

ORDINANCE No. 121755

COUNCIL BILL No. 115195

Law Department

The City of Seattle--Legis

AN ORDINANCE transferring jurisdiction of the surplus California substation property from Seattle City Light to the Department of Parks and Recreation for open space, park, and recreation purposes; and making an appropriation from the 2000 Parks Levy Fund for costs and expenses related to the transfer, all by a three-fourths vote of the City Council.

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 recommended that

*Motion: JG, 2nd: JD
Y: 2
N: 0*

Full Council vote 7-0 (refused: Drupp)

COMPTROLLER FILE No. _____

Introduced: MAR 7 - 2005	By:
Referred: MAR 7 - 2005	To: Parks, Neighborhoods & Education
Referred:	To:
Referred:	To:
Reported: <i>3/21/05</i>	Second Reading:
Third Reading:	Signed:
Presented to Mayor: <i>3/22/05 me</i>	Approved: <i>3/24/05</i>
Returned to City Clerk: <i>3/24/05</i>	Published: <i>Letter full pp.</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Committee Chair

9

~~Law Department~~

~~DEILA~~
The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on _____

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

Motion : JG , 2nd : DD

Y : 2

N : 0

Full Council vote 7-0 (explained: Drago, Della)



Committee Chair 

1 rule, ordinance or directive at the federal, state, or local level, whether existing as of the
2 date of this Ordinance, previously enforced or subsequently enacted; NOW,
THEREFORE,

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

4 Section 1. The City Council finds and declares that the Substation Property legally
5 described in Section 2 below is not required for electric utility purposes.
6

7 Section 2. Jurisdiction over the Substation Property, legally described as:

8 Lots 25 through 29, inclusive, Block 4, J. Walter Hainsworth's Second Addition,
9 according to the plat thereof recorded in Volume 14 of Plats, page 9, in King County,
Washington,

10 is transferred from Seattle City Light to the Department of Parks and Recreation for open space,
11 park and recreation purposes. Payment of the difference between the fair market value of the
12 Substation Property in a clean condition, appraised at Seven Hundred Ten Thousand Dollars
13 (\$710,000), and the actual costs incurred by the Department of Parks and Recreation for clean up
14 of Hazardous Substances shall be made to the Light Fund (Fund 41000) from the 2000 Parks
15 Levy Fund (Fund 33850).
16

17 Section 3. To pay for the transfer of jurisdiction authorized in Section 2 above and for
18 necessary related costs and expenses, for which insufficient appropriations were made, the
19 following appropriation is added to the 2005 Budget of the Department of Parks and Recreation:
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21

Fund	Department	Budget Control Level	Amount
2000 Parks Levy Fund (33850)	Parks and Recreation	2000 Parks Levy – Neighborhood Park Acquisitions Program K723001	\$325,000

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1 Section 4. Notwithstanding the transfer of jurisdiction and to the extent necessary to
2 comply with Environmental Laws, City Light shall remain responsible for all additional costs and
3 expenses for response, removal or other remedial action, including disposal, of any Hazardous
4 Substance in or on the Substation Property caused by City Light's use, occupation, or operation
5 of the Substation Property.
6

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

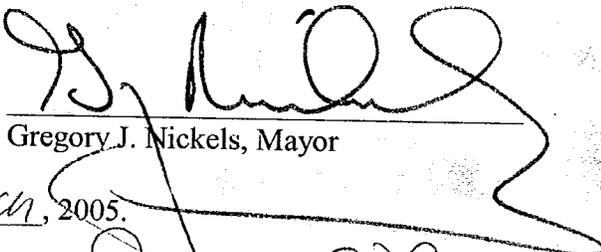
9 Section 6. This Ordinance shall take effect and be in force thirty (30) days from and after
10 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
11 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
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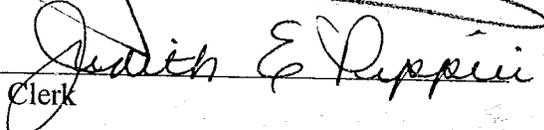
1
2 Passed by a three-fourths (3/4) vote of all the members of the City Council the 21st day
3 of March, 2005, and signed by me in open session in authentication of its passage this
4 21st day of March, 2005.

5
6 
7 President _____ of the City Council

8 Approved by me this 24th day of March 2005.

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10 
11 Gregory J. Nickels, Mayor

12 Filed by me this 24th day of March, 2005.

13
14 
15 City Clerk

16
17 (Seal)

18 Attachment 1: Memorandum of Understanding between Seattle City Light and the Parks and
19 Recreation Department (July 27, 2004)



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

February 22, 2005

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

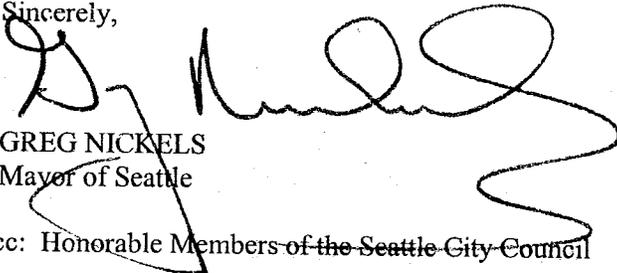
Dear Council President Drago:

I am pleased to transmit to you the attached proposed Council Bill, which transfers the jurisdiction of the California Substation property at 4304 SW Dakota Street (see attached map) from Seattle City Light to the Department of Parks and Recreation (Parks) for open space, park, and recreation purposes. This legislation also appropriates the necessary funds to cover the costs of the transfer.

This parcel is highly valued by the West Seattle Junction community and was identified during the neighborhood planning process as a property that should be kept in City ownership and redeveloped as a neighborhood park, with retention of the existing landmark building as a recreation and meeting facility. As a result, acquisition and development funding for this property was included in the 2000 Neighborhood Parks, Green Spaces, Trail, and Zoo Levy (2000 Parks Levy). City Light has removed the substation equipment and Parks has cleaned the site to comply with current applicable environmental laws.

The property is now ready for transfer of jurisdiction, so that the park development can begin. Thank you for your consideration of this legislation. Should you have questions please contact Donald Harris at 684-8018 or Lise Ward at 733-9106.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Attachment 1: Map of the California Substation Property



MEMORANDUM OF UNDERSTANDING
Between
Seattle City Light and the Parks and Recreation Department

Seattle City Light (SCL) authorizes the Parks and Recreation Department (Parks) to remediate the contamination at the California Substation site (4304 SW Dakota St.). This remediation will be conducted according to the scope of work approved by SCL with corrections dated April 19, 2004. The project cost is expected to total \$424,772.60. SCL will bear responsibility for actual costs incurred. However, when or if remediation efforts reach \$575,000.00, via high bids or change orders, SCL and Parks will discuss a possible revised approach (within 48 hours) prior to additional cost being incurred. Actual costs expended by Parks for remediation will be reimbursed by SCL or deducted from the fair market value of \$710,000. Parks Department will pay SCL the balance of the fair market value (minus the remediation deduction) after the 30-day effective date of the ordinance transferring jurisdiction of the property from SCL to Parks. Parks will prepare such ordinance after the completion of the remediation project.

Parks Department will carry out this remediation under the following conditions:

- SCL environmental staff will review submitted bids prior to selection.
- SCL environmental staff will be consulted on the contractor selection process.
- SCL is allowed to have representatives on-site at any time during the project to observe work.
- All waste disposal sites must be pre-approved by SCL environmental staff.
- SCL will be consulted prior to issuance of any change orders that would significantly increase the cost of the project.
- SCL will be provided copies of all regulatory documents such as waste manifests, laboratory reports, and certificates of disposal.

Jorge Carrasco, Superintendent
Seattle City Light

Kenneth R. Bounds, Superintendent
Parks and Recreation Department

Date

Date



FISCAL NOTE FOR CAPITAL PROJECTS ONLY

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Parks and Recreation	Donald Harris/684-8018	Tyler Running Deer/684-8075

Legislation Title:

AN ORDINANCE transferring jurisdiction of the surplus California substation property from Seattle City Light to the Department of Parks and Recreation for open space, park, and recreation purposes; and making an appropriation from the 2000 Parks Levy Fund for costs and expenses related to the transfer, all by a three-fourths vote of the City Council.

Summary and background of the Legislation:

This Council Bill declares the former California Substation to be surplus and transfers jurisdiction of the site from City Light to the Department of Parks and Recreation (Parks) for open space, park, and recreation purposes. To meet the requirements of the State Accountancy Act, the Council Bill also authorizes payment of an amount equal to the appraised fair market value of the California Substation, less the amount spent by Parks to perform an environmental cleanup on behalf of City Light, into the Light Fund (Fund 41000) from the 2000 Parks Levy Fund (Fund 33850). Since the site was appraised on the premise that it is clean, the legislation requires City Light to conduct and pay for any future remediation in the event changes in the law or discovery of additional contamination necessitate additional clean-up.

The California Substation is also a named project in the Development Program of the 2000 Neighborhood Parks, Green Spaces, Trails, and Zoo Levy (2000 Parks Levy) with a \$588,000 budget. The Department has begun design of this site as a neighborhood park and will begin construction after the transfer of jurisdiction of the property.

Project Name:	Project I.D.	Project Location:	Start Date:	End Date
California Substation	K733034	4304 SW Dakota St	July 2002	March 2005

- Please check any of the following that apply:

This legislation creates, funds, or anticipates a new CIP Project. (Please note whether the current CIP is being amended through this ordinance, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)

This legislation does not have any financial implications. (Stop here and delete the remainder of this document prior to saving and printing.)

This legislation has financial implications. (Please complete all relevant sections that follow.)



Appropriations:

Fund Name and Number	Department	Budget Control Level*	2005 Appropriation	2006 Anticipated Appropriation
2000 Parks Levy Fund (33850)	Parks and Recreation	2000 Parks Levy – Neighborhood Park Acquisitions Program K723001	\$325,000	\$0
TOTAL			\$325,000	\$0

Notes: The budget for this acquisition project is \$750,000. In 2004, \$425,000 of the budget was appropriated to this project per Ordinance 121680 to enable Parks to undertake an environmental remediation project on the site per a Memorandum of Understanding between City Light and Parks dated July 27, 2004.

Spending Plan and Future Appropriations for Capital Projects:

Spending Plan and Budget (in \$000s)	2005	2006	2007	2008	2009	2010	Total
Spending Plan	\$325	\$0	\$0	\$0	\$0	\$0	\$325
Current Year Appropriation	\$325						\$325
Future Appropriations		NA	NA	A	NA	NA	NA

Notes: The appraised fair market value of the California Substation is \$710,000. In 2004, \$425,000 was appropriated for Parks to perform environmental clean up of this property on behalf of City Light. To cover the remaining cost of the property, this legislation provides for the transfer to the Light Fund of the difference between the fair market value of the property of Seven Hundred Ten Thousand Dollars (\$710,000) and the actual costs incurred by the Department of Parks and Recreation for clean up of Hazardous Substances. In addition to the fair market value of the property, \$40,000 is appropriated to cover administrative costs associated with the purchase of the property; which brings the project budget to a total cost of \$750,000.



Funding source: Identify funding sources including revenue generated from the project and the expected level of funding from each source.

Funding Source (Fund Name and Number, if applicable) (in \$000s)	2005	2006	2007	2008	2009	2010	Total
2000 Parks Levy Fund (33850)	\$325	\$0	\$0	\$0	\$0	\$0	\$325
TOTAL	\$325	\$0	\$0	\$0	\$0	\$0	\$325

Notes:

Bond Financing Required: If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount.

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
TOTAL	N/A				

Uses and Sources for Operation and Maintenance Costs for the Project: Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost.

O&M	2005	2006	2007	2008	2009	2010	Total
Uses							
Start Up	0	0	0	0	0	0	0
On-going	15,705	23,179	23,589	23,999	24,614	25,106	136,192
Sources (itemize)							
2000 Parks Levy Fund	15,705	23,179	23,589	23,999			86,472
TBD (Fund source after the 2000 Parks Levy ends is still to be determined)					24,614	25,106	49,720
Total	15,705	23,179	23,589	23,999	24,614	25,106	136,192

Notes:

The New Facility costs listed above reflect the O&M estimate from the 2000 Parks Levy documents and represent the fully developed site. The site design will require O&M work that will include maintenance of various hardscapes (cement paths and pavers, brick walls and pergola columns, concrete retaining walls, cast iron fencing, graffiti removal, etc.), maintenance of irrigation lines and electrical components, trimming & mowing, turf care,



THIS IS DUE TO THE QUALITY OF THE DOCUMENT.

care of shrub beds and trees, litter and trash pick up, and general maintenance and repair of other site amenities. Drainage tax, utility charges and water costs are included in the estimate. The costs also include funding for the basic maintenance and utility costs of the brick building located on the property, but do not include funding for programming or custodial service for the building. The building will be used for revenue-generating rentals such as weddings. The Department is also considering issuing an RFP to bring in an independent vendor to provide programming in the building.

The cost in year 2005 represents funding for a partial year anticipating that the on-line date will be the 2nd quarter of that year. The O&M numbers listed above assume a 2% inflation rate in each successive year. Funding from the 2000 Parks Levy for the project related O&M costs ends in 2008, and an alternative funding strategy has yet to be determined for the following years.

Periodic Major Maintenance costs for the project: Not applicable.

Major Maintenance Item	Frequency	Cost	Likely Funding Source
TOTAL			

Funding sources for replacement of project: Identify possible and/or recommended method of financing the project replacement costs.

As real property, this acquisition will not be subject to replacement.

Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE Impact:

Position Title and Department*	Fund Name	Fund Number	Part-Time/Full Time	2005 Positions	2005 FTE	2006 Positions**	2006 FTE**
TOTAL	N/A						

- **Notes:**
- **Do positions sunset in the future?** (If yes, identify sunset date): N/A
- **What is the financial cost of not implementing the legislation:** The originating 2000 Parks Levy Ordinance (120024) set \$16 million aside for the purpose of funding neighborhood park acquisitions. Without this proposed legislation, the Department would lack approval as well as the expenditure authority necessary to progress with these projects.



- **What are the possible alternatives to the legislation that could achieve the same or similar objectives:** Limited alternatives exist; the originating 2000 Parks Levy Ordinance (120024) requires City Council approval of all acquisitions of real property and appropriation of all parks development funding. The Department could look for property in the same area to substitute for the California Substation; however, the transfer of jurisdiction of California Substation to Parks for open space, park, and recreation purposes was called out in the West Seattle Junction Neighborhood Plan and the development project for the California Substation, also a project called out in the 2000 Parks Levy, is well under way.
- **Is the legislation subject to public hearing requirements:** No.
- **Other Issues:** The operating and maintenance costs associated with this acquisition are funded by the 2000 Parks Levy only through 2008.

Please list attachments to the fiscal note below:



SEATTLE PARKS AND RECREATION

California Substation
(Pro Parks)
(3010301030)

Orthophoto taken July 1999
Map date January 9, 2002

LEGEND

-  Parcel of interest
-  Park Boundary
-  Parcel Boundary



Scale 1 900

20 0 20 40 Feet

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accuracy, is made by the City of Seattle.
All trademarks are the property of their
respective owners.

Attachment I to the letter: Map of the California Substation Property



STATE OF WASHINGTON - KING COUNTY

--SS.

183885
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

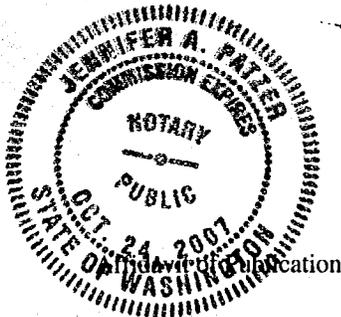
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:121755 ORD IN FULL

was published on

4/1/2005



[Handwritten signature]

Subscribed and sworn to before me on

4/1/2005

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 121755

AN ORDINANCE transferring jurisdiction of the surplus California substation property from Seattle City Light to the Department of Parks and Recreation for open space, park, and recreation purposes; and making an appropriation from the 2000 Parks Levy Fund for costs and expenses related to the transfer, all by a three-fourths vote of the City Council.

WHEREAS, Seattle City Light (hereafter "City Light") acquired the California substation property (hereafter "Substation Property") for electric utility purposes, but the substation has become obsolete and the Substation Property is no longer useful to City Light; and

WHEREAS, the 2000 Neighborhood Parks, Green Spaces, Trails and Zoo Levy (hereafter "2000 Parks Levy"), as proposed by Ordinance 120024 and approved by Seattle voters on November 7, 2000, provides funds for acquisition of new neighborhood parks and green spaces; and

WHEREAS, Ordinance 120024 identified the Substation Property for acquisition with 2000 Parks Levy funding in the Neighborhood Park Acquisition subcategory; and

WHEREAS, the Superintendent of City Light and the Superintendent of Parks and Recreation have agreed to transfer jurisdiction of the Substation Property from City Light to the Department of Parks and Recreation (hereafter "Parks") subject to certain conditions; and

WHEREAS, City Light and Parks have determined the fair market value of the Substation Property by real estate appraisal, which assumes there are no Hazardous Substances (as hereinafter defined) in or on the Substation Property that would affect the value of the Substation Property; and

WHEREAS, Hazardous Substances were discovered on the Substation Property; and

WHEREAS, on July 27, 2004, City Light and Parks entered into an interdepartmental agreement ("Memorandum of Understanding") a copy of which is attached as Attachment 1, providing for Parks to expend funds to clean up the Hazardous Substances with City Light oversight and to deduct the final cost of clean up from the fair market value of the Substation Property; and

WHEREAS, for purposes of this Ordinance, the term Hazardous Substance or Hazardous Substances means any substance or material defined or designated as hazardous, dangerous, radioactive or toxic material, waste or substance, environmental pollutant or contaminant, including petroleum products, or other similar term by any federal, state or local statute, regulation or ordinance now in effect or subsequently enacted; and the term Environmental Laws means any environmental or health and safety-related regulation, rule, ordinance or directive at the federal, state, or local level, whether existing as of the date of this Ordinance, previously enforced or subsequently enacted; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that the Substation Property legally described in Section 2 below is not required for electric utility purposes.

Section 2. Jurisdiction over the Substation Property, legally described as:

Lot 26 through 29, inclusive, Block 4, J. Walter Hainsworth's Second Addition, according to the plat thereof recorded in Volume 14 of Plats, page 9, in King County, Washington.

is transferred from Seattle City Light to the Department of Parks and Recreation for open space, park and recreation purposes. Payment of the difference between the fair market value of the Substation Property in a clean condition, appraised at Seven Hundred Ten Thousand Dollars (\$710,000), and the actual costs incurred by the Department of Parks and Recreation for clean up of Hazardous Substances shall be made to the Light Fund (Fund 41000) from the 2000 Parks Levy Fund (Fund 33850).

Section 3. To pay for the transfer of jurisdiction authorized in Section 2 above and for necessary related costs and expenses, for which insufficient appropriations were made, the following appropriation is added to the 2005 Budget of the Department of Parks and Recreation:

Fund - Department - Budget Control, Level - Amount

2000 Parks Levy Fund (33850) - Parks and Recreation - 2000 Parks Levy - Neighborhood Park Acquisitions Program K72300 - \$225,000

Section 4. Notwithstanding the transfer of jurisdiction and to the extent necessary to comply with Environmental Laws, City Light shall remain responsible for all additional costs and expenses for response, removal or other remedial action, including disposal, of any Hazardous Substance in or on the Substation Property caused by City Light's use, occupation, or operation of the Substation Property.

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 approval 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 a three-fourths (3/4) vote of all the members of the City Council the 21st day of March, 2005, and signed by me in open session in authentication of its passage this 21st day of March, 2005.

Jan Drago

President of the City Council

Approved by me this 24th day of March, 2005.

Gregory J. Nickels, Mayor

Filed by me this 24th day of March, 2005.

(Seal) Judith Pippin

City Clerk

Attachment 1: Memorandum of Understanding between Seattle City Light and the Parks and Recreation Department (July 27, 2004)

See City Clerk for Attachment

Date of publication in the Seattle Daily Journal of Commerce, April 1, 2005.

41183885

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