



SEATTLE CITY COUNCIL

Legislative Summary

CB 118592

Record No.: CB 118592

Type: Ordinance (Ord)

Status: Passed

Version: 1

124967

In Control: City Clerk

File Created: 11/25/2015

Final Action: 12/17/2015

Title: AN ORDINANCE vacating the south 168 feet of the alley adjacent to Lots 17 through 24, lying between Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska Junction of the West Seattle neighborhood of Seattle, on the petition of Fauntleroy Place LLC (Clerk File 308171), and ratifying and confirming certain prior acts.

Notes: To replace CB 118574 with corrected number of feet to be vacated.

Filed with City Clerk: Date 12/17/2015

Mayor's Signature: 12/17/2015

Sponsors: Rasmussen

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att A - Property Use and Development Agreement

Drafter: patrick.wigren@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	City Clerk	12/01/2015	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	12/02/2015	sent for review	Transportation Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Transportation Committee						
	Notes:						
1	Full Council	12/07/2015	referred	Transportation Committee			
	Action Text: The Council Bill (CB) was referred. to the Transportation Committee						
	Notes:						
1	Transportation Committee	12/08/2015	pass				Pass
	Action Text: The Committee recommends that Full Council pass the Council Bill (CB).						

In Favor: 2 Chair Rasmussen, Member Godden

Opposed: 0

Absent(NV): 3 Alternate Licata, Bagshaw, Burgess

1 Full Council 12/14/2015 passed Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:

In Favor: 8 Council President Burgess, Councilmember Godden, Councilmember González , Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

1 City Clerk 12/16/2015 submitted for Mayor
Mayor's signature

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1 Mayor 12/17/2015 Signed

Action Text: The Council Bill (CB) was Signed.

Notes:

1 Mayor 12/17/2015 returned City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

1 City Clerk 12/17/2015 attested by City
Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 124967

COUNCIL BILL 118592

AN ORDINANCE vacating the south 168 feet of the alley adjacent to Lots 17 through 24, lying between Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska Junction of the West Seattle neighborhood of Seattle, on the petition of Fauntleroy Place LLC (Clerk File 308171), and ratifying and confirming certain prior acts.

WHEREAS, Hancock Fabrics, Inc., and Fauntleroy Place LLC ("Petitioner") filed a petition under Clerk File 308171 to vacate the south 190 feet of the alley adjacent to Lots 17 through 24, lying between Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska Junction of the West Seattle neighborhood of Seattle; and

WHEREAS, Fauntleroy Place LLC is the successor in interest and the current Petitioner; and

WHEREAS, following a May 8, 2007, public hearing on the petition, the Seattle City Council ("City Council") conditionally granted the petition; and

WHEREAS, a Property Use and Development Agreement recorded with the King County Recorder's Office under Recording No. 20150708002118 commits the Petitioner and their successors to fulfill ongoing public-benefit obligations required as part of the vacation; and

WHEREAS, the Petitioner dedicated the alley segment accepted in Ordinance 124705 to provide a new alley access connecting 40th Avenue SW and SW Oregon Street; and

WHEREAS, as provided for in RCW 35.79.030 and Seattle Municipal Code Chapter 15.62, the Petitioner has paid the City a vacation fee of \$60,000 that is the full appraised value of the property; and

1 WHEREAS, Fauntleroy Place LLC has met all conditions imposed by the City Council in
2 connection with the vacation petition; and

3 WHEREAS, vacating the south 168 feet of the alley adjacent to Lots 17 through 24, lying
4 between Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska
5 Junction of the West Seattle neighborhood of Seattle is in the best interests of the public;

6 NOW, THEREFORE,

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

8 Section 1. The south 168 feet of the alley adjacent to Lots 17 through 24, lying between
9 Block 55 and Block 56, Boston Company's Plat of West Seattle, near the Alaska Junction of the
10 West Seattle neighborhood of Seattle described below are vacated:

11 That portion of the alley lying between Blocks 55 and 56, Boston Company's Plat of
12 West Seattle, recorded in volume 3 of Plats, page 19, Records of King County Washington, lying
13 north of the north margin of Southwest Alaska Street and lying south of the easterly extension of
14 a line being 23.50 feet south of and parallel with the north line of Lot 17, Block 55 of said plat;
15 situate in the City of Seattle, King County, Washington.

16 Section 2. The Property Use and Development Agreement, King County Recording
17 Number 20150708002118, attached as Attachment A to this ordinance, is accepted.

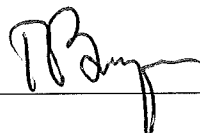
18 Section 3. Any act consistent with the authority of this ordinance taken prior to its
19 effective date is ratified and confirmed.

20


1 Section 4. 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 14th day of December, 2015, and
5 signed by me in open session in authentication of its passage this


6 14th day of December, 2015.

7
8 
9 _____
10 President _____ of the City Council

11 Approved by me this 17th day of December, 2015.

12
13 
14 _____
15 Edward B. Murray, Mayor

16 Filed by me this 17th day of December, 2015.

17
18 
19 _____
20 Monica Martinez Simmons, City Clerk

21
22 (Seal)

23 Attachments:
24 Attachment A - Property Use and Development Agreement

Electronically Recorded
20150708002118

SIMPLIFILE
Page 001 of 004
07/08/2015 04:33
King County, WA

AG

75.00

After Recording Return To:
Seattle Department of Transportation
Attn: Ms. Beverly Barnett
Seattle Municipal Tower
P.O. Box 34996
Seattle WA 98124-4996

NCS-CM-4217

**THIS DOCUMENT IS RECORDED
AS A COURTESY ONLY.
FIRST AMERICAN TITLE INSURANCE CO.
ASSUMES NO LIABILITY FOR
SUFFICIENCY, VALIDITY OR ACCURACY**

Grantor: 3922 SW Alaska LLC, a Washington limited liability company

Grantee: City of Seattle, a municipal corporation of the State of Washington

Abbreviated Legal:

Lots 10 through 24, Block 56, and Lots 18 through 24 and ptn 17, Block 55,
Boston Co.'s Plat of West Seattle, Vol. 3 of Plats, P. 19, King County, WA, less
ptns for streets and alley
Full legal description at **Exhibit A**

Assessor's Tax Parcel Nos.: 095200-7175, 095200-7265

Reference of Documents

Assigned or Released: Not Applicable

PROPERTY USE AND DEVELOPMENT AGREEMENT

This Property Use And Development Agreement ("Agreement") is executed as of the 10TH
day of JUNE, 2015, by 3922 SW Alaska LLC, a Washington limited liability company,
("Owner") in favor of the City of Seattle, a municipal corporation of the State of Washington
("City").

ORIGINAL
Electronically Recorded

After Recording Return To:
Seattle Department of Transportation
Attn: Ms. Beverly Barnett
Seattle Municipal Tower
P.O. Box 34996
Seattle WA 98124-4996

NCS-CM-4217

**THIS DOCUMENT IS RECORDED
AS A COURTESY ONLY.
FIRST AMERICAN TITLE INSURANCE CO.
ASSUMES NO LIABILITY FOR
SUFFICIENCY, VALIDITY OR ACCURACY**

Grantor: 3922 SW Alaska LLC, a Washington limited liability company

Grantee: City of Seattle, a municipal corporation of the State of Washington

Abbreviated Legal:

Lots 10 through 24, Block 56, and Lots 18 through 24 and ptn 17, Block 55,
Boston Co.'s Plat of West Seattle, Vol. 3 of Plats, P. 19, King County, WA, less
ptns for streets and alley
Full legal description at **Exhibit A**

Assessor's Tax Parcel Nos.: 095200-7175, 095200-7265

Reference of Documents

Assigned or Released: Not Applicable

PROPERTY USE AND DEVELOPMENT AGREEMENT

This Property Use And Development Agreement ("Agreement") is executed as of the 10TH
day of JUNE, 2015, by 3922 SW Alaska LLC, a Washington limited liability company,
("Owner") in favor of the City of Seattle, a municipal corporation of the State of Washington
("City").

WITNESSETH

WHEREAS, Owner is vested in fee simple title to the real property in King County, Washington, legally described in **Exhibit A** (the "Property") that is attached to this Agreement; and

WHEREAS, Owner is developing the Property with a mixed use project as reviewed by the Seattle Department of Planning and Development under Project No. 3009161 as modified by Project No. 3014161, and as reviewed by the Seattle Department of Transportation under Street Improvement Permit No. 21818 (the "Project SIP"); and

WHEREAS, a petition was filed under Council File 308171 to vacate a portion of the north-south mid-block alley extending northerly from SW Alaska Street, to become part of the Project, and contemplated that the Owner would dedicate a section of east-west alley and provide an alley easement in order to preserve the alley functions on the block; and

WHEREAS, on June 18, 2007, the alley vacation was preliminarily approved by the City Council subject to conditions, including a condition that the Project provide certain public benefit features; and

WHEREAS, on November 16, 2012, the preliminary approval was extended with the additional condition of overlapping, continuous rain protection along the SW Alaska Street and 39th Avenue SW facades of the Project; and

WHEREAS, the Owner has conveyed to the City, and the City has accepted, a Deed For Alley Purposes (King County Recording #20140429000572) and Easement For Alley Purposes (King County Recording #20140429000569); and

WHEREAS, the public benefit features included a public plaza space in right-of-way bulb at the SE Project corner at SW Alaska Street and 39th Avenue SW; a public art element in the public plaza space; enhanced sidewalk widths and landscaping along SW Alaska Street and along 39th Avenue SW over and above City code requirements; weather protection along the Project's SW Alaska Street and 39th Avenue SW facades; a decorative bike rack in the right-of-way; and street furniture; and all of which improvements are reflected in the Project SIP; and

WHEREAS, the public benefit features also included a \$25,000 payment to Seattle Parks that the Owner has made prior to the execution of this Agreement; and

WHEREAS, the public benefit features included provision of "flex car" spaces in the Project garage; and

WHEREAS, execution of this Agreement is desired to ensure compliance with any ongoing conditions to provide public benefit features as part of the Project subsequent to passage of the alley vacation ordinance;

NOW, THEREFORE, the Owner covenants, bargains, and agrees on behalf of itself and its successors and assigns to the following conditions:

Section 1. The following features as shown in the approved drawings of the Project SIP in the right-of-way adjacent to the Project shall be maintained by the Owner for the life of the Project:

- A. The public plaza space in right-of-way bulb at the southeast corner Project at the intersection of SW Alaska Street and 39th Avenue SW, which is approximately 2,690 square feet in area (excluding surrounding sidewalks and including landscaped areas), as shown in more detail in the Project SIP;
- B. The public art element of a ground-level mosaic that is installed in the public plaza space;
- C. The sidewalks and landscaping adjacent to the Project along SW Alaska Street and along 39th Avenue SW;
- D. The weather protection along the Project's SW Alaska Street and 39th Avenue SW facades;
- E. The decorative bike rack in the right-of-way; and
- F. The street furniture as shown in the Project SIP.

After installing the public amenity features above, the amenities may be repaired or modified after written consent of the Director of the Department of Transportation, provided that the quality of the amenities shall not be diminished. After installation, the amenity features shall remain in place in the configuration shown in the Project SIP unless changed by action of the City, such as right-of-way reconfigurations for bicycle lanes or other public purposes at the City's sole discretion.

Section 2. The Owner shall make available at a commercially-reasonable rate up to two spaces for flex cars in the Project's parking garage. If in the future, flex cars are no longer used as a means of transportation in the neighborhood, SDOT may waive or modify this requirement in its sole discretion.

Section 3. Upon the effective date of the vacation ordinance, the Owner shall provide and thereafter maintain in full force and effect, commercial general liability insurance providing for a limit of not less than \$1,000,000 per occurrence for any damages to persons or property related to Owner's installation, maintenance and use of the public amenities listed above. The insurance policy shall name the City as an additional insured.

Section 4. The Owner shall indemnify, hold harmless, and defend the City for any and all claims arising from Owner's installation and use of the public amenities as set forth in that certain Public Place Indemnity Agreement ("Indemnity Agreement") between the Owner and the City and recorded under King County Recording No. 20130408002187. The Indemnity Agreement shall remain in place for the life of the Project.

Exhibit A

PARCEL A

LOTS 17 THROUGH 24, INCLUSIVE, BLOCK 55 OF BOSTON CO.'S PLAT OF WEST SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 19, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF SAID LOT 24 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 70682, AS PROVIDED BY ORDINANCE NO. 21302 OF THE CITY OF SEATTLE;

AND EXCEPT THAT PORTION OF SAID LOT 17, DEDICATED FOR ALLEY PURPOSES, RECORDED UNDER RECORDING NUMBER 20140429000572, RECORDS OF KING COUNTY, WASHINGTON;

AND EXCEPT THAT PORTION OF SAID LOT 17, AS SHOWN ON A BOUNDARY LINE AGREEMENT, RECORDED UNDER RECORDING NUMBER 20130909001729, RECORDS OF KING COUNTY, WASHINGTON.

PARCEL B

LOTS 10 THROUGH 24, INCLUSIVE, BLOCK 56, OF BOSTON CO.'S PLAT OF WEST SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE 19, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF SAID LOTS 23 AND 24 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NOS. 70682 AND 93059 FOR STREET PURPOSES, AS PROVIDED BY ORDINANCE NOS. 21302 AND 29063, RESPECTIVELY, OF THE CITY OF SEATTLE;

AND EXCEPT THAT PORTION OF SAID LOTS 10 THROUGH 16, INCLUSIVE, DEDICATED FOR ALLEY PURPOSES, RECORDED UNDER RECORDING NUMBER 20140429000572, RECORDS OF KING COUNTY, WASHINGTON.

PARCEL C

THAT PORTION OF THE ALLEY DESCRIBED AS FOLLOWS WHICH, UPON VACATION, WOULD ATTACH BY OPERATION OF LAW:

THAT PORTION OF ALLEY LYING BETWEEN BLOCKS 55 AND 56, BOSTON CO'S PLAT OF WEST SEATTLE ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF PLATS, PAGE(S) 19, RECORDS OF KING COUNTY, WASHINGTON, LYING NORTH OF SOUTHWEST ALASKA STREET AND LYING SOUTH OF THE EASTERLY EXTENSION OF A LINE BEING 23.50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF LOT 17, BLOCK 55, OF SAID PLAT.