

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to the proposed Mercy Housing Northwest project for development of low-income housing and non-residential space in Building 9 at Sand Point near Warren G. Magnuson Park; authorizing the Housing Director to grant a temporary construction easement and permanent utility and driveway easements over City-owned property South of Building 9 to benefit the Building 9 property; and authorizing related documents and actions.

..body

WHEREAS, Ordinance 118963 authorized the City to assume ownership of certain land at the former Naval Station Puget Sound at Sand Point, including the land that is legally described in Exhibit B to Attachment A to this ordinance (the “Housing Property”), which is presently under the jurisdiction of the City’s Office of Housing; and

WHEREAS, the State of Washington is the fee owner of the land that is legally described in Exhibit A to Attachment A to this ordinance (the “Mercy Property”) and in 2014 selected Mercy Housing Northwest (“MHNW”) to receive title to and redevelop the Mercy Property to provide for a range of public benefits; and

WHEREAS, MHNW, doing business as MHNW 14 Building 9 North LP and MHNW 13 Building 9 South LP, intends to renovate the existing structure on the Mercy Property in order to develop a mixed-use complex (the “Building 9 Project”), providing approximately 148 units of housing affordable to low-income individuals and families as well as non-residential elements providing health care and preschool affordable to low-income families, with construction scheduled to begin in July 2017; and

1 WHEREAS, the State of Washington and the Seattle Office of Housing have jointly made
2 funding commitments in excess of \$20 million for development of the Building 9 Project,
3 subject to certain conditions and approvals; and

4 WHEREAS, the development of the Building 9 Project will support the public interest by
5 providing housing, health care, and preschool education affordable to low-income
6 individuals and families; and

7 WHEREAS, plans for construction and ongoing operation of the Building 9 Project are
8 predicated on temporary construction access and permanent pedestrian vehicle and utility
9 line access, respectively, to the Mercy Property across the Housing Property;

10 WHEREAS, the Office of Housing has determined that a temporary construction easement, a
11 permanent driveway access easement, and a utility line easement in favor of the Mercy
12 Property will not interfere with the City's use of the Housing Property; and

13 WHEREAS, the Office of Housing has determined that a temporary construction easement and
14 permanent driveway access easement in favor of the Mercy Property offer the only
15 practicable access options for development and ongoing operation of the Building 9
16 Project; NOW, THEREFORE,

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

18 Section 1. The Director of The City of Seattle Office of Housing ("Housing Director") is
19 authorized to execute, acknowledge, deliver, and administer on behalf of the City as owner of the
20 land described on Exhibit B to Attachment A to this ordinance ("Housing Property"), an
21 Easement Agreement substantially in the form attached to this ordinance as Attachment A,
22 granting to Mercy Housing Northwest ("MHNW"), a Washington nonprofit corporation, and
23 ~~(MHNW)~~ or to one or more other entities designated by MHNW who acquire title to the land

1 described on Exhibit A to Attachment A to this ordinance (“Mercy Property”), each of the
2 following:

3 A. A temporary non-exclusive construction easement on, over, under, and across the
4 portion of the Housing Property described in Exhibit G to Attachment A to this ordinance for
5 installation of certain driveway improvements and utilities and construction activities, including
6 ingress and egress, to complete the redevelopment of the building on the Mercy Property;

7 B. A permanent non-exclusive easement for pedestrian and vehicular ingress and egress
8 over and across the driveway connecting 62nd Avenue NE to the 70th St. right-of-way through the
9 portion of the Housing Property described on Exhibit C to Attachment A to this ordinance; and

10 C. A permanent utility easement to install and maintain electrical utility lines to serve the
11 Mercy Property over and through the portion of the Housing Property described on Exhibit D to
12 Attachment A to this ordinance.

13 Section 2. The Mayor or Housing Director is authorized to make such revisions to the
14 Form of Easement Agreement attached to this ordinance as Attachment A and its exhibits, as do
15 not materially impair the rights or interests of the City, consistent with applicable law and with
16 legal requirements affecting the property involved, and is authorized to execute, deliver,
17 acknowledge, accept, record, perform, enforce, and administer on behalf of the City all other
18 documents that the Mayor or Housing Director may deem necessary or appropriate to carry out
19 the purposes of this ordinance and the documents authorized in this ordinance, and to grant such
20 extensions, consents and approvals, and perform all other acts on behalf of the City, that the
21 Mayor or Housing Director shall deem necessary or appropriate for those purposes.

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

4 Passed by the City Council the _____ day of _____, 2017,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2017.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2017.

10 _____
11 Edward B. Murray, Mayor

12 Filed by me this _____ day of _____, 2017.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

- 1 Attachments:
- 2 Attachment A – Form of Easement Agreement
- 3 Exhibit A – Legal Description of Mercy Property
- 4 Exhibit B – Legal Description of Housing Property
- 5 Exhibit C – Legal Description of Driveway Easement Area
- 6 Exhibit D – Legal Description of Utility Line Easement
- 7 Exhibit E – Schematic of Driveway Easement Area
- 8 Exhibit F – Schematic of Utility Line Easement
- 9 Exhibit G – Legal Description of Construction Easement Area
- 10 Exhibit H – Schematic of Construction Easement Area
- 11 Exhibit I – Form of Right of Entry Agreement
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