

CITY OF SEATTLE

RESOLUTION 31979

A RESOLUTION relating to the Findings and Recommendation of the Hearing Examiner for The City of Seattle on the Final Assessment Roll for the Waterfront Local Improvement District (LID #6751); remanding certain properties to the City Appraiser for further analysis concerning the valuation of the properties consistent with recommendations of the Initial Report; returning jurisdiction to the Hearing Examiner for final recommendations on the remanded properties; directing the Hearing Examiner to file final findings, recommendations, or decisions on the Final Assessment Roll for the Waterfront LID (“Final Report”) with the City Clerk; providing for appeal from the Final Report; and postponing hearings on appeals from the Initial Report previously scheduled via Resolutions 31969, 31972, 31973, and 31974.

WHEREAS, in January 2019, the City commissioned ABS Valuation (“City Appraiser”) to perform a Final Special Benefit Study to determine the special benefit that each property located within the boundary of Local Improvement District (LID) No. 6751 (“Waterfront LID”) would receive from the LID improvements; and

WHEREAS, based on the estimates in the Final Special Benefit Study, the Director of Transportation prepared the proposed final assessment roll for 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 of a local improvement district 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

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

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

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

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

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

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

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

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

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

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

10 WHEREAS, Council delegated appeals to the Council’s Public Assets and Native Communities
11 Committee and fixed dates for hearing on the appeals by adopting Resolutions 31969,
12 31972, 31973, and 31974; and

13 WHEREAS, in the Initial Report, the Hearing Examiner recommended the remand of certain
14 properties (“Remanded Properties”) to the City Appraiser for further analysis of their
15 valuation before making a final recommendation on the LID assessment of the Remanded
16 Properties; NOW, THEREFORE,

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

18 Section 1. The City Council (“Council”) remands the following matters to ABS
19 Valuation (“City Appraiser”) for further analysis concerning the valuation of the subject
20 properties consistent with the Findings and Recommendation of the Hearing Examiner for The
21 City of Seattle on the Final Assessment Roll for the Waterfront Local Improvement District (LID
22 #6751) dated September 8, 2020 (“Initial Report”): CWF-0133, CWF-0134, CWF-0136, CWF-
23 0168, CWF-0318, CWF-0328, CWF-0329, CWF-0353, CWF-0392, CWF-0413, CWF-0415,

1 CWF-0417, CWF-0418, CWF-0423, CWF-0429, CWF-0436, and CWF-442. The City Appraiser
2 is directed to submit the further analysis concerning valuation of these properties to the Hearing
3 Examiner no later than November 30, 2020.

4 Section 2. The Council returns jurisdiction to the Hearing Examiner in the matter of the
5 final recommendation on the remanded properties as informed by the further analysis of the City
6 Appraiser. The Hearing Examiner is directed to review the City Appraiser’s further analysis for
7 the properties remanded with this resolution, to hold a hearing pursuant to Seattle Municipal
8 Code (SMC) 20.04.070, 20.04.080, and 20.04.090 providing for opportunity for comment and
9 response by the respective property owners of the remanded properties and to provide notice of
10 the hearing to all property owners of the remanded properties.

11 Section 3. Following the conclusion of the hearing on the assessment of the remanded
12 properties, the Hearing Examiner shall reduce any findings, recommendations, and decisions on
13 the remanded properties to writing and consolidate them with the findings and recommendations
14 of the Initial Report into a final Findings and Recommendation on the Final Assessment Roll for
15 the Waterfront Local Improvement District (LID #6751) (“Final Report”). The Council directs
16 the Hearing Examiner to file the Final Report with the City Clerk no later than February 1, 2021.
17 Notice of the filing shall be posted or otherwise made available by the City Clerk or any person
18 designated by the City Clerk to do so under the City Clerk’s supervision.

19 Section 4. The Council shall consider the Final Report of the Hearing Examiner
20 submitted consistent with Section 3 of this resolution to be the “Hearing Examiner’s decision”
21 for the purposes of the City Council Rules for Quasi-Judicial Proceedings (“Quasi-Judicial
22 Rules”) subsection V.A.2.b.

1 Section 5. Any party who made a timely protest at the initial hearing may file an appeal
2 from the Final Report no later than 14 days after the day upon which the Final Report is filed
3 with the City Clerk pursuant to SMC 20.04.090.D and Quasi-Judicial Rules subsection V.A.2.b.
4 Any party who made a timely protest at the initial hearing and had previously properly filed an
5 appeal in response to the Initial Report may submit an amended appeal no later than 14 days
6 after the day upon which the Final Report is filed with the City Clerk. Parties who properly filed
7 appeals in response to the Initial Report and who do not wish to amend their appeals in response
8 to the Final Report are not required to take any further action for their appeals to be heard.

9 Section 6. The hearings on an appeal by multiple property owners, Hearing Examiner
10 Case Numbers CWF-0216, CWF-0022, CWF-0228, CWF-0063, CWF-0078, CWF-0137, CWF-
11 0154, CWF-0189, CWF-0230, CWF-0338, CWF-0204, CWF-0259, CWF-0301, CWF-0270,
12 CWF-0206, CWF-0094, CWF-0236, CWF-0375, CWF-0314, CWF-0280, CWF-0265, CWF-
13 0243, CWF-0227, CWF-0427, CWF-0426, CWF-0215, CWF-0439, CWF-0438, CWF-0437,
14 CWF-0436, CWF-0435, and CWF-0434, from the Initial Report, scheduled to take place on
15 December 1, 2020, via Resolutions 31969, 31972, and 31973, are rescheduled to be held before
16 the Council’s Public Assets and Native Communities Committee, commencing at 2:00 P.M. on
17 Tuesday, March 2, 2021, in the Council Chambers of Seattle City Hall, 600 Fourth Avenue, 2nd
18 Floor, Seattle, Washington. Due to the COVID-19 civil emergency declared by The City of
19 Seattle and the State of Washington, persons who wish to participate in or attend the hearing may
20 be required to do so remotely. The City will provide instructions in the meeting agenda on how
21 to participate remotely.

22 Section 7. The hearings on an appeal by multiple property owners, Hearing Examiner
23 Case Numbers CWF-0433, CWF-0432, CWF-0422, CWF-0431, CWF-0430, CWF-0171, CWF-

1 0421, CWF-0429, CWF-0423, CWF-0420, CWF-0412, CWF-0418, CWF-0097, CWF-0417,
2 CWF-0416, CWF-0415, CWF-0414, CWF-0413, CWF-0318, CWF-0411, CWF-0410, CWF-
3 0176, CWF-0252, CWF-0133, CWF-0134, CWF-0136, CWF-0168, CWF-0353, CWF-0283,
4 CWF-0425, CWF-0441, CWF-0440, and CWF-0149, from the Initial Report, scheduled to take
5 place on January 5, 2020, via Resolution 31973 and Resolution 31974, are rescheduled to be held
6 before the Council’s Public Assets and Native Communities Committee, commencing at 2:00
7 P.M. on Tuesday, April 6, 2021, in the Council Chambers of Seattle City Hall, 600 Fourth
8 Avenue, 2nd Floor, Seattle, Washington. Due to the COVID-19 civil emergency declared by The
9 City of Seattle and the State of Washington, persons who wish to participate in or attend the
10 hearing may be required to do so remotely. The City will provide instructions in the meeting
11 agenda on how to participate remotely.

12 Section 8. The City Clerk is hereby directed to give notice by mail of the time, place, and
13 purpose of the hearings provided for in Section 6 and Section 7 of this resolution, in the form and
14 manner required by law.

1 Adopted by the City Council the 9th day of November, 2020,
2 and signed by me in open session in authentication of its adoption this 9th day of
3 November, 2020.



4 _____
5 President _____ of the City Council

6 Filed by me this 9th day of November, 2020.



7 _____
8 Monica Martinez Simmons, City Clerk

9 (Seal)