

**CITY OF SEATTLE**

**RESOLUTION 31997**

A RESOLUTION setting the time and place for a hearing on the appeal of Rick Bohrer, Hearing Examiner Case Number CWF-0295, and from the final findings and recommendation report of the Hearing Examiner on the final assessment roll for Local Improvement District No. 6751.

WHEREAS, the Director of Transportation prepared the proposed final assessment roll for Local Improvement District (LID) No. 6751 (“Waterfront LID”) and filed it with the City Clerk in November 2019; and

WHEREAS, on November 18, 2019, the City Council (“Council”) passed Resolution 31915, which initiated the process to confirm Waterfront LID assessments; and

WHEREAS, Revised Code of Washington (RCW) 35.44.070 requires the Council to hold a hearing on the final assessment roll where property owners subject to assessment may object to their assessments as described in the roll; and

WHEREAS, RCW 35.44.070 permits the Council to hold the hearing itself, or to designate an officer to conduct the hearing; and

WHEREAS, via Resolution 31915, the Council designated February 4, 2020, as the date for the hearing and designated the Hearing Examiner for The City of Seattle to conduct the required hearing on the LID final assessment roll; and

WHEREAS, in July 2020 the Hearing Examiner concluded the hearing and began preparing the Hearing Examiner’s findings and recommendations on the final assessment roll for the Waterfront LID; and

1 WHEREAS, Seattle Municipal Code (SMC) 20.04.090.A.2 directs the Hearing Examiner to file  
2 any finding, recommendation, or decision on the final assessment roll for an LID with the  
3 City Clerk; and

4 WHEREAS, the Hearing Examiner filed the findings and recommendations on the final  
5 assessment roll for the Waterfront LID on September 8, 2020 (“Initial Report”); and

6 WHEREAS, RCW 35.44.070 and SMC 20.04.090 require the Council to hear any appeals from  
7 any finding, recommendation, or decision of the Hearing Examiner on the final  
8 assessment roll for local improvement districts (“Hearing Examiner’s Report”); and

9 WHEREAS, SMC 20.04.090 and City Council Rules for Quasi-Judicial Proceedings (“Quasi-  
10 Judicial Rules”) subsection V.A.2 require that an appellant must file a notice of appeal  
11 from the Hearing Examiner’s Report with the City Clerk within 14 days of the Hearing  
12 Examiner’s filing of the recommendation with the City Clerk; and

13 WHEREAS, SMC 20.04.090 requires the Council to set a time and place for a hearing on the  
14 appeal before the City Council or a committee thereof and to give notice of the time and  
15 place to the appellant following the filing of the notice of appeal; and

16 WHEREAS, Quasi-Judicial Rules subsection IV.A states that the Council may delegate the  
17 appeal review to a committee, and the committee would then make a recommendation to  
18 the full Council; and

19 WHEREAS, Quasi-Judicial Rules subsection VI.A requires the delegated committee to set the  
20 time and place for the hearing on the appeal within 15 days following the filing of the  
21 appeal with the City Clerk; and

1 WHEREAS, the City Clerk received multiple appeals from the Initial Report, and it was  
2 necessary to fix dates for hearings on the appeals within the required 15-day time period;  
3 and

4 WHEREAS, Council delegated appeals to the Council’s Public Assets and Native Communities  
5 Committee and fixed dates for hearing on the appeals by adopting Resolutions 31969,  
6 31972, 31973, and 31974; and

7 WHEREAS, Council rescheduled the hearings on the appeals fixed previously by adopting  
8 Resolution 31979; and

9 WHEREAS, in the Initial Report, the Hearing Examiner recommended the remand of certain  
10 properties (“Remanded Properties”) to the City Appraiser for further analysis of their  
11 valuation before making a final recommendation on the LID assessment of the Remanded  
12 Properties; and

13 WHEREAS, by adopting Resolution 31979, Council remanded the Remanded Properties to the  
14 City Appraiser for further analysis concerning the valuation of the subject properties  
15 consistent with the Initial Report; and

16 WHEREAS, by adopting Resolution 31979, Council directed the Hearing Examiner to review  
17 the City Appraiser’s further analysis for the Remanded Properties, directed the Hearing  
18 Examiner to hold a hearing pursuant to Seattle Municipal Code (SMC) 20.04.070,  
19 20.04.080, and 20.04.090 providing for opportunity for comment and response by the  
20 respective property owners of the Remanded Properties and to provide notice of the  
21 hearing to all property owners of the Remanded Properties; and

22 WHEREAS, by adopting Resolution 31979, Council also directed the Hearing Examiner to  
23 reduce any findings, recommendations, and decisions on the remanded properties to

1 writing and consolidate them with the findings and recommendations of the Initial Report  
2 into a final Findings and Recommendation on the Final Assessment Roll for the  
3 Waterfront Local Improvement District (LID #6751) (“Final Report”) following the  
4 conclusion of the hearing on the assessment of the remanded properties; and

5 WHEREAS, in accordance with Resolution 31979, the Hearing Examiner filed the Final Report  
6 with the City Clerk on February 1, 2021, and the City Clerk provided notice of the filing;  
7 and

8 WHEREAS, Resolution 31979 provides that any party who made a timely protest at the initial  
9 hearing may file an appeal from the Final Report no later than 14 days after the day upon  
10 which the Final Report is filed with the City Clerk pursuant to SMC 20.04.090.D and  
11 Quasi-Judicial Rules subsection V.A.2.b; and

12 WHEREAS, the City Clerk received multiple appeals from the Final Report, and it was  
13 necessary to fix a date for hearings on the appeals within the required 15-day time period;  
14 and

15 WHEREAS, by adopting Resolution 31990, Council scheduled hearings on the appeals of certain  
16 appellants, Hearing Examiner Case Numbers CWF-0067, CWF-0015, and CWF-0231, to  
17 be held before Council’s Public Assets and Native Communities Committee on April 6,  
18 2021; and

19 WHEREAS, by adopting Resolution 31996, Council scheduled hearings on the appeals of certain  
20 appellants, Hearing Examiner Case Numbers CWF-0089, CWF-0176, CWF-0215, CWF-  
21 0318, CWF-0375, CWF-0392, CWF-0410, CWF-0411, CWF-0412, CWF-0413, CWF-  
22 0414, CWF-0416, CWF-0418, CWF-0420, CWF-0422, CWF-0423, CWF-0425, CWF-  
23 0426, CWF-0427, CWF-0429, CWF-0430, CWF-0431, CWF-0432, CWF-0433, CWF-

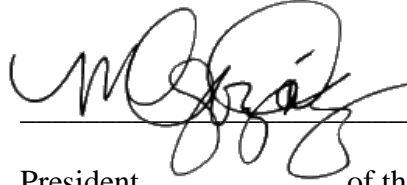
1           0434, CWF-0435, CWF-0436, CWF-0437, CWF-0438, CWF-0439, CWF-0440, and  
2           CWF-0441, to be held before Council’s Public Assets and Native Communities  
3           Committee on April 6, 2021; and

4 WHEREAS, the City Clerk received the appeal of Rick Bohrer for Hearing Examiner Case  
5           Number CWF-0295 from the Final Report on a date such that it could not be included in  
6           Resolution 31996 and it is necessary to fix a date for the hearing on the additional appeal  
7           with the required 15-day time period; NOW, THEREFORE,

8 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

9           Section 1. The hearing on appeals by Rick Bohrer, Hearing Examiner Case Number  
10          CWF-0295, from the final findings and recommendation report of the Hearing Examiner on the  
11          final assessment roll for Local Improvement District No. 6751 will be held before the Council’s  
12          Public Assets and Native Communities Committee, commencing at 2:00 P.M. on April 6, 2021.  
13          Due to the COVID-19 civil emergency declared by The City of Seattle and the State of  
14          Washington, persons who wish to attend the hearing may be required to do so remotely. The City  
15          will provide instructions in the meeting agenda on how to attend remotely.

1           Adopted by the City Council the 15th day of March, 2021,  
2 and signed by me in open session in authentication of its adoption this 15th day of  
3 March, 2021.

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President \_\_\_\_\_ of the City Council

6           Filed by me this 15th day of March, 2021.

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8 \_\_\_\_\_

Monica Martinez Simmons, City Clerk

9 (Seal)