



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 16, 2011

Ordinance 17093

Proposed No. 2011-0165.2

Sponsors McDermott

1 AN ORDINANCE relating to the construction of the
2 Technology Access Foundation's Community Center for
3 21st Century Skills at Lakewood park pursuant to the
4 thirty-year use agreement authorized by Ordinance 15450;
5 authorizing the King County executive to modify the
6 payment schedule in the agreement, to extend the term of
7 the agreement and to execute certain stormwater-related
8 covenants affecting county parks property adjoining the
9 center site.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 **SECTION 1. Findings:**

12 A. In 2006, pursuant to Ordinance 15450, King County and the Technology
13 Access Foundation ("the foundation"), a Washington nonprofit corporation, entered into a
14 thirty-year use agreement for the development of a new community center at Lakewood
15 park.

16 B. The center is intended to serve as a regional hub for learning and personal
17 development. Ordinance 15450 provides that the foundation will own and operate the
18 community center for thirty years, providing its youth technology programs and offering

19 a variety of classes and activities through nonprofit partners and in collaboration with
20 public schools.

21 C. The foundation has determined that it is in the best interests of the project to
22 divide construction into two phases: the building shell and tenant improvements.
23 Although this approach is expected to assist the foundation in raising private funds for the
24 community center, it necessitates a change to the schedule for the county's contributions
25 to the project.

26 D. The foundation has determined that the project may qualify for substantial
27 financing via the federal New Market Tax Credit program if the term of the use
28 agreement is extended for an additional twenty years for a total term of fifty years.

29 E. The foundation has also determined that it can meet applicable stormwater
30 requirements for the community center at significantly less expense, and with less long-
31 term maintenance, if the county agrees to stormwater-related covenants on parks
32 property. The parks division of the department of natural resources and parks department
33 has determined that such covenants will not negatively impact park purposes or activities
34 and supports the foundation proposal.

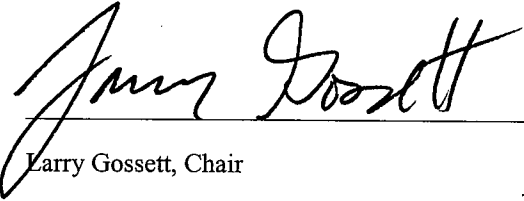
35 SECTION 2. The executive is hereby authorized to modify the payment
36 schedule to the foundation under the agreement, consistent with Attachment A to this
37 ordinance. The executive is authorized to extend the term of the use agreement by an
38 additional twenty years for a total term of fifty years. The executive is further authorized
39 to execute stormwater-related covenants substantially in the forms set forth as
40 Attachment B to this ordinance for portions of Lakewood park. The executive is further

41 authorized to execute such other documents that are necessary or convenient to carry out
42 the purposes of this ordinance.
43

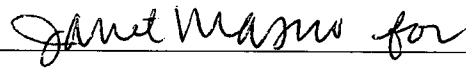
Ordinance 17093 was introduced on 4/11/2011 and passed by the Metropolitan King County Council on 5/16/2011, by the following vote:

Yes: 8 - Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott
No: 0
Excused: 1 - Mr. von Reichbauer


KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 27 day of May, 2011.


Dow Constantine, County Executive

RECEIVED
2011 MAY 27 PM 3:48
CLERK
KING COUNTY COUNCIL

Attachments: A. Amended King County Funds Distribution Schedule, dated May 3, 2011, B. Declaration of Covenant for Vegetative Growth Retention Area, dated May 3, 2011

Attachment A, dated May 3, 2011

Amended King County Funds Distribution Schedule

TAF Activity	KC Funds to be Distributed
<ul style="list-style-type: none"> 90% construction docs and \$2 million raised (not including King County funding) 	\$400,000
<ul style="list-style-type: none"> Break ground and \$9 million pledged 	\$500,000
<ul style="list-style-type: none"> Building structure and skin complete and utilities stubbed out.¹ 	\$500,000
<ul style="list-style-type: none"> Building complete except some tenant improvements; approved by DDES for partial occupancy, staff and students, if not full occupancy; and \$9 million raised (i.e., collected, not including King County funding).² 	\$250,000
<ul style="list-style-type: none"> Tenant improvements complete and total of \$12 million raised (i.e., collected, not including King County funding) and full occupancy permitted.³ 	\$250,000

- (1) This is a dry envelope: utilities (sewer, water, electrical, etc) are to the building, the roof is complete, the windows are in, and the building appears finished from the outside.
- (2) The building as two wings, roughly N-S, and E-W. The E-W wings will be completed with kitchen, restrooms, and offices with some labs open. This area will support the initial efforts of getting TAF in and beginning their classes. The first floor will also have a community space that will be open. The N-S wing allows for expansion as they grow their program or more meeting rooms.
- (3) Project is estimated to be \$14 million +/- \$500,000.

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

DECLARATION OF COVENANT
FOR VEGETATIVE GROWTH RETENTION AREA

Grantor: King County

Grantee: Technology Access Foundation

Legal Description of Lakewood Park, attached

Assessor's Tax Parcel ID# 062304 9237

IN CONSIDERATION of the approved King County _____ permit
For application No. _____ relating to the real property ("Property")
described above, the grantor(s), the owner(s) in fee of that Property, hereby declares (declare)
that the property is established as having a 65% growth retention area for the purpose of
dispersing and treating stormwater flows and is subject to restrictions applying to vegetation
removal in all designated areas shown in Exhibit A attached hereto, and hereby covenants
(covenant) and agrees (agree) as follows:

1. At least 65 % of the 14.32 acre "total site area" must be set aside to ensure that the area is left vegetated as described in Exhibit A.
2. The property within the 65% growth retention area (shown in Exhibit A) shall be maintained in its current park landscape condition. The following activities are allowed and must be done in a manner that maintains the current vegetated condition.
 - a. Removal of dangerous and diseased trees.
 - b. Passive recreation and related activities, including nature viewing and disk golf.
 - c. The 65% vegetated area may contain utilities and utility easements including flow control BMPs but not including septic systems.
 - d. Routine mowing and maintenance activities.

IN WITNESS WHEREOF, this Declaration of Covenant is executed this _____ day
of _____

GRANTOR, KING COUNTY

STATE OF WASHINGTON)
COUNTY OF KING) ss.

On this day personally appeared before me:

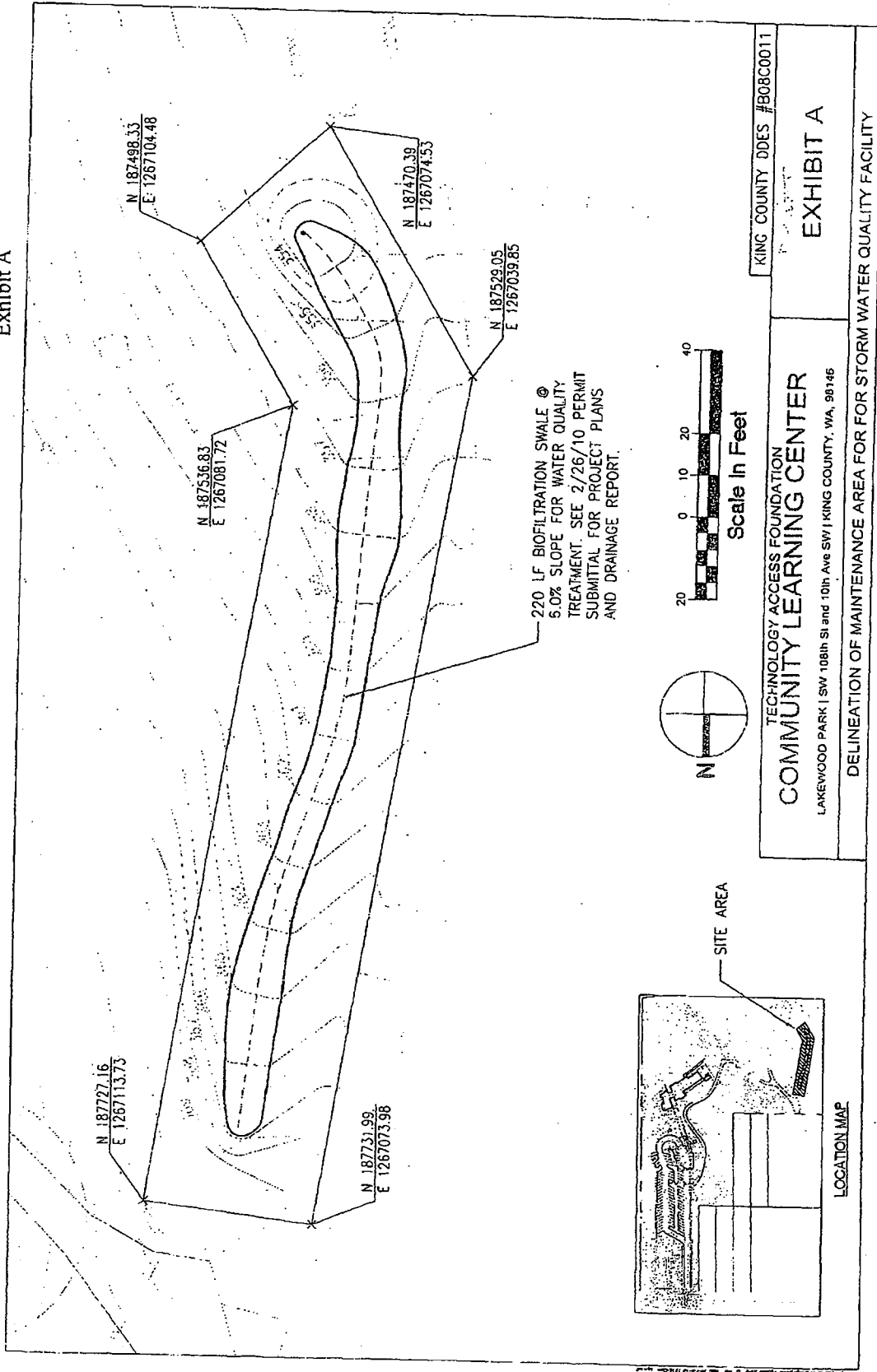
_____, to be known to be the individual(s)
described in and who executed the within and foregoing instrument and acknowledged that
they signed the same as their free and voluntary act and deed, for the uses and purposes
therein stated.

Given under my hand and official seal this _____ day of _____, 20__.

Printed name
Notary Public in and for the State of Washington,
Residing at

My appointment expires _____

Exhibit A



LEGAL DESCRIPTION OF LAKEWOOD PARK

That portion of Sections 6 and 7, Township 23 N., R.4E., W.M. King County, Washington described as follows:

Commencing at the Southwest corner of the East half of the Northeast quarter of the Northwest quarter of said Section 7; Thence, North $01^{\circ}-27'-00''$ East along the west line of said East half of the Northeast quarter of the Northwest quarter 1180.81 feet to the True Point of Beginning; Thence, continuing North $01^{\circ}-27'-00''$ East 150.00 feet to the South line of said Section 6; Thence, North $89^{\circ}-31'-16''$ East along the South line of said Section 6, 30.00 feet, more or less, to the East line of 10th Avenue Southwest; Thence, North $01^{\circ}-18'-07''$ West along said East line 811.50 feet; Thence, North $89^{\circ}-44'-43''$ East 151.50 feet; Thence, North $1^{\circ}-18'-07''$ West 240.00 feet; Thence, South $89^{\circ}-44'-43''$ West 28.50 feet; Thence, North $1^{\circ}-18'-07''$ West 58.50 feet; Thence, North $89^{\circ}-44'-43''$ East 230.00 feet; Thence, North $1^{\circ}-18'-07''$ West 181.50 feet to the South line of Southwest 108th Street; Thence, North $89^{\circ}-44'-43''$ East along the said South line 245.90 feet to the West line of 8th Avenue Southwest (formerly Burien Way); Thence, along said West line, South $01^{\circ}-37'-52''$ East 105.06 feet to a tangent curve to the left having a radius of 603.14 feet; Thence, along said curve through a central angle of $18^{\circ}-08'-50''$ a distance of 191.03 feet; Thence, South $01^{\circ}-37'-52''$ East 338.15 feet; Thence, North $89^{\circ}-41'-57''$ East 398.43 feet; Thence, North $0^{\circ}-54'-25''$ West 329.86 feet; Thence, North $89^{\circ}-44'-45''$ East 122.00 feet; Thence, North $0^{\circ}-54'-25''$ West 299.76 feet to the South line of Southwest 108th Street; Thence, North $89^{\circ}-47'-02''$ East along said South line, 14.63 feet to a tangent curve to the left having a radius of 455.14 feet; Thence, along said curve through a central angle of $23^{\circ}-24'-42''$ a distance of 185.98 feet to a curve to the right having a radius of 395.14 feet; Thence, along said curve through a central angle of $1^{\circ}-57'-06''$ a distance of 13.46 feet; Thence, South $00^{\circ}-18'-00''$ East 1072.32 feet; Thence, South $82^{\circ}-11'-20''$ West 135.86 feet; Thence, South $07^{\circ}-49'-01''$ East 390.67 feet; Thence, South $89^{\circ}-46'-22''$ West 1243.21 feet to the True point of Beginning.

EXCEPT portion lying within SW 108th Street. . . which was conveyed to King County for road purposes by deed recorded in Volume 8 of Road Books, page 294, under Auditor's File No. 144401. Containing 34.2737 acres, more or less. SUBJECT to an easement for the purpose of constructing and maintaining a 24-inch sewer line; SUBJECT ALSO to easements for the purpose of constructing and maintaining power lines and pole lines; SUBJECT ALSO to the rights of the public in and to that portion of a road at the North end of the land above described, where the North and South center line of the Southwest quarter of the Southeast quarter of section 6 intersects the North boundary of the above described property.