

Ordinance No. 123410

Council Bill No. 116974

AN ORDINANCE relating to Conservation Futures Levy proceeds; authorizing the Mayor to amend the Interlocal Cooperation Agreement between the City of Seattle and King County as authorized by City of Seattle Ordinance 114978; and authorizing the deposit of 2010 allocations from King County Conservation Futures Levy proceeds into the City of Seattle's 2000 Parks Levy Fund, Cumulative Reserve Fund and 2009 Multi-purpose LTGO Fund.

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

Date Introduced:	<u>Sept. 20, 2010</u>	
Date 1st Referred:	<u>Sept. 20, 2010</u>	
To: (committee)	<u>Parks and Seattle Center</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	<u>9.27.10</u>	
Full Council Vote:	<u>8-0</u>	
Date Presented to Mayor:	<u>9.28.10</u>	
Date Approved:	<u>10/6/10</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Sg Bagshaw  
Councilmember

## Committee Action:

9/23/10 PASS 1-0 SB

9.27.10 Passed 8-0 Excused: TR

This file is complete and ready for presentation to Full Council. Committee: PP 9/23/10  
(initial/date)

*Law Department*

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 123410

AN ORDINANCE relating to Conservation Futures Levy proceeds; authorizing the Mayor to amend the Interlocal Cooperation Agreement between the City of Seattle and King County as authorized by City of Seattle Ordinance 114978; and authorizing the deposit of 2010 allocations from King County Conservation Futures Levy proceeds into the City of Seattle's 2000 Parks Levy Fund, Cumulative Reserve Fund and 2009 Multi-purpose LTGO Fund.

WHEREAS, in 1989, King County Ordinance 9128 established the Conservation Futures Levy ("CFL") Fund, appropriated CFL proceeds to the City of Seattle ("City"), and established conditions for use of the proceeds, including allowable projects, costs, and expenses; and

WHEREAS, in 1990, City Ordinance 114978 authorized the CFL Interlocal Cooperation Agreement with King County to govern the receipt and use of CFL proceeds, and to define the specific projects ("Projects") approved by King County for acquisitions using CFL proceeds; and

WHEREAS, the City and King County have previously amended the CFL Interlocal Cooperation Agreement to add additional Projects and to provide for additional allocations of CFL proceeds; and

WHEREAS, the King County Council passed Ordinance 16717, the 2010 Budget Ordinance, on November 23, 2009, which appropriated, for 2010, a total of Two Million Six Hundred Thousand Dollars (\$2,600,000) in CFL proceeds to the City of Seattle for the Urban Village Park (Crown Hill), Northgate Park (Hubbard Homestead Park), and Webster Park acquisition Projects; and

WHEREAS, the King County Council also passed Ordinance 16842 on May 24, 2010, authorizing the King County Executive to enter into interlocal agreements with the City of Seattle and the suburban cities for the disbursement of CFL proceeds in King County Ordinance 16717; NOW, THEREFORE,

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

Section 1. The Mayor or his designee is hereby authorized to negotiate and enter into an amendment to the Conservation Futures Levy (hereafter "CFL") Interlocal Cooperation Agreement, substantially in the form of Exhibit A (hereafter "Amendment"), to provide for the



1 City's receipt and use of up to Two Million Six Hundred Thousand Dollars (\$2,600,000) from  
2 the 2010 King County allocations of CFL proceeds. The Amendment will also add an  
3 Attachment Y to the list of Projects in the CFL Interlocal Cooperation Agreement to include  
4 Urban Village Park (Crown Hill), Northgate Park (Hubbard Homestead Park), and Webster Park  
5 acquisition Projects.  
6

7 Section 2. Funds received pursuant to the Amendment shall be deposited as follows:

8	Item	Fund	Department	Budget Control Level/Capital Improvement Program	Amount (Up To)
9					
10	2.1	2000 Parks Levy Fund (33850)	Parks and Recreation	2000 Parks Levy – Neighborhood Park Acquisitions - K723001	\$1,500,000
11					
12	2.2	Cumulative Reserve Subfund-Unrestricted Subaccount (00164)	Parks and Recreation	Cumulative Reserve Subfund-Unrestricted Subaccount Debt Service and Contract Obligation - K72440	\$800,000
13					
14					
15	2.3	2009 Multi-purpose LTGO Fund (35300)	Parks and Recreation	2009 Multi-purpose LTGO – Citywide and Neighborhood Projects - K72449	\$300,000
16					
17				<b>Total</b>	<b>\$2,600,000</b>



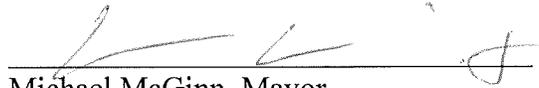
1 Section 3. This ordinance shall take effect and be in force 30 days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after  
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.  
4

5 Passed by the City Council the 27 day of September, 2010, and signed by  
6 me in open session in authentication of its passage this  
7

8 27 day of September, 2010.

9  
10   
11 President \_\_\_\_\_ of the City Council

12  
13 Approved by me this 6<sup>th</sup> day of October, 2010.

14  
15   
16 Michael McGinn, Mayor

17  
18 Filed by me this 6<sup>th</sup> day of October, 2010.

19  
20   
21 City Clerk

22 (Seal)

23  
24 Exhibit A: Amendment to the Conservation Futures Interlocal Cooperation Agreement  
25 Between King County and the City of Seattle for Open Space Acquisition Projects

26 Attachment Y to Exhibit A: 2010 Conservation Futures Levy City of Seattle Allocations  
27  
28

Exhibit A

**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, has established a Conservation Futures Levy Fund and appropriated proceeds to King County, the City of Seattle, and certain suburban cities through the procedures set forth in Ordinance 8867, as amended by Ordinance 14714. 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 Urban Village Park (Crown Hill), Northgate Park (Hubbard Homestead Park), and Webster Park acquisition Projects, and hereafter reads:

- On November 23, 2009, the King County Council passed Ordinance 16717, which appropriated a total of Two Million Six Hundred Thousand Dollars (\$2,600,000) in Conservation Futures Levy proceeds to the City of Seattle for the Urban Village Park (Crown Hill), Northgate Park (Hubbard Homestead Park), and Webster Park acquisition Projects. On May 24, 2010, the King County Council passed Ordinance 16842, authorizing the King County Executive to enter into interlocal agreements with the City of Seattle and the suburban cities for the disbursement of Conservation Futures Funds in Ordinance 16717.

**Amendment 2: Article V. Conditions of Agreement**

Section 5.1 is amended to include Attachment Y, which lists 2010 Conservation Futures Levy Allocations for the Urban Village Park (Crown Hill), Northgate Park (Hubbard Homestead Park), and Webster Park acquisition Projects.

**Amendment 3: Article VII. Responsibilities of County**



Exhibit A

The first two sentences of this article are amended to include Attachment Y, which lists 2010 Conservation Futures Levy proceeds allocations for the Urban Village Park (Crown Hill), Northgate Park (Hubbard Homestead Park), and Webster Park acquisition Projects:

Subject to the terms of this agreement, the County will provide Conservation Futures Levy Funds in the amounts shown in Attachments A through Y to be used for the Projects listed in Attachments A through Y. 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 Y. The County assumes no obligation for the future support of the Projects described herein except as expressly set forth in this agreement.

**Amendment 4: Attachment Y**

The attachments to the interlocal agreement are hereby amended to include references to Attachment Y, which is hereby attached to the interlocal agreement, incorporated therein, and made a part thereof.

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.



Exhibit A

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

KING COUNTY

CITY OF SEATTLE

\_\_\_\_\_  
Dow Constantine  
King County Executive

\_\_\_\_\_  
Michael McGinn  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Acting under the authority of  
Ordinance 16842  
Dated:

\_\_\_\_\_  
Acting under the authority of  
Ordinance:  
Dated:

\_\_\_\_\_  
Approved as to form:

\_\_\_\_\_  
Approved as to form:

\_\_\_\_\_  
Dan Satterberg  
King County Prosecuting Attorney

\_\_\_\_\_  
Peter S. Holmes  
Seattle City Attorney



Attachment Y  
to Exhibit A

**ATTACHMENT Y**

**2010 CONSERVATION FUTURES LEVY  
CITY OF SEATTLE ALLOCATIONS**

<b>Jurisdiction</b>	<b>Project</b>	<b>Allocation</b>
Seattle	Urban Village Park (Crown Hill)	\$ 1,500,000
Seattle	Northgate Park (Hubbard Homestead Park)	\$ 300,000
Seattle	Webster Park	\$ 800,000
<b>TOTAL</b>		<b>\$2,600,000</b>

**Project Descriptions:**

**315444 Urban Village Park (Crown Hill)**

This is a passive park in the Crown Hill neighborhood located on Northwest 90<sup>th</sup> Street and 15<sup>th</sup> Avenue Northwest. The property was acquired from the Seattle School District in 2009, which determined that the site was surplus to the needs of the District.

**315445 Northgate Park (Hubbard Homestead Park)**

This 3.73 acre project is a passive open space in the Northgate neighborhood of Seattle. The site, a former Park and Ride lot that was moved to another location, was acquired in 2009. The site is in a densely populated neighborhood and will help provide much needed open space in an underserved area as it continues to grow.

**315446 Webster Park**

This 0.8 acre open space acquisition project, on the site of the former Webster Elementary School in the Ballard neighborhood, was acquired from the Seattle School District in 2009. The project provides passive open space in a neighborhood underserved with open space.

**City of Seattle:**

**\$2,600,000**

**Urban Village Park (Crown Hill), Northgate Park (Hubbard Homestead Park), and  
Webster Park acquisition Projects**



**FISCAL NOTE FOR CAPITAL PROJECTS ONLY**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Parks and Recreation	Donald Harris / 684-8018	Jennifer Devore / 615-1328

**Legislation Title:**

AN ORDINANCE relating to Conservation Futures Levy proceeds; authorizing the Mayor to amend the Interlocal Cooperation Agreement between the City of Seattle and King County as authorized by City of Seattle Ordinance 114978; and authorizing the deposit of 2010 allocations from King County Conservation Futures Levy proceeds into the City of Seattle's 2000 Parks Levy Fund, Cumulative Reserve Fund and 2009 Multi-purpose LTGO Fund.

**Summary and Background of the Legislation:**

This legislation authorizes the Mayor to amend the existing Conservation Futures Levy (CFL) Interlocal Cooperation Agreement between the City of Seattle and King County to add three projects to the list of King County-approved acquisition projects and to provide reimbursements totaling \$2,600,000 allocated by King County to the City in 2010 from proceeds of the CFL. The projects include: the Urban Village Park (Crown Hill Park), Northgate Park (Hubbard Homestead Park), and Webster Park acquisition. The new amendment is Amendment Y.

The CFL is a county-wide property tax collected by King County for the acquisition of open space, agricultural, or timber lands. From 1990 to 1997, King County allocated the CFL proceeds among incorporated and unincorporated areas, based on project applications by local governments, citizen groups, and individual citizens. In 2001, the County re-established the application process for allocating the CFL proceeds. Among the requirements is the provision of at least a fifty percent matching contribution by the applicant.

The 2000 Neighborhood Parks, Green Spaces, Trails, and Zoo Levy (2000 Parks Levy) is the primary source of matching funds for the projects included in the City's 2009 application (2010 allocation) for CFL proceeds. City of Seattle Ordinance 120024, which authorized the special election that approved the 2000 Parks Levy, anticipated that the costs of the 2000 Parks Levy projects might exceed the proceeds. Consequently, the ordinance declared the City's intent "to leverage funds through collaboration with County, State, and federal sources and with private and non-profit organizations, including the Seattle Parks Foundation, through the development of partnerships for purposes of enhancing the projects and programs funded through the levy lid lift."

The CFL reimbursements will be deposited in the 2000 Parks Levy Fund (Fund 33850), Cumulative Reserve Fund (Fund 00164) and the 2009 Multi-purpose LTGO Fund (35300). Of the \$2,600,000 CFL proceeds, \$1,500,000 will reimburse the 2000 Parks Levy Fund, \$800,000 will reimburse the Cumulative Reserve Account, and \$300,000 will reimburse the 2009 Multi-purpose LTGO Fund, all for expenditures already made on the basis of previous appropriation authority.



The previous appropriation authority referred to above is as follows: Ordinance 122890 for Urban Village - Crown Hill (\$1,500,000), Ordinance 122121 for Northgate Park (Hubbard Homestead Park) (\$300,000), and Ordinance 122889 for Webster Park (\$800,000).

<b>Project Name:</b>	<b>Project I.D.</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date</b>
Urban Village Park – Crown Hill	K733272	9089 Holman Road NW	January 2006	March 2009 (acquired)
Northgate Park (Hubbard Homestead Park)	K732287	11203 – 5th Avenue NE	January 2006	April 2009 (acquired)
Webster Park	K732373	3017 NW 67th Street	January 2008	March 2009 (acquired)

- *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.)*

  X   **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>Existing 2009 Appropriation</b>	<b>New 2009 Appropriation (if any)</b>	<b>2010 Anticipated Appropriation</b>
N/A	N/A	N/A	N/A	N/A	
<b>TOTAL</b>					

**Notes:** This legislation does not appropriate any funds. Appropriations for the Urban Village Park - Crown Hill (\$1,500,000), Northgate Park (Hubbard Homestead Park) (\$300,000), and Webster Park (\$800,000) were provided in prior legislative actions via Ordinances 122890, 122121, and 122889, respectively.



**Spending Plan for Capital Projects (in thousands)**

Spending Plan and Budget	Prior to 2010	2010	2011	2012	2013	2014	Total
Spending Plan							
Urban Village Park – Crown Hill	5,474						
Northgate Park (Hubbard Homestead Park)	9,366						
Webster Park	1,600						
<b>Current Year Appropriation</b>							
<b>Future Appropriations</b>							

Notes:

**Funding source:**

Funding Source (Fund Name and Number, if applicable)	2009	2010	2011	2012	2013	2014	Total
<b>TOTAL</b>							

Notes: Funding appropriated via previous legislation.

**Bond Financing Required: N/A**

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

**Uses and Sources for Operation and Maintenance Costs for the Project: N/A**

O&M	2009	2010	2011	2012	2013	2014	Total
<b>Uses</b>							
Start Up							
On-going							
<b>Sources (itemize)</b>							
<b>Totals</b>	<b>NA</b>						



**Notes:**

**O&M notes per project:**

Urban Village Park – Crown Hill: This site was purchased in 2009 from the Seattle School District. Funding for park development is included in the 2008 Parks and Green Spaces Levy. The O&M for the maintenance of the property has already been identified in previous legislation authorizing the acquisition.

Webster Park: This site was purchased from the Seattle School District (SSD) in 2009. Webster Park was already developed when it was acquired from SSD (DPR had a 25-year lease). Funding for operation and maintenance of the park is included in the Parks budget.

Northgate Park (Hubbard Homestead Park): This property was purchased in 2009. Funding for park development is included in the 2008 Parks and Green Spaces Levy. The O&M for the maintenance of the property has already been identified in previous legislation authorizing the acquisition.

**Periodic Major Maintenance costs for the project: N/A**

Major Maintenance Item	Frequency	Cost	Likely Funding Source
<b>TOTAL</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>

**Funding sources for replacement of project: N/A**

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

Position Title and Department*	Position # for Existing Positions	Fund Name & #	PT/FT	2009 Positions	2009 FTE	2010 Positions **	2010 FTE **
<b>TOTAL</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

**Notes:**

- **Do positions sunset in the future?** N/A
- **What is the financial cost of not implementing the legislation?** The City would forgo \$2,600,000 in payments and reimbursements from King County CFL proceeds associated with Amendment Y.
- **Does this legislation affect any departments besides the originating department?** No



- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** No alternatives have been identified, other than forgoing the reimbursements. While other revenue sources for reimbursement (such as grants) might be pursued, these are generally unavailable retroactively and competitive criteria for most grant programs tend not to favor these types of acquisitions.
- **Is the legislation subject to public hearing requirements?** No
- **Other Issues** None

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



# City of Seattle

Michael McGinn, Mayor

## Office of the Mayor

September 7, 2010

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill, which authorizes an amendment to the existing Conservation Futures Levy (CFL) Interlocal Cooperation Agreement between the City of Seattle and King County, and authorizes the City to accept up to \$2,600,000 in CFL proceeds.

King County's annual allocations of CFL proceeds, which are funded by a county-wide property tax dedicated to the acquisition of open space, agricultural property, or timberlands, have been invaluable in helping the City achieve the goals of the 2000 Neighborhood Parks, Green Spaces, Trails, and Zoo Levy (2000 Parks Levy). The 2010 CFL allocations made available by this legislation will be used to help pay for the Urban Village Park (Crown Hill Park), Northgate Park (Hubbard Homestead Park), and Webster Park Projects, which have all been acquired. As a CFL recipient, the City is required to provide at least 50 percent in matching funds. The source of matching funds for the Webster and Crown Hill Park projects is the 2000 Pro Parks Levy. The source of matching funds for the Northgate Park project is the 2009 Multi-purpose LTGO Fund.

This legislation will help us expand the parks and open spaces that are so highly valued by Seattle residents. Thank you for your consideration of this legislation. Should you have questions, please contact Donald Harris at 684-8018.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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261694  
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.

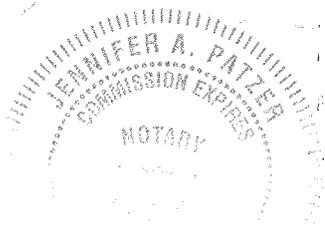
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123408,10,12-13

was published on

10/14/10

The amount of the fee charged for the foregoing publication is the sum of \$ 81.90, which amount has been paid in full.



Affidavit of Publication

*[Signature]*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
10/14/10 *[Signature]*  
\_\_\_\_\_  
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 September 27, 2010, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

#### ORDINANCE NO. 123408

AN ORDINANCE relating to the redevelopment of the Lake Union Armory Building; amending the Armory Project Development Agreement between The City of Seattle and the Museum of History and Industry ("MOHAI"); accepting an offer from the Washington State Department of Transportation to acquire the MOHAI facility and ancillary improvements at McCurdy Park; authorizing the Superintendent of Parks and Recreation to execute a deed for such improvements and to take other related actions; creating a new budget control level and increasing appropriations in connection therewith; and superseding the requirements of Ordinance 118477 to the extent necessary to carry out the purposes of this ordinance; all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 123410

AN ORDINANCE relating to Conservation Futures Levy proceeds; authorizing the Mayor to amend the Interlocal Cooperation Agreement between the City of Seattle and King County as authorized by City of Seattle Ordinance 114978; and authorizing the deposit of 2010 allocations from King County Conservation Futures Levy proceeds into the City of Seattle's 2000 Parks Levy Fund, Cumulative Reserve Fund and 2009 Multi-purpose LTGO Fund.

#### ORDINANCE NO. 123412

AN ORDINANCE relating to the Department of Parks and Recreation, authorizing the Superintendent to enter into an agreement with the Seattle Chinese Garden Society for an easement and public benefits at Knowing the Spring Courtyard and additional phases of the Seattle Chinese Garden.

#### ORDINANCE NO. 123413

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

Publication ordered by the City Clerk  
Date of publication in the Seattle Daily  
Journal of Commerce, October 14, 2010.  
10/14(261694)