



Legislation Text

File #: CB 120660, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the transfer of City real property for housing development; transferring properties collectively known as “Sites 5-11” to selected developers or their designees; authorizing the Director of the Office of Housing or the Director’s designee to execute and deliver agreements for transfer of land, deeds, and related documents; and ratifying and confirming certain prior acts.

WHEREAS, in Ordinance 126331, The City of Seattle (“City”) authorized the Director to enter into an agreement and to accept the transfer of ten sites of real property along Martin Luther King Jr. Way in Southeast Seattle from the Central Puget Sound Regional Transit Authority (“Sound Transit”) for the purpose of developing permanently affordable home ownership for low-income households at or below 80 percent of the area median income; and

WHEREAS, as a condition of the property transfers, Sound Transit recorded covenants that require the properties be used for housing affordable to households with incomes at or below 80 percent area median income, in accordance with Revised Code of Washington (RCW) 81.112.350; and

WHEREAS, seven of the ten sites accepted from Sound Transit are proposed to be transferred for housing development to selected developers or their designees as laid out below, including the properties located at 4203 South Kenyon Street and 7908 Martin Luther King Jr. Way South (“Site 5”), 6740 Martin Luther King Jr. Way South (“Site 6”), 3601 Martin Luther King Jr. Way South (“Site 7”), 7860 Martin Luther King Jr. Way South (“Site 8”), 4865 Martin Luther King Jr. Way South and 3112 South Ferdinand Street (“Site 9”), 3201 South Ferdinand Street, a.k.a. 4912 Martin Luther King Jr. Way South (“Site 10”), and 5042 Martin Luther King Jr. Way South (“Site 11”), collectively known as “Sites 5-11”;

and

WHEREAS, the Office of Housing released a Request for Proposals for Sites 8, 10, and 11 on April 22, 2022, conducted a competitive selection process and selected Habitat for Humanity Seattle-King and Kittitas Counties (“Habitat”) as the developer for permanently affordable homeownership on Sites 8, 10, and 11; and

WHEREAS, Habitat proposes to develop seven homes on Sites 8, 10, and 11 to be affordable to households earning less than 80 percent of the area median income; and

WHEREAS, the Office of Housing released a Request for Proposals for Sites 5, 6, 7, and 9 on March 24, 2023, conducted a competitive selection process and selected Habitat in partnership with African Community Housing & Development as the developer for permanently affordable homeownership on Sites 6, 7, and 9, and selected Homestead Community Land Trust as the developer for permanently affordable homeownership on Site 5; and

WHEREAS, Habitat in partnership with African Community Housing & Development proposes to develop 64 homes on Sites 6, 7, and 9 and Homestead Community Land Trust proposes to develop eight homes on Site 5 to be affordable to households earning less than 80 percent of the area median income; and

WHEREAS, upon transfer of title of each of Sites 5-11, 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. Sites 5-11 are described as follows:

A. Site 5:

4203 South Kenyon Street, Seattle 98118 and 7908 Martin Luther King Jr. Way South, Seattle 98118; Tax Parcels 4006000319-00 and 4006000322-00, legally described as follows:

THE NORTH 56.58 FEET OF THE WEST HALF OF LOT 16 OF LAKE DELL, ACCORDING TO

PLAT RECORDED IN VOLUME 4 OF PLATS AT PAGE(S) 17, IN KING COUNTY, WASHINGTON;

EXCEPT THE EAST 150 FEET THEREOF;

AND EXCEPT THAT PORTION THEREOF CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 216919 FOR EMPIRE WAY, PURSUANT TO CITY OF SEATTLE ORDINANCE NO. 55314;

TOGETHER WITH THE PROPERTY DESCRIBED IN THE DEED FOR STREET PURPOSES RECORDED UNDER RECORDING NO. 20110526000998, BUT RESERVING TO THE CITY THE STREET AND UTILITIES EASEMENT DESCRIBED THEREIN.

AND

THE SOUTH 73 FEET OF THE NORTH 129.58 FEET OF THE WEST HALF OF TRACT 16 OF LAKE DELL, ACCORDING TO PLAT RECORDED IN VOLUME 4 OF PLATS AT PAGE(S) 17, IN KING COUNTY, WASHINGTON;

EXCEPT THE EAST 150 FEET THEREOF;

AND EXCEPT THAT PORTION CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 216599 FOR EMPIRE WAY, AS PROVIDED BY CITY OF SEATTLE ORDINANCE NO. 53314;

TOGETHER WITH THE PROPERTY DESCRIBED IN THE DEED FOR STREET PURPOSES RECORDED UNDER RECORDING NO. 20110526000997, BUT RESERVING TO THE CITY THE STREET AND UTILITIES EASEMENT DESCRIBED THEREIN.

B. Site 6:

6740 Martin Luther King Jr. Way South, Seattle 98118; Tax Parcel Number 3333002640-00, legally described as follows:

THAT PORTION OF LOT 5 IN BLOCK 13 OF HILLMAN CITY ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 6, ACCORDING TO PLAT RECORDED IN VOLUME 11 OF PLATS AT PAGE(S) 23, IN KING COUNTY, WASHINGTON, LYING EASTERLY OF EMPIRE WAY SOUTH, KNOW KNOWN AS MARTIN LUTHER KING WAY;

TOGETHER WITH THE PROPERTY DESCRIBED IN THE DEED FOR STREET PURPOSES RECORDED UNDER RECORDING NO. 20101208001109, CORRECTED BY RECORDING NOS. 20210903001208 AND 20210909001079, BUT RESERVING TO THE CITY THE STREET AND UTILITIES EASEMENT DESCRIBED THEREIN.

C. Site 7:

3601 Martin Luther King Jr. Way South, Seattle, 98144; Tax Parcel Number 1426300125-00

LOTS 3 THROUGH 6; THE NORTH 10 FEET OF LOT 7, THE NORTH 11 FEET OF THE EAST 27 FEET OF LOT 34, AND ALL OF LOTS 35 AND 36 IN BLOCK 2 OF CASCADE VIEW ADDITION

TO THE CITY OF SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 15 OF PLATS AT PAGE(S) 75, IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 75 FEET OF SAID LOT 35;

ALSO EXCEPT THE WEST 3 FEET OF SAID LOT 36;

ALSO EXCEPT THAT PORTION OF SAID LOTS 4 THROUGH 7 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 98096 FOR EMPIRE WAY SOUTH, PURSUANT TO ORDINANCE NO. 30673;

TOGETHER WITH THE PROPERTY DESCRIBED IN THE DEED FOR STREET PURPOSES RECORDED UNDER RECORDING NO. 20100217000919, BUT RESERVING TO THE CITY THE STREET AND UTILITIES EASEMENT DESCRIBED THEREIN;

TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING, WHICH, UPON VACATION ATTACHES TO SAID PROPERTY BY OPERATION OF LAW.

D. Site 8:

7860 Martin Luther King Jr. Way South, Seattle, 98118; Tax Parcel Number 4281400385-00, legally described as follows:

THE SOUTH 11 FEET OF LOTS 1 AND 2 AND LOTS 35 THROUGH 38, INCLUSIVE IN BLOCK 5 OF LESTER ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME 19 OF PLATS AT PAGE(S) 39, IN KING COUNTY, WASHINGTON;

EXCEPT THE SOUTH 53 FEET THEREOF;

ALSO EXCEPT THE EAST 15 FEET OF SAID LOT 35;

TOGETHER WITH THAT PORTION DESCRIBED IN THE DEED FOR STREET PURPOSES RECORDED UNDER RECORDING NO. 20110526000999, BUT RESERVING TO THE CITY THE STREET AND UTILITIES EASEMENT DESCRIBED THEREIN.

E. Site 9:

4865 Martin Luther King Jr. Way South, Seattle 98108 and 3112 South Ferdinand Street, Seattle 98108; Tax Parcel Numbers 1756700110-06 and 1756700120-04, legally described as follows:

ALL OF LOT 25 AND THE NORTH 36 FEET OF LOT 26 OF CORLISS ADDITION TO COLUMBIA, ACCORDING TO PLAT RECORDED IN VOLUME 15 OF PLATS AT PAGE(S) 27, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF SAID LOT 26 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 98096 FOR EMPIRE WAY, PURSUANT TO ORDINANCE NO. 30673;

TOGETHER WITH THAT PROPERTY DESCRIBED IN THE DEED FOR STREET PURPOSES BY DEED RECORDED UNDER RECORDING NO. 20091112002409, BUT RESERVING TO THE CITY

THE STREET AND UTILITIES EASEMENT DESCRIBED THEREIN;

AND

LOTS 26 AND 27 OF CORLISS ADDITION TO COLUMBIA, ACCORDING TO PLAT RECORDED IN VOLUME 15 OF PLATS AT PAGE(S) 27, IN KING COUNTY, WASHINGTON;

EXCEPT THE NORTH 36 FEET OF LOT 26;

AND EXCEPT THAT PORTION OF SAID LOTS 26 AND 27 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NO. 98096 FOR EMPIRE WAY, PURSUANT TO ORDINANCE NO. 30673;

TOGETHER WITH THAT PROPERTY DESCRIBED IN THE DEED FOR STREET PURPOSES RECORDED UNDER RECORDING NO. 20091112002406, BUT RESERVING TO THE CITY THE STREET AND UTILITIES EASEMENT DESCRIBED THEREIN.

F. Site 10:

3201 South Ferdinand Street, Seattle 98108, a.k.a. 4912 Martin Luther King Jr. Way South, Seattle, 98108; Tax Parcel Number 1703400990-00; legally described as follows:

LOTS 1664 AND 1665 IN BLOCK 61 OF COLUMBIA SUPPLEMENTAL NUMBER 1, ACCORDING TO PLAT RECORDED IN VOLUME 8 OF PLATS AT PAGE(S) 12, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION THEREOF CONDEMNED IN KING COUNTY SUPERIOR CAUSE NUMBER 98096 FOR STREET PURPOSES AS PROVIDED BY ORDINANCE NUMBER 30673 OF THE CITY OF SEATTLE;

TOGETHER WITH THE PROPERTY DESCRIBED IN THE DEED FOR STREET PURPOSES RECORDED UNDER RECORDING NO. 20090720000113, BUT RESERVING TO THE CITY THE STREET AND UTILITIES EASEMENT DESCRIBED THEREIN.

G. Site 11:

5042 Martin Luther King Jr. Way South, Seattle 98118; Tax Parcel Number 2660500259-00, legally described as follows:

THAT PORTION OF THE SOUTH 50 FEET OF TRACT 5 OF FRYE'S ADDITION TO COLUMBIA, ACCORDING TO PLAT RECORDED IN VOLUME 9 OF PLATS AT PAGE(S) 87, IN KING COUNTY, WASHINGTON, LYING EAST OF EMPIRE WAY;

EXCEPT THE EAST 88 FEET THEREOF;

TOGETHER WITH THE PROPERTY DESCRIBED IN THE DEED FOR STREET PURPOSES RECORDED UNDER RECORDING NO. 20090720000143, BUT RESERVING TO THE CITY THE STREET AND UTILITIES EASEMENT DESCRIBED THEREIN.

Section 2. The Director of the Office of Housing (“Director”) or the Director’s designee is authorized to negotiate property transfer agreements (“Agreements”) and any ancillary documents to accomplish the transfer of ownership of Sites 5-11, to the selected developers or their designees or assignees, if 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 descriptions 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 each property.

Section 3. The Agreements 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. Improvements to be developed on Sites 5-11 are to include at least the number of residential units as described in the Term Sheet to the extent practicable as determined by the Director, 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 homes, together with any additional improvements to be developed on Sites 5-11 with the approval of the Director and all necessary regulatory approvals, are referred to in this ordinance as the “Projects.”

Section 5. The Director is authorized to execute and deliver such additional documents, which may include amendments to the Agreements 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 Projects, and to administer and enforce the Agreements, covenants, and any other such documents that the Director deems appropriate to implement the intent of this ordinance and development of the Projects. 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 for each of Sites 5-11, the Director shall require the transferee to accept such site “as-is, where-is, with all faults” and to release, indemnify, and hold the City harmless from any future claims regarding the condition of such sites, 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 Sites 5-11 from The City of Seattle (“City”) to Each Selected Developer or Its Designee or Assignee (“Transferee”)