



Legislation Details (With Text)

File #: CB 119357 **Version:** 1 **Name:** CB 119357
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 9/17/2018

Final Action: 9/21/2018 **Ord. No.** Ord 125667

Title: AN ORDINANCE relating to the sale of lots 1, 2, 3, and 4 of Block 7 of the Latona Addition to the City of Seattle, as per plat recorded in Volume 4 of Plats, on page 28, records of King County (the "Property"); finding that City ownership of the Property no longer serves municipal purposes; amending Ordinance 96106; authorizing the sale of the Property for not less than \$2,575,000; authorizing the Director of Finance and Administrative Services to execute all documents and take other necessary actions to complete the Property's sale; directing the deposit of the net sale proceeds; and ratifying and confirming certain prior acts.

Sponsors: Sally Bagshaw

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Summary Att A - Final Recommendation Report, 3. Summary Att B - Depiction of 3819 4th Ave NE, 4. Presentation, 5. Signed Ordinance 125667, 6. Affidavit of Publication

Date	Ver.	Action By	Action	Result
9/21/2018	1	City Clerk	attested by City Clerk	
9/21/2018	1	Mayor	returned	
9/21/2018	1	Mayor	Signed	
9/20/2018	1	City Clerk	submitted for Mayor's signature	
9/17/2018	1	City Council	passed	Pass
9/12/2018	1	Finance and Neighborhoods Committee	pass	Pass
9/10/2018	1	City Council	referred	
9/5/2018	1	Council President's Office	sent for review	
9/4/2018	1	City Clerk	sent for review	
9/4/2018	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the sale of lots 1, 2, 3, and 4 of Block 7 of the Latona Addition to the City of Seattle, as per plat recorded in Volume 4 of Plats, on page 28, records of King County (the "Property"); finding that City ownership of the Property no longer serves municipal purposes; amending Ordinance 96106; authorizing the sale of the Property for not less than \$2,575,000; authorizing the Director of Finance and Administrative Services to execute all documents and take other necessary actions to complete the Property's sale; directing the deposit of the net sale proceeds; and ratifying and confirming certain prior acts.

WHEREAS, the definition of “Property” as set forth in Section 1 of this ordinance is incorporated into these recitals by reference; and

WHEREAS, in 1966, for purposes of the then-proposed re-alignment of NE Pacific Street, the predecessor to the Seattle Department of Transportation (SDOT) acquired via statutory warranty deed title to lots 1, 2 and 3 of the Property; and

WHEREAS, Ordinance 95705 - whereby the City accepted title to lots 1, 2 and 3 - did not provide that such were lots “laid off” for street purposes; and

WHEREAS, in 1967, again for purposes of the then-proposed re-alignment of NE Pacific Street, pursuant to Ordinance 96106 SDOT acquired via statutory warranty deed lot 4 of the Property; and

WHEREAS, Ordinance 96106 expressly stated that lot 4 was “laid off, opened, widened, extended and established” for street purposes; and

WHEREAS, purchase money for the Property came from gasoline tax receipts from the Arterial Street Fund; and

WHEREAS, the final re-alignment of NE Pacific Street did not utilize any part of the Property; and

WHEREAS, while for many years SDOT has used the Property for the storage of road-building/repair materials, it recently declared the Property excess to its needs; and

WHEREAS, pursuant to a Memorandum of Agreement by and between SDOT and the Department of Finance and Administrative Services (FAS), SDOT retained FAS to manage the Property’s disposition; and

WHEREAS, SDOT and FAS concluded that the City might realize an assemblage premium if it sold the entire Property (lots 1, 2, 3, and 4) in a single transaction, as opposed to selling lots 1, 2, and 3 and using a street vacation to dispose of lot 4; and

WHEREAS, pursuant to the *Procedures for the Evaluation of the Reuse and Disposal of the City’s Real Property* (as adopted by on August 10, 1998, via Resolution 29799; amended on May 2, 2006, via Resolution 30862; and amended again on September 29, 2017, via Resolution 31770) (collectively, the

“Procedures”), SDOT and FAS engaged in a lengthy evaluation of the Property, including the preparation and implementation of a public involvement plan, the distribution of two sets of excess property notices, the solicitation and compilation of comments from the public, posting of signs on the Property, a presentation to the Wallingford Community Council, and the preparation and distribution of both a preliminary and final recommendation report; and

WHEREAS, pursuant to the Procedures, the excess property notices were mailed to over 600 parties with property interests situated within 1,000 feet of the property, a process that resulted in 45 written comments as compiled on Attachment M to the *Final Recommendation Report on Reuse and Disposal of the Seattle Department of Transportation Brickyard Property*, including 16 comments in support of the sale of the Property to the abutting property owner, Dunn Lumber; and

WHEREAS, as the Property is zoned IC-45, residential use of the Property is prohibited; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. As used in this ordinance, the “Property” means the property commonly known as 3819 4th Avenue NE and legally described as follows:

Lots 1, 2, 3 and 4 in Block 7 of Latona Addition to the City of Seattle, as per plat recorded in Volume 4 of Plats, on page 28, records of King County; situate in the City of Seattle, County of King, State of Washington;

Section 2. The City finds that the Property is no longer required for municipal purposes and is surplus to the City’s needs.

Section 3. To eliminate Lot 4’s designation as a right of way and in doing so permit the sale via deed of the entire assemblage of lots 1, 2, 3, and 4, Section 2 of Ordinance 96106 is repealed as follows:

~~((Section 2. That Northeast Pacific Street be and the same is hereby laid off, opened, widened, extended and established over, through, across and upon the land described in Section 1 hereof.))~~

Section 4. The City approves the *Final Recommendation Report on Reuse and Disposal of the Seattle Department of Transportation Brickyard Property*.

Section 5. The Director of Finance and Administrative Services (“Director”) or the Director’s designee is authorized to enter into a purchase and sale agreement to sell the Property for a price of not less than \$2,575,000, all cash at closing, title to be conveyed by a bargain and sale deed.

Section 6. The Director or the Director’s designee is authorized to negotiate, execute, deliver, and record any and all documents and agreements necessary or advisable to consummate the Property’s sale.

Section 7. After deduction of sale-related charges and costs arising out of the purchase and sale agreement implementing the Property’s sale and made through escrow, the net proceeds from the sale of the Property will be deposited into the Transportation Fund (fund number 13000).

Section 8. Any act consistent with authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 9. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2018, and signed by me in open session in authentication of its passage this _____ day of _____, 2018.

President _____ of the City Council

Approved by me this _____ day of _____, 2018.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2018.

Monica Martinez Simmons, City Clerk

(Seal)