



Legislation Details (With Text)

**File #:** CB 119890    **Version:** 1    **Name:** CB 119890  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 9/29/2020

**Final Action:** 10/2/2020    **Ord. No.** Ord 126185

**Title:** AN ORDINANCE relating to the transfer of City real property for housing development; transferring the jurisdiction of a 1-foot strip of the property from the Office of Housing to the Department of Transportation for right-of-way purposes; declaring the remaining property located at 7750 28th Avenue NW (“Loyal Heights Property”) surplus to the City’s needs; authorizing transfer of the Loyal Heights Property to Habitat for Humanity or its designee; authorizing the Director of the Office of Housing or the Director’s designee to execute and deliver a contract for transfer of land, deed, and related documents; and ratifying and confirming certain prior acts.

**Sponsors:** Teresa Mosqueda

**Indexes:**

**Attachments:** 1. Att 1 - Term Sheet, 2. Summary and Fiscal Note, 3. Summary Att 1 - Map of Property, 4. Loyal Heighs Presentation, 5. Signed Ordinance 126185, 6. Affidavit of Publication

Date	Ver.	Action By	Action	Result
10/2/2020	1	City Clerk	attested by City Clerk	
10/2/2020	1	Mayor	returned	
10/2/2020	1	City Clerk	submitted for Mayor's signature	
10/2/2020	1	Mayor	Signed	
9/29/2020	1	City Council	passed	Pass
9/24/2020	1	Finance and Housing Committee	pass	Pass
9/14/2020	1	City Council	referred	
9/10/2020	1	Council President's Office	sent for review	
9/9/2020	1	City Clerk	sent for review	
9/8/2020	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to the transfer of City real property for housing development; transferring the jurisdiction of a 1-foot strip of the property from the Office of Housing to the Department of Transportation for right-of-way purposes; declaring the remaining property located at 7750 28th Avenue NW (“Loyal Heights Property”) surplus to the City’s needs; authorizing transfer of the Loyal Heights Property to Habitat for Humanity or its designee; authorizing the Director of the Office of Housing or the Director’s designee to execute and deliver a contract for transfer of land, deed, and related documents; and ratifying and confirming certain prior acts.

WHEREAS, in Ordinance 125960, The City of Seattle (“City”) declared the Loyal Heights Property (described below) surplus to the City’s electric utility needs and no longer required for providing continued public utility service, and transferred jurisdiction of the Loyal Heights Property to the Office of Housing for the purpose of developing permanently affordable home ownership for low-income households at or below 80 percent of the median income; and

WHEREAS, the Office of Housing conducted a competitive process and selected Habitat for Humanity Seattle - King County as the developer for permanently affordable homeownership on the Loyal Heights Property; and

WHEREAS, Habitat for Humanity Seattle - King County proposes to develop seven townhomes, to be affordable to households earning less than 80 percent of the area median income; and

WHEREAS, the eastern 1 foot of the Loyal Heights Property is needed for widening of the adjacent alley; and

WHEREAS, upon transfer of title to the Loyal Heights Property, the Office of Housing shall require the transferee to accept the Property “as-is, where-is, with all faults” and to release, indemnify, and hold the City harmless from any future claims regarding the condition of the Property, including but not limited to any and all claims related to environmental conditions; NOW, THEREFORE,

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

Section 1. The Loyal Heights Property (“Property”) is located at 7750 28th Avenue NW, Seattle, Washington 98117, King County Tax Parcel No. 4443800245, and is legally described below:

LOTS 13 AND 14, BLOCK 2, LOYAL HEIGHTS DIVISION NO. 6, AN ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 19 OF PLATS, PAGE 82, RECORDS OF KING COUNTY, WASHINGTON.

Section 2. Jurisdiction of the eastern 1 foot of the Property is hereby transferred to the Seattle Department of Transportation for street and alley purposes and is hereby laid off, opened, widened, extended, and established upon the land described in this section, and the remainder of the Property is hereby declared surplus to the City’s needs.

Section 3. The Director of the Office of Housing (“Director”) or the Director’s designee is authorized to negotiate a property transfer agreement (“Agreement”) and any ancillary documents to accomplish the transfer of ownership of the remainder of the Property (excluding the eastern 1 foot) to Habitat for Humanity Seattle - King County (“Habitat”), a Washington nonprofit corporation, or with a designee or assignee of Habitat approved by the Director, on the terms and subject to the conditions authorized in this ordinance.

Section 4. The Agreement shall reflect the provisions included in the Term Sheet attached to this ordinance as Attachment A, with such revisions and additions as the Director may determine are reasonably necessary to carry out the intent of this ordinance.

Section 5. The improvements to be developed on the Property are to include at least seven townhomes, to be sold to households with incomes at or below 80 percent of median income at prices deemed to be affordable by the Director. The townhomes, together with any additional improvements to be developed on the Property with the approval of the Director and all necessary regulatory approvals, are referred to in this ordinance as the “Project.”

Section 6. The Director is authorized to execute and deliver such additional documents, which may include amendments to the Agreement and related covenants, and to take such other actions, as may be necessary or appropriate to implement the intent of this ordinance and development of the Project, and to administer and enforce the Agreement, covenants, and any other such documents that the Director deems appropriate to implement the intent of this ordinance and development of the Project. The authority given to the Director in this ordinance may be delegated to and exercised by the Director’s designee.

Section 7. Upon transfer of title to the Property, the Director shall require the transferee to accept the Property “as-is, where-is, with all faults” and to release, indemnify, and hold the City harmless from any future claims regarding the condition of the Property, including but not limited to any and all claims related to environmental conditions.

Section 8. Any act consistent with the 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 \_\_\_\_\_, 2020, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment A - Term Sheet: Transfer of Property from The City of Seattle (“City”) to Habitat for Humanity Seattle-King County or Its Designee or Assignee (“Transferee”)