

FINANCE No. 117636

COUNCIL BILL No. 110689

Law Department

The City of Seattle--Legislative

AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in Blocks 71, 74, and 84, Replat of West Seattle Land & Improvement Company's Third Plat, according to the plat thereof recorded in Volume of Plats, page 58, in King County, Washington, for open space, park and recreation purposes (Duwamish Head Greenbelt) under the Seattle Open Space and Trails Bond Program.

REPORT OF COMMITTEE

Honorable President:

Your Committee on

to which was referred the within Council Bill No. report that we have considered the same and respectfully recommend

5/10/95 Parks, Public Grounds & Recreation

Full Council

ROLLER FILE No.	
By: <u>MAY 8 1995</u>	<u>DONALDSON</u>
To:	<u>PARKS, PUBLIC GROUNDS AND RECREATION COMMITTEE</u>
To:	
To:	
Second Reading: <u>MAY 15 1995</u>	<u>MAY 15 1995</u>
Signed: <u>MAY 15 1995</u>	<u>MAY 15 1995</u>
Approved: <u>MAY 15 1995</u>	<u>MAY 19 1995</u>
Published: <u>MAY 19 1995</u>	<u>Full</u>
Veto Published:	
Veto Sustained:	<u>(OK)</u>

Committee Chair

DL

Law Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

5/10/95 Parks, Public Grounds & Recreation 3-0 Do Pass

Full Council vote 5-0

Committee Chair

ORDINANCE 117636

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WHEREAS, the voters of King County approved the Public Green Spaces, Greenbelts, Open Space, Parks and Trails Bond Issue on November 7, 1989 to provide funds for the preservation of open space; and

WHEREAS, Resolution 27987 and King County Ordinance 9071 identified the greenbelts and natural areas to be preserved with bond funds; and

WHEREAS, City of Seattle Ordinance 114900 authorized the Superintendent of Parks and Recreation to acquire property in identified greenbelts and natural areas by negotiation or, when authorized by ordinance, through condemnation; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity demand that the following described real property situated in Seattle, King County, Washington, to wit:

OSP#108.033: Lot 1, Block 84, Replat of West Seattle Land & Improvement Company's Third Plat, according to the plat thereof recorded in Volume 9 of Plats, page 58, in King County, Washington;

OSP#108.034: Lot 1, Block 74, Replat of West Seattle Land & Improvement Company's Third Plat, according to the plat thereof recorded in Volume 9 of Plats, page 58, in King County, Washington;

OSP# 08.035: Lots 1, 26, 27, 28, 29, 64, 65, 66, 67 and 68, Block 71, Replat of West Seattle Land & Improvement Company's Third Plat, according to the plat thereof recorded in Volume 9 of Plats, page 58, in King County, Washington;

together with all rights, privileges and other property pertaining thereto be and the same are hereby condemned, appropriated, and taken for public use, namely for open space, park and recreation purposes (Duwamish Head Greenbelt).

Section 2. Said lands, rights, and privileges, and other property, are to be appropriated and taken only after just compensation has been made or paid into court for the owners thereof in the manner provided by law.

Section 3. The entire cost of the acquisition provided for in this ordinance shall be paid from the Seattle Open Space and Trails Bond Fund or from such general fund of the City of Seattle

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

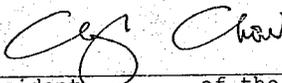
1 as may be provided by law.

2 Section 4. The City Attorney is hereby authorized and
3 directed to begin and prosecute proceedings in the manner provided
4 by law to condemn, take, damage and appropriate the lands and
5 other property necessary to carry out the provisions of this
6 ordinance and to stipulate for the purpose of minimizing damages.

7 Section 5. Any act consistent with the authority and prior
8 to the effective date of this ordinance is hereby ratified and
9 confirmed.

10 Section 6. This Ordinance shall take effect and be in force
11 thirty (30) days from and after its passage and approval, if
12 approved by the Mayor, but if not approved and returned by the
13 Mayor within ten (10) days after presentation, it shall take
14 effect as provided by Municipal Code Section 1.04.020.

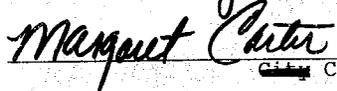
15 PASSED by the City Council the 15 day of May, 1995, and
16 signed by me in open session in authentication of its passage this
17 15 day of May, 1995.

18 
19 President of the City Council

20
21 Approved by me this 19 day of May, 1995

22 
23 Norman B Rice, Mayor

24
25 Filed by me this 19 day of May, 1995

26 
27 Margaret Carter Clerk

28
29 (SEAL)

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**Seattle
Department of
Parks and Recreation**

Holly Miller, Superintendent
Norman B. Rice, Mayor

April 24, 1995

The City Council
City of Seattle

Via: Mayor Norman B. Rice

Attention: Tom Tierney, Director, Office of Management and Planning

Subject: AN ORDINANCE providing for the acquisition by condemnation of land and other property rights in Blocks 71, 74, and 84, Replat of West Seattle Land & Improvement Company's Third Plat, according to the plat thereof recorded in Volume 9 of Plats, page 58, in King County, Washington, for open space, park and recreation purposes (Duwamish Head Greenbelt) under the Seattle Open Space and Trails Bond Program.

Dear Councilmembers:

The Department of Parks and Recreation is herein proposing legislation to acquire by condemnation certain undeveloped properties within the Duwamish Head Greenbelt.

The importance of preserving key undeveloped properties in greenbelts was first recognized in the early 1970's with the Forward Thrust Bond Resolution which designated specific funds for the acquisition of greenbelts in the City of Seattle. In 1977, the Urban Greenbelt Plan, which incorporated the city's past greenbelt planning programs, was adopted by Resolution of the City Council. This Urban Greenbelt Plan identified the Duwamish Head Greenbelt as one of the thirteen greenbelts within the City. In 1988, the Duwamish Head Greenbelt was identified as an Open Space Target Area on the Southwest District Open Space map of the City of Seattle Open Space Policies. In 1989, the Duwamish Head Greenbelt was included in the Seattle Open Space and Trails Bond Program. Through this Bond Program, the Department of Parks and Recreation has been able to actively pursue the preservation of open space properties in a number of the recognized natural areas.

Strategic Plans were developed for all the greenbelts identified for funding in the 1989 Bond Program. These strategic plans identified all the ownerships of the undeveloped privately owned parcels, and designated the specific properties that would best achieve the long range goal of preservation and protection of this greenbelt.

4th Floor, 2911 Second Avenue, Seattle, Washington 98121-1012 (206) 684-4075 TDD: (206) 233-7061
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APR 25 1995



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Letter - Miller to The City Council
April 24, 1995
Page 2

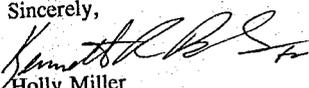
The Duwamish Head Greenbelt Strategic Plan proposed both a phased pattern of acquisition that would best facilitate completion of the long-range acreage acquisition goal, and an implementation program that identified a specific pattern of purchases that would maximize the long-term public benefit. The 0.95 acres of undeveloped land which are the subject of the proposed condemnation were designated as a first priority for acquisition in the Strategic Plan. These parcels have an open meadow area, which could provide a passive park-like open space, combined with an exceptional viewpoint with a panoramic view of the City of Seattle from Magnolia Hill to Beacon Hill and beyond to the north and east. There is a potential for trails that would connect to the directly adjacent existing public park property, as well as to other nearby publicly owned property. The slope of the ridge has fairly dense vegetation, and on the hillside behind the open meadow area there are mature deciduous trees interspersed with conifers. An eagle's nest is in close proximity to the subject property which also provides habitat for wildlife. Acquisition of this land would consolidate the public ownership of green spaces along this section of the greenbelt and the hillside to preserve the visual character of the area as it is viewed both from within the community, as well as from a broader city-regional context.

Development of this land in the future is likely, and would seriously affect the open space quality and public enjoyment of the area, as well as compromising the city-wide visual integrity of this important greenbelt.

The City of Seattle, through the Department of Parks and Recreation Open Space Program, has negotiated in good faith with the owner to acquire these properties at a fair market value as determined by an independent real property appraisal. It is the opinion of the Open Space Program staff that all reasonable attempts to negotiate purchase of these properties have been made, and that these negotiations have been unsuccessful. We are therefore seeking to proceed with the acquisition of these properties through condemnation.

If you need further information, please contact Donald M. Harris, Director of Environmental Programs for the Department of Parks and Recreation at (206) 684-8018.

Sincerely,


Holly Miller
Superintendent

Attachment

a:\condemn.msc

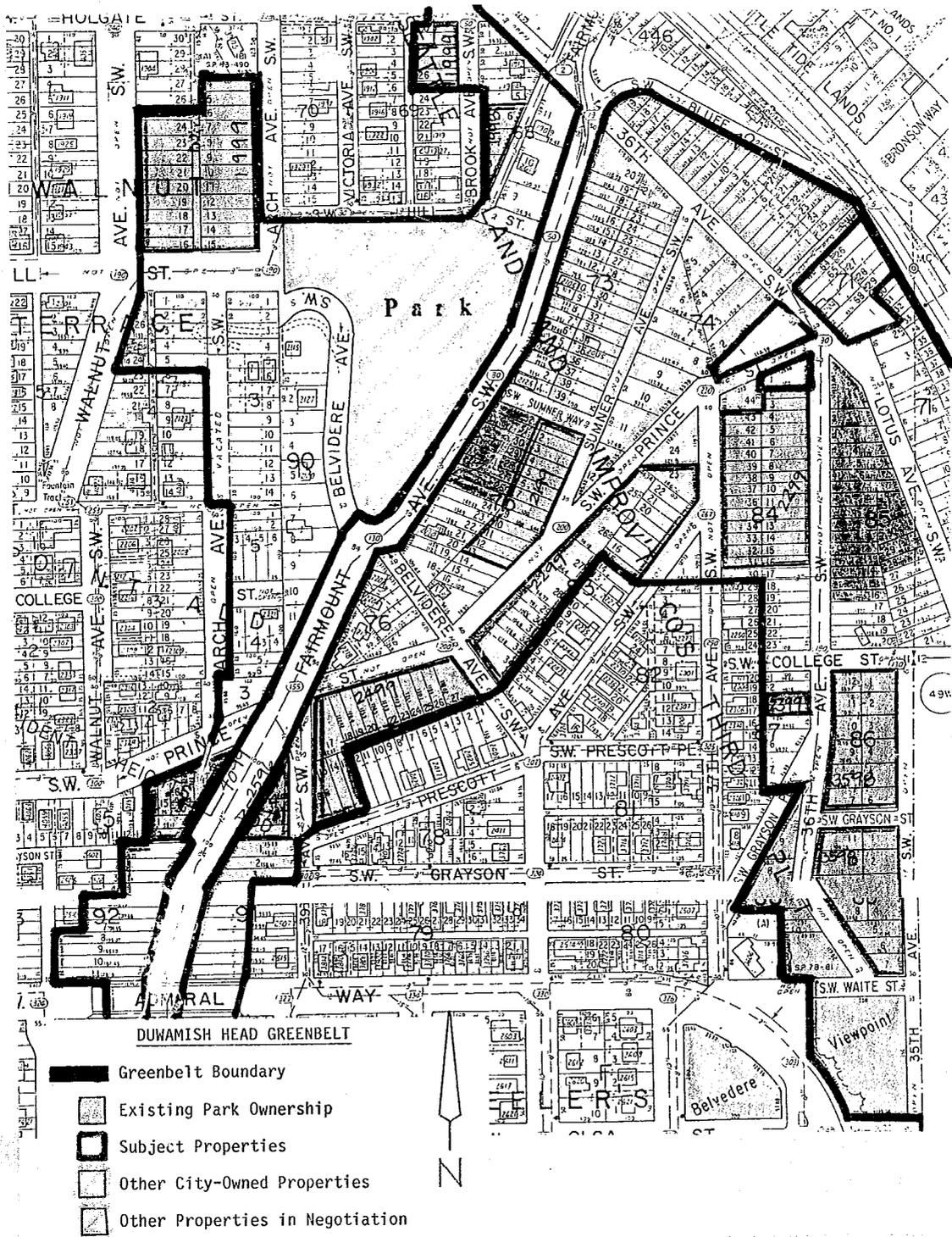
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Letter - Miller to The City Council
April 24, 1995
Page 3

bcc: Rajinder Manhas
Donald Harris
Bill Blair
Rae Tufts
Warren Eckstrom
Lanny Shuman
Dwight Perkins
Ethan Melone - Office of Management and Planning
Judy Nevins - Law Department

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95-137

City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor



OK
JBN 5/1/95

April 26, 1995

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Parks and Recreation

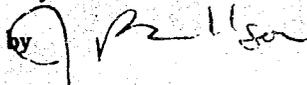
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Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Ethan Melone at 684-8066.

Sincerely,

Norman B. Rice
Mayor

by 

Tom Tierney, Director

legis/melone45

Enclosure

cc: Superintendent, Parks and Recreation

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STATE OF WASHINGTON - KING COUNTY

56158
City of Seattle, City Clerk

-SS.

No. IN FULL

City of Seattle

ORDINANCE 117636

Affidavit of Publication

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WHEREAS, the voters of King County approved the Public Green Spaces, Greenbelts, Open Space, Parks and Trails Bond Issue on November 7, 1989 to provide funds for the preservation of open space; and

WHEREAS, Resolution 27987 and King County Ordinance 9071 identified the greenbelts and natural areas to be preserved with bond funds; and

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Section 3. The entire cost of the acquisition provided for in this ordinance shall be paid from the Seattle Open Space and Trails Bond fund or from such general fund of the City of Seattle as may be provided by law.

Section 4. The City Attorney is hereby authorized and directed to begin and prosecute proceedings in the manner provided by law to condemn, take, damage and appropriate the lands and other property necessary to carry out the provisions of this ordinance and to stipulate for the purpose of minimizing damages.

Section 5. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 6. This Ordinance shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council this 16th day of May, 1995, and signed by me in open session in authentication of its passage this 16th day of May, 1995.

CHERYL CROW
President of the City Council
Approved by me this 19th day of May, 1995.
MURMAN B. RICE,
Mayor
Filed by me this 19th day of May, 1995.
(Seal) MARGARET CARTER,
Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk,
Date of official publication in Daily Journal of Commerce, Seattle, May 31, 1995.
6/31(56158)

The undersigned, on oath states that he is an representative of The Daily Journal of Commerce, a paper, which newspaper is a legal newspaper of general and it is now and has been for more than six months date of publication hereinafter referred to, published in language continuously as a daily newspaper in Seattle, y, Washington, and it is now and during all of said time l in an office maintained at the aforesaid place of of this newspaper. The Daily Journal of Commerce 12th day of June, 1941, approved as a legal newspaper prior Court of King County.

ice in the exact form annexed, was published in regular ne Daily Journal of Commerce, which was regularly to its subscribers during the below stated period. The ice, a

D 117636

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ount of the fee charged for the foregoing publication is , which amount has been paid in full.

05/31/95

Subscribed and sworn to before me on

Notary Public for the State of Washington,
residing in Seattle

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STATE OF WASHINGTON - KING COUNTY

56158
City of Seattle, City Clerk

-ss.

No. IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 117636

was published on
05/31/95

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

Subscribed and sworn to before me on
05/31/95

[Signature]
Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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