

Ordinance No. 122757

Council Bill No. 116282

AN ORDINANCE relating to Lake Union Park, authorizing acceptance of funds from the Seattle Parks Foundation and City Investors, Inc; and increasing appropriations to the Department of Parks and Recreation in the 2008 Budget; all by a three-fourths vote of the City Council.

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Godden

Councilmember

## Committee Action:

7-28-08 Passed 7-0 (Excused: Licata, McWey)

CF No. \_\_\_\_\_

Date Introduced:	<u>7.21.08</u>	
Date 1st Referred:	To: (committee) <u>Full Council</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>7-0</u>	
Date Presented to Mayor:	Date Approved: <u>7.30.08</u>	
Date Returned to City Clerk:	Date Published: <u>3</u>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_ (initial/date)

*Law Department*

Law Dept. Review      OMP Review      City Clerk Review      Electronic Copy Loaded      Indexed



1 WHEREAS, City Investors has committed to providing an additional Five Million Dollars  
2 (\$5,000,000) for the LU Park Development project contingent upon the City completing  
improvements to Valley Street, as outlined in Ordinance 121902; and

3 WHEREAS, Ordinance 121963 (section 3.4.1) commits the City to moving forward with  
4 construction of Phase II of the project regardless of whether the conditions have been  
5 satisfied to secure City Investors' conditional release of the Five Million Dollars  
6 (\$5,000,000); NOW, THEREFORE,

7 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

8 Section 1. The Superintendent of Parks and Recreation, or his designee, is authorized on  
9 behalf of the City of Seattle to accept Ten Million Dollars (\$10,000,000) from the Seattle Parks  
10 Foundation, which upon receipt shall be deposited into the South Lake Union Trust Fund  
11 (63721) to be used for the construction of phase two of Lake Union Park.

12 Section 2. The Superintendent of Parks and Recreation, or his designee, is authorized on  
13 behalf of the City of Seattle, to accept Five Million Dollars (\$5,000,000) from City Investors,  
14 Inc. which upon receipt shall be deposited into the South Lake Union Trust Fund (63721) to be  
15 used for the construction of phase two of Lake Union Park.

16 Section 3. The following appropriations in the 2008 Budget are increased from the funds  
17 shown, as follows:

Fund	Department	Budget Control Level/Capital Improvement Program	Amount
South Lake Union Trust Fund (63721)	Parks and Recreation	2000 Parks Levy – Neighborhood Park Major Park Development Program K723004	\$15,000,000
<b>TOTAL</b>			<b>\$15,000,000</b>



1 The foregoing appropriations are made to meet actual necessary expenditures of the City for  
2 which insufficient appropriations have been made due to causes that could not reasonably have  
3 been foreseen at the time of the making of the 2008 Budget.

4 Section 4. Any act pursuant to the authority of this ordinance and prior to its effective  
5 date is hereby ratified and confirmed.

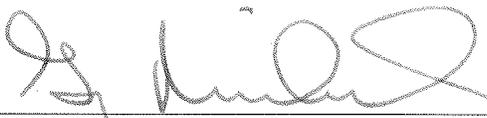
7 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after  
8 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
9 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

10 Passed by a three-fourths (3/4) vote of all the members of the City Council the 28<sup>th</sup> day  
11 of July, 2008, and signed by me in open session in authentication of  
12 its passage this

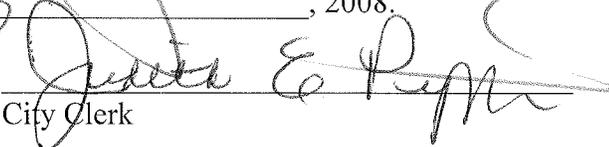
13 28<sup>th</sup> day of July, 2008.

14  
15  
16  
17   
18 President \_\_\_\_\_ of the City Council

19 Approved by me this 30<sup>th</sup> day of July, 2008.

20  
21   
22 Gregory J. Nickels, Mayor

23 Filed by me this 30<sup>th</sup> day of July, 2008.

24   
25 City Clerk

26 (Seal)



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Parks and Recreation	Korie Voorheis / 684-4135 Norm Schwab/684-9292	Jennifer Devore / 615-1328

**Legislation Title:** AN ORDINANCE relating to Lake Union Park, authorizing acceptance of funds from the Seattle Parks Foundation and City Investors, Inc; and increasing appropriations to the Department of Parks and Recreation in the 2008 Budget; all by a three-fourths vote of the City Council.

**Summary and background of the Legislation:**

This proposed legislation authorizes acceptance of donations from the Seattle Parks Foundation (Foundation) and City Investors, Inc. (CI) and increases appropriations to the Department of Parks and Recreation (DPR) in the 2008 Adopted Budget. This donation will fund completion of phase two of the Lake Union Park (LU Park) Development Project (K733134).

The City of Seattle has been acquiring land that is now known as LU Park since 1984. The acquisition of land has included five separate transactions approved by Ordinances 112046, 113153, 115349, 119944, and 120499. The most significant portion of the Park was the purchase of the Naval Reserve Armory in July 2000 (Ordinance 119944) from the Navy. The acquisitions have consolidated the Lake Union site into a 12-acre park.

In October 1991, the master plan for the development of LU Park was adopted by Resolution 28444. In 2000, the South Lake Union Park Master Plan Update Advisory Committee developed recommendations for an updated master plan for LU Park to reflect consolidation of the property and the partnerships formed with the Maritime Heritage Center. These recommendations were approved by City Council by Resolution 30206 in July 2000. The schematic plan for the development of LU Park was completed in 2004 following extensive public outreach and input.

The existing Capital Improvement Program project (Lake Union Park – Development K733134) is funded by the 2000 Neighborhood Parks, Green Spaces, Trails, and Zoo Levy, (2000 Parks Levy) in addition to other City and grant funds. The construction of the project is divided into two phases. The scope of work in phase one is completed and it included constructing terraces, a boardwalk, and a pedestrian bridge; replacing the bulkhead; installing utilities and preparing the park for phase two of the project. The scope of work in phase two includes removal of most of the existing landscape and installs a new entrance to the park, tree grove, interactive water fountain of jets, grass, model boat pond, History Trail, boardwalk extension, parking, pathways, beach for hand launched boats, landscape, landforms, furniture, lighting systems and irrigation. In addition, work includes shoreline stabilization and planting on the lake edge and repairing/grading pavements to tie into existing surrounding surfaces.



In 2005, the Foundation committed to raising \$10 million for development of LU Park in addition to a commitment of a \$10 million donation from CI, a major property owner and developer in the South Lake Union area. Ordinance 121963 authorized the execution of the Agreement between the DPR and the Foundation concerning their roles in fundraising, design, development, construction, operation and maintenance of LU Park. In 2006, Ordinance 122084 authorized amendments to the 2005 Agreement between DPR and the Foundation.

Also in 2005, CI donated an initial \$5 million to the Foundation which was subsequently given to DPR for development of LU Park. CI pledged an additional \$5 million for the LU Park project, payable at such time as (1) the City and the Foundation have raised an additional \$10 million to develop LU Park consistent with the approved designs; and (2) construction of certain Valley Street improvements are within one year of commencement. CI is expected to make the final \$5 million donation once all the contingencies are satisfied pursuant to the agreement. This Agreement between DPR and CI and acceptance of CI's initial \$5 million donation was authorized by Ordinance 121902. Ordinance 121963 (section 3.4.1) states that the City is committed to moving forward with construction of phase two of the project regardless of whether the conditions have been satisfied to secure CI's conditional release of the \$5 million donation. This commits the City to provide these funds should condition (2) above not be met.

Phase one of the LU Park Development Project was completed in March 2008. Phase two has just received bids for the primary construction contract. The Foundation has completed its fundraising campaign and this legislation will provide authorization to accept and appropriate those funds in order to complete phase two of the project.

<b>Project Name:</b>	<b>Project I.D.</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date</b>
Lake Union Park – Development	K733134	1000 Valley St.	1 <sup>st</sup> Qtr 2002	4 <sup>th</sup> Qtr 2010

- *Please check any of the following that apply:*

**This legislation creates, funds, or anticipates a new CIP Project.** *(Please note whether the current CIP is being amended through this ordinance, or provide the Ordinance or Council Bill number of the separate legislation that has amended/is amending the CIP.)*

**This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

**This legislation has financial implications.** *(Please complete all relevant sections that follow.)*



***Appropriations:***

<b>Fund Name and Number</b>	<b>Department</b>	<b>Budget Control Level*</b>	<b>2008 Appropriation</b>	<b>2009 Anticipated Appropriation</b>
South Lake Union Trust Fund (63721)	Parks and Recreation	2000 Parks Levy – Major Park Development (K723004)	\$15,000,000	\$0
<b>TOTAL</b>			<b>\$15,000,000</b>	<b>\$0</b>

**Notes:** This proposed legislation authorizes the acceptance of a donation in the amount of \$10 million from the Foundation per the agreement with DPR approved in Ordinance 121963 and amended in Ordinance 122084. In addition, City Investors has committed to providing an additional \$5 million for the LU Park Development project contingent upon the City being within one year of commencement of certain improvements to Valley Street, as outlined in Ordinance 121902. This legislation authorizes the acceptance of this additional \$5 million and increases DPR’s 2008 budget appropriation by \$15 million.

***Spending Plan and Future Appropriations for Capital Projects:***

<b>Spending Plan and Budget</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>
Spending Plan	\$4,167,750	\$8,155,000	\$3,582,328	\$0	\$0	\$0	<b>\$15,905,078</b>
Current Year Appropriation	\$15,000,000						<b>\$15,000,000</b>
Future Appropriations		\$0	\$0	\$0	\$0	\$0	<b>\$0</b>

**Notes:** The spending plan includes dollars that have been previously appropriated for Phase I.



**Funding source:**

<b>Funding Source (Fund Name and Number, if applicable)</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>
South Lake Union Trust Fund (63721) (Donation, Seattle Parks Foundation)	\$10,000,000	\$0	\$0	\$0	\$0	\$0	\$10,000,000
South Lake Union Trust Fund (63721) (Donation, City Investors Inc.)	\$5,000,000	\$0	\$0	\$0	\$0	\$0	\$5,000,000
<b>TOTAL</b>	<b>\$15,000,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$15,000,000</b>

**Notes:**

**Bond Financing Required:** NA

<b>Type</b>	<b>Amount</b>	<b>Assumed Interest Rate</b>	<b>Term</b>	<b>Timing</b>	<b>Expected Annual Debt Service/Payment</b>
<b>TOTAL</b>	NA				

**Uses and Sources for Operation and Maintenance Costs for the Project:**

<b>O&amp;M</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>
<b>Uses</b>							
Start Up		\$15,000					\$15,000
On-going	\$33,171	\$194,375	\$251,726	\$256,761	\$261,896	\$267,134	\$1,265,063
<b>Sources (itemize)</b>							
Parks General Fund (10200)	\$33,171	\$209,375	\$251,726	\$256,761	\$261,896	\$267,134	\$1,280,063
<b>Total</b>	<b>\$33,171</b>	<b>\$209,375</b>	<b>\$251,726</b>	<b>\$256,761</b>	<b>\$261,896</b>	<b>\$267,134</b>	<b>\$1,280,063</b>

**Notes:** These O&M cost are already included in the 2008 CIP. There are no additional O&M costs associated with this legislation.



**Periodic Major Maintenance costs for the project:**

Major Maintenance Item	Frequency	Cost	Likely Funding Source
Replace Cedar Decking	10 – 15 years	\$200,000	TBD
Sidewalks- replacement	15 years	\$100,000	TBD
Bulkhead – Replacement	50 Years	\$15,000,000	TBD
Paint Bridge	10 years	\$100,000	TBD
Pump & Sand Filter System	10 years	\$500,000	TBD
<b>TOTAL</b>		<b>\$15,900,000</b>	

**Note:** These costs are for the entire Lake Union Park project, not just the Phase II components.

**Funding sources for replacement of project:** NA

**Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact:** NA

Position Title and Department*	Position # for Existing Positions	Fund Name & #	PT/FT	2008 Positions	2008 FTE	2009 Positions **	2009 FTE **
<b>TOTAL</b>	NA						

**Notes:** NA

- **Do positions sunset in the future?** NA
- **What is the financial cost of not implementing the legislation:** If the City does not implement this legislation, DPR may not be able to complete phase two of the LU Park Development Plan. In addition, DPR will not be in compliance with the Agreement with the Foundation that was approved in Ordinance 121963 and amended in Ordinance 122084 or the Agreement with CI that was approved in Ordinance 121902.
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** The only alternative to this legislation that could achieve the same objective would be for the City to provide an additional \$15 million of City or other currently unidentified resources to complete phase two of LU Park.



- **Is the legislation subject to public hearing requirements:** This project requires a CLEAN Hearing because the transfers into the project have raised the total contribution of City funds to this project to over \$5,000,000. The project has also had substantial public input during the design development process. The schematic plan for the development of LU Park was completed in 2004. Six public meetings concerning this plan were held between December 2002 and December 2005. In addition, there have been six community meetings and three public workshops concerning the project.
- **Other Issues:** None

**Please list attachments to the fiscal note below:** None



---

**STATE OF WASHINGTON – KING COUNTY**

--SS.

---

227505  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

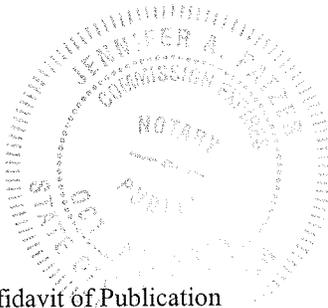
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122753-754,756-758

was published on

08/05/08

The amount of the fee charged for the foregoing publication is the sum of \$ 70.25, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

08/05/08

Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on July 28, 2008, and published here by title only, will be mailed, at no cost, on request for two months after this publication. For further information, contact the Seattle City Clerk at 684-8844.

#### ORDINANCE NO. 122758

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

#### ORDINANCE NO. 122757

AN ORDINANCE relating to Lake Union Park, authorizing acceptance of funds from the Seattle Parks Foundation and City Investors, Inc; and increasing appropriations to the Department of Parks and Recreation in the 2008 Budget; all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 122756

AN ORDINANCE relating to the Department of Neighborhoods; authorizing implementation of certain Neighborhood Matching Fund projects in 2008, and providing that 2008 appropriations for the Neighborhood Matching Subfund shall carry forward automatically to future budget years.

#### ORDINANCE NO. 122754

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent to enter into a Concession Agreement with Seattle Court Sports Unlimited for the purpose of constructing and operating an indoor/outdoor tennis facility at Warren G. Magnuson Park.

#### ORDINANCE NO. 122753

AN ORDINANCE relating to Lake Union Park amending Section 3 of Ordinance 122085.

Publication ordered by JUDITH PIPPIN,  
City Clerk

Date of publication in the Seattle Daily  
Journal of Commerce, August 5, 2008.

8/5(227505)