



Legislation Text

File #: Res 31997, **Version:** 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION setting the time and place for a hearing on the appeal of Rick Bohrer, Hearing Examiner Case Number CWF-0295, and from the final findings and recommendation report of the Hearing Examiner on the final assessment roll for Local Improvement District No. 6751.

WHEREAS, the Director of Transportation prepared the proposed final assessment roll for Local Improvement

District (LID) No. 6751 (“Waterfront LID”) and filed it with the City Clerk in November 2019; and

WHEREAS, on November 18, 2019, the City Council (“Council”) passed Resolution 31915, which initiated the process to confirm Waterfront LID assessments; and

WHEREAS, Revised Code of Washington (RCW) 35.44.070 requires the Council to hold a hearing on the final assessment roll where property owners subject to assessment may object to their assessments as described in the roll; and

WHEREAS, RCW 35.44.070 permits the Council to hold the hearing itself, or to designate an officer to conduct the hearing; and

WHEREAS, via Resolution 31915, the Council designated February 4, 2020, as the date for the hearing and designated the Hearing Examiner for The City of Seattle to conduct the required hearing on the LID final assessment roll; and

WHEREAS, in July 2020 the Hearing Examiner concluded the hearing and began preparing the Hearing Examiner’s findings and recommendations on the final assessment roll for the Waterfront LID; and

WHEREAS, Seattle Municipal Code (SMC) 20.04.090.A.2 directs the Hearing Examiner to file any finding, recommendation, or decision on the final assessment roll for an LID with the City Clerk; and

WHEREAS, the Hearing Examiner filed the findings and recommendations on the final assessment roll for the

Waterfront LID on September 8, 2020 (“Initial Report”); and

WHEREAS, RCW 35.44.070 and SMC 20.04.090 require the Council to hear any appeals from any finding, recommendation, or decision of the Hearing Examiner on the final assessment roll for local improvement districts (“Hearing Examiner’s Report”); and

WHEREAS, SMC 20.04.090 and City Council Rules for Quasi-Judicial Proceedings (“Quasi-Judicial Rules”) subsection V.A.2 require that an appellant must file a notice of appeal from the Hearing Examiner’s Report with the City Clerk within 14 days of the Hearing Examiner’s filing of the recommendation with the City Clerk; and

WHEREAS, SMC 20.04.090 requires the Council to set a time and place for a hearing on the appeal before the City Council or a committee thereof and to give notice of the time and place to the appellant following the filing of the notice of appeal; and

WHEREAS, Quasi-Judicial Rules subsection IV.A states that the Council may delegate the appeal review to a committee, and the committee would then make a recommendation to the full Council; and

WHEREAS, Quasi-Judicial Rules subsection VI.A requires the delegated committee to set the time and place for the hearing on the appeal within 15 days following the filing of the appeal with the City Clerk; and

WHEREAS, the City Clerk received multiple appeals from the Initial Report, and it was necessary to fix dates for hearings on the appeals within the required 15-day time period; and

WHEREAS, Council delegated appeals to the Council’s Public Assets and Native Communities Committee and fixed dates for hearing on the appeals by adopting Resolutions 31969, 31972, 31973, and 31974; and

WHEREAS, Council rescheduled the hearings on the appeals fixed previously by adopting Resolution 31979; and

WHEREAS, in the Initial Report, the Hearing Examiner recommended the remand of certain properties (“Remanded Properties”) to the City Appraiser for further analysis of their valuation before making a final recommendation on the LID assessment of the Remanded Properties; and

WHEREAS, by adopting Resolution 31979, Council remanded the Remanded Properties to the City Appraiser for further analysis concerning the valuation of the subject properties consistent with the Initial Report; and

WHEREAS, by adopting Resolution 31979, Council directed the Hearing Examiner to review the City Appraiser's further analysis for the Remanded Properties, directed the Hearing Examiner to hold a hearing pursuant to Seattle Municipal Code (SMC) 20.04.070, 20.04.080, and 20.04.090 providing for opportunity for comment and response by the respective property owners of the Remanded Properties and to provide notice of the hearing to all property owners of the Remanded Properties; and

WHEREAS, by adopting Resolution 31979, Council also directed the Hearing Examiner to reduce any findings, recommendations, and decisions on the remanded properties to writing and consolidate them with the findings and recommendations of the Initial Report into a final Findings and Recommendation on the Final Assessment Roll for the Waterfront Local Improvement District (LID #6751) ("Final Report") following the conclusion of the hearing on the assessment of the remanded properties; and

WHEREAS, in accordance with Resolution 31979, the Hearing Examiner filed the Final Report with the City Clerk on February 1, 2021, and the City Clerk provided notice of the filing; and

WHEREAS, Resolution 31979 provides that any party who made a timely protest at the initial hearing may file an appeal from the Final Report no later than 14 days after the day upon which the Final Report is filed with the City Clerk pursuant to SMC 20.04.090.D and Quasi-Judicial Rules subsection V.A.2.b; and

WHEREAS, the City Clerk received multiple appeals from the Final Report, and it was necessary to fix a date for hearings on the appeals within the required 15-day time period; and

WHEREAS, by adopting Resolution 31990, Council scheduled hearings on the appeals of certain appellants, Hearing Examiner Case Numbers CWF-0067, CWF-0015, and CWF-0231, to be held before Council's Public Assets and Native Communities Committee on April 6, 2021; and

WHEREAS, by adopting Resolution 31996, Council scheduled hearings on the appeals of certain appellants,

Hearing Examiner Case Numbers CWF-0089, CWF-0176, CWF-0215, CWF-0318, CWF-0375, CWF-0392, CWF-0410, CWF-0411, CWF-0412, CWF-0413, CWF-0414, CWF-0416, CWF-0418, CWF-0420, CWF-0422, CWF-0423, CWF-0425, CWF-0426, CWF-0427, CWF-0429, CWF-0430, CWF-0431, CWF-0432, CWF-0433, CWF-0434, CWF-0435, CWF-0436, CWF-0437, CWF-0438, CWF-0439, CWF-0440, and CWF-0441, to be held before Council's Public Assets and Native Communities Committee on April 6, 2021; and

WHEREAS, the City Clerk received the appeal of Rick Bohrer for Hearing Examiner Case Number CWF-0295 from the Final Report on a date such that it could not be included in Resolution 31996 and it is necessary to fix a date for the hearing on the additional appeal with the required 15-day time period; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The hearing on appeals by Rick Bohrer, Hearing Examiner Case Number CWF-0295, from the final findings and recommendation report of the Hearing Examiner on the final assessment roll for Local Improvement District No. 6751 will be held before the Council's Public Assets and Native Communities Committee, commencing at 2:00 P.M. on April 6, 2021. Due to the COVID-19 civil emergency declared by The City of Seattle and the State of Washington, persons who wish to attend the hearing may be required to do so remotely. The City will provide instructions in the meeting agenda on how to attend remotely.

Adopted by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its adoption this _____ day of _____, 2021.

President _____ of the City Council

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)