



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 4, 2001

Ordinance 14267

Proposed No. 2001-0549.1

Sponsors Phillips and von Reichbauer

1 AN ORDINANCE authorizing the executive to amend an
2 interlocal agreement with the city of Seattle for the
3 disbursement of conservation futures funds.
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6 **STATEMENT OF FACTS:**

- 7 1. Conservation futures tax levy funds are collected throughout
8 King County as a dedicated portion of the property tax and are, by
9 statute, available only for the acquisition of open space and
10 resource lands.
- 11 2. Ordinance 13717 established a process for the annual allocation
12 of conservation futures tax levy funds which directs the
13 conservation futures citizens committee to make funding
14 recommendations to the King County executive and council and
15 reserves funds at the beginning of each year to be used at the
16 discretion of the council during the annual county budget process.

17 3. On December 15, 2000, the council adopted Ordinance 14018,
18 which appropriated a total of one million dollars in conservation
19 futures tax levy funds to the city of Seattle for Project 315400, the
20 Seattle Art Museum Olympic Sculpture Park.

21 4. The county desires to disburse conservation futures funds to the
22 city of Seattle and must do so by amending an existing interlocal
23 agreement with the jurisdiction.

24 5. The county and the city are authorized to enter into an interlocal
25 agreement pursuant to chapter 39.34 RCW, the Interlocal
26 Cooperation Act.

27 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

28 SECTION 1. The King County executive is hereby authorized to enter into an
29 amendment to an existing interlocal agreement with the city of Seattle, containing

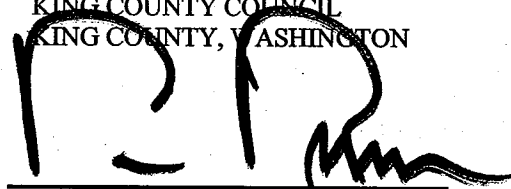
30 language substantially similar to that attached to this ordinance, necessary for the
31 disbursement of conservation futures tax levy funds appropriated in Ordinance 14018.

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Ordinance 14267 was introduced on 11/13/01 and passed by the Metropolitan King County Council on 12/3/01, by the following vote:

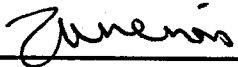
Yes: 13 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz,
Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Pullen, Mr. Gossett, Ms.
Hague, Mr. Irons and Ms. Patterson
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



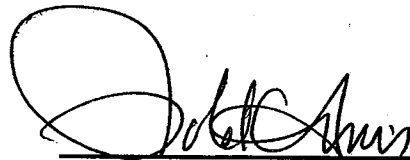
Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 13 day of December, 2001.



Ron Sims, County Executive

Attachments A. Amendment to the Conservation Futures Interlocal Agreement with the City of Seattle

**AMENDMENT TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND THE CITY OF SEATTLE
FOR OPEN SPACE ACQUISITION PROJECTS**

Preamble

The King County Council, through Ordinance 9128, established a Conservation Futures Levy Fund to collect the Conservation Futures Levy proceeds. The King County Council also has periodically approved allocations of such proceeds to the City of Seattle. This amendment is entered into to provide for the allocation of additional funds made available for open space acquisition.

THIS AMENDMENT is entered into between the CITY OF SEATTLE and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the 5th day of June, 1990, as previously amended.

The parties agree to the following amendments:

Amendment 1: Article 1. Recitals

A paragraph is hereby added to the Recitals Section to provide for a Conservation Futures Levy Fund allocation for the Seattle Art Museum ("SAM") Olympic Sculpture Park, and hereafter reads:

On December 15, 2000, the King County Council passed Ordinance 14018 which appropriated a total of One Million Dollars (\$1,000,000) in Conservation Futures Levy proceeds to the City of Seattle for Project 315400, Olympic Sculpture Park, subject to a requirement that the executive, after consultation with the prosecuting attorney, certify in writing to the council that the 10 Broad Street project site ("Site") meets the criteria of open space as defined in RCW 84.34. On April 23, 2001, the executive provided such certification contingent on the City of Seattle meeting the following conditions:

- A. The existing building and parking lot are removed utilizing funds other than Conservation Futures.
- B. The City of Seattle amends the Conservation Futures Interlocal Agreement with King County to include a project scope that remains consistent with RCW 84.34.
- C. The City of Seattle designates the Site as open space in their adopted comprehensive plan, with underlying zoning that allows such designation and use, meeting RCW 84.34.020(1)(a); or

- D. The Site meets at least one of the following open space categories of RCW 84.34.020(1)(b):
- The Site enhances the value to the public of a larger abutting park, meeting the definition of RCW 84.34.020(1)(iv);
 - The open space would preserve visual quality along a major public right-of-way, meeting the definition of RCW 84.34.020(1)(vii).

The City and the County hereby find and declare that the development of the Site would encroach upon the significant recreational, social, scenic and esthetic values of the Site as an open area and of the adjacent Myrtle Edwards Park and the Olympic Sculpture Park within the meaning of RCW 84.34.200. The City and the County hereby further find and declare that acquisition of and use of the Site for open space as part of the Olympic Sculpture Park will:

- Enhance the value to the public of abutting or neighboring parks or other open space, including Myrtle Edwards Park and Elliott Bay Park, within the meaning of RCW 84.34.020(iv);
- Preserve visual quality along highway, road and street corridors including Broad Street and Alaska Way and scenic vistas of Elliott Bay within the meaning of RCW 84.34.020(vi); and, in addition,
- Enhance passive recreation opportunities through public enjoyment of art sited in a park-like setting within the meaning of RCW 84.34.020(v).

Amendment 2: Article V. Conditions of Agreement

Section 5.1 is amended to include Attachment N, which lists a 2000 Conservation Futures Levy Allocation for the Seattle Art Museum Olympic Sculpture Park project and hereafter reads:

Section 5.1 Project Description. Funds available pursuant to this agreement may be used only for Projects. Current Projects are listed in Attachments A through N. The County may approve other Projects in the future.

Amendment 3: Article VII. Responsibilities of County

The first two sentences of this article are amended to include Attachment N, which lists a 2000 Conservation Futures Levy proceeds allocation for the Seattle Art Museum Olympic Sculpture Park Project:

Subject to the terms of this agreement, the County will provide Conservation Futures Levy Funds in the amounts shown in Attachments A through N to be used for the Projects listed in Attachments A through N. The City may request additional funds; however, the County has no obligation to provide funds to the City for the Projects in excess of the total amounts shown in Attachments A through N. The County assumes no obligation for the future support of the Projects described herein except as expressly set forth in this agreement.

In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

This document shall be attached to the existing Interlocal Cooperation Agreement.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

CITY OF SEATTLE

Ron Sims
King County Executive

Paul Schell
Mayor

Date

Date

Acting under the authority of
Ordinance: _____
Dated: _____

Acting under the authority of
Ordinance: _____
Dated: _____

Approved as to form:

Approved as to form:

NORM MALENG
King County Prosecuting Attorney

MARK H. SIDRAN
City Attorney

ATTACHMENT N
2000 CONSERVATION FUTURES LEVY
CITY OF SEATTLE
ALLOCATION

<u>Jurisdiction</u>	<u>Project</u>	<u>Allocation</u>
Seattle	Seattle Art Museum Olympic Sculpture Park	\$1,000,000
	TOTAL	\$1,000,000

Project Description

City of Seattle – Seattle Art Museum Olympic Sculpture Park \$1,000,000

Funds to be used to support acquisition of the following described real property (the “10 Broad Street Property”):

Parcel No. 1: Lots 3 and 4, Block 5, William N. Bell’s Seventh Addition to the City of Seattle, according to the Plat thereof recorded in volume 2 of Plats, page 82, records of King County Washington; Excepting therefrom that portion platted as Seattle Tidelands; Also Excepting therefrom, that portion described as follows: Beginning at a point on the Southeasterly line of said Lot 3, distant 14.408 Southwesterly of the most Easterly corner of said Lot; Thence Northerly and Westerly along the arc of a curve to the left having a radius of 24 feet, an arc distance of 27.83 feet to a point on the Northeasterly line of said Lot 3, distant 22 feet Northwesterly of said most Easterly corner; Thence Southeasterly along said Northeasterly line to said most Easterly corner; Thence southwesterly along the Southeasterly line of said Lot to the point of Beginning.

Parcel No. 2: Lots 5 and 6, Block 168-B, Supplemental Plat of Seattle Tidelands, as shown on the Official Maps of Seattle Tidelands on file in the office of the Commissioner of Public Lands at Olympia, Washington.

10 Broad Street Property Use Restrictions:

Following removal of an existing building and parking lot, the 10 Broad Street Property will be developed as a sculpture garden, park or other open space with public access in perpetuity (subject to the Seattle Art Museum's right to close the Site to the general public for special events and to perform other property management responsibilities) as part of the Seattle Art Museum Olympic Sculpture Park and generally consistent with the Program for the Olympic Sculpture Park, dated November 2001, a copy of which is attached to this Attachment N. The development of the 10 Broad Street Property as part of the Olympic Sculpture Park will be further restricted to exclude the development of enclosed structures (as currently defined Seattle Municipal Code 23.84.036) on the 10 Broad Street Property and to exclude improvements that substantially obstruct water views across the 10 Broad Street Property from adjacent public rights-of-way, all as consistent with the provisions of Revised Code of Washington 84.34.020 and King County Code 26.12 governing Conservation Futures. This Use Restriction shall not in any manner limit the Seattle Art Museum from erecting and displaying sculpture or other pieces of art on the 10 Broad Street Property.

The City will include the language contained in the foregoing 10 Broad Street Property Use Restrictions in any third party lease, conservation futures development right easement, covenant, or other contractual right or agreement governing the use of the 10 Broad Street Property.

Funds other than conservation futures levy proceeds will be used for removal of the existing building and parking lot and for development of the 10 Broad Street Property as part of the Seattle Art Museum Olympic Sculpture Park. These conservation futures levy proceeds may be used to acquire the 10 Broad Street Property prior to the removal of the existing building and parking lot.