



Legislation Details (With Text)

File #: CB 120659 **Version:** 1 **Name:** CB 120659
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 9/26/2023
Final Action: 10/2/2023 **Ord. No.** Ord 126902

Title: AN ORDINANCE relating to the transfer of City real property for housing development; declaring the property located at 6109 Phinney Avenue N (“Property”) surplus to the City’s needs; authorizing transfer of the Phinney Ridge Property to Homestead Community Land Trust or its designee; authorizing the Director of the Office of Housing or the Director’s designee to execute and deliver a contract for transfer of land, deed, and related documents; and ratifying and confirming certain prior acts.

Sponsors: Teresa Mosqueda

Indexes:

Attachments: 1. Att 1 - Term Sheet for Phinney Property Transfer, 2. Summary and Fiscal Note, 3. Summary Att 1 - Phinney Property Maps, 4. Presentation, 5. Signed Ordinance 126902, 6. Affidavit of Publication

Date	Ver.	Action By	Action	Result
10/2/2023	1	City Clerk	attested by City Clerk	
10/2/2023	1	Mayor	returned	
10/2/2023	1	Mayor	Signed	
9/29/2023	1	City Clerk	submitted for Mayor's signature	
9/26/2023	1	City Council	passed	Pass
9/20/2023	1	Finance and Housing Committee	pass	Pass
9/12/2023	1	City Council	referred	
9/7/2023	1	Council President's Office	sent for review	
8/23/2023	1	City Clerk	sent for review	
8/23/2023	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the transfer of City real property for housing development; declaring the property located at 6109 Phinney Avenue N (“Property”) surplus to the City’s needs; authorizing transfer of the Phinney Ridge Property to Homestead Community Land Trust or its designee; authorizing the Director of the Office of Housing or the Director’s designee to execute and deliver a contract for transfer of land, deed, and related documents; and ratifying and confirming certain prior acts.

WHEREAS, in Ordinance 125960, The City of Seattle (“City”) declared the Property (described below)

surplus, and transferred jurisdiction of the Property to the Office of Housing for the purpose of developing permanently affordable home ownership for low-income households at or below 80 percent of the median income; and

WHEREAS, the Office of Housing conducted a competitive process and selected Homestead Community Land Trust as the developer for permanently affordable homeownership on the Property based upon its plan to develop 19 units of affordable housing at the site; and

WHEREAS, Homestead Community Land Trust has since acquired, at the organization's expense, an adjacent property to assemble a larger site to create an easier to develop site with additional street frontage; and

WHEREAS, Homestead Community Land Trust has conducted due diligence and pre-development activities, applied for permits, has incurred substantial pre-development expenses and now proposes to develop a multifamily residential development including 30 condominium units, with 19 that will be affordable to households earning less than 80 percent of the area median income; and

WHEREAS, upon transfer of title to the Property, the Office of Housing shall require the transferee to accept the Property "as-is, where-is, with all faults" and to release, indemnify, and hold the City harmless from any future claims regarding the condition of the Property, including but not limited to any and all claims related to environmental conditions; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Property is located at 6109 Phinney Avenue N, Seattle, Washington 98117, King County Tax Parcel No. 952310-1290, and is legally described below:

LOTS 7, 8, 9 AND 10, BLOCK 81, SUPPLEMENTAL PLAT OF WOODLAND PARK, ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 19, IN KING COUNTY, WASHINGTON; EXCEPT THE NORTH 5 FEET OF LOT 7 AS CONVEYED BY DEED RECORDED UNDER RECORDING NO. 4291156; EXCEPT THE SOUTH 20 FEET OF THE EAST 50 FEET OF LOT 7; AND EXCEPT THE EAST 50 FEET OF LOTS 8 AND 9, ALL CONVEYED BY DEED RECORDED UNDER RECORDING NO. 4306574.

Section 2. The Director of the Office of Housing or the Director's designee ("Director") is authorized to negotiate a property transfer agreement ("Agreement") and any ancillary documents to accomplish the transfer

of ownership of the Property to Homestead Community Land Trust (“Homestead CLT”), a Washington nonprofit corporation, or with a designee or assignee of Homestead CLT approved by the Director, on the terms and subject to the conditions authorized in this ordinance. The Director is also authorized to make amendments to the legal description in Section 1 of this ordinance as may be necessary to correct scrivener’s errors or to conform the legal description to the precise boundaries of the Property.

Section 3. The Agreement shall reflect the provisions included in the Term Sheet attached to this ordinance as Attachment A, with such revisions and additions as the Director may determine are reasonably necessary to carry out the intent of this ordinance.

Section 4. The improvements to be developed on the Property are to include at least 19 condominium units, to be sold to households with incomes at or below 80 percent of median income at prices deemed to be affordable by the Director. The condominium units, together with any additional improvements to be developed on the Property with the approval of the Director and all necessary regulatory approvals, are referred to in this ordinance as the “Project.”

Section 5. The Director is authorized to execute and deliver such additional documents, which may include amendments to the Agreement and related covenants, and to take such other actions as may be necessary or appropriate to implement the intent of this ordinance and development of the Project, and to administer and enforce the Agreement, covenants, and any other such documents that the Director deems appropriate to implement the intent of this ordinance and development of the Project. The authority given to the Director in this ordinance may be delegated to and exercised by the Director’s designee.

Section 6. Upon transfer of title to the Property, the Director shall require the transferee to accept the Property “as-is, where-is, with all faults” and to release, indemnify, and hold the City harmless from any future claims regarding the condition of the Property, including but not limited to any and all claims related to environmental conditions.

Section 7. Any act consistent with the authority of this ordinance taken after its passage and prior to its

effective date is ratified and confirmed.

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 the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this ____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

Attachments:

Attachment A - Term Sheet: Transfer of Property from The City of Seattle (“City”) to Homestead Community Land Trust or Its Designee or Assignee (“Transferee”)