

Honorable Catherine Shaffer
Hearing Date: March 13, 2009

FILED
KING COUNTY, WASHINGTON

MAR 13 2009

SUPERIOR COURT CLERK
EILEEN L. MCLEOD
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

MAGNOLIA NEIGHBORHOOD
PLANNING COUNCIL, a Washington
nonprofit corporation,

Petitioner,

v.

CITY OF SEATTLE,

Respondent.

NO. 08-2-35092 **SEA**

ORDER GRANTING MOTION OF
MAGNOLIA NEIGHBORHOOD
PLANNING COUNCIL FOR
SUMMARY JUDGMENT AND
DENYING MOTION OF CITY OF
SEATTLE

~~[PROPOSED]~~

This matter came on for hearing March 13, 2009 on the cross motions of Magnolia Neighborhood Planning Council (MNPC) and the City of Seattle (City) for summary judgment in the above-captioned matter. MNPC appeared through J. Richard Aramburu of Aramburu & Eustis LLP and Roger D. Wynne, Assistant City Attorney, appeared for the City of Seattle.

The parties submitted the following documents for the Court's review and consideration:

Petitioner's Motion for Summary Judgment

ORDER GRANTING MNPC'S MOTION
FOR SUMMARY JUDGMENT - 1

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1 City's Cross Motion for Summary Judgment and
2 Response to Petitioner's Motion

3 Reply of Magnolia Neighborhood Planning Council and
4 Response to City's Summary Judgment Motion

5 Declaration of Elizabeth Campbell in Opposition to City's
6 Motion for Summary Judgment

7 Agreed Record for Judicial Review

8 City of Seattle's Reply Regarding Its Affirmative Defenses In Its Cross Motion
9 For Summary Judgment

10 Copies of Non-Washington Authorities Cited in Cross Motions for Summary
11 Judgment

12 Having reviewed the documents provided and having heard the argument of
13 counsel and being fully advised, the Court hereby ORDERS:

14 ^{1.} The motion of the Magnolia Neighborhood Planning Council is
15 ^{in part} granted. There are no genuine issues of material fact regarding MNPC's assertions
16 that it has standing to bring this suit and that the City must comply with the State
17 Environmental Policy Act and the Discovery Park Master Plan. Ordinance 31086
18 which adopted the Fort Lawton Redevelopment Plan is declared void and without
19 effect, unless and until: a) the City fully complies with all requirements of the State
20 Environmental Policy Act; and b) the City demonstrates that its Redevelopment Plan
21 is consistent with the Discovery Park Master Plan.

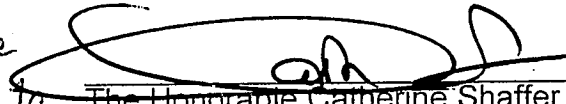
22 2. The summary judgment motion of the City of Seattle is denied.

23 3. This matter is remanded to the City for compliance with this Order.

24 4. ~~This Court retains jurisdiction over compliance with the terms of this
25 Order.~~

26 DONE IN OPEN COURT this 13 day of ^{March} ~~March~~, 2009.

27 publicly determines whether the
28 Discovery Park Master Plan applies to the Army Reserve Center property and,
if not, why not.


The Honorable Catherine Shaffer

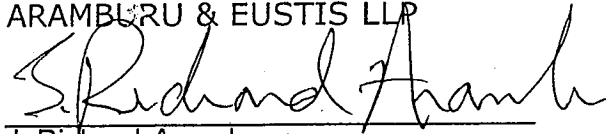
ORDER GRANTING MNPC'S MOTION
FOR SUMMARY JUDGMENT - 2

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1 PRESENTED BY:

2 ARAMBURU & EUSTIS LLP

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J. Richard Aramburu
WSBA 466

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Attorney for Magnolia Neighborhood
Planning Council

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Entry approved; Notice of Presentation Waived

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Thomas Carr, Seattle City Attorney

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by: Roger D. Wynne, WSBA # 23399

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Assistant City Attorney for

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Respondent City of Seattle

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