



Legislation Details (With Text)

File #: CB 118926 **Version:** 1 **Name:** CB 118926
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 3/20/2017

Final Action: 3/31/2017 **Ord. No.** Ord 125281

Title: AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to enter into a reciprocal easement agreement with Mercy North and Mercy South affecting portions of Park property at Magnuson Park and adjacent property, authorizing acceptance of reimbursed City-incurred costs related to the easement agreement; superseding the requirements of Ordinance 118477, which adopted Initiative 42, for the purposes of this ordinance; and ratifying and confirming certain prior acts.

Sponsors: Tim Burgess, Debora Juarez

Indexes:

Attachments: 1. Att 1 – Easement Agreement, 2. Summary and Fiscal Note, 3. Summary Att A – Map of Easements, 4. Presentation, 5. Signed Ord_125281, 6. Affidavit of Publication

Date	Ver.	Action By	Action	Result
3/31/2017	1	City Clerk	attested by City Clerk	
3/31/2017	1	Mayor	Signed	
3/31/2017	1	Mayor	returned	
3/23/2017	1	City Clerk	submitted for Mayor's signature	
3/20/2017	1	City Council	passed	Pass
3/15/2017	1	Affordable Housing, Neighborhoods, and Finance Committee	pass	Pass
3/6/2017	1	City Council	referred	
3/2/2017	1	Council President's Office	sent for review	
2/28/2017	1	City Clerk	sent for review	
2/27/2017	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to enter into a reciprocal easement agreement with Mercy North and Mercy South affecting portions of Park property at Magnuson Park and adjacent property, authorizing acceptance of reimbursed City-incurred costs related to the easement agreement; superseding the requirements of Ordinance 118477, which adopted Initiative 42, for the purposes of this ordinance; and ratifying and confirming certain prior acts.

WHEREAS, MHNW 14 Building 9 North LP (“Mercy North”) and MHNW 13 Building 9 South LP (“Mercy South”) (collectively “Mercy”), will become the owners of certain property, the address of which is 7101 62nd Avenue NE (“Mercy Property”), upon the closing of a purchase and sale agreement with the Washington State Department of Commerce and various financings, currently scheduled for May 2017, and which will be redeveloped into a mixed use housing project for low income workforce housing (“Building 9 Project”); and

WHEREAS, The City of Seattle, acting through its Department of Parks and Recreation (DPR), is the owner of certain property north of and adjacent to the Mercy Property, the address of which is 7400 Sand Point Way NE (“Parks and Recreation Property”); and

WHEREAS, additional fire emergency access is required for approval of the Building 9 Project permit; and

WHEREAS, Mercy is unable to provide the required additional fire emergency access on the Mercy Property, given Seattle Building Code requirements and existing topographical challenges and desires an easement across the Parks and Recreation Property for fire emergency access only; and

WHEREAS, DPR wishes to activate additional parking spaces on the Parks and Recreation Property and can do so in conjunction with the granting of a reciprocal easement across portions of the adjacent Mercy Property; and

WHEREAS, the National Park Service, which holds a restrictive covenant on the property at Magnuson Park relating back to the transfer of the property from the federal government to The City of Seattle, must approve the granting of the easement on the Parks and Recreation Property; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Upon MHNW 14 Building 9 North LP (“Mercy North”) becoming the owner of certain property, the address of which is 7101 62nd Avenue NE (the “Mercy Property”), as evidenced by a recorded deed, the Superintendent of Parks and Recreation (“Superintendent”), or the Superintendent’s designee, is authorized, on behalf of The City of Seattle, to execute an easement agreement with MHNW 14 Building 9

North and MHNW 13 Building 9 South (collectively “Mercy”), substantially in the form of Attachment 1 to this ordinance. The legal description of the easement to be granted by the City is described as Easement Areas C and E in Exhibit F of Attachment 1. The legal description of the easement to be granted by Mercy is described as Easement Area D in Exhibit F of Attachment 1. The rights granted to The City of Seattle under the easement agreement will be placed under the jurisdiction of the Department of Parks and Recreation.

Section 2. The Superintendent is further authorized to accept reimbursement from Mercy for the difference in value of the reciprocal easements and all administrative expenses accrued in processing the easement agreement in an amount not to exceed \$32,000, which is to be deposited in the Parks and Recreation Fund.

Fund	Department	Budget Control Level	Amount of Reimbursement
Operating Fund (10200)	Parks and Recreation	Planning, Development, and Acquisition (K370C)	\$32,000

Section 3. For purposes of this ordinance, the requirements of Ordinance 118477, which adopted Initiative 42, are hereby superseded.

Section 4. Any act consistent with the authority of this ordinance taken prior to its effective date is hereby 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 _____, 2017, and signed by me in open session in authentication of its passage this _____ day of _____, 2017.

President _____ of the City Council

Approved by me this _____ day of _____, 2017.

Edward B. Murray, Mayor

Filed by me this _____ day of _____, 2017.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Easement Agreement between the Department of Parks and Recreation and Mercy Housing Northwest