#### SEATTLE CITY COUNCIL

#### **Legislative Summary**

#### CB 119185

Record No.: CB 119185

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125537

In Control: City Clerk

File Created: 01/09/2018

Final Action: 03/08/2018

Title: AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 3656 34th Avenue South; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; authorizing acquisition by condemnation; and ratifying and confirming certain prior acts.

			<u>Date</u>
Notes:		Filed with City Clerk:	
		Mayor's Signature:	
Sponsors:	Juarez	Vetoed by Mayor:	
		Veto Overridden:	
		Veto Sustained:	
Attachments:			
Drafter:	Lise Ward	T.	

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	01/16/2018	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk  Action Text: The Notes:	01/16/2018 se Council Bill (CB) wa	sent for review	Council President's Office to the Council President's Office	e		
1	Council President's Office	01/19/2018	sent for review	Civic Development, Public Assets, and Native Communities Committee			
		e Council Bill (CB) wa ommunities Committee		to_the Civic Development, Publi	ic Assets, and N	ative	

Page 1

1 Full Council

01/29/2018 referred

Civic

Development, Public Assets, and Native Communities Committee

Action Text:

The Council Bill (CB) was referred. to the Civic Development, Public Assets, and Native

Communities Committee

Notes:

1 Civic Development,

02/07/2018 pass

Pass

Public Assets, and Native Communities Committee

Action Text:

The Committee recommends that Full Council pass the Council Bill (CB).

In Favor: 2

Chair Juarez, Vice Chair Bagshaw

Opposed: 0

1 Full Council

03/05/2018 passed

Pass

Action Text:

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

Notes:

In Favor: 7

Councilmember González , Council President Harrell, Councilmember

Herbold, Councilmember Johnson, Councilmember Juarez,

Councilmember Mosqueda, Councilmember O'Brien

Opposed: 0

1 City Clerk

03/08/2018 submitted for

Mayor

Mayor's signature

Action Text:

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

Notes:

l Mayor

03/08/2018 Signed

1 Mayor

03/08/2018 returned

City Clerk

1 City Clerk

03/08/2018 attested by City Clerk

Action Text:

The Ordinance (Ord) was attested by City Clerk.

Notes:

Lise A.	Ward			
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#### CITY OF SEATTLE

## ORDINANCE 125537

COUNCIL BILL 119 185

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 3656 34th Avenue South; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; authorizing acquisition by condemnation; and ratifying and confirming certain prior acts.

WHEREAS, the City Council passed Ordinance 124468 in 2014, authorizing an interlocal agreement between The City of Seattle and the Seattle Park District ("Interlocal Agreement"), which included the Seattle Park District Financial Plan: 2015-2020; and

WHEREAS, the Seattle Park District Financial Plan: 2015-2020 includes the Park Land

Acquisition and Leverage Fund, which is to be used to acquire park lands; and

WHEREAS, The City of Seattle, acting under the authorization of Ordinances 123709 and 124868, acquired and assembled approximately 0.75 acres in 2011 and 2016 for the development of a future park; and

WHEREAS, the Department of Parks and Recreation has determined the acquisition of the subject real property will improve its as-yet undeveloped park, located adjacent to the subject real property; NOW, THEREFORE,

#### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Acquisition of the following described real property for open space, park, and recreation purposes is for a public use, and public interest, convenience and necessity require that the following described real property, situated in the City of Seattle, County of King, State of Washington, and commonly known as the property at 3656 34th Avenue South ("Property"), together with all rights, privileges, and other property pertaining thereto, be acquired for open space, park, and recreation purposes:

5

LOTS 11 AND 12, BLOCK 44, C.D. HILLMAN'S RAINIER BOULEVARD GARDEN ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 65, IN KING COUNTY, WASHINGTON.

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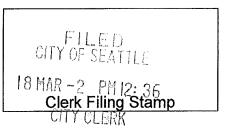
Section 2. The Superintendent of Parks and Recreation, or the Superintendent's designee, is authorized, on behalf of The City of Seattle, to negotiate and enter into an agreement to acquire the Property for a purchase price equivalent to just compensation, and to accept a deed for the Property by attaching to the deed the Superintendent's written acceptance thereof, and recording the same. The Property shall be accepted for open space, park, and recreation purposes, and placed under the jurisdiction of the Department of Parks and Recreation. The Superintendent of Parks and Recreation, or the Superintendent's designee, is also authorized to make minor amendments to the above legal description as may be necessary to correct scrivener's errors or to conform the legal description to the precise boundaries of the property required for the project.

Section 3. The Seattle City Attorney, or the City Attorney's designee, on behalf of The City of Seattle, is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate the Property in fee simple, after just compensation has been made or paid into court for the owners thereof, in the manner provided by law; and to stipulate for the purposes of minimizing damages.

Section 4. The entire cost of the acquisition provided for above shall be paid from the Park Land Acquisition and Leverage Fund, or from such general fund of The City of Seattle as may be provided by law.

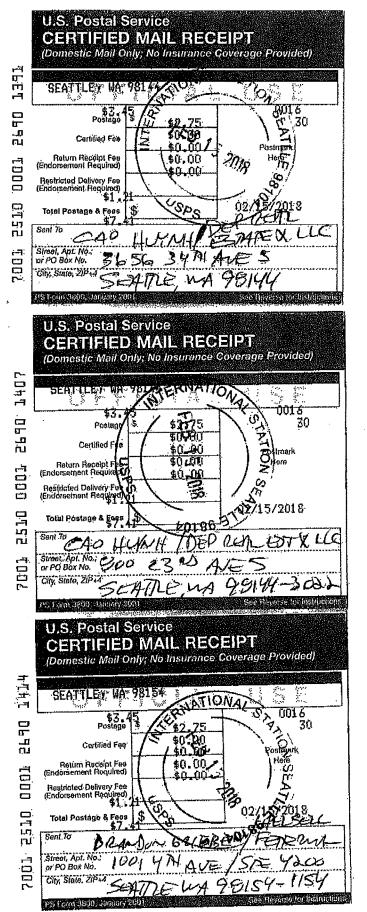
Section 5. Any acts consistent with the authority of this ordinance taken after its passage and prior to its effective date are hereby ratified and confirmed.

. 1	Section 6. 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 5th day of March , 2018,
5	and signed by me in open session in authentication of its passage this day of
6	March , 2018.
7	Bruce A Harrely
8	President of the City Council
9	Approved by me this day of, 2018.
10	Jenny & Durker
11	Jenny A. Durkan, Mayor
12	Filed by me this 8th day of MARCH, 2018.
13	Junea h. Vinnens
14	Monica Martinez Simmons, City Clerk
15	(Seal)



### CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR Council Bill 119185

I, Lise A. Ward, Sr. Real Property Age t, he	ereby certify as follows:
(Check all that apply below.)	
a  notice of condemnation or other: notice of Seattle City Cou and correct representative copy of v	I mailed via US Postal Service Certified Mail Incil final action on Council Bill 119185, a true which is attached and designated as ose names and addresses appear on the
adequate notice to property owners	notice designated in Attachment A constitutes , pursuant to RCW 8.12 and 8.25, that the ze condemnation of the subject property.
	nt A was published in the Seattle Times on ournal of Commerce on 2/20/18 and 2/16/18.
4. This Certificate of Mailing and Publi are hereby filed with the City Clerk of	cation and complete Attachments A and B of the City of Seattle.
Dated this 1st day of March, 2018.	•
	The City of Seattle, Washington
	Lise A. Ward  (Signature)
	Sr. Real Property Agent
	Parks & Recreation
	(207) 722 0106



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February 15, 2018

BY CERTIFIED MAIL

Mr. Cao Huynh, Registered Agent DEP REAL ESTATE X LLC 3656 34th Avenue South Seattle, WA 98144

Mr. Cao Huynh, Registered Agent DEP REAL ESTATE X LLC 800-23RD Ave South Seattle, WA 98144-3022

Notice of Seattle City Council Final Action to Adopt an Ordinance Authorizing Condemnation (Eminent Domain) of real property commonly known as 3656 34th Avenue South, Seattle, WA 98144 (King County Tax Parcel 335740-0055) in the City of Seattle, Washington

Dear DEP REAL ESTATE X LLC:

The purpose of this Notice is to inform you that the City of Seattle City Council is expected to vote on an ordinance authorizing the acquisition of your real property located at 3656 34th Avenue South in the City of Seattle, Washington. A copy of the proposed ordinance and a map depicting the project location are enclosed for your information. This ordinance, if adopted, will contain authorization for the City to acquire your property through negotiation, or if necessary, condemnation.

You are identified in the tax rolls of King County as the owner of the property that would be affected by this legislation. The City is required by RCW 8.25.290 to provide each property owner affected by the ordinance with formal written notice before the City takes final action authorizing condemnation of property. The time, date, and place of the final action to approve the ordinance are described below.

The City took public comment and considered the ordinance, Council Bill 119185, at the Seattle City Council Civic Development, Public Assets & Native Communities Committee as a regular part of the committee meeting on Wednesday, February 7, 2018.

Mr. Cao Huynh, Registered Agent DEP REAL ESTATE X LLC Page Two February 15, 2018

#### Final Action

The Civic Development, Public Assets & Native Communities Committee recommended approval and forwarded Council Bill 119185 on to the full City Council. The ordinance authorizing condemnation of your property will be presented for final action (adoption) to the Seattle City Council on Monday March 5, 2018 at 2:00 p.m., in the City Council Chambers, located at 600 4th Avenue, 2nd Floor, Seattle, WA 98104. After approval of the ordinance the City of Seattle will be authorized to acquire your property through voluntary negotiation or it may use its powers of eminent domain to condemn your property.

Please contact the undersigned at (206) 733-9106 with any questions.

Sincerely,

Lise A. Ward

Senior Real Property Agent

**Enclosures** 

cc: Councilmember Debora Juarez

Brandon Gribben/Helsell Fetterman LLP

#### SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor Seattle, WA 98104

#### Legislation Text

File #: CB 119185, Version: 1
CITY OF SEATTLE
ORDINANCE
COUNCIL BILL
AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 3656.34th Avenue South; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; authorizing acquisition by condemnation; and ratifying and confirming certain prior acts.  WHEREAS, the City Council passed Ordinance 124468 in 2014, authorizing an interlocal agreement between The City of Seattle and the Seattle Park District ("Interlocal Agreement"), which included the Seattle.
Park District Financial Plan: 2015-2020; and
1 and 1250 act Pananciae 1 tags. 2020-2020, and
WHEREAS, the Seattle Park District Financial Plan: 2015-2020 includes the Park Land Acquisition and
Leverage Fund, which is to be used to acquire park lands; and
WHEREAS, The City of Seattle, acting under the authorization of Ordinances 123709 and 124868, acquired
and assembled approximately 0.75 acres in 2011 and 2016 for the development of a future park; and

#### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Acquisition of the following described real property for open space, park, and recreation purposes is for a public use, and public interest, convenience and necessity require that the following described real property, situated in the City of Seattle, County of King, State of Washington, and commonly known as the property at 3656 34th Avenue South ("Property"), together with all rights, privileges, and other property

WHEREAS, the Department of Parks and Recreation has determined the acquisition of the subject real property

will improve its as-yet undeveloped park, located adjacent to the subject real property; NOW,

THEREFORE,

Filė £	#: CB:1	19185	Version:	1

pertaining thereto, be acquired for open space, park, and recreation purposes:

LOTS 11 AND 12, BLOCK 44, C.D. HILLMAN'S RAINIER BOULEVARD GARDEN ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 65, IN KING COUNTY, WASHINGTON.

Section 2. The Superintendent of Parks and Recreation, or the Superintendent's designee, is authorized, on behalf of The City of Seattle, to negotiate and enter into an agreement to acquire the Property for a purchase price equivalent to just compensation, and to accept a deed for the Property by attaching to the deed the Superintendent's written acceptance thereof, and recording the same. The Property shall be accepted for open space, park, and recreation purposes, and placed under the jurisdiction of the Department of Parks and Recreation. The Superintendent of Parks and Recreation, or the Superintendent's designee, is also authorized to make minor amendments to the above legal description as may be necessary to correct scrivener's errors or to conform the legal description to the precise boundaries of the property required for the project.

Section 3. The Seattle City Attorney, or the City Attorney's designee, on behalf of The City of Seattle, is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate the Property in fee simple, after just compensation has been made or paid into court for the owners thereof, in the manner provided by law; and to stipulate for the purposes of minimizing damages.

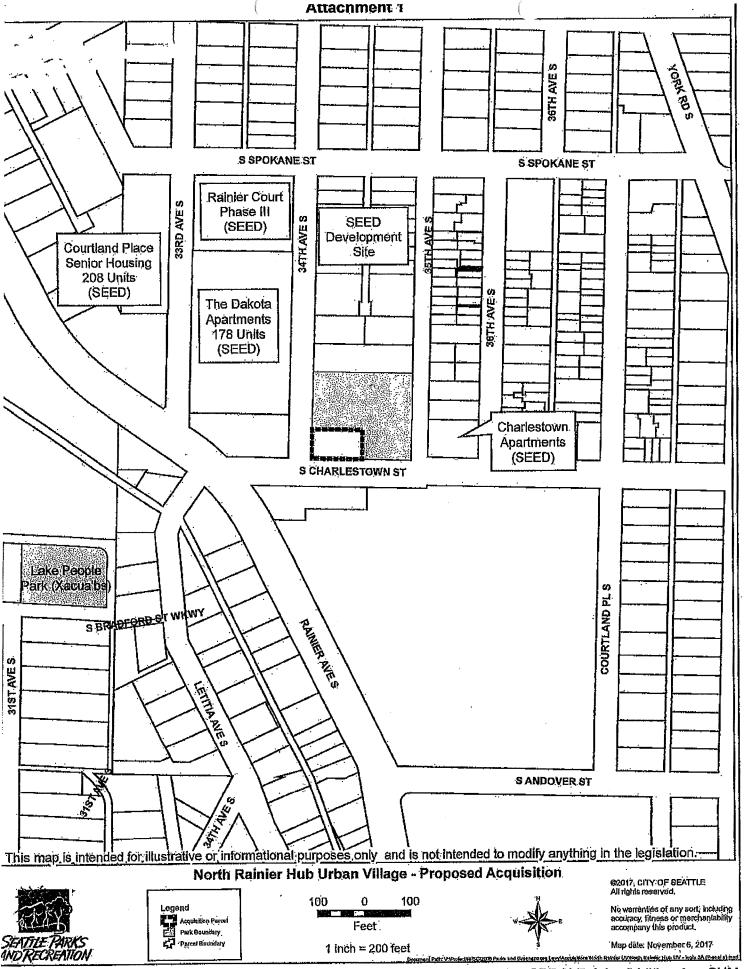
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Section 6. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the	day of	, 2018, and signed by
me in open session in authentication of its pa	issage this day of	, 2018.
		Drintodian 2/KE/201

•				
		President	of the City Council	
pproved by me this	day o	of	, 2018.	
		Jenny A. Durkan	, Mayor	
iled by me this	day of		, 2018.	
		. ,	·	
		Monica Martinez	: Simmons, City Clerk	



#### STATE OF WASHINGTON - KING COUNTY

--SS,

358743

SEATTLE PARKS & RECREATION

#### No.

#### Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:HILLMANS RAINIER BLVD

was published on

02/20/18 02/26/18

The amount of the fee charged for the foregoing publication is the sum of \$134.00 which amount has been paid in full.

> Subscribed\_and sworn to before me on

02/26/2018

thicker the flate of Washington, residing in Scattle

Affidavit of Publication

### State of Washington, King County

#### City of Seattle

NOTICE OF FINAL ACTION AUTHORIZING CONDEMNATION

AUTHORIZING CONDEMNATION

Property location: 3656 34th Avenue
South; Seattle, WA 98144 (King County
Parcel No. 335740-0056) by condemnation: The property is legally described
as: LOTS 11 AND 12, BLOCK 44, C.D.
HILLMAN'S RAINIER BOULEVARD
GARDEN ADDITION TO THE CITY OF
SEATTLE, ACCORDING TO THE PLAT
THEREOF RECORDED IN VOLUME 12
OF PLATS, PAGE 65, IN KING COUNTY,
WASHINGTON. As required by State law,
the City of Seattle is publishing notice of the
date, time, and location of the final action
at which the City will decide whether or not
to authorize the condemnation of the abovedescribed property.

Municipal legislation will be present-

Municipal legislation will be presented for final action and potential adoption by the Seattle City Council of the Council Bill 119186, authorizing condemnation, on Monday, March 5, 2018 at 2:00 p.m. in Seattle City Council Chambers located on the 2nd floor of Seattle City Hall, 600 Fourth Avenue, Seattle, WA 98104.

All persons claiming an interest in the property may appear and be heard on the date and time identified above before adoption of Council Bill 119185.

For further information, please contact Lise Ward, Senior Property Agent, at (206) 733-9106. Dates of publication in the Seattle Daily Journal of Commerce, February 20 and 26, 2018.

## The Seattle Times

City of Seattle, Park & Recreation Dept Of Parks & Recreation Accounts Payable 800 Maynard Ave S 3rd Fl Seattle, WA 98134

Re: Advertiser Account # 107207

Ad #: 795038

Agency Account #: 0

Agency Name:

### Affidavit of Publication

STATE OF WASHINGTON Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Pul	olication Date(s)	
	•	
Seattle Times Seattle Times	02/21/18 02/26/18	

	Agent	Straron Seligma	ri Signature	Sharo S	lignon
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1	Notary S	ignature) Notary Pu	blic in and for the	State of Washington	residing at Seattle
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# The Seattle Times

Re: Advertiser Account # 107207

Agency Account #: 0

AD TEXT

CITY OF SEATTLE

anue, seutile, WA 78194.
All persons claiming an interest in the property may appear and be heard on the date and time identified above before adoption of Council Bill 119185.
For further information, please contact Lise Ward, Senior Property Agent, at (206) 733-9106.

Ad #: 795038

Agency Name:

## 7001 2510 0001 2690 1391 TO OWNEL C SITE ADDRESS RECEIPT NOT REC'D OWNER REZERT AT BUSINES ADDRESS BEZON

COMPLETE THIS SECTION ON DELIVERY

A. Signature

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	SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
MUEL'S	■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  BPANON GRUBBEN  HELSEL FETERMAN ULF  1001 HTH AVE  STE, 4200	A Signature  Agent Addressee B. Received by (Printed Name)  C. Date of Delivery  2- 2/  D. Is delivery address different from item 1? Yes If YES, enter delivery address below:		
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	Market in the second se	4. Restricted Delivery? (Extra Fee) ☐ Yes		
	2. Article Number (Transfer from service label) 7001 2510	0001 2690 1414		
	PS Form 3811, February 2004 Domestic Ref	turn Receipt 102595-02-M-154		

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3. Also complete

item 4 if Restricted Delivery is desired.

Addressee Print your name and address on the reverse C. Date of Delivery so that we can return the card to you. B. Received by (Printed Name) Attach this card to the back of the mailpiece, 36131316-1 Non11 or on the front if space permits. MR CAO HUYNH, AGENT If YES, enter delivery address below: DEP REALESTATE & LLC 800 23W AVES SHATTLE, WA 98144-3000 3. Service Type Certified Mail ☐ Express Mall ☐ Return Receipt for Merchandise ☐ Registered ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes 2. Article Number 7001 2510 0001 2690 1407

(Transfer from service label) PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

☐ Agent

