



Legislation Text

File #: CB 118500, Version: 1

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to acquire, through negotiation or condemnation, land and other necessary property rights commonly known as portions of 12754 and 13002 NE Riviera Place for open space, park, and recreation purposes, and to execute, accept, and record deeds and convenient documents and agreements deemed by the Superintendent to be necessary to this transaction on behalf of the City; placing conveyed real property under the jurisdiction of the Department of Parks and Recreation; and ratifying and confirming certain prior acts.

WHEREAS, Resolution 29370 adopted policies to guide the development of public access improvements to shoreline street ends, which led to the 2008 draft of a Shoreline Street End Master Plan with identified implementation projects for the City's 149 identified street ends; and

WHEREAS, NE 130th Street's end was designated as one of Seattle's 149 street ends by the Seattle Department of Transportation (SDOT) and its predecessor organizations; and

WHEREAS, the Seattle Department of Parks and Recreation has partnered with SDOT to implement street end improvement projects; and

WHEREAS, from the early 1920s, when NE 130th Street was first platted and the neighborhood established, until very recently, when title to the street end was quieted to the abutting property owners pursuant to judgment in King County Superior Court Case No. 12-2-21-21156-6 SEA and affirmed by the Court of Appeals, Division I of the State of Washington, the NE 130th Street end served as a community beach and provided public access to Lake Washington; and

WHEREAS, the NE 130th Street end provides the only water access north of NE 95th Street; and

WHEREAS, the City's goal is to provide water access at least every 2 miles throughout the City's shorelines;

and

WHEREAS, acquisition of these properties would restore water access to this part of Seattle; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity require that the following described real property, situated in The City of Seattle, County of King, State of Washington, and commonly known as portions of 12745 and 13002 Riviera Place NE (the "Property"), together with all rights, privileges, and other property pertaining thereto, be acquired through negotiation and use of eminent domain (condemnation) if necessary for open space, park, and recreation purposes:

THE NORTH ONE-HALF OF THE FOLLOWING PARCEL: ALL THAT PORTION OF LAND, APPROXIMATELY SIXTY FEET IN WIDTH, LYING EAST OF THE NORTHERN PACIFIC RIGHT-OF-WAY BETWEEN TRACT 12, BLOCK 1 AND TRACT 1, BLOCK 2, CEDAR PARK LAKE FRONT, AS PER PLAT RECORDED IN VOLUME 29 OF PLATS, PAGE 47 RECORDS OF KING COUNTY AUDITOR. SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON; SUBJECT TO AN EASEMENT FOR THE REPAIR AND MAINTENANCE OF PUBLIC UTILITIES AND SERVICES WHICH AT THE DATE OF JUNE 20, 2012 WERE PHYSICALLY LOCATED ON THE SAID REAL PROPERTY.

and

THE SOUTH ONE-HALF OF THE FOLLOWING PARCEL: ALL THAT PORTION OF LAND, APPROXIMATELY SIXTY FEET IN WIDTH, LYING EAST OF THE NORTHERN PACIFIC RIGHT-OF-WAY BETWEEN TRACT 12, BLOCK 1 AND TRACT 1, BLOCK 2, CEDAR PARK LAKE FRONT, AS PER PLAT RECORDED IN VOLUME 29 OF PLATS, PAGE 47 RECORDS OF KING COUNTY AUDITOR; SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON; SUBJECT TO AN EASEMENT FOR THE REPAIR AND MAINTENANCE OF PUBLIC UTILITIES AND SERVICES WHICH AT THE DATE OF JUNE 20, 2012 WERE PHYSICALLY LOCATED ON THE SAID REAL PROPERTY.

Section 2. The Superintendent of Parks and Recreation, or the Superintendent's designee, is authorized on behalf of the City to negotiate and enter into agreements to acquire the Property, and upon payment of just compensation, to accept and record deeds and other necessary instruments on behalf of the City.

Section 3. The Seattle City Attorney is authorized to commence and prosecute proceedings in the

manner provided by law to condemn, take, damage, and appropriate in fee simple the real property or other property rights described in Section 1, after just compensation has been paid into court for the owners thereof in the manner provided by law. The Seattle City Attorney is further authorized to stipulate for the purpose of minimizing damages.

Section 4. The entire costs of acquiring the Property provided for by this ordinance shall be paid using Real Estate Excise Tax proceeds from the Cumulative Reserve fund, or from such general fund of The City of Seattle as may be provided by law.

Section 5. The Property, when acquired by the City, shall be placed under the jurisdiction of the Seattle Department of Parks and Recreation and accepted for open space, park, and recreation purposes.

Section 6. Any act consistent with the authority of this ordinance and prior to its effective date is ratified and confirmed.

Section 7. 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)