

**IN THE MATTER OF THE PETITION OF WILLOW CROSSING, LLLP FOR THE
VACATION OF 39TH AVENUE SOUTH LYING SOUTH OF SOUTH
WILLOW STREET AND BETWEEN TRACT 2 OF COFFMAN GARDEN
TRACTS IN CITY COUNCIL DISTRICT 2**

CLERK FILE 314422

The City Council hereby grants approval of the petition from Willow Crossing LLLP (“Willow Crossing” or “Petitioner”) for the vacation of a portion of 39th Avenue South lying South of South Willow Street and between Tract 2 of Coffman Garden Tracts, as recorded in Volume 10 of Plats on page 17, and Block 16, Hillman City Addition, as recorded in Volume 11 of Plats on page 23 all in the Southeast quarter of the Northwest quarter of Section 27, Township 24 North, Range 4 East of the Willamette Meridian, described as:

BEGINNING at the Southeast corner of said Tract 2;
THENCE North 88°59'33" West, along the South line of said Tract 2, 25.00 feet to a line 25.00 feet West of and parallel with the East line of said Tract 2;
THENCE North 00°18'12" East, along said parallel line, 104.68 feet to a line 25.00 feet South of and parallel with the north line of said Tract 2 (also being the centerline of South Willow Street);
THENCE South 88°53'43" East, 25.00 feet to the intersection of the East line of said Tract 2 and a line 5.00 feet South of and parallel with the North line of said Block 16;
THENCE South 00°18'12" West, along said East line, 104.64 feet to the TRUE POINT OF BEGINNING.

The vacation includes approximately 2,616 square feet of right-of-way.

The vacation is granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed on the vacation by the City Council have been satisfied: all utility work relating to the vacation including easements or other agreements is completed; all public benefit elements have been provided; any other agreements, easements or other obligations have been completed and recorded as necessary; and the vacation fee and any other fees paid, prior to the passage of the street vacation ordinance.

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. This approval constitutes the substantive Council approval of the vacation and the Petitioner may proceed with the permitting and development of the project, consistent with the conditions of this approval.

2. All street improvements shall be designed to City standards, as modified by these conditions to implement the Public Benefit requirements, and be reviewed and approved by SDOT through a Street Improvement Permit, including:
 - Establishing curb lines, sidewalk dimensions and garage entry;
 - Location of utility facilities, including SCL poles and SPU solid waste bins,
 - Landscaping, and
 - Material use, signage, art elements and other public benefit features in the right-of-way.

3. The utility issues shall be resolved to the full satisfaction of the affected utility before the final vacation ordinance is approved. Before starting any development activity on the site, the Petitioner shall work with the affected utilities and provide protection for the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. The impacted utilities include SCL and SPU.
 - SPU:
 - Fire hydrant: relocate or provide an easement;
 - Review landscaping with SPU; and
 - Complete permitting work on solid waste and recycling staging and pick up services provided on S Willow Street.
 - SCL:
 - Complete work on location of new poles on both MLK and S Willow Street.

4. It is expected that development activity will commence within approximately 18 months of this approval and that development activity will be completed within 5 years. To ensure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide SDOT with regular reports, following City Council vacation approval, providing an update on the development activity, schedule, and progress on meeting the conditions and anticipated date of project completion and opening. The Petitioner shall not request or be issued a Final Certificate of Occupancy until SDOT determines that all conditions have been satisfied and all fees have been paid as applicable.

5. In addition to the conditions imposed through the vacation process, the project as it proceeds through the permitting process is subject to SEPA review and to conditioning pursuant to City codes through the regulatory review processes.

6. The Petitioner shall work with the Office of Housing to implement the anti-displacement policy to give preference to renters already located in the neighborhood to the extent feasible.
7. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent amenity features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed within the on-site vacation public benefit features. While engaged in allowed activities, members of the public shall not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others. Signage clearly identifying public access and allowed free speech activities shall be required at the public open space elements and shall require the review and approval of SDOT Street Vacations. Signage shall be consistent with signage provided for public amenity spaces. Any violation of these condition will be enforced through Chapter 15.90 of the Seattle Municipal Code.
8. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements.
9. Signage clearly identifying public access shall be required at the public open space elements and shall require the review of SDOT Street Vacations. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. SDOT Street Vacations may require additional review by the Design Commission as needed. Changes to the proposed public benefits require SDOT review and may necessitate additional Design Commission review. The value column in the Matrix below reflects the estimated value of the public benefit features and obligations, the off-site contribution reflects the actual value of the payment obligation.

The public benefit requirements include the following features including approximate square footage dimensions, shall be described in the PUDA:

PUBLIC BENEFIT MATRIX

#	Public Benefit Component	Costs	Required by Code	Timing of Implementation	Total Value
1	MLK Plaza 1250 SF	Concrete Pavers: 1,110 SF @ \$22/SF = \$24,420 Concrete Planters:	Not Required	Provided during construction, prior to Certificate of Occupancy (C of O)	\$47,630

#	Public Benefit Component	Costs	Required by Code	Timing of Implementation	Total Value
		80 LN FT @ \$75/LN FT = \$6,000 Benches: Concrete: 101 LN FT @ \$60/LN FT = \$6,060 Wood: 78 SF @ \$40/SF = \$3,120 Metal Screens: 5 Screens = \$7,500 Landscaping: 53 SF @ \$10/SF = \$530			
2	Willow Walkway 309 SF	Decorative Paving: 309 SF @ \$15/SF = \$4,635 Concrete Planters: 78 LN FT @ \$75/LN FT = \$5,850 Benches: Concrete: 65 LN FT @ \$60/LN FT = \$3,900 Wood: 49 SF @ \$40/SF = \$1,960 Metal Screens: 5 Screens = \$5,000 Landscaping: 48 SF @ \$10/SF = \$480	Not Required	Provided during construction, prior to C of O	\$21,825
3	Off-site Donation	Right-of-way Improvements at	Not Required	Funds to HOSTED No Later than	\$25,000

#	Public Benefit Component	Costs	Required by Code	Timing of Implementation	Total Value
		Inflorescence Park or other location in Othello Neighborhood		12/31/2020	
	TOTAL				\$94,455

Signed by me in open session this ____ day of November, 2019.

President _____ of the City Council