



Legislation Text

File #: CB 120415, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to Seattle Parks and Recreation (SPR); authorizing the acquisition of a Conservation and Recreation Easement at the Turner-Koepf House and Garden, commonly known as the Garden House, located at 2336 15th Avenue South; authorizing acceptance of a recording of the Conservation and Recreation Easement for open space, park, and recreation purposes; and ratifying and confirming certain prior acts.

WHEREAS, in August 2014, voters approved Proposition 1, creating a metropolitan park district contiguous with the borders of the city of Seattle, known as the Seattle Park District, as permitted under Chapter 35.61 RCW; and

WHEREAS, the 2017 Park Plan used race, equity and health, poverty and income, and population density mapping, among other criteria, to help identify priority areas for the Long-Term Acquisition Strategy; and

WHEREAS, the 2017 Park Plan identified the North Beacon Hill Residential Urban Village as having among the highest occurrence levels in the city of obesity, diabetes, and lack of physical activity, based on socio-economic data correlated with health data; and

WHEREAS, the 2017 Park Plan identified the North Beacon Hill Residential Urban Village as being underserved in terms of five-minute walkability, equity and health, income and poverty, density, and opportunity; and

WHEREAS, the Historic Seattle Preservation and Development Authority (“Historic Seattle PDA”) was chartered by The City of Seattle in 1973 to save meaningful places to foster lively communities, and is the only citywide nonprofit and preservation development authority dedicated to historic preservation;

and

WHEREAS, Historic Seattle PDA offers compelling education programs, effectively advocates for places that matter, and actively saves historic property through real estate development activities; and

WHEREAS, Historic Seattle PDA was interested in purchasing, rehabilitating, and activating the Turner-Koepf House and Gardens because of the threat of demolition, stated community need for open space and community use, location in a traditionally underserved area, and project alignment with the organization's five-year strategic plan; and

WHEREAS, Historic Seattle PDA made an unsuccessful attempt to purchase the property located in Seattle at 2336 15th Avenue South ("Property") in 2018; and

WHEREAS, persistent encouragement from the Beacon Hill community caused Seattle Parks and Recreation ("SPR") and Historic Seattle PDA to develop a mutually beneficial partnership that achieves respective project-specific goals and objectives of providing open space and preserving a historic house, in order to fulfill the missions of both organizations; and

WHEREAS, Historic Seattle PDA contracted for and reviewed the necessary due diligence, including, but not limited to, a third-party building inspection, land use and code analysis, site survey, hazardous materials survey, financial operating analysis, Phase 1 environmental assessment, capital needs assessment, and acquisition funding sources and uses related to protecting the property for both historic building preservation and for providing public open space; and

WHEREAS, relying upon the results of the due diligence and partnership with SPR, Historic Seattle PDA made another offer to purchase the Property utilizing its own line of credit, successfully acquired the Property on December 23, 2021, in a challenging real estate market, and has incurred carrying costs while the partnership with SPR has evolved; and

WHEREAS, in order to achieve the stated goal of providing publicly accessible open space at the Property in perpetuity, SPR will purchase from Historic Seattle PDA a Conservation and Recreation Easement

which will both protect the land surrounding the historic house from future development and ensure public access to open space, as well as require Historic Seattle PDA to assume all maintenance responsibilities; and

WHEREAS, SPR and Historic Seattle PDA will enter into a Maintenance and Operations Agreement that outlines the responsibilities associated with the publicly accessible open space including, but not limited to, operations, maintenance, and capital improvements; and

WHEREAS, in addition to operating the publicly accessible open space, Historic Seattle PDA will assume all responsibilities associated with the historic house including, but not limited to, operations, maintenance, and capital improvements; and

WHEREAS, the publicly accessible open space and community-focused historic house will be owned and operated by Historic Seattle PDA, without any ongoing financial support or underwriting by The City of Seattle; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Superintendent of Parks and Recreation (“Superintendent”) or the Superintendent’s designee is authorized, on behalf of The City of Seattle, to acquire, substantially in accordance with the terms and conditions of the Real Estate Purchase and Sale Agreement attached hereto as Attachment 1 and incorporated herein by reference (“Agreement”), a Conservation and Recreation Easement (“Easement”) over real property referred to as the Turner-Koepf House and Gardens for a cash purchase price not to exceed \$1,842,500. The legal description of the Easement is as follows:

LOTS 1, 2 AND 3, BLOCK 7 OF WALKER’S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 43, IN KING COUNTY, WASHINGTON; EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE S89°57'54"W ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 21.52 FEET;

THENCE N02°17'46"W, 53.96 FEET; THENCE N42°23'14"W, 8.26 FEET;

THENCE N89°48'46"W, 29.29 FEET;
THENCE S00°12'51"E, 6.01 FEET; THENCE S89°45'45"E, 56.88 FEET;
THENCE N00°18'52"W, 11.82 FEET;
THENCE N89°57'05"W, 4.60 FEET TO THE EAST MARGIN OF 15TH AVENUE SOUTH;
THENCE NORTH ALONG THE EAST MARGIN OF 15TH AVENUE SOUTH, 9.47 FEET;
THENCE N89°22'14"E, 4.55 FEET; THENCE N00°18'52"W, 29.79 FEET; THENCE N89°59'57"E,
19.88 FEET; THENCE N47°30'18"E, 19.48 FEET;
THENCE S89°42'52"E, 15.79 FEET;
THENCE S45°02'51"E, 18.51 FEET;
THENCE N89°59'57"E, 52.55 FEET TO THE WEST MARGIN OF AN ALLEY;
THENCE S00°00'03"E ALONG THE WEST MARGIN OF AN ALLEY, 105.47 FEET TO THE POINT
OF BEGINNING

Section 2. The Superintendent is further authorized to reimburse certain costs incurred by Historic Seattle PDA to acquire, hold and maintain the Easement area in an amount not to exceed \$140,000 subject to receipts supplied by Historic Seattle PDA at the closing associated with the Easement.

Section 3. The Superintendent or the Superintendent's designee is authorized to execute such documents as the Superintendent deems necessary or desirable to accomplish acquisition of the Easement, including, without limitation, such consents, approvals, extensions of time, and minor amendments of the Agreement as the Superintendent shall deem appropriate to carry out the intent of this ordinance.

Section 4. Upon delivery of the deed of Easement for the Property, the Superintendent or the Superintendent's designee is authorized to accept the deed on behalf of The City of Seattle by attaching to the deed the Superintendent's written acceptance thereof, and to record the same. The Easement shall be accepted for open space purposes, and placed under the jurisdiction of Seattle Parks and Recreation.

Section 5. Any act taken by the City under the authority of and in compliance with the conditions of this ordinance but prior to the effective date of the ordinance is ratified and confirmed.

Section 6. 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 Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

_____, City Clerk

(Seal)

Attachments:
Attachment 1 - Agreement for Purchase and Sale of Easement