



SEATTLE CITY COUNCIL

Legislative Summary

CB 118894

Record No.: CB 118894

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125249

In Control: City Clerk

File Created: 12/05/2016

Final Action: 02/02/2017

Title: AN ORDINANCE amending Ordinance 124874; modifying the use of the open space improvements over and across Utah Avenue South between South Stacy Street and South Lander Street for First and Utah Street Associates, LLC; and ratifying and confirming certain prior acts.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: amy.gray@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	12/20/2016	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
1	City Clerk	12/20/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	01/04/2017	sent for review	Sustainability and Transportation Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Sustainability and Transportation Committee						
	Notes:						
1	Full Council	01/17/2017	referred	Sustainability and Transportation Committee			
	Action Text: The Council Bill (CB) was referred. to the Sustainability and Transportation Committee						

- Notes:**
- 1 Sustainability and Transportation Committee 01/20/2017 pass Pass
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:
In Favor: 2 Chair O'Brien, Vice Chair Johnson
Opposed: 0
- 1 Full Council 01/30/2017 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
Notes:
In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant
Opposed: 0
- 1 City Clerk 02/01/2017 submitted for Mayor's signature Mayor
1 Mayor 02/02/2017 Signed
1 Mayor 02/02/2017 returned City Clerk
1 City Clerk 02/02/2017 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
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CITY OF SEATTLE
ORDINANCE 125249
COUNCIL BILL 118894

AN ORDINANCE amending Ordinance 124874; modifying the use of the open space improvements over and across Utah Avenue South between South Stacy Street and South Lander Street for First and Utah Street Associates, LLC; and ratifying and confirming certain prior acts.

WHEREAS, the Seattle City Council passed Ordinance 124874, renewing the term for First and Utah Street Associates, LLC to occupy, construct, maintain, and operate open space improvements over and across Utah Avenue South between South Stacy Street and South Lander Street; and

WHEREAS, First & Utah Street Associates, LLC has submitted an application to the Seattle Director of Transportation (“Director”) to modify the use of the open space improvements over and across Utah Avenue South between South Stacy Street and South Lander Street; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Sections 1, 4, 9, 13, and 15 of Ordinance 121572, as amended by Ordinance 124874, are amended as follows:

1. **Permission.** Subject to the terms and conditions of this ordinance, The City of Seattle (“City”) grants permission (also referred to in this ordinance as a permit) to the First & Utah Street Associates, LLC (“Permittee”), and its successors and assigns as approved by the Director of the Seattle Department of Transportation (“Director”) according to Section 14 of this ordinance, to occupy Utah Avenue South between South Stacy Street and South Lander Street to install and construct, maintain, and operate landscaping, decorative paving, benches, including approximately 1,127 square feet for stairs and accessible ramps, and other open space

1 improvements in the public place (“open space improvements”). The permit granted is subject to
2 use by the public for pedestrian travel, emergency vehicle access, and utility purposes.

3 * * *

4 4. **Permittee’s obligation to remove and restore.** If the permission granted is not
5 renewed at the expiration of a term, or if the permission expires without an application for a new
6 permission being granted, or if the City terminates the permission, then within 90 days after the
7 expiration or termination of the permission, or prior to any earlier date stated in an ordinance or
8 order requiring removal of the open space improvements, the Permittee shall, at its own expense,
9 remove the open space improvements, including but not limited to the stairs and ramps providing
10 ingress and egress to the commercial properties adjacent to the public place, and all of the
11 Permittee’s equipment and property from the public place and replace and restore all portions of
12 the public place that may have been disturbed for any part of the open space improvements in as
13 good condition for public use as existed prior to the construction of the open space and in at least
14 as good condition in all respects as the abutting portions of the public place as required by
15 Seattle Department of Transportation (“SDOT”) right-of-way restoration standards.

16 * * *

17 9. **Open Space Improvements.** The Permittee shall own any improvements and
18 fixtures, including but not limited to: art, benches, stairs, and ramps, or other amenities that were
19 installed in and on the closed street by Permittee; provided, however, that ownership may be
20 negotiated with the City at the termination of the permit. Activation of the public place with uses
21 open to the public is allowed, subject to applicable City departments’ review and approval. Any
22 activation of the public place for private uses must be permitted by the City.

23 * * *

1 City shall not be construed as a representation, warranty, or other assurance to the Permittee or
2 any other person as to the safety, soundness, or condition of the open space improvements. Any
3 failure by the City to require correction of any defect or condition shall not in any way limit the
4 responsibility or liability of the Permittee. Beginning on October 13, ((2014)) 2017, and annually
5 thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the
6 Director, an annual fee of ((~~\$21,840.00~~)) \$29,937.60, or as adjusted thereafter, for the privileges
7 granted by this ordinance.

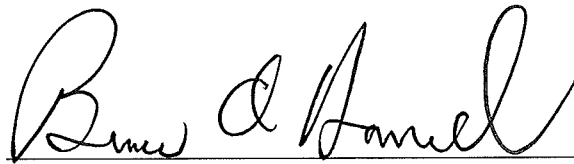
8 Adjustments to the annual fee shall be made in accordance with a term permit fee
9 schedule adopted by City Council and may be made every year. In the absence of a schedule, the
10 Director may only increase or decrease the previous year's fee to reflect inflationary changes so
11 as to charge the fee in constant dollar terms. This adjustment will be calculated by adjusting the
12 previous year's fee by the percentage change between the two most recent year-end values
13 available from the Consumer Price Index for the Seattle-Tacoma-Bremerton Area, All Urban
14 Consumers, All Products, Not Seasonally Adjusted. All payments shall be made to the City
15 Finance Director for credit to the Transportation Operating Fund.

16 * * *

17 Section 2. **Acceptance of terms and conditions.** The Permittee shall deliver to the
18 Director its written signed acceptance of the terms of this ordinance within 60 days after the
19 effective date of this ordinance. The Director shall file the written acceptance with the City
20 Clerk. If no such acceptance is received within that 60-day period, the privileges conferred by
21 this ordinance shall be deemed declined or abandoned and the permission deemed lapsed and
22 forfeited.

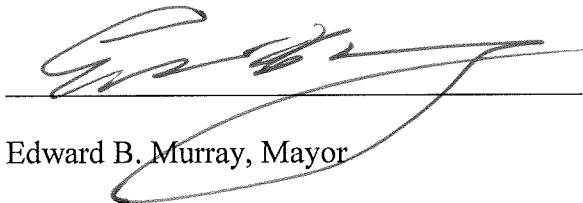
1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 30th day of January, 2017, and
5 signed by me in open session in authentication of its passage this 30th day of
6 January, 2017.

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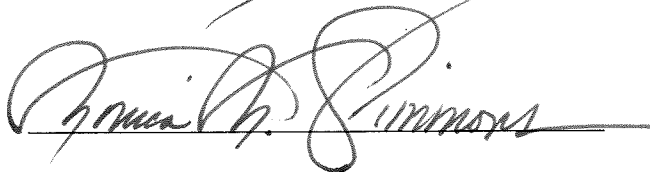
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9 President _____ of the City Council

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11 Approved by me this 7th day of February, 2017.

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14 Edward B. Murray, Mayor

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16 Filed by me this 2nd day of February, 2017.

17 

18
19 Monica Martinez Simmons, City Clerk

20
21 (Seal)