



## **SCHOOL BOARD ACTION REPORT**

**DATE:** September 8, 2017  
**FROM:** Dr. Larry Nyland, Superintendent  
**LEAD STAFF:** Bruce Skoywra, Director of Facilities Operations;  
brskowyra@seattleschools; 206-252-0609;  
Flip Herndon, Associate Superintendent of Capital, Facilities and  
Enrollment; [ltherndon@seattleschools.org](mailto:ltherndon@seattleschools.org); 206-252-0644

**For Introduction:** September 20, 2017  
**For Action:** October 4, 2017

### **1. TITLE**

Approval of property sales of 315 square feet for the South Lander Street Grade Separation Right of Way

### **2. PURPOSE**

This Board Action Report details the sale of 315 square feet of land and loss of one parking stall at the John Stanford Center for Education Excellence to the City of Seattle, which has stated that this area is needed for the right of way for the South Lander Street Grade Separation project.

### **3. RECOMMENDED MOTION**

I move that the School Board authorize the Superintendent to execute a contract with City of Seattle in the amount of \$50,540 for sale of 315 square feet of real property and payment for the loss of one parking stall at the John Stanford Center for Educational Excellence. The sale is outlined in the form of the August 3, 2017 Fair Offer Letter attached to the School Board Action Report, with any minor additions, deletions, and modifications deemed necessary by the Superintendent, and to take any necessary actions to implement the contract.

### **4. BACKGROUND INFORMATION**

**Background:** Per Board Policy No. 6882, Rental, Lease and Sale of Real Property, the District real property requires School Board Approval. This action is the sale of 315 square feet of real property at the JSCEE to the City of Seattle for the right of way for the South Lander Street Grade Separation project.

The South Lander Street Grade Separation is a \$140 million dollar critical transportation project to improve freight mobility and safety for people walking, biking and driving. The overpass will cross over the existing BNSF railroad tracks at South Lander Street, which runs next to the JSCEE west property line. The project will reduce conflict between the over 3,000 rail cars, 1,400 surface freight trucks, general traffic, bicyclist and pedestrians that travel the corridor per day.

The portion of real property being sold is a small strip along the southeast corner under the existing flagpole, which will be used for a new retaining wall necessary for the

overpass. In addition to the cash payment, the City will be relocating the flagpole and re-designing the 3<sup>rd</sup> Avenue South, exit / entrance to the South Parking lot at their cost. The easternmost driveway out of the south lot onto South Lander Street will be eliminated.

A qualified appraiser has appraised the property and the District has approved the appraised value of \$50,540. The fee formula conforms to the Uniform Standards of Professional Appraisal Practice (USPAP).

- a. **Alternatives:** Multiple discussions were held between City and District staff to minimize the square feet needed for the right of way. The current grade separation design requires 315 square feet of District property. The alternative would be to not sell the property; the grade separation project is a citywide mobility project to benefit mobility and safety. Lack of the right of way may delay the project if the City needs to redesign the area.
- b. **Research:** Please see attached City of Seattle Offer to Purchase. The District Legal Department has reviewed the letter.

**5. FISCAL IMPACT/REVENUE SOURCE**

Fiscal impact to this action will be a cash payment of \$50,540 to the District. This is Capital Fund Revenue.

The revenue source for this motion is the City of Seattle  
Expenditure:  One-time  Annual  Multi-Year  N/A

Revenue:  One-time  Annual  Multi-Year  N/A

**6. COMMUNITY ENGAGEMENT**

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

The City of Seattle conducted an extensive public process with the development and design of the South Lander Street Grade Separation project. Summaries of the public process can be found at [http://www.seattle.gov/transportation/lander\\_bridge.htm](http://www.seattle.gov/transportation/lander_bridge.htm).

**7. EQUITY ANALYSIS**

As part of the State Environmental Policy Act review, the City of Seattle conducted the “Social Effects and Environmental Justice Discipline Report” which looks at the aspects of equity and social justice, can be found at [http://www.seattle.gov/transportation/docs/Lander\\_SocialEJ.pdf](http://www.seattle.gov/transportation/docs/Lander_SocialEJ.pdf).

**8. STUDENT BENEFIT**

All modes of transportation such as pedestrians, bicyclist and motorized vehicles will benefit from a safer and more efficient crossing of the BNSF rail tracks.

**9. WHY BOARD ACTION IS NECESSARY**

Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)

Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)

Adopting, amending, or repealing a Board policy

Formally accepting the completion of a public works project and closing out the contract

Legal requirement for the School Board to take action on this matter

Board Policy No. 6882, Rental, Lease and Sale of Real Property, provides the Board shall approve this item

Other: \_\_\_\_\_

**10. POLICY IMPLICATION**

Board Policy No. 6882 requires Board Approval of the sale of real property.

**11. BOARD COMMITTEE RECOMMENDATION**

This motion was discussed at the Operations Committee meeting on September 7, 2017. The Committee reviewed the motion and moved it forward to the full board with a recommendation for approval.

**12. TIMELINE FOR IMPLEMENTATION**

Upon approval of this motion, the Fair Offer Letter will be accepted with the City of Seattle. Within 45 days, the City will pay the District a lump sum of \$50,540.

**13. ATTACHMENTS**

- City of Seattle Fair Offer Letter, dated August 3, 2017
- Draft Deed for Street Purposes



## Sale of a parcel of property at the Stanford Center to the City of Seattle for the Lander Street Overpass Project

Seattle Public Schools is committed to making its online information accessible and usable to all people, regardless of ability or technology. Meeting web accessibility guidelines and standards is an ongoing process that we are consistently working to improve.

While Seattle Public Schools endeavors to only post documents optimized for accessibility, due to the nature and complexity of some documents, an accessible version of the document may not be available. In these limited circumstances, the District will provide equally effective alternate access.

For questions and more information about this document, please contact the following:

Kathy Johnson  
Facilities-Operations Property Program Manager  
[kjohnson@seattleschools.org](mailto:kjohnson@seattleschools.org)

This action includes the board action report, deed, City of Seattle offer, and street diagrams.



August 3, 2017

Seattle School District No. 1  
2445 3<sup>rd</sup> Avenue South  
Seattle, WA 98134  
Attn: Kathy Johnson

Project: South Lander Street Grade Separation  
Tax Parcel Number: 766620-5235  
Project Parcel Number: 5  
Sheets 5 and 6 of 219 sheets

Dear Seattle School District,

The City of Seattle is proceeding with planned construction of the South Lander Street Grade Separation Project. As a part of this project, we need to purchase a portion of your property in Fee as identified on the enclosed Right-of-Way Plan. Your property is identified on the plan by the tax parcel number listed above. The undersigned is the Seattle Department of Transportation's agent in completing this transaction.

Your property has been examined by a qualified appraiser and an appraisal reviewer who have carefully considered all the elements that contribute to the market value of your property. By law, the appraisers must disregard any general increase or decrease in market value caused by the project itself. Based on the fair market value determined for your property by the appraisers, please consider this letter the City's formal offer to purchase a portion of your property in Fee, including the damages to the property as a result of the Fee acquisition. The Fee purchase and damages total **\$50,540 (Fifty Thousand Five Hundred Forty and No/100ths Dollars)**. This offer consists of the following:

\$ 20,540	for 315 square feet of land to be acquired by the City in fee
\$ 30,000	damages (net loss of one [1] parking stall)
<hr/>	
<b>\$ 50,540</b>	<b>Total</b>

City of Seattle Offer to Purchase  
Fee Acquisition  
Tax Parcel Number 766620-5235

The Fee value is based on the following formula: market value (\$65/SF) x Fee area (315/SF) = \$20,475, rounded to \$20, 540.

\$30,000 Damages: As determined by the appraisal and appraisal review, net loss of one parking stall as a result in changes in access/site reconfiguration.

Expenses such as title insurance, escrow, recording fees and any other expenses in connection with the purchase of the property will be borne by the City. You will be responsible for any underlying liens or encumbrances and for pro-rated property taxes.

Payment for your property interests will be made available to you as a lump-sum approximately 45 days after you accept the City's offer, provided that there are no delays in closing the transaction. The date on which payment is made available to you is called the "Payment Date." On that date, the City becomes the owner of the property purchased and is responsible for its control and management.

If you have personal property presently located on the property being acquired by the City that needs to be moved, the City will reimburse you for the cost of moving it through the Relocation Assistance program. While we have included this relocation information as a matter of form, we have determined that relocation does not apply in this instance. If you disagree with our conclusion, please feel free to contact the undersigned.

Please take the time to consider the merits of the City's offer. You may wish to employ professional services to evaluate the City's offer. If you do so, we suggest that you employ well-qualified evaluators so that the resulting evaluation report will be useful to you in deciding whether to accept the City's offer. The City will reimburse up to \$750.00 of your evaluation costs upon submission of the bills or paid receipts.

The Internal Revenue Service (IRS) requires that the City obtain your correct taxpayer identification number (TIN) or social security number (SSN) in order to report this real estate transaction. You will be required to complete the attached W-9 form and provide it to the undersigned upon acceptance of the City's offer. If you want additional information about this requirement, please contact any IRS office.

City of Seattle Offer to Purchase  
Fee Acquisition  
Tax Parcel Number 766620-5235

We have attempted by this letter to provide you with a concise statement of our offer and a summary of your rights. We hope that this information will assist you in reaching a decision. Please feel free to direct any questions you may have to the undersigned. We would appreciate your reply as to your acceptance or rejection of this offer within thirty (30) days. If you need additional time to evaluate the offer, please contact the undersigned to discuss. We look forward to working with you on this transaction.

Thank you.

Sincerely,



Mary Jung  
Real Property Manager  
Telephone: (206) 684-7561

Enclosures: Right-of-Way Plan sheet, Deed for Street Purposes, Temporary Construction Easement Agreement, W-9 form

Receipt of this letter is hereby acknowledged.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

(I understand that this acknowledgment does not signify acceptance or rejection of this offer.)

After recording return document to:

City of Seattle  
Department of Transportation  
700 5<sup>th</sup> Avenue – Suite 3800  
P.O. Box 34996  
Seattle, WA 98124-4996  
Attn: Mary Jung

*Document Type: Deed for Street Purposes*

*Reference Number of Related Document: N/A*

*Grantor(s): Seattle School District No. 1*

*Grantee: City of Seattle*

*Legal Description (abbreviated): Ptn of SEC 8 TWP 24N RGE 4E, King County also known as Parcel D, LBA No. 2207829, recording number 20040527900005*

*Assessor's Tax Parcel Number: 766620-5235*

### **DEED FOR STREET PURPOSES**

Project: South Lander Street Grade Separation

The Grantor, **SEATTLE SCHOOL DISTRICT NO. 1**, a municipal corporation of the State of Washington, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other valuable consideration, hereby conveys and warrants to the **CITY OF SEATTLE**, a municipal corporation of the State of Washington, the hereinafter real estate as described on Exhibit A attached hereto, situated in King County, State of Washington, to the same extent and purpose as if the rights herein granted had been acquired under Eminent Domain statutes of the State of Washington.

As provided by RCW 84.60.070, the Grantor herein requests the lien of taxes owing shall be set over to the property retained by the Grantor.







## DEED FOR STREET PURPOSES

### EXHIBIT A

THAT PORTION OF PARCEL "D", CITY OF SEATTLE LOT BOUNDARY ADJUSTMENT NUMBER 2207829, AS FILED UNDER RECORDING NUMBER 20040527900005, RECORDS OF KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF SOUTH LANDER STREET AND 3RD AVENUE SOUTH, BEING A BRASS PIN SET IN A FIVE-INCH CIRCULAR CONCRETE MONUMENT SET IN CASE; THENCE NORTH  $01^{\circ}06'40''$  EAST, ALONG THE MONUMENTED CENTERLINE OF SAID 3RD AVENUE SOUTH, A DISTANCE OF 85.22 FEET; THENCE NORTH  $88^{\circ}53'20''$  WEST, A DISTANCE OF 30.00 FEET TO THE WESTERLY RIGHT-OF-WAY MARGIN OF SAID 3RD AVENUE SOUTH AND THE POINT OF BEGINNING:

THENCE NORTH  $88^{\circ}53'20''$  WEST, A DISTANCE OF 2.00 FEET; THENCE SOUTH  $01^{\circ}06'40''$  WEST, A DISTANCE OF 28.29 FEET; THENCE SOUTH  $50^{\circ}31'03''$  WEST, A DISTANCE OF 7.56 FEET; THENCE NORTH  $88^{\circ}52'28''$  WEST, A DISTANCE OF 120.05 FEET; THENCE SOUTH  $01^{\circ}07'32''$  WEST, A DISTANCE OF 2.00 FEET TO THE NORTHERLY RIGHT-OF-WAY MARGIN OF SAID SOUTH LANDER STREET; THENCE SOUTH  $88^{\circ}52'28''$  EAST, ALONG SAID NORTHERLY MARGIN, A DISTANCE OF 120.79 FEET; THENCE NORTH  $50^{\circ}31'03''$  EAST, ALONG SAID NORTHERLY MARGIN, A DISTANCE OF 9.22 FEET TO SAID WESTERLY MARGIN; THENCE NORTH  $01^{\circ}06'40''$  EAST, A DISTANCE OF 29.21 FEET TO THE POINT OF BEGINNING.

ALL CONTAINING 315 SQUARE FEET, MORE OR LESS.



DEED FOR STREET PURPOSES

EXHIBIT A (Continued)

