a parcel of Real Property.
Transfer of Partial Jurisdiction	The internal process by which the City changes responsibility for a portion of the property rights associated with a parcel of Real Property.
Transferee	The City department to which all or a portion of property rights or jurisdiction over a property is assigned, or the Public Agency or private entity to which all or a portion of property rights are conveyed.
Underutilized Property	Municipal Use property that could support additional and/or more intensive uses without interfering with the primary use of the property.
Unused Property	Property owned by the City that is not currently in Municipal Use and that is not being rented, leased, or otherwise used under an agreement with the City.

2.0 PURPOSE

These procedures establish a uniform evaluation process for the Reuse or Disposal of Real Property owned in fee simple by The City of Seattle (City).

3.0 SUMMARY

Following standard procedures described below, each City department should classify every property under its jurisdiction, review that classification regularly, and report all changes to Real Estate Services (RES). When suitable and compatible, additional uses should be implemented for properties that are not fully utilized for Municipal Uses. Unused Property should be utilized for municipal purposes to the fullest extent possible, with Interim Uses identified and implemented if the property is needed for a future Municipal use. Failing identification of a current or future Municipal Use, the property should be disposed of following standard procedures to notify and solicit proposals from prospective users, including other City departments, Public Agencies, and private parties. Classifications and uses of all Real Property owned in fee simple by the City are maintained in a central inventory administered by RES.

4.0 SCOPE

These procedures apply only to Real Property where the City owns a fee interest, whether located inside or outside the boundaries of the City, unless the Real Property was acquired as a street right of way. All City departments and agencies are subject to these procedures unless superseded by City Charter, state law, or federal law, e.g., the Seattle Public Library (per RCW 27.12.210 and 27.12.300).

5.0 GUIDING PRINCIPLES FOR THE REUSE AND DISPOSAL OF REAL PROPERTY

A. It is the intent of the City to strategically utilize Real Property in order to further the City's goals and to avoid holding properties without an adopted municipal purpose.

B. Decisions regarding Reuse or Disposal of the City's Real Property should be made on a case by case basis using the guidance in adopted City Policy.

C. So that Real Property decisions are made within a City-wide context, the Executive's recommendations to City Council on such matters should be made by the REOC to the extent not otherwise prohibited. The Real Estate Oversight Committee includes the Director of Finance and Administrative Services, the Director of the Office of Planning and Community Development, the Director of the Office of Housing, the General Manager and CEO of Seattle Public Utilities, the Director of the Department of Neighborhoods, the Director of the Office of Economic Development, the General Manager and CEO of City Light, the

Superintendent of Parks & Recreation, the Director of the Department of Construction and Inspections, the Director of the Seattle Department of Transportation, and the Chair of the Council Budget Committee or their designees, and includes the directors of successor department(s), if any. Lead responsibility for analysis of Reuse and Disposal of Real Property is assigned to RES, unless delegated.

D. Except as otherwise delegated by ordinance, final decisions regarding the disposal of Real Property rights shall be made by the City Council. Any negotiations entered into by the City prior to final authorization by City Council, when needed, shall clearly communicate that the final decision is to be made by City Council.

E. The decision-making process described in these procedures and the resulting decisions should be interpreted and applied in a manner to comply with federal, state, and local laws and regulations.

F. These procedures are intended as guidelines for City decision-making in the Reuse and Disposal of property. No express or implied rights or responsibilities are intended to be created for any party. Failure to comply with these procedures will not give any party the right to change, rescind, or delay any decision or transaction related to exchange of use or ownership of City property or provide any claim for damages or other relief.

G. The Law Department should be consulted as needed in the process and at minimum, on the following matters: (a) compliance of proposed Reuse and Disposal actions with local, state, and federal ordinances, statutes, regulations, plans, and policies; (b) the need for environmental analyses, including environmental due diligence and review required under the State Environmental Policy Act (adopted by Seattle Municipal Code ch. 25.05); and (c) the form and substance of any proposed legislation and transaction documents.

H. These procedures are not intended to supersede those adopted by the City Council that exclusively outline a Reuse or Disposal process for a specific property or type of property. In cases where inconsistencies or conflicts occur between the two, the specific policies adopted by City Council for the property in question shall prevail.

I. Nothing in these procedures should be construed as favoring one municipal purpose over another.

J. These procedures are intended to encourage citizen participation and to be coordinated with and to support neighborhood planning efforts.

6.0 CLASSIFICATION AND REVIEW OF REAL PROPERTY

This section provides guidance on classification, periodic review, and reclassification of Real Property that is owned in fee simple by The City of Seattle, except as noted in Section 4.0 (Scope).

6.1 CLASSIFICATION

- Jurisdictional Departments will classify each of their properties into one of the following categories:

  - Fully Utilized Municipal Use Property
  - Underutilized Property
  - Interim Use Property
  - Unused Property
  - Excess Property
  - Surplus Property, when previously so determined by Council action.

All classification data will be maintained in the RPAMIS by RES. The classification process is to be completed by the end of the calendar year in which these procedures are adopted.

The Fully Utilized and Underutilized categories reflect a level of Municipal Use. Interim Use reflects a short term non-municipal use for a property which has a planned future Municipal Use. Property in the Unused category has no current use, but reflects the possibility of future Municipal Use; for example, a property that could be slated for future municipal purposes, but has not yet been so identified, would be classified Unused. The Excess category reflects a Jurisdictional Department's explicit decision that it no longer needs the property for a Municipal Use. The Surplus category reflects the City Council's explicit decision that the City no longer needs the property for any municipal purpose.

Each property will also be included in a strategic plan for City property. The plans are to be prepared and maintained by RES and approved by the REOC.

6.2 PERIODIC REVIEW

After the initial classification effort, the status of each property will be reviewed regularly to consider the suitability of each property for its current use and to

consider Reuse or Disposal of Underutilized and Unused Property. The frequency of review is specified in Table 1. Special requirements that apply to a classification are noted in the table. Lacking a defined current or future Municipal Use, Excess and Surplus Properties are not subject to these review requirements.

The Mayor, City Council, or RES staff may request that a specific property be reviewed at a time not normally scheduled. By directing a request to RES, other parties may also ask for an unscheduled review. RES will evaluate the most recent property review and strategic plan to decide whether a new review is needed. If it is not, RES will provide a brief explanation to the requester.

6.3 REPORTING

For purposes of maintaining the accuracy of the RPAMIS database, Jurisdictional Departments are to report all changes in the status of Real Property. The changes are to be reported to RES within 30 days of the change. Such changes include acquisitions, Disposals, Transfers (including Transfers of Jurisdiction or Partial Jurisdiction), and changes in current or potential future use.

Every year, the Jurisdictional Department should review RPAMIS information for each of its properties—classification, current use, and any potential future use with its projected starting date. A written confirmation of accuracy is due by February 15 to RES.

By March 31 of every year, a status report for all City property covered by these procedures is due from RES to the REOC and City Council. For each property, this *Real Property Status Report* should list current classification, current use, potential for Joint or Interim Use, and any intended future uses with their projected starting dates.

In addition, RES will prepare and distribute a quarterly *Excess Property Status Report* to City departments, the REOC, City Council, and interested parties on record with RES.

7.0. CHANGES IN MUNICIPAL USE PROPERTIES

To make more efficient use of City resources, changes may be made in the use of properties that a department has not declared Excess. Specifically:

- Underutilized and Unused Properties should be used more intensively for municipal purposes (Reused)

- Jurisdiction of Fully Utilized Municipal Use Properties may be transferred between departments to better align their missions with their responsibilities.

All such changes, which are initiated by the Jurisdictional Department, require review by RES before they can be approved by the City Council. When RES does not concur with the Jurisdictional Department's recommendation, either party may refer the matter to the REOC for resolution. Law Department approval is required for all proposed legislation authorizing any change.

7.1 ADDING USES TO UNDERUTILIZED OR UNUSED PROPERTY

Underutilized and Unused Property may have the potential for more intensive use. Property that can accommodate more than one Municipal Use or a Municipal Use and one or more non-municipal uses is classified as being in Joint Use. Unused Property that has a future Municipal Use but is currently being used for a non-municipal use is classified as having an Interim Use. This section describes procedures for identifying, evaluating, approving, and implementing Joint and Interim Uses.

7.1.1 Identification and Solicitation of Additional Uses

Underutilized Property
As part of its annual review, the Jurisdictional Department is to identify potential additional uses of Underutilized Property, with help from RES if needed. Results of the review are to be reported on the *Underutilized Property Review Form* (Appendix A). To facilitate this process, RES will evaluate requests from the last 3 years for City property meeting the characteristics of the Underutilized Property. RES will summarize its findings for the REOC. With RES's help if needed, the Jurisdictional Department is also to announce the availability of the Underutilized Property to other City Departments, Public Agencies, private parties, and the public, and is to invite their proposals for Joint Use. The notice to the public must provide a minimum of 30 days to submit comments and suggestions. When the Jurisdictional Department makes a final decision regarding the use of the Property, or if Council approval is necessary to carry out a final decision, the Jurisdictional Department should notify those members of the public who responded to the first notice about the final decision made by the Jurisdictional Department, or of the transmittal to Council of legislation seeking approval of a final decision, whichever the case may be.
Unused Property
If a future Municipal Use is or has been identified for Unused Property, the Jurisdictional Department should analyze possible Interim Uses for the property, if any. The notification and solicitation procedures that apply to Underutilized Property

may be followed. Unused Property for which no future Municipal Use is identified should be reclassified as Excess.

7.1.2 Review and Approval

The Jurisdictional Department should utilize guidelines outlined in adopted Council policy on reuse and disposal of City property when analyzing the feasibility of proposed Joint and Interim Uses. If a proposed Joint or Interim Use is acceptable to all entities involved, including RES and nonjurisdictional departments, the Jurisdictional Department should prepare legislation and other required documents to establish the arrangement, to be submitted for City Council approval. RES may request copies of the documents for itself and the REOC.

Any expenses associated with environmental due diligence may be negotiated by the Jurisdictional department and the entities involved in the Joint or Interim Use. In addition, the entities implementing the Joint or Interim Use should bear the costs of implementing and removing such use; alternative arrangements may be negotiated with the Department of Finance and approved by the REOC. Consideration, if any, should be consistent with the State Accountancy Act (RCW 43.09.210) and other applicable laws and regulations. If consultation with the Law Department reveals that SEPA review is needed, the Jurisdictional Department should conduct the review. When the evaluation of proposals is complete, the Jurisdictional Department should forward its recommendation to RES for review and approval.

Additional review should be undertaken if the Jurisdictional Department's recommended Joint or Interim Use is questioned. If questioned by a nonjurisdictional department, the matter should be taken up by RES, who should forward its findings to the REOC. If questioned by RES, the matter should be taken up directly by the REOC. Upon resolution, legislation should be prepared by the Jurisdictional Department for City Council approval.

7.2 CHANGING JURISDICTION OF FULLY UTILIZED MUNICIPAL USE PROPERTY

When the Jurisdictional Department, in consultation with RES, believes that jurisdiction of a parcel of Real Property should be transferred to another City department, it should contact the other department to discuss such factors as compensation, current or potential revenue associated with the property, estimated costs associated with a Transfer of Jurisdiction, and the physical condition and maintenance requirements of the property. The two departments should negotiate the terms of any Transfer of Jurisdiction.

7.2.1 Notification and Comment

When a tentative agreement has been reached, the Jurisdictional Department should notify RES, which in turn should notify all property-managing departments of the proposed Transfer of Jurisdiction. Responses are due 2 weeks later. At a minimum, the responses should specify utilities, easements and access agreements that are on or are needed on the property; other comments are invited.

7.2.2 Evaluation

On the basis of responses received, RES may concur with, recommend against, or place conditions upon the proposed Transfer of Jurisdiction. If RES concurs with the proposed Transfer of Jurisdiction, the required legislation is prepared by RES for City Council approval. In the absence of concurrence, the Jurisdictional Department may ask the REOC for resolution and RES will prepare legislation in accordance with the resolution of the REOC.

8.0 CHANGES IN EXCESS PROPERTY

When a parcel of Real Property becomes Excess, other City departments, Public Agencies and the public are to be notified of its availability, asked to identify their interest in it—particularly less-than-fee- simple rights the City should keep, such as utility Easements—and invited to propose Municipal Uses for it. This information is evaluated in a two-tiered process. The Jurisdictional Department first examines the information and makes a recommendation, which is then evaluated by RES. As part of its evaluation, RES then classifies the proposed decision as "simple" or "complex." "Complex" decisions require an additional public involvement process and additional City review. Before being submitted to the City Council for action, all proposed Reuse or Disposal actions must be approved by RES and, for "complex" decisions, the REOC.

8.1 INITIAL NOTIFICATION AND RESPONSE

When a Jurisdictional Department declares a property Excess, it should complete an *Excess Property Description* (Appendix B) and send the form to RES. On receipt, RES should prepare an *Excess Property Notice* (Appendix C). The notice should be distributed to all City departments, to Public Agencies that RES determines may be interested in the property, and to Public Agencies whose regulatory or policy responsibilities affect the property. In addition, notice should be given to citizens, community groups, and other interested parties as provided in Section 8.5.2.

With the *Excess Property Notice*, RES should also distribute an *Excess Property Response Form* (Appendix D) and an *Excess Property Proposed Use Form* (Appendix

E). Both are due back to RES within 30 days of the date of the *Excess Property Notice.* At its discretion, RES may grant an extension upon receipt of a written request indicating the reason for the extension and a proposed revised due date. Completed *Excess Property Response Forms* should be copied and sent to the Jurisdictional Department.

All City departments or Public Agencies should return a completed *Excess Property Response Form,* even if they have no explicit interest in the property. The nature of each department's response is detailed in Table 2. To protect the interests of the City as a whole, it is especially important to provide complete and accurate information on this response form. Any entity interested in acquiring the property must also return an *Excess Property Proposed Use Form* signed by the director or designee, submit an implementation plan, and specify a funding source.

In their *Excess Property Proposed Use Forms,* City departments and Public Agencies may request a delay in the implementation of a Reuse or Disposal decision—a Hold—until certain steps can be completed (e.g., obtain funding). The request for a Hold will be evaluated by RES during its review.

8.2 FIRST-TIER EVALUATION BY JURISDICTIONAL DEPARTMENT

Within 30 days of receiving copies of completed *Excess Property Proposed Use Forms,* the Jurisdictional Department should analyze the proposed uses, review and consider any public comments or input received in response to the Initial Public Notice mailed pursuant to 8.5.2, and forward its recommendation for Reuse or Disposal to RES. This recommendation should summarily describe the number and substance of the public comments received, describe the preferred Reuse or Disposal, and if appropriate, propose a Transferee or method for selecting a Transferee.

The Jurisdictional Department may recommend one of several options:

- Establishment of Interim Use until identified and recommended future Municipal Uses are implemented
- Transfer for implementation of a Municipal Use
  - To another City department
  - To a specific non-City Transferee
  - To a non-City Transferee that has not yet been identified
- Designation as Surplus property to be transferred

- To a specific non-City Transferee
- To a non-City Transferee that has not yet been identified

8.3 SECOND-TIER EVALUATION BY REAL ESTATE SERVICES

8.3.1 Evaluation Factors

RES's evaluation of alternative uses for Excess Properties should include the factors identified in adopted Council policy for reuse and disposal of City property.

8.3.2 Options

RES may recommend any of the options identified in Section 8.2, even if it differs from the option recommended by the Jurisdictional Department.

If a specific Transferee is recommended and that Transferee has requested a Hold, RES may suggest that the Jurisdictional Department retain the property for 1 year so that the prospective Transferee may obtain funding or complete other necessary steps. Any Hold so recommended is to be reviewed as part of and will take effect following the City Council's approval of a proposed use for the property. The responsibility for maintenance costs during the period of the Hold should be explicit in RES's recommendation.

8.3.3 Complexity

As part of the second-tier evaluation process, RES should classify each proposed Reuse or Disposal decision as "simple" or "complex," using the following factors:

- The potential presence of conflicting proposals;
- The type and amount of consideration proposed or necessary for the property;
- The estimated fair market value of the property;
- Change in zoning requirements required by the proposed action;
- Whether the City will retain any Real Property rights;
- Community interest in the property;
- Use of property for affordable housing.

The City intends to prioritize the use of surplus properties for the development of affordable housing and desires to expedite such dispositions to create more affordable housing as quickly as possible. Therefore, regardless of any other factor, if the Office of Housing has proposed that a property be transferred to an entity for the development of affordable housing, such property will follow the disposition process as described in 8.4.1.

For the purposes of such dispositions, "affordable housing" is defined as housing that is predominantly affordable to households at or below 80% of Area Median Income for the Seattle-Bellevue, WA HUD Metro FMR Area, as published from time to time by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 program or successor program, with adjustments to household size in a manner determined by the Director of the Office of Housing.

OH and RES shall brief the relevant City Council Committee regarding the proposed use of the property for affordable housing, including number, type, and affordability level of the housing, prior to the preparation of the Preliminary Recommendation Report on Reuse or Disposal of Excess Property.

Additionally, regardless of any other factor (except in the case of properties designated for affordable housing), the decision will automatically be classified as "complex" if either of the following applies:

- The estimated fair market value of the property exceeds $2 million
- A "complex" designation has been requested by the Jurisdictional Department, REOC, or City Council.

RES's decision regarding the complexity of the proposed action should be recorded on a *Property Review Process Determination Form* (Appendix F).

8.3.4 Documentation and Distribution of the Preliminary Report

RES should document its analysis and recommendation in a *Preliminary Recommendation Report on Reuse or Disposal of Excess Property (Preliminary Report),* a summary of which will then be circulated to the REOC, to all City departments and Public Agencies that expressed an interest in the Excess Property, and to members of the public as provided in Section 8.5.3. No decision should be made on the recommendations in the Preliminary Report and it should not be transmitted to Council until at least 30 days after circulation of the notice to the public as provided in Section 8.5.3 in order to allow members of the public an opportunity to comment on the Preliminary Report. The *Property Review Process Determination Form* should be included with the summary of the *Preliminary Report.*

8.4 SIMPLE V. COMPLEX DECISIONS

8.4.1 Simple Decisions

After the *Property Review Process Determination Form* and the summary of the *Preliminary Report* have been distributed as provided in Section 8.3.4, the process for "simple" and "complex" decisions diverges. For "simple" decisions, legislation is prepared by RES, reviewed and approved by the Law Department and Department of Finance, and sent to the City Council, together with a copy of the *Preliminary Report* incorporating a report on the public involvement efforts described in Section 8.5.7.. If the City Council decides to hold a public hearing on the legislation, notice of the public hearing should be mailed or e-mailed as provided in Section 8.5.8.

8.4.2 Additional Requirements for Complex Decisions

"Complex" decisions require the following additional steps before a Final Recommendation and legislation are prepared for submission to Council:

8.4.2.1 RES submits the *Preliminary Report* and a proposed public involvement plan process to the REOC. The purpose of the plan is to actively solicit and obtain the input of neighbors and the general public on the development of the recommendations for the Excess Property. The public involvement plan is to be tailored to the specific facts, location and complexities of the individual Excess Property.

8.4.2.2 After REOC approval of the proposed public involvement plan, RES sends a copy of the proposed public involvement plan to the Jurisdictional Department and other City Departments and Public Agencies that expressed an interest in the Excess Property and sends a public notice of the proposed

public involvement plan pursuant to Section 8.5.4. RES allows 14 days for comment on the proposed plan prior to briefing the appropriate City Council committee on both the Preliminary Report and the proposed public involvement plan, including any comments received on the public involvement plan. After reviewing the proposed public involvement plan and suggesting any appropriate modifications, the Council Committee approves the public involvement plan for the particular Excess Property.

8.4.2.3 RES implements the public involvement plan approved by the appropriate City Council Committee or full Council.

8.4.2.4 After carrying out the public involvement plan, RES prepares a *Final Recommendation Report* (Final Report) to update the *Preliminary Report* and revise recommendations. The Final Report should either incorporate the provisions of the public involvement report described in Section 8.5.7 or have a separate public involvement report that complies with Section 8.5.7 attached to the Final Report.

8.4.2.5 RES submits the *Final Report* to the REOC for approval. After approval by the REOC, the Final Report is submitted to the City Council with any legislation necessary for the proposed Disposition. RES provides a notice of the Final Report or Transmittal of the Legislation to Council pursuant to 8.5.5 and allows a 30-day comment period on the Final Report prior to any briefing of the City Council. A summary of the number and substance of the comments received during the 30-day comment period should be provided to Council prior to or at the first briefing of the Council on the legislation.

8.4.3 City Council Proceedings.

The City Council generally will hold a public hearing before taking action on any "complex" decision and may do so on a Simple Decision. If the Council decides to hold a hearing, Council will advise RES of the date and time of the proposed public hearing, and RES will provide a public notice of the Council hearing pursuant to Section 8.5.8.

8.5 PUBLIC NOTIFICATION

8.5.1 Application of the Notice Process

Excess Property that is 2,000 square feet or less in size is exempt from the public notification requirements in this section 8.5.

8.5.2 Initial Public Notice

8.5.2.1 When RES circulates the Excess Property Notice, Response and Proposed Use Forms, the Jurisdictional Department or RES should mail notice to all owners, lessees, and residents within 1,000 feet of the Excess Property; to all district councils established by Resolution 27709; and to such other persons and groups that, in the opinion of RES may have an interest in the Reuse or disposal of the Excess Property. The Jurisdictional Department shall consult with RES to determine which groups to notify and the geographic location of the potentially interested groups. RES shall consider the size and location of the Excess Property and the range of potential uses for the Excess Property in determining who should be notified. Types of groups RES should consider include but are not limited to community and neighborhood associations, local chambers of commerce, and non-profit housing, environmental and open space preservation groups.

8.5.2.2 This initial notice should describe the location of the Excess Property; explain its status as Excess Property; briefly describe the Reuse and Disposition Process; explain that this notice is part of the initial stage of determining what the City should do with the Excess Property, in which the Jurisdictional Department makes a recommendation about the Excess Property; generally explain potential alternatives such as reuse by another department or public entity or sale to the public or others; and invite comments, suggestions and recommendations from the public for a period of 30 days after the notice, on what should happen with the Excess Property. The notice should also explain that failure to comment or participate at this stage may preclude further notice at a later stage in the process.

8.5.3 Notice of Preliminary Report.

When RES prepares its Preliminary Report and circulates it to City Departments and Public Agencies, RES should provide the public an opportunity to comment on the Preliminary Report.

8.5.3.1 RES should mail or e-mail a notice, along with a copy of the summary of the Preliminary Report being circulated , to those persons and entities who responded to the Initial Public Notice. This notice should advise that RES and REOC will consider comments on the Preliminary Report for 30 days after mailing of the Notice and the summary of the Preliminary Report and advise the recipient where and to whom any comments should be addressed.

8.5.3.2 In addition, RES should post one sign visible to the public at each street frontage abutting the Excess Property except, when there is no street frontage or the Excess Property abuts an unimproved street, RES may post signs at alternative posting locations on or as near to the Excess Property as possible so that notice is clearly visible to the public. The sign should contain a map showing the Excess Property, advise the public of the general recommendation for disposal of the Excess Property contained in the Preliminary Report and where and how a complete copy of the Preliminary Report may be obtained, advise the public that comments on the Preliminary Report received by a date certain no less than 30 days after the posting of the sign will be considered before the Council makes any final decision, and advise the public where and to whom any comments should be addressed. The sign should be at least 11 inches by 14 inches in size, with headings that can be read from a distance of 75 feet by persons of normal visual acuity.

8.5.4 Notice of Proposed Public Involvement Plan — (Complex Decisions Only)

At least 14 days prior to briefing the appropriate City Council committee on the proposed public involvement plan as described in Section 8.4.2.1, RES will mail or e-mail a notice to those persons and entities who had submitted comments pursuant to Initial Public Notice or pursuant to the Notice of the Preliminary Report. This notice should describe the Excess Property and the disposal disposition process, explain that a Preliminary Report has been developed, outline the proposed public involvement plan for reviewing and providing input on the Preliminary Report and where to obtain a copy of the proposed public involvement plan (if there is a separate plan), explain that there is a 14-day comment period on the proposed public involvement plan, and advise how and to whom to send comments on the proposed public involvement plan.

8.5.5 Notice of Final Report or Transmittal of Legislation

When legislation is transmitted to the City Council that incorporates or includes a recommendation on disposal of Excess Property in a Simple Decision or when RES submits the Final Report and any necessary legislation to City Council in a Complex Decision, a notice should be mailed or e-mailed to the persons and entities that provided comments in response to the Initial Public Notice, the Notice of the Preliminary Report or the Notice of the Proposed Public Involvement Plan (Complex Decision only). The notice should advise that legislation regarding the Excess Property (and a Final Report in the case of a Complex Decision) is being transmitted to Council, outline the next steps in the legislative decision making process, include the RES/REOC recommendation for disposition of the Excess Property, and describe where and how one can submit comments on the legislation or Final Report. In the case of a Final Report, the notice should advise that there is a 30-day period in which

to provide comments on the Final Report before the City Council will take action.

8.5.6 Renotification

If a Final Report (in the case of a Complex Decision) or legislation containing a disposal recommendation has not been sent to the City Council for approval within 18 months of the date that the Initial Public Notice was sent, then RES shall again notify the public about the status of the Excess Property in the disposal process using mailed notice to those parties described in Section 8.5.2. This notice should describe whether a Preliminary or Final Recommendation Report on reuse or disposal has been completed; whether negotiations are underway with any interested Transferee; and that the Excess Property continues to be available for transfer, purchase or for other use or disposal.

8.5.7 Public Involvement Report.

As part of the Preliminary Report (in a Simple Decision) and the Final Report (in a Complex Decision) sent to the City Council, the REOC shall include a report on the public involvement process. The report should describe the public notification process used to comply with the provisions of this Section 8.5, as applicable, and include a list of all persons and entities notified by mail or e-mail, the date of the notice(s) and of the posting, the dates and locations of any public meetings, a copy of the notice(s) sent, and a summary of the number and substance of the public comments received.

8.5.8 Notice of Council Public Hearing.

If the City Council decides to hold a public hearing on the disposal of the Excess Property, RES will provide a notice of the public hearing at least 14 days prior to the hearing, by mailing or e-mailing a notice to those persons or entities who have submitted comments or responses in response to the notices previously provided regarding the disposal of the Excess Property, advising of the time and date of and opportunity to submit comments to the City Council at the Public Hearing about the proposed disposal of the Excess Property.

8.5.9 RES Website Information.

RES will maintain a website with current information on the status of all Excess Properties under active consideration for reuse and disposal, including information on which step in the Excess Property reuse and disposal process each such property is in, links to any relevant reports, and contact names of staff in the relevant City department(s) who can provide additional information and respond to questions from the public.

8.6 IMPLEMENTATION AFTER CITY COUNCIL APPROVAL

After the City Council has approved the disposal, the Jurisdictional Department or other department authorized by the City Council should proceed with implementation.

If a Hold was approved, the REOC may allow a 1-year extension of the Hold. This extension may be granted only upon submittal of evidence that the transaction is still viable and progress has been made towards completing the conditions for which the Hold was granted.

If the conditions of the Hold have not been met following the expiration of the second year, if the proposed Transferee did not seek an extension of the Hold, or if such request was denied by the REOC, notice of the property's availability will be recirculated consistent with the process outlined under Initial Notification and Response in Section 8.1.

UNDERUTILIZED PROPERTY REVIEW FORM

PROPERTY MANAGEMENT AREA (PMA) NAME, as found in RPAMIS:
ADDRESS:
LEGAL DESCRIPTION:
KING COUNTY TAX I.D.#:
CURRENT USE:
EXCESS CAPACITY: Please provide a description of the Excess Capacity of this PMA, e.g., available land, type of building space available, amount of usable building space available, or time-of-day availability.
POTENTIAL JOINT USES:
RESTRICTIONS ON USE and Source of Restrictions:
ORGANIZATIONAL POLICIES/DIRECTIVES REGARDING USE:
Jurisdictional Department: _____ **Reviewer:** _____ **Date:** _____

EXCESS PROPERTY DESCRIPTION

The Jurisdictional Department should provide the information listed below to RES with its declaration of Excess Property. The RES will incorporate selected information in a circulation notice to City departments and Public Agencies.

1. Property Management Area (PMA) Name and Address.

3. Legal Description.

4. Tax Parcel I.D. Number(s), Property Management Area (PMA) I.D. and Subject Parcel ID's (as found in RPAMIS).

5. Snapshots or aerial photo of property, including current structures if any.

6. Brief history of property, including the original fund source and the reason The City acquired it

7. Copies of ordinance(s) authorizing acquisition, and any amendments or updates to that ordinance(s).

8. Citation of ordinances, statutes and regulations that particularly or uniquely affect or apply to this specific property.

9. Current easements, covenants and restrictions (as flagged in RPAMIS).

10. Recommended easements, covenants and restrictions upon transfer.

11. Jurisdictional Department's opinion on any current code or ordinance violations or delinquencies.

12. Fund to which Sale proceeds would accrue.

13. Jurisdictional Department's rough estimate of market value, expressed as a range of value, and basis for conclusion.

14. Any potential problems and any possible measures that could be taken to mitigate or prevent recurrence of problems

The Jurisdictional Department should attach copies of the following documents to this form: Copies of conveyance documents, leases, contracts, easements, title reports and surveys.

EXCESS PROPERTY NOTICE

DATE:

TO:

FROM: Real Estate Services

SUBJECT: Property Name, Address

The attached described Real Property under the jurisdiction of the Department of _____ is considered excess to the needs of that department. City departments and Public Agencies are being informed of its potential availability in accordance with the *Procedures for the Evaluation of City Real Property for Reuse and Disposal.*

Further information regarding this property can be obtained from_____ phone: _____). For questions regarding the City's Excess Property circulation and review process, please call Real Estate Services , (phone: _____).

By completing the attached response form, please indicate whether your agency or department is interested in acquiring the property or jurisdiction over it, whether it has or needs facilities, utilities or access rights on, through or over the property, or include the Department's comments concerning the property's Disposal or Reuse. If your department or Public Agency is interested in acquiring the property or jurisdiction over it, an *Excess Property Proposed Use Form* must be attached to your response and signed by the Director or authorized designee of your organization.

All responses must be signed and dated. Responses must be received by _____.

CITY OF SEATTLE
EXCESS PROPERTY RESPONSE FORM

Date:
PROPERTY NAME, ADDRESS
LEGAL DESCRIPTION:
KING COUNTY TAX I.D.#:
PMA ID#: **SUBJECT PARCEL ID#'s:**

Department/Public Agency: _____

_____ We have no interest in this property.

_____ We are interested in acquiring the property or jurisdiction over it. A completed *Excess Property Proposed Use Form* is attached to this response.

_____ We have facilities on the property or access rights through or across the property as described below (add additional sheets as necessary):

_____ We need facilities on the property or access rights through or across the property as described below (add additional sheets as necessary):

_____ We have identified the following plans, policies, objectives, limitations or other factors as found in adopted or proposed City plans and policies that may affect the Reuse or Disposal of the property (add additional sheets as necessary):

_____ We have the following comments regarding the proposed Reuse or Disposal of this property(add additional sheets as necessary):

_____	_____	_____
Reviewer	**Department**	**Date**

EXCESS PROPERTY PROPOSED USE FORM

PROPERTY NAME, ADDRESS
LEGAL DESCRIPTION:
KING COUNTY TAX I.D.#:
PMA ID#: **SUBJECT PARCEL ID#'s:**

RESPONDING DEPARTMENT/AGENCY_____

CONTACT PERSON: _____ **PHONE:** _____

PROPOSED USE: Describe the proposed use for the property, including information on potential improvements, users, tenure, impact on neighborhood such as parking, traffic volumes. (Attach additional pages as necessary).

EST. IMPLEMENTATION DATE: _____ **EST. COST :** _____
EXPECTED TERM OF USE: _____ **FUND SOURCE(S):** _____
Are funds appropriated? ___ YES ___ NO. If no, when will funds be appropriated?____

BENEFITS TO THE CITY OF SEATTLE FROM THIS PROPOSAL:

SUPPORTING POLICIES. List the adopted plans and policies (itemize specific sections in major documents) which support, or are implemented by, this proposed use.

_____ _____
Signature of Department/Agency Director or designee **Date**
(Printed or typed name)

PROPERTY REVIEW PROCESS DETERMINATION FORM

Property Name: _____

Address: _____

PMA ID: _____

Dept./Dept ID: _____/_____ Current Use: _____

Area (Sq. Ft.): _____ Zoning: _____

Est. Value: _____

PROPOSED USES AND RECOMMENDED USE

Department/Governmental Agencies:	Proposed Use:
_____	_____
_____	_____

Other Parties wishing to acquire:	Proposed Use:
_____	_____
_____	_____

RES'S RECOMMENDED USE: _____

Note: If the Office of Housing proposes the excess property be transferred to an entity for the development of affordable housing it will automatically follow the steps for "Simple Decisions" described in 8.4.1.

PROPERTY REVIEW PROCESS DETERMINATION (circle appropriate response)

1.) Is more than one City dept/Public Agency wishing to acquire?	No / Yes	15
2.) Has the community submitted an independent proposal for the use of the property?	No / Yes	15
3.) Have individuals,community groups and/or other interested parties contacted the City regarding any of the proposed options?	No / Yes	15
4.) Will consideration be other than cash?	No / Yes	10
5.) Is Sale or Trade to a private party being recommended?	No / Yes	25
6.) Will the proposed use require changes in zoning/other regs?	No / Yes	20
7.) Is the estimated Fair Market Value between $500,000-$2,000,000?	No / Yes	10
8.) Is the estimated Fair Market Value over $2,000,000?	No/ Yes	45

Total Number of Points Awarded for "Yes" Responses: ____

Property Classification for purposes of Disposal review: Simple / Complex (circle one) (a score of 45+ points results in "Complex" classification) Signature _____ Department _____ Date_____

TABLE 1. PROCEDURES FOR PERIODIC REVIEW OF REAL PROPERTY BY JURISDICTIONAL DEPARTMENT *a*

Property Classification	Minimum Frequency *b*	Purpose	Elements of Review	Comments
Fully Utilized Municipal Use	Every 5 years, with 1/5 annually[c] .	Recommend retention for current use, transfer of jurisdiction to another department, or reclassification	Criteria and factors in adopted Council policy.	--
Underutilized	Annually	Identify potential additional uses	• Additional uses the property can accommodate (Jurisdictional Department may ask RES for help) • Compatibility of such additional uses with existing or planned use. • Criteria and factors in adopted Council policy	Requires use of *Underutilized Property Review Form.* Jurisdictional Department to solicit proposals for Joint Use of Underutilized Property.
Interim Use	Annually	Review status	• Status of proposed future use • Potential municipal uses for short or long term	--
Unused	Annually	Identify future uses or reclassify as Excess	Criteria and factors in adopted Council policy	If needed for future Municipal Use, consider Interim Use. If no identified current or future Municipal Use, declare as Excess

a Upon notification to RES, review function may be delegated to Managing Department or to RES.

b Unscheduled review of a specific property may be requested by Mayor, City Council, or RES staff. City departments, Public Agencies, or private entities may also ask for review, but must direct request to RES.

c Exceptions possible if so granted by RES, for properties with deed restrictions that specify or limit use

TABLE 2. DETAILS TO BE REPORTED ON THE *EXCESS PROPERTY RESPONSE FORM*

SOURCE	RESPONSIBILITY
All departments and Public Agencies	Identify plans or policies—whether adopted or proposed—that may affect the Reuse or Disposal of the Excess Property, and specify relevant planning objective or limitations therein. Describe utilities or facilities, specific to respondent, currently on the Excess property. List property rights specific to respondent (such as Easements) across, to, or through the Excess property that may be needed. Search records going back 3 years to provide information received about the specific property from Public Agencies, individuals, or other entities. Identify any interest in acquiring the property.
Seattle Public Utilities Department	Identify Easement rights that should be reserved for existing or future utilities if the property is transferred to a non-City entity.
Seattle City Light	Identify Easement rights that should be reserved for existing or future utilities if the property is transferred to a non-City entity.
Law Department	Assist in identifying restrictions on Reuse or Disposal. Help resolve any Encumbrance issues. Note: The Jurisdictional Department and Real Estate Services should provide relevant documents for this purpose.
Office of Planning and Community Development	Identify planning and management goals for the area in which the property is located, as identified in the Comprehensive Plan and other adopted plans and policies.
Department of Neighborhoods	Identify any neighborhood plans, urban design framework or other community planning document, that has been adopted for the area in which the property is located. Identify whether a proposal for acquisition, use, or Disposal of the property has been developed as part of an adopted neighborhood plan, an urban design framework, or other community planning document.

STATE OF WASHINGTON -- KING COUNTY

--ss.

354652 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:31770,776-778 TITLE

was published on

10/11/17

The amount of the fee charged for the foregoing publication is the sum of $64.20 which amount has been paid in full.

JENNIFER A BARNES NOTARY PUBLIC COMMISSION EXPIRES 10-24-19 STATE OF WASHINGTON

Subscribed and sworn to before me on

10/11/2017

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 September 25, 2017, 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.

Resolution 31770

A RESOLUTION amending procedures for the Evaluation of the Reuse and Disposal of the City's Real Property, to update certain portions of the procedures and expedite the disposition of properties for affordable housing development, consistent with the recommendations of the Housing Affordability and Livability Agenda (HALA) Advisory Committee adopted by the City Council in Resolution 31622.

Resolution 31776

A RESOLUTION relating to the selection of a Chair, Vice-Chairs, and membership for the Select Budget Committee in 2017.

Resolution 31777

A RESOLUTION designating the monthly President Pro Tem of the City Council of The City of Seattle for 2016-2017 and superseding Resolution 31644.

Resolution 31778

A RESOLUTION relating to the 20-day procedural process pursuant to City Charter Article XIX for filling the vacancy in Council Position 8 until certification of the November 2017 election results for Position 8.

Date of publication in the Seattle Daily Journal of Commerce, October 11, 2017.

10/11(354652)