

GEK/SLC: gh
January 21, 1997
42-ORD.DOC
(Ver. 1)

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ORDINANCE 118477

AN ORDINANCE adopting Initiative 42, enacting it as an ordinance of the City of Seattle.

WHEREAS, citizens of the City of Seattle circulated petitions seeking the enactment of Initiative 42 into law; and

WHEREAS, King County certified to the City of Seattle that Initiative 42 bore a sufficient number of validated signatures to qualify for transmittal to the City Council; and

WHEREAS, the City Council received Initiative 42 on December 16, 1996; and

WHEREAS, City Charter Article IV provides that the City Council may enact or reject such an initiative; and

WHEREAS, the City Council has, in Resolution 29521, stated it agrees with the general principles reflected in Initiative 42; and

WHEREAS, the City Council has, in Resolution 29521, directed the Department of Parks and Recreation to develop appropriate rules, policies, procedures, and guidelines to effectively implement Initiative 42; and

WHEREAS, section 4 of Initiative 42 states the initiated ordinance is to take effect "as provided by Article IV, Section 1 of the City Charter" but neither that nor any other part of the City Charter provides for the effective date of an ordinance adopted by the City Council, whether or not initiated by petition, and so to ensure that the Initiative takes effect the City Council has added section 5 to this ordinance to provide the normal and customary 30-day effective date; Now Therefore

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. All lands and facilities held now or in the future by The City of Seattle for park and recreation purposes, whether designated as park, park boulevard, or open space, shall be preserved for

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1 such use; and no such land or facility shall be sold, transferred, or changed from park use to another
2 usage, unless the City shall first hold a public hearing regarding the necessity of such a transaction and
3 than enact an ordinance finding that the transaction is necessary because there is no reasonable and
4 practical alternative and the City shall at the same time or before receive in exchange land or a facility of
5 equivalent or better size, value, location and usefulness in the vicinity, serving the same community and
6 the same park purposes.

7 Section 2. Within thirty days of the effective date of such an ordinance, any person may seek
8 review in the Superior Court. The Superior Court shall set aside the proposed transaction if it is not
9 necessary or the proposed substitution is not equivalent or better than the park exchanged. The Superior
10 Court shall make its decision on the evidence as an issue of fact.

11 Section 3. Section 1 permits by duly enacted ordinance after a public hearing: a boundary
12 adjustment of equivalents with an adjoining owner; or the transfer of a joint use agreement with Seattle
13 School District No. 1 to another school site. Section 1 also permits by duly enacted ordinance after a
14 public hearing and without providing replacement property: a transfer to the federal, state, or county
15 governments for park and recreation uses; the reversion of right-of-way continuously owned by a City
16 utility; the opening of an unimproved street for street use; a sub-surface or utility easement compatible
17 with park use; and franchises or concessions that further the public use and enjoyment of a park.

18 Section 4. This ordinance shall take effect as provided by Article IV, Section 1 of the City
19 Charter. However, if the City should sell, transfer, or change the use to a non-park use of any park
20 property held on or after May 17, 1996 (including Bradner Playfield), the City shall replace it in kind
21 with equivalent or better property or facilities in the same vicinity, serving the same community, unless
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1 the City has already received as good or better land and facilities for park use in the same vicinity,
2 serving the same community, in exchange for that transaction.

3 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its
4 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
5 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

6 Passed by the City Council the 27 day of January, 1997, and signed by me in open
7 session in authentication of its passage this 27 day of January, 1997.

8
9 Jan Prago
President _____ of the City Council

10 Approved by me this 4 day of February, 1997.

11
12 Norman B. Rice
Mayor

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14 Filed by me this _____ day of _____, 1997.

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16 Juvel E. Pappan
City Clerk

17 (Seal)

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