



Legislation Details (With Text)

File #: Res 31979 **Version:** 1 **Name:**
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On agenda: 11/9/2020

Final Action: **Ord. No.**

Title: 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.

Sponsors: Debora Juarez

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Signed Resolution 31979, 3. Affidavit of Publication

Date	Ver.	Action By	Action	Result
11/10/2020	1	City Clerk	attested by City Clerk	
11/9/2020	1	City Council	adopted	Pass
11/9/2020	1	City Council	referred	
11/6/2020	1	Council President's Office	sent for review	
11/5/2020	1	City Clerk	sent for review	

CITY OF SEATTLE

RESOLUTION _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 1. The City Council (“Council”) remands the following matters to ABS Valuation (“City Appraiser”) for further analysis concerning the valuation of the subject properties consistent with 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) dated September 8, 2020 (“Initial Report”): CWF-0133, CWF-0134, CWF-0136, CWF-0168, CWF-0318, CWF-0328, CWF-0329, CWF-0353, CWF-0392, CWF-0413,

CWF-0415, CWF-0417, CWF-0418, CWF-0423, CWF-0429, CWF-0436, and CWF-442. The City Appraiser is directed to submit the further analysis concerning valuation of these properties to the Hearing Examiner no later than November 30, 2020.

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

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

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

Section 5. Any party who made a timely protest at the initial hearing may file an appeal from the Final Report no later than 14 days after the day upon which the Final Report is filed with the City Clerk pursuant to SMC 20.04.090.D and Quasi-Judicial Rules subsection V.A.2.b. Any party who made a timely protest at the initial hearing and had previously properly filed an appeal in response to the Initial Report may submit an amended appeal no later than 14 days after the day upon which the Final Report is filed with the City Clerk.

Parties who properly filed appeals in response to the Initial Report and who do not wish to amend their appeals in response to the Final Report are not required to take any further action for their appeals to be heard.

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

Section 7. The hearings on an appeal by multiple property owners, Hearing Examiner Case Numbers CWF-0433, CWF-0432, CWF-0422, CWF-0431, CWF-0430, CWF-0171, CWF-0421, CWF-0429, CWF-0423, CWF-0420, CWF-0412, CWF-0418, CWF-0097, CWF-0417, CWF-0416, CWF-0415, CWF-0414, CWF-0413, CWF-0318, CWF-0411, CWF-0410, CWF-0176, CWF-0252, CWF-0133, CWF-0134, CWF-0136, CWF-0168, CWF-0353, CWF-0283, CWF-0425, CWF-0441, CWF-0440, and CWF-0149, from the Initial Report, scheduled to take place on January 5, 2020, via Resolution 31973 and Resolution 31974, are rescheduled to be held before the Council's Public Assets and Native Communities Committee, commencing at 2:00 P.M. on Tuesday, April 6, 2021, in the Council Chambers of Seattle City Hall, 600 Fourth Avenue, 2nd Floor, Seattle, Washington. Due to the COVID-19 civil emergency declared by The City of Seattle and the State of Washington, persons who wish to participate in or attend the hearing may be required to do so remotely. The City will provide instructions in the meeting agenda on how to participate remotely.

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

Adopted by the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its adoption this _____ day of _____, 2020.

President _____ of the City Council

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)