



Legislation Text

File #: CB 118691, Version: 1

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to Parks and Recreation; authorizing the Superintendent of Parks and Recreation Department to execute, accept and record a Restrictive Covenant, Easement and Contract Concerning Real Property on behalf of The City of Seattle; placing the property rights and interests conveyed by the easements under the jurisdiction of the Department of Parks and Recreation; and ratifying and confirming certain prior acts.

WHEREAS, in 2009, with the cooperation of the University Heights Center for the Community Association (Association) and under the authority of Ordinance 123017, the 2000 Neighborhood Parks, Green Spaces, Trails, and Zoo Levy (Levy), The City of Seattle (City) purchased a portion of the former University Heights school grounds from the Seattle School District for park, open space, and recreation purposes; and

WHEREAS, in 2009, the Association acquired the remaining portion of the University Heights school property from the Seattle School District and since that time has been operating it as a community center, including providing certain outdoor public recreational activities and amenities; and

WHEREAS, the 2008 Parks and Greenspaces Levy, authorized by Ordinance 122749, established an Opportunity Fund that may be used to implement community-initiated projects including the development of neighborhood parks; and

WHEREAS, Ordinance 123560 authorized an Opportunity Fund award of \$747,000 to develop “a multi-use open space” on the City property and on a portion of the Association property for the University Heights South Lot Development (South Lot); and

WHEREAS, the City designed and contracted for installation of certain improvements to make the South Lot

more useful to the public; and

WHEREAS, in order to assure that Opportunity Fund monies are used to benefit the general public, the Association and the City have agreed to the terms of a Restrictive Covenant, Easement and Contract Concerning Real Property that restricts the use of the Association's property, which includes requiring that the South Lot be open for public recreational use for a period of 15 years, and otherwise defines the terms and conditions under which the South Lot is to be improved, managed, operated, and maintained on a day-to-day basis;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Superintendent of Parks and Recreation (Superintendent), or the Superintendent's designee, is authorized to execute, accept and record a Restrictive Covenant, Easement and Contract by and between the University Heights Center for the Community Association and The City of Seattle (City) in substantially the form described and set forth in Attachment 1 to this ordinance.

Section 2. The Superintendent is further authorized to carry out any applicable City responsibilities under the Restrictive Covenant, Easement and Contract including, without limitation, developing such forms and procedures, and executing and recording such additional documents as the Superintendent deems necessary or desirable, and which are otherwise necessary to carry out this ordinance.

Section 3. The real property rights conveyed by the Restrictive Covenant, Easement and Contract by the University Heights Center for the Community Association to the City shall be placed under the jurisdiction of the Department of Parks and Recreation.

Section 4. Any act consistent with the authority of this ordinance and taken prior to its effective date are hereby ratified and confirmed.

Section 5. 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 _____, 2016, and signed by me in open session in authentication of its passage this ____ day of _____, 2016.

President _____ of the City Council

Approved by me this ____ day of _____, 2016.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2016.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Restrictive Covenant, Easement and Contract Concerning Real Property at the University Heights Center for the Community