



Legislation Details (With Text)

**File #:** CB 118927    **Version:** 2    **Name:** CB 118927  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 3/20/2017

**Final Action:** 3/31/2017    **Ord. No.** Ord 125282

**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.

**Sponsors:** Tim Burgess, Debora Juarez

**Indexes:**

**Attachments:** , , , , ,

Date	Ver.	Action By	Action	Result
3/31/2017	2	City Clerk	attested by City Clerk	
3/31/2017	2	Mayor	Signed	
3/31/2017	2	Mayor	returned	
3/23/2017	2	City Clerk	submitted for Mayor's signature	
3/20/2017	2	City Council	passed	Pass
3/15/2017	1	Affordable Housing, Neighborhoods, and Finance Committee	pass as amended	Pass
3/6/2017	1	City Council	referred	
3/2/2017	1	Council President's Office	sent for review	
2/28/2017	1	City Clerk	sent for review	
2/27/2017	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

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

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.

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

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

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

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

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

WHEREAS, the Office of Housing has determined that a temporary construction easement and permanent

driveway access easement in favor of the Mercy Property offer the only practicable access options for development and ongoing operation of the Building 9 Project; NOW, THEREFORE,

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

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

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

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

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

Section 2. The Mayor or Housing Director is authorized to make such revisions to the Form of Easement Agreement attached to this ordinance as Attachment A and its exhibits, as do not materially impair the rights or interests of the City, consistent with applicable law and with legal requirements affecting the property involved, and is authorized to execute, deliver, acknowledge, accept, record, perform, enforce, and administer on behalf of the City all other documents that the Mayor or Housing Director may deem necessary

or appropriate to carry out the purposes of this ordinance and the documents authorized in this ordinance, and to grant such extensions, consents and approvals, and perform all other acts on behalf of the City, that the Mayor or Housing Director shall deem necessary or appropriate for those purposes.

Section 3. 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 \_\_\_\_\_, 2017, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

(Seal)

Attachments:

- Attachment A - Form of Easement Agreement
  - Exhibit A - Legal Description of Mercy Property
  - Exhibit B - Legal Description of Housing Property
  - Exhibit C - Legal Description of Driveway Easement Area

Exhibit D - Legal Description of Utility Line Easement  
Exhibit E - Schematic of Driveway Easement Area  
Exhibit F - Schematic of Utility Line Easement  
Exhibit G - Legal Description of Construction Easement Area  
Exhibit H - Schematic of Construction Easement Area  
Exhibit I - Form of Right of Entry Agreement