



Legislation Text

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File #: CB 118355, Version: 2

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**CITY OF SEATTLE**  
**ORDINANCE** \_\_\_\_\_  
COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to the acquisition of real property for open space, park, and recreation purposes; authorizing the acquisition of real property owned by Hugh and Martha Sisley to satisfy judgments entered against the Sisleys as a result of code violations; authorizing the execution of necessary documents; authorizing acceptance and recording of deeds for open space, park, and recreation purposes; and authorizing acquisition by condemnation of specific parcels for open space, park, and recreation purposes.

WHEREAS The City of Seattle (“City”) was awarded judgments against Hugh and Martha Sisley (“Sisleys”) for: \$247,977.50 in Civil Cause No. 08-100; \$368,246.00 in Civil Cause No. 09-024; and \$44,086.00 in Civil Cause No. 10-084; all for violating the housing code (see case and judgments in table below); and

WHEREAS the City was awarded interest in each of the judgments entered against the Sisleys and as of March 31, 2015, the Sisleys will owe the City interest for: \$165,893.20 in Civil Cause No. 08-100; \$243,819.84 in Civil Cause No. 09-024; and \$10,128.51 in Civil Cause No. 10-084 (see interest on judgments in table below); and

WHEREAS the three judgments and accumulated interest total \$1,080,151.00, with interest accumulating at \$217.07 per day (see total of judgments and interest in table below); and

WHEREAS the City was awarded continuing penalties in two of the cases until compliance was achieved: \$600 per day in Civil Cause No. 08-100 for a total of \$1,221,000.00 as of March 31, 2015, with penalties continuing until compliance is obtained; and \$1,000 per day in Civil Cause No. 09-024 for a total of \$1,034,000 because the Sisleys stopped the penalties by demolishing the house. The City is entitled to and will seek supplemental judgments for the additional penalties (see possible additional penalties in

table below); and

Civil Cause No.	Judgments Entered	Interest on Judgments	Judgments and Interest	Additional Penalties
08-100	\$247,977.50	\$165,893.20	\$413,870.70	\$1,221,000.00
09-024	\$368,246.00	\$243,819.84	\$612,065.84	\$1,034,000.00
10-084	\$44,086.00	\$10,128.51	\$54,214.51	N/A
<b>Totals</b>	<b>\$660,309.50</b>	<b>\$419,841.55</b>	<b>\$1,080,151.00</b>	<b>\$2,255,000.00</b>

WHEREAS the City will conduct supplemental proceedings according to applicable court rules to determine what assets the Sisleys possess that can be applied to satisfy the judgments; and

WHEREAS in order to recover the amounts owed by the Sisleys on existing and supplemental judgments, and on any future judgments obtained as a result of the Sisleys violating Titles 22 or 23; the City may seek to have Sisley-owned real property sold through auction by the King County Sheriff or through other lawful means, including but not limited to a state court receivership, in order to satisfy the judgments; and

WHEREAS the City may bid to purchase the property in order to acquire the property in partial or full satisfaction of the judgments; and

WHEREAS the City has determined there is a need for public park space in the Roosevelt neighborhood where the property is located; and

WHEREAS acquiring the property to satisfy the judgments would provide public park space in the Roosevelt neighborhood; **NOW, THEREFORE,**

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

Section 1. The Seattle City Council finds that the actions in this ordinance are necessary, proper, and convenient for use by The City of Seattle (“City”) for the purpose of:

- (1) Satisfying judgments awarded to the City in *City v. Sisley* Civil Cause No. 08-100, *City v. Sisley*

Civil Cause No. 09-024, *City v. Sisley* Civil Cause No. 10-084 (collectively the “existing judgments”);

(2) Satisfying supplemental judgments for continuing penalties arising from *City v. Sisley* Civil Cause No. 08-100 and *City v. Sisley* Civil Cause No. 09-024, or arising from any future judgments obtained by the City against Hugh and Martha Sisley (“Sisleys”) for violating Titles 22 or 23 of the Seattle Municipal Code;

(3) Taking action to recover the amounts owed to the City under the judgments through execution or other similar legal process and potentially acquiring some or all of the Sisley property securing the judgments; and

(4) Providing open space, park, and recreation uses in the city.

Section 2. Property that is subject to this ordinance and owned by the Sisleys, and subject to the judgment lien created by the judgments, is described in Attachment 1 that is attached to this ordinance.

Section 3. At an execution sale or other lawful sale of the property, the City Attorney or the City Attorney’s designee is authorized to credit bid on and acquire on behalf of the City any property described in Attachment 1 in order to satisfy the judgments identified in Section 1 of this ordinance.

Section 4. The City Attorney or the City Attorney’s designee is authorized to execute the documents necessary to acquire any property described in Attachment 1.

Section 5. As a result of a City credit bid and upon delivery of the Sheriff’s deed for the property or other conveyance document if the sale is completed through other lawful means, such as a state court receivership, the City Attorney or the City Attorney’s designee is authorized to accept the deed for open space, park, and recreation purposes, and is also authorized to record the deed.

Section 6. Supplemental judgments for continuing penalties arising from *City v. Sisley* Civil Cause No. 08-100 and *City v. Sisley* Civil Cause No. 09-024, or arising from any future judgments obtained by the City against the Sisleys for violating Titles 22 or 23 of the Seattle Municipal Code, are directed to be used for the development or operations and maintenance of a park authorized by this ordinance.

Section 7. Public convenience and necessity require that the following real property located in the City and commonly known as: 1322 N.E. 65<sup>th</sup> St., Seattle, WA

APN 0525049045

That portion of the southeast quarter of the southeast quarter of the southeast quarter of Section 5, Township 25 North, range 4 east, W.M., described as follows: Beginning at the point which is 369.32 feet west and 138.35 feet north of the southeast corner of said subdivision: thence north 95.60 feet, more or less, to the south line of East 66<sup>th</sup> Street; thence east along said street line 45.32 feet, more or less, to the west line of 14<sup>th</sup> Avenue Northeast, thence South along said avenue line 95.60 feet, more or less, to a point which is 138.35 feet north of the south line of said subdivision: thence west 44.60 feet, more or less, to beginning;

(“Property”), together with all rights, privileges, and other property pertaining to the Property, be acquired for open space, park, and recreation purposes.

Section 8. Under the City’s condemnation authority, the Superintendent of Parks and Recreation (“Superintendent”), or the Superintendent’s designee, is authorized, on behalf of the City, 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 of the deed, and recording the deed. The Property shall be accepted for open space, park, and recreation purposes, and placed under the jurisdiction of the Seattle Department of Parks and Recreation.

Section 9. The City Attorney 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 of the Property in the manner provided by law, and to stipulate for the purposes of minimizing damages.

Section 10. Any property acquired by credit bid or condemnation as authorized by this ordinance that would be used for open space, park, and recreation purposes shall be placed under the jurisdiction of the Seattle Department of Parks and Recreation. Funds used for acquisition by condemnation will come from the City’s Cumulative Reserve Subfund.

Section 11. 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.

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Monica Martinez Simmons, City Clerk

(Seal)

Attachment 1: Index of Hugh Sisley and Martha Sisley Properties