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City Clerk's Off.

DCLU Director's Rule 16-97

Applicant:	Page	Supersedes:
City of Seattle Department of Construction and Land Use	1 of 2	NA
	Publication: 11-6-97	**Effective:** 12-1-97
Subject:	**Code and Section Reference:**	
Permit Applications for Properties Subject to Condemnation Proceedings	23.76.010 ad 23.76.040	
	Type of Rule: Code Interpretation	
	Ordinance Authority: 3.060.040 SMC	
Index: Land Use Code	**Approved**	**Date** 11/25/97

BACKGROUND

Section 23.76.010A states in part:

A. Application for Master Use Permits shall be made by the property owner, lessee, contract purchaser, or a City agency, or by an authorized agent thereof.

Section 23.76.040A states:

A. Applications for Type IV and V decisions shall be made by the property owner, lessee, contract purchaser, City agency, or an authorized agent thereof; provided that any interested person may make application for an amendment to the Official Land Use Map or an amendment to the text of Title 23, Land Use Code.

RULE: When a government agency applies for a Master Use Permit (MUP) or Council Land Use decision, and the project site includes a property to be acquired

through the condemnation process, the filing of the condemnation action in Superior Court shall be considered property ownership for the purposes of filing an application. No MUP decision shall be published, no Council decision shall be made, and no permit shall be issued for such an application, until the condemnation proceeding has reached the stage where the government agency has received an order for immediate use and possession or an order awarding title upon payment of just compensation.

REASON: The Land Use Code does not address the issue of ownership when property condemnation is involved. This Rule clarifies the stages in the condemnation process at which it is appropriate to accept applications, publish decisions, and issue permits in such situations.

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CERTIFICATION

I CERTIFY that I am Custodian of the Records for the Seattle Department of Construction and Land Use and that I am the designated custodian of the records of that office; that this is a record kept by the Seattle Department of Construction and Land Use in the regular course of business of the Seattle Department of Construction and Land Use and that it is in the regular course of business of that Department that such records are maintained.

THAT this is a true and correct copy of a record maintained by the Seattle Department of Construction and Land Use pertaining to the property named.

Date 12/1/97

Custodian of the Records
City of Seattle
Dept. of Construction & Land Use