

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**

COUNCIL BILL 118320

AN ORDINANCE relating to the Department of Parks and Recreation and the City Light Department; authorizing the acceptance of a donation of real property in the Yesler Terrace neighborhood from the Housing Authority of the City of Seattle for open space, park, and recreation purposes; declaring certain real property rights surplus to the needs of the City Light Department; authorizing the partial release of a City Light easement that affects property in the Yesler Terrace neighborhood, including the property to be donated; reallocating funding from the Acquisition Category Inflation Adjustment to the Opportunity Fund Category of the 2008 Parks and Green Spaces Levy; increasing appropriations to the Department of Parks and Recreation in the 2015 Adopted Budget; amending the 2015-2020 Adopted Capital Improvement Program; all by a three-fourths vote of the City Council.

WHEREAS, the Housing Authority of the City of Seattle, a public body corporate and politic (SHA), is redeveloping the Yesler Terrace public housing development; and

WHEREAS, Ordinance 123961(2012) authorized a cooperative agreement (Cooperative Agreement) between the City and SHA for the redevelopment of Yesler Terrace; and

WHEREAS, in the Cooperative Agreement, SHA agreed to transfer to the City, at no cost, but subject to satisfaction of certain conditions, approximately 1.75 acres of land next to the Yesler Terrace Community Center (Donation Property) for a neighborhood park for the Yesler Terrace and First Hill communities; and

WHEREAS, SHA and the City entered into the Yesler Terrace Land Transfer Agreement, a copy of which is attached hereto as Attachment 1, on September 16, 2014 to provide the terms for completion of a lot boundary adjustment between City and SHA property necessary for the dedication of the new South Washington Street alignment (LBA) in the final plat of Yesler Terrace Community, and to outline the conditions precedent to City acceptance of the Donation Property; and

WHEREAS, Ordinance 124545 (2014) authorized the LBA, and SHA and the City subsequently completed the LBA and an exchange of deeds; and

WHEREAS, Ordinance 124595 (2014) approved and confirmed the plat of Yesler Terrace Community and accepted the dedications of streets, including the new South Washington Street alignment; and

1 WHEREAS, in 1998 the First Hill Neighborhood Plan called for the acquisition of additional  
2 park sites in the First Hill Hub Urban Village as a result of the projected increase in  
population; and

3 WHEREAS, in 2005 the Seattle Department of Parks and Recreation (DPR) developed a First  
4 Hill Park Plan that recommended a number of strategies to satisfy park needs in the First  
Hill Hub Urban Village, including working with SHA; and

5 WHEREAS, Ordinance 122749 authorized a proposition to Seattle's voters, a Parks and Green  
6 Spaces Levy (2008 Parks Levy) to levy for up to six years regular property taxes in  
7 excess of the limitation on levies in Chapter 84.55 RCW for the purposes of acquiring,  
8 developing, or restoring parks, recreation facilities, cultural facilities, green spaces,  
playfields, trails, community gardens, and shoreline areas; and

9 WHEREAS, the 2008 Parks Levy was approved by Seattle voters on November 4, 2008; and

10 WHEREAS, Ordinance 122749 created four major funding categories for levy funds: 1)  
11 Acquisition; 2) Development; 3) Environment; and 4) Opportunity Fund; and

12 WHEREAS, Ordinance 122749 established a Parks and Green Spaces Levy Oversight  
13 Committee (Oversight Committee) with responsibility to advise and make  
14 recommendations to the Superintendent, Mayor, and City Council about 2008 Parks Levy  
expenditures, including addition and deletion of projects and reallocation of funding  
between categories; and

15 WHEREAS, on July 28, 2014, after public comments and consideration, the Oversight  
16 Committee recommended reallocating \$2,600,000 from the Acquisition Category  
17 Inflation Adjustment of the 2008 Parks Levy to the Opportunity Fund for the Yesler  
Terrace Neighborhood Park Development Project; and

18 WHEREAS, Ordinance 122749 provides that, after considering any recommendations made by  
19 the Oversight Committee, the City Council may, by a three-fourths vote, reallocate 2008  
20 Parks Levy allocations across categories and subcategories; and

21 WHEREAS, the Donation Property is subject to an easement for overhead electric distribution  
22 purposes, originally granted by SHA to The City of Seattle, dated March 10, 1941, the  
easement being under the jurisdiction of the City Light Department (SCL); and

23 WHEREAS, all SCL electric distribution facilities will be permanently removed from the  
24 Donation Property prior to commencement of work on the Yesler Terrace Neighborhood  
25 Park Development Project; and

26 WHEREAS, upon removal of SCL's electric distribution facilities, the SCL easement rights over  
27 the Donation Property will be surplus to the utility needs of The City of Seattle; and

1 WHEREAS, it is the desire of DPR to take title to the Donation Property free and clear of  
2 unnecessary encumbrances; and

3 WHEREAS, the Seattle City Charter requires that all acquisition and disposition of real property  
4 rights be authorized and accepted by or under authority of ordinance; NOW,  
5 THEREFORE,

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

7 Section 1. The Superintendent of Parks and Recreation (Superintendent), or his or her  
8 designee, is authorized, on behalf of the City of Seattle, to acquire by donation from the Housing  
9 Authority of the City of Seattle (SHA) the following real property legally described below  
10 (Property) substantially in accordance with the terms and conditions of the Yesler Terrace Land  
11 Transfer Agreement attached hereto as Attachment 1:

12  
13 *Block 1, Yesler Terrace Community, Volume 267 of Plats, Pages 59 to 75, City of Seattle,*  
14 *King County, Washington*  
15

16 Section 2. The Superintendent, or his or her designee, is authorized to execute such  
17 documents as the Superintendent or designee deems necessary or desirable to accomplish the  
18 acquisition consistent with this ordinance, and to accept the deed for the Property by attaching to  
19 the deed the Superintendent's written acceptance thereof, and recording the same. The Property  
20 shall be accepted for open space, park, and recreation purposes, and placed under the jurisdiction  
21 of the Seattle Department of Parks and Recreation.  
22

23 Section 3. Pursuant to the provisions of R.C.W. 35.94.040 and after a public hearing,  
24 certain easement rights within the Property for overhead electric distribution purposes granted by  
25 SHA to the City of Seattle and recorded under King County recording number 3154385, are no  
26  
27  
28

longer needed exclusively for the City of Seattle's utility purposes over the Property, and are declared surplus to City needs.

Section 4. The General Manager and Chief Executive Officer of the City Light Department, or his designee, is authorized to execute a Partial Release of Easement document, in substantially the form as attached hereto as Attachment 2, and to record it with the King County Recorder's Office.

Section 5. The recommendation of the 2008 Parks and Green Spaces Levy Oversight Committee to reallocate \$2,600,000 from the Acquisition Category Inflation Adjustment of the 2008 Parks and Green Spaces Levy (2008 Parks Levy) to the Opportunity Fund of the 2008 Parks Levy for the Yesler Terrace Neighborhood Park Development Project is adopted.

Section 6. In order to pay for necessary capital costs and expenses incurred, or to be incurred, but for which insufficient appropriations were made due to causes that could not reasonably have been foreseen at the time the 2015 budget was adopted, the appropriation for the following item in the 2015 Adopted Budget is increased from the funds shown, as follows:

<b>Fund</b>	<b>Department</b>	<b>Budget Control Level</b>	<b>Amount</b>
2008 Parks Levy Fund (33860)	Parks and Recreation	2008 Parks Levy Opportunity Fund (K720041)	\$2,600,000

Section 7. The 2015-2020 Adopted Capital Improvement Program is hereby amended to include the following new project and allocation as described in Attachment 3 of this ordinance:

Department	Project Name	Project ID	Amount
Parks and Recreation	Yesler Terrace Neighborhood Park Development	K730203	\$2,600,000

Section 8. 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 a 3/4 vote of all the members of the City Council the \_\_\_\_ day of \_\_\_\_\_, 2015, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1: Yesler Terrace Land Transfer Agreement  
Attachment 2: Partial Release of Easement  
Attachment 3: Yesler Terrace Neighborhood Park Development