

10/23/96

Introduced By: Greg Nickels

DB/JC

Proposed No.: 96-849

ORDINANCE NO. **12508**

AN ORDINANCE authorizing the condemnation of property  
for a sports stadium and associated parking facilities.

STATEMENT OF FACTS

1. By Ordinance 12000, the council determined, among other things, that the presence of a major league baseball team in King County provides a public benefit to the citizens of King County and that a new baseball sports stadium facility and related parking facilities ("Ballpark") will provide a venue for professional baseball, amateur athletics, civic events, concerts, and other activities that foster family entertainment, enhance civic pride and benefit the general public.

2. By Ordinance 12000, the council created the Washington State Major League Baseball Public Facilities District ("District") with the powers set forth in Chapter 36.100 RCW.

3. RCW 82.14.360, as amended by EHB 2115, obligates King County to acquire and convey to the District the property that the District determines to be necessary as a site for the construction, operation and permanent location of the Ballpark.

4. In August 1996, a final environmental impact statement concerning the Ballpark project was issued in compliance with the State Environmental Policy Act, Chapter 43.21 RCW, and the implementing regulations set forth in WAC 197-11. The final environmental impact statement for the project considered the no action alternative, three alternative stadium sites and four

1 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

2 SECTION 1. The King County Council deems the Ballpark to be a public use. The  
3 King County Council deems it necessary and in the best interests of the citizens of King  
4 County that the property identified by the District as being necessary for the construction,  
5 operation and permanent location of the Ballpark and other property rights and/or rights in  
6 property, be immediately condemned, appropriated, taken and damaged for the  
7 construction, operation and permanent location of the Ballpark, said property being  
8 described in Exhibit B of Exhibit 1 attached hereto and incorporated herein by reference.

9 SECTION 2. The King County Council finds that the public health, safety,  
10 necessity, convenience and welfare demand and require that the above-described properties  
11 be immediately condemned, appropriated, taken and damaged for the construction,  
12 operation and permanent location of the Ballpark.

13 SECTION 3. King County has complied with the State Environmental Policy Act  
14 and the guidelines of WAC Chapter 197-11 with respect to this ordinance authorizing  
15 condemnation proceedings.

16 SECTION 4. Condemnation proceedings are hereby authorized to acquire the  
17 properties and property rights and/or rights in the properties described in the attached  
18 Exhibit B of Exhibit 1 to enable King County to assemble and transfer said properties and  
19 property rights to the District for the purpose of constructing, owning and operating a

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

SECTION 5. The attorneys for King County are hereby authorized and directed to begin to prosecute the proceedings provided by law to immediately condemn, take and appropriate the land and other properties and property rights described in Exhibit B of Exhibit 1 as necessary to carry out the provisions of this ordinance, provided that the attorneys shall report to the council on the status of the litigation at each major step, particularly on the scheduled dates for hearings and trial.

INTRODUCED AND READ for the first time this 14<sup>th</sup> day of October, 1996.

PASSED by a vote of 11 to 2 this 28<sup>th</sup> day of October, 1996.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Jane Hague  
Chair

ATTEST:

Gerald G. Peterson  
Clerk of the Council

APPROVED this 7<sup>th</sup> day of November, 1996

[Signature]

Exhibit A

12508

1 September 30, 1996

Proposed No.: 96-084

2  
3 RESOLUTION NO. 86

4 A RESOLUTION relating to the acquisition, condemnation, appropriation,  
5 taking and damaging of land and other property necessary for the  
6 development of the Ballpark project and authorizing and requesting King  
7 County and the King County Prosecuting Attorney's office to prosecute the  
8 appropriate proceedings provided by law for such condemnation.

9  
10 WHEREAS, by Ordinance No. 12000, King County determined, among other things,  
11 that the presence of a major league baseball team in King County provided a public benefit  
12 to the citizens of the County, had a positive impact on the local and regional economy and  
13 enriched the overall quality of life of the citizens of King County and of the state of  
14 Washington and further determined that a new publicly owned baseball stadium facility  
15 would provide a general public benefit as a possible venue for civic events and other  
16 activities; and

17 WHEREAS, by Ordinance No. 12000, King County created the Public Facilities  
18 District with the powers set forth in Chapter 36.100 RCW and directed the District to  
19 execute certain interlocal agreements with King County; and

20 WHEREAS, in a Memorandum of Agreement between the District, the City of  
21 Seattle and King County dated March 4, 1996, King County, among other things, committed  
22 to assist the District in acquiring and assembling the land required for the Ballpark and to  
23 exercise its real property functions (such as condemnation) in an expeditious manner and

30 WHEREAS, immediately following its creation, the District began an accelerated  
31 process for developing a major league baseball stadium ("Ballpark") including the necessary  
32 siting, design and other work; and

33 WHEREAS, by Resolution No. 76 adopted August 5, 1996, the District's Board  
34 adopted a relocation assistance and real property acquisition policy to assist property owners  
35 and tenants who could be displaced by development of the Ballpark; and

36 WHEREAS, after consideration of a final Environmental Impact Statement and  
37 related public and governmental comments thereon, the District's Board by Resolution  
38 No. 82 adopted September 9, 1996, selected the site for the new Ballpark, determined the  
39 real property necessary for the project, and authorized the Executive Director to negotiate  
40 for the acquisition of such property; and

41 WHEREAS, pursuant to the District's adopted relocation assistance and real property  
42 acquisition policy, representatives of the District have been engaged in discussions with the  
43 owners of private properties and their tenants who are located within the designated site; and

44 WHEREAS, by letter dated September 11, 1996, the Chair of the Board requested  
45 King County to expeditiously exercise its responsibilities to assist the District with the  
46 acquisition of all of the properties that constitute the designated site, as provided in EHB  
47 2115 and County Ordinance 12000; and

48 WHEREAS, RCW 82.14.360 as amended by EHB 2115 requires King County to  
49 assemble real property as the District determines to be necessary for the Ballpark project;  
50 and

51 WHEREAS, subsequent to the Board's site selection decision on September 9, 1996,  
52 representatives of the District have engaged in acquisition negotiations with private property

58 WHEREAS, but for such agreements the District would have no other option but to  
59 seek King County's assistance to condemn such properties; and

60 WHEREAS, in order to construct, develop, maintain and operate the Ballpark, it will  
61 be necessary for King County, on behalf of the District, to acquire by further negotiation or  
62 by condemnation certain lands and property rights for which voluntary agreements are not  
63 reached; and

64  
65 NOW, THEREFORE, BE IT RESOLVED THE BOARD OF DIRECTORS OF THE  
66 WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM PUBLIC  
67 FACILITIES DISTRICT:

68 Section 1. Findings. The public health, safety, welfare, necessity and  
69 convenience require the development of the Ballpark project on the site selected by the  
70 Board of the District pursuant to Resolution No. 82, as generally described on Exhibit A  
71 attached hereto.

72 Section 2. The properties and property rights described in Exhibit B attached hereto,  
73 and by this reference incorporated herein, are necessary for the purpose of developing,  
74 constructing, operating and maintaining the Ballpark project and the properties and property  
75 rights are hereby requested to be condemned, appropriated, taken and damaged for such  
76 purpose by King County, subject to the making or paying of just compensation to the  
77 owners of said properties in the manner provided by law and Resolution No. 76 of the  
78 District.

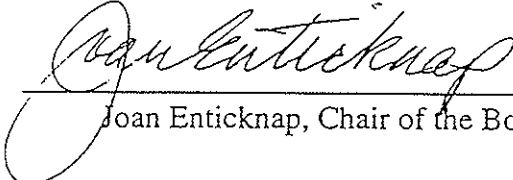
79 Section 3. The District will continue to negotiate with property owners to seek  
80 voluntary settlements for the acquisition of property and will the notify the County of any  
81 voluntary agreements achieved.

88 rights necessary to carry out the provisions of this resolution under such stipulations and  
89 schedules to benefit the Ballpark project as may be established by the District. The District's  
90 general counsel is directed to assist King County in conjunction with those proceedings.

91 Section 6. The District reaffirms its commitment to reimburse King County for the  
92 purchase price and reasonable costs of acquisition incurred by the County, consistent with  
93 the March 18, 1996 Financing Agreement between the District and the County.

94 PASSED by a vote of 5 to 0 this 30th day of September, 1996.

95  
96 BOARD OF DIRECTORS  
97 WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM  
98 PUBLIC FACILITIES DISTRICT

99  
00  
01  
02  
03  
04   
05  
06 Joan Enticknap, Chair of the Board

07 ATTEST:

08   
09  
10 Clerk of the Board

12508

Exhibit A

The site designated by the District for the Ballpark project consists of 19.65 acres of property located in the City of Seattle, Washington. The irregularly shaped site is bounded on the north by South Royal Brougham Way, on the east by Third Avenue South and the Burlington Northern Sante Fe railroad tracks, on the south by South Massachusetts Street and South Atlantic Street, and on the west by Occidental Avenue South and First Avenue South. King County owns 12.59 acres of the site. 6.08 acres of the site are privately owned. The City of Seattle owns the remaining .98 acres (Occidental Avenue South, which the District is seeking to vacate).



12508

Exhibit B

- 1) Owner: Jobeel Venture Account  
Address: 1200 First Avenue South

Legal Description: Lots 1, 2, and 3 in Block 323 of Seattle Tide Lands, as shown on the official maps on file in the office of the Commissioner of Public Lands in Olympia, Washington; situate in the city of Seattle, County of King, State of Washington.

- 2) Owner: Willis R. and Beverly J. Huisingsh, Husband and Wife  
Address: 1222 First Avenue South

Legal Description: Lot 4 in Block 323 of Seattle Tide Lands, as shown on the official maps on file in the office of the Commissioner of Public Lands in Olympia, Washington; situate in the city of Seattle, County of King, State of Washington.

- 3) Owner: Robert and Pamela Miller, Husband and Wife  
Address: 1226 First Avenue South

Legal Description: Lot 5 in Block 323 of Seattle Tide Lands, as shown on the official maps on file in the office of the Commissioner of Public Lands in Olympia, Washington; situate in the city of Seattle, County of King, State of Washington.

- 4) Owner: Crown Diamond Mattress Company, Inc.  
Address: 1230 First Avenue South

Legal Description: Lot 6 in Block 323 of Seattle Tide Lands, as shown on the official maps on file in the office of the Commissioner of Public Lands in Olympia, Washington; situate in the city of Seattle, County of King, State of Washington.

- 5) Owner: Filson Properties

12509

6) Owner: James Frederick Huson and Verna Lorraine Huson, Trustees Under  
the Huson Family Trust Dated July 6, 1988

Address: 1250 First Avenue South

Legal Description: Lots 9, 10 and 11 in Block 323 of Seattle Tide Lands, as shown on the official maps on file in the office of the Commissioner of Public Lands in Olympia, Washington; situate in the city of Seattle, County of King, State of Washington.

7) Owner: Produce Building Associates

Address: 1500 Occidental Avenue South

Legal Description: The west 205.35 feet of Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of Block 322, all in Seattle Tide Lands; together with the north 50 feet of the west 205.35 feet of vacated S. Massachusetts Street lying east of Occidental Avenue South; situate in the city of Seattle, County of King, State of Washington.