



Legislation Details (With Text)

**File #:** CB 118491    **Version:** 1    **Name:** CB 118491  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk  
**On agenda:** 9/14/2015  
**Final Action:** 9/18/2015    **Ord. No.** Ord 124858  
**Title:** AN ORDINANCE authorizing the acceptance of the grant of an easement for public access over and across a portion of the property commonly known as (old) Fire Station Seven, located at 402 15th Avenue East, in exchange for the City’s extinguishment of certain deed restrictions encumbering title to Fire Station Seven; and ratifying and confirming certain prior acts.

**Sponsors:** Nick Licata

**Indexes:**

**Attachments:** 1. Ex A - Form of Easement for Public Access, 2. Ex B - Form of Instrument to Amend and Restate Deed Restrictions, 3. Summary and Fiscal Note, 4. Summary Ex A - Depiction of Location of Fire Station Seven, 5. Finance and Administrative Services Presentation (9/9/2015), 6. Deed restrictions (added 9/9/15 at 2 p.m.), 7. Signed Ord 124858

Date	Ver.	Action By	Action	Result
9/18/2015	1	City Clerk	attested by City Clerk	
9/18/2015	1	Mayor	Signed	
9/18/2015	1	Mayor	returned	
9/15/2015	1	City Clerk	submitted for Mayor's signature	
9/14/2015	1	City Council	passed	Pass
9/9/2015	1	Finance and Culture Committee	pass	Pass
9/8/2015	1	City Council	referred	
8/5/2015	1	Council President's Office	sent for review	
8/3/2015	1	City Clerk	sent for review	
8/3/2015	1	Mayor	Mayor's leg transmitted to Council	

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE authorizing the acceptance of the grant of an easement for public access over and across a portion of the property commonly known as (old) Fire Station Seven, located at 402 15<sup>th</sup> Avenue East, in exchange for the City’s extinguishment of certain deed restrictions encumbering title to Fire Station Seven; and ratifying and confirming certain prior acts.

WHEREAS, in 1986 The City of Seattle (“City”) determined that Fire Station Seven, one of the City’s early fire stations, the construction of which dates back to 1920, was surplus to the City’s needs; and

WHEREAS, given its Tudoresque style and extensive detailing, Fire Station Seven was considered architecturally significant and deemed worthy of historic preservation; and

WHEREAS, the City identified the Capitol Hill Housing Improvement Program (“CHHIP”) as the appropriate entity to steward Fire Station Seven’s historic preservation; and

WHEREAS, on May 28, 1987, pursuant to a special warranty deed (“First Special Warranty Deed”), the City conveyed to CHHIP its right, title, and interest in Fire Station Seven; and

WHEREAS, on June 2, 1987, pursuant to a second special warranty deed (“Second Special Warranty Deed”), CHHIP in turn conveyed its right, title, and interest in Fire Station Seven to Fire Station Seven Associates, a Washington nonprofit mutual benefit corporation (“FS7A”) comprised of CHHIP, the Country Doctor, and Environmental Works, the latter two entities being Washington nonprofit corporations; and

WHEREAS, both the First Special Warranty Deed and the Second Special Warranty Deed set forth a series of ten City-related deed restrictions, the intent of which was to provide for the historic preservation of, and public access to, Fire Station Seven; and

WHEREAS, nearly 30 years after it acquired title to Fire Station Seven, FS7A wants to redeem the membership interest of both CHHIP and the Country Doctor. FS7A anticipates that CHHIP will use its share of the redemption proceeds in furtherance of CHHIP’s mission of providing safe and affordable housing to low- and moderate-income individuals and families in Capitol Hill and other Seattle area neighborhoods; and

WHEREAS, FS7A intends to finance the redemptions with the proceeds from a loan secured in part by a deed of trust encumbering title to Fire Station Seven; and

WHEREAS, as a condition of granting the loan, FS7A’s lender requires that two of the ten deed restrictions be extinguished, pertaining to (a) prohibition of subsequent reconveyances, and (b) automatic reversion of Fire Station Seven back to the City if it were damaged by fire or casualty and its reconstruction was not

practicable. In addition, FS7A has asked that five other deed restrictions be extinguished, because they have either expired or become an administrative burden; and

WHEREAS, it appears that the removal of the seven deed restrictions will not compromise the historic preservation of Fire Station Seven and the City does not object to their removal, so long as the City receives adequate consideration; and

WHEREAS, to meet the need for additional open space within the Capitol Hill Urban Center Village, within which Fire Station Seven is situated, the City wishes to secure an easement from FS7A for public access across that part of Fire Station Seven currently utilized as parking; and

WHEREAS, as consideration for the City's extinguishment of the seven deed restrictions and to aid the City in meeting the need for additional open space within the Capitol Hill Urban Center Village, FS7A wishes to grant to the City an easement for public access over and across the westerly 18 feet of the property on which Fire Station Seven is situated; and

WHEREAS, the series of contemplated transactions has multiple constructive impacts: modernization of the terms of a historic preservation deed; creation of additional open space in the Capitol Hill Urban Center Village; and indirect funding of additional safe and affordable housing; NOW, THEREFORE,

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

Section 1. The Director of Finance and Administrative Services or the Director's designee is authorized to accept the grant of an easement for public access the westerly eighteen feet of the property on which Fire Station Seven is situated ("Easement"). The form of such easement will be substantially the same as that attached hereto as Exhibit A.

Section 2. The Director of Finance and Administrative Services or the Director's designee is authorized to execute an instrument that will serve to amend and restate the restrictions first set forth in the First Special Warranty Deed so as to extinguish seven deed restrictions as reflected on a form substantially the same as that attached hereto as Exhibit B.

Section 3. The real property conveyed by the Easement is placed under the jurisdiction of the Department of Finance and Administrative Services.

Section 4. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 5. 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 \_\_\_\_\_, 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)

Exhibit A: Form of Easement for Public Access

Exhibit B: Form of Instrument to Amend and Restate Deed Restrictions