

**ORDINANCE** \_\_\_\_\_

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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 2011 allocations from King County Conservation Futures Levy proceeds into the City of Seattle's 2008 Parks Levy 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 16984, the 2011 Budget Ordinance, on November 15, 2010, which appropriated, for 2011, a total of \$2,805,000 in CFL proceeds to the City of Seattle for the Urban Village Parks (Chinatown/International District, Fremont- Ernst Park Completion, Greenwood/Phinney Ridge, Lake City) and Greenspace Additions (Duwamish Head, Me-Kwa-Mooks and Thornton Creek) Acquisition Projects; and

WHEREAS, the King County Council also passed Ordinance 17125 on June 27, 2011, 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 appropriated under the 2011 County Budget Ordinance, Ordinance 16984; 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 City's receipt and use of up to \$2,805,000 from the 2011 King County allocations of CFL



1 proceeds. The Amendment will also add an Attachment Z to the list of Projects in the CFL  
2 Interlocal Cooperation Agreement to include the Urban Village Park (Chinatown/International  
3 District), Urban Village Park (Fremont-Ernst Park Completion), Urban Village Park  
4 (Greenwood-Phinney Ridge), Urban Village Park (Lake City), Thornton Creek Park #6 Addition,  
5 Duwamish Head Greenspace Addition and Me-Kwa- Mooks Greenspace Addition Acquisition  
6 Projects.

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

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Fund	Department	Budget Control Level/Capital Improvement Program	Amount (Up To)
2008 Parks Levy Fund (33860)	Parks and Recreation	2008 Parks Levy – Neighborhood Park Acquisitions – K720010	\$2,075,000
2008 Parks Levy Fund (33860)	Parks and Recreation	2008 Parks Levy – Green Space Acquisitions – K720011	\$730,000
<b>Total</b>			<b>\$2,805,000</b>

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

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1 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2011, and signed by  
2 me in open session in authentication of its passage this  
3 \_\_\_\_ day of \_\_\_\_\_, 2011.

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5 \_\_\_\_\_  
6 President \_\_\_\_\_ of the City Council

7  
8 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

9  
10 \_\_\_\_\_  
11 Michael McGinn, Mayor

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13 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

14  
15 \_\_\_\_\_  
16 Monica Martinez Simmons, City Clerk

17 (Seal)

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19 Exhibit A: Amendment to the Conservation Futures Interlocal Cooperation Agreement between  
King County and the City of Seattle for Open Space Acquisition Projects

20 Attachment Z to Exhibit A: 2011 Conservation Futures Levy City of Seattle Allocations

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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 (Chinatown-International District), Urban Village Park (Fremont-Ernst Park Completion), Urban Village Park (Greenwood-Phinney Ridge), Urban Village Park (Lake City), Thornton Creek Park #6 Addition, Duwamish Head Greenspace Addition and Me-Kwa- Mooks Greenspace Addition Acquisition Projects, and hereafter reads:

- On November 15, 2010, the King County Council passed Ordinance 16984, which appropriated a total of Two Million Eight Hundred Five Thousand Dollars (\$2,805,000) in CFL proceeds to the City of Seattle for the Urban Village Park (Chinatown-International District), Urban Village Park (Fremont-Ernst Park Completion), Urban Village Park (Greenwood-Phinney Ridge), Urban Village Park (Lake City), Thornton Creek Park #6 Addition, Duwamish Head Greenspace Addition and Me-Kwa- Mooks Greenspace Addition Acquisition Projects. On June 27, 2011, the King County Council passed Ordinance 17125, 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 16984.

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

Section 5.1 is amended to include Attachment Z, which lists 2011 Conservation Futures Levy Allocations for the Urban Village Park (Chinatown-International District), Urban Village Park (Fremont-Ernst Park Completion), Urban Village Park (Greenwood-Phinney Ridge), Urban



Exhibit A

Village Park (Lake City), Thornton Creek Park #6 Addition, Duwamish Head Greenspace Addition and Me-Kwa- Mooks Greenspace Addition Acquisition Projects.

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

The first two sentences of this article are amended to include Attachment Z, which lists 2011 Conservation Futures Levy proceeds allocations for the Urban Village Park (Chinatown-International District), Urban Village Park (Fremont-Ernst Park Completion), Urban Village Park (Greenwood-Phinney Ridge), Urban Village Park (Lake City), Thornton Creek Park #6 Addition, Duwamish Head Greenspace Addition and Me-Kwa- Mooks Greenspace Addition 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 Z to be used for the Projects listed in Attachments A through Z. 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 Z. 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 Z**

The attachments to the interlocal agreement are hereby amended to include references to Attachment Z, 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 17125  
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 Z  
 to Exhibit A

**ATTACHMENT Z**

**2011 CONSERVATION FUTURES LEVY  
 CITY OF SEATTLE ALLOCATIONS**

<b>Jurisdiction</b>	<b>Project</b>	<b>Allocation</b>
Seattle	Me-Kwa-Mooks Greenspace Addition	\$210,000
Seattle	Thornton Creek Park #6 Addition	\$170,000
Seattle	Urban Village Park (Chinatown-International District)	\$750,000
Seattle	Urban Village Park (Fremont-Ernst Park Completion)	\$385,000
Seattle	Urban Village Park (Greenwood/Phinney Ridge)	\$500,000
Seattle	Urban Village Park (Lake City)	\$440,000
Seattle	Duwamish Head Greenspace Addition	\$350,000
<b>TOTAL</b>		<b>\$2,805,000</b>

**Project Descriptions:**

**315403 Seattle - Me-Kwa-Mooks Greenspace Addition**

This project consists of a .7 acre wooded hillside open space on the southern end of Me-Kwa-Mooks Natural Area overlooking Puget Sound in West Seattle.

**315404 Seattle - Thornton Creek Park #6 Addition**

This project consists of a .25 acre open space addition to Thornton Creek Park #6. The property is located at NE 105<sup>th</sup> Street and 8<sup>th</sup> Avenue NE.

**315439 Seattle - Chinatown-International District Urban Center Park**

This project consists of providing funding for the acquisition of needed open space in a high-



Attachment Z  
to Exhibit A

density designated urban neighborhood centered around Chinatown and the International District in Seattle. The project is intended to help provide needed green space and park land in this neighborhood of Seattle. The project has been created out the city's neighborhood planning process.

Project funding contingency: Before CFT funds are dispersed to Seattle for this project, Seattle will propose a final site location to the Conservation Futures Citizens Committee, which will make a recommendation to King County, before King County grants final site location and approval.

**315447 Seattle – Fremont Urban Village Park (Ernst Park Completion)**

This is a .1-acre open space addition to Ernst Park in the Fremont neighborhood of Seattle, located on North 35<sup>th</sup> Street east of Fremont Avenue.

**315448 Seattle - Greenwood/Phinney Urban Village Park**

This project consists of providing funding for the acquisition of needed open space in a high-density designated urban neighborhood centered around Greenwood Avenue between North 65<sup>th</sup> and North 85<sup>th</sup> Streets in Seattle. The project is intended to help provide needed green space and park land in this neighborhood of Seattle. The project has been created out the city's neighborhood planning process.

Project funding contingency: Before CFT funds are dispersed to Seattle for this project, Seattle will propose a final site location to the Conservation Futures Citizens Committee, which will make a recommendation to King County, before King County grants final site location and approval.

**315449 Seattle - Lake City Urban Village Park**

This project will acquire a new .25-acre passive open space park site in the Lake City Hub Urban Village in Seattle. The property is located on 33<sup>rd</sup> Avenue NE north of NE 125<sup>th</sup> Street in the Lake City Community.

**315450 Seattle - Duwamish Head Greenspace Addition**

The goal of this project is to acquire a strategic .7-acre wooded open space within the Duwamish Head Greenbelt, located at Lotus Avenue SW, one block east of Harbor view Avenue SW in West Seattle.

**City of Seattle:**

**\$2,805,000**

**Me-Kwa-Mooks Natural Area Addition, Thornton Creek Park Addition, Chinatown-International District Urban Center Park, Ernst Park Completion, Greenwood/Phinney Urban Village Park, Lake City Urban Village Park, Duwamish Head Greenbelt 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	Amy Williams/ 233-2651

**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 2011 allocations from King County Conservation Futures Levy proceeds into the City of Seattle's 2008 Parks Levy 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 seven projects to the list of King County-approved acquisition projects. A detailed description of the projects can be found in Attachment Z to the amended agreement.

The seven acquisition projects were included in the 2008 Parks and Green Spaces Levy (2008 Parks Levy), and CFL funds will be used to partially reimburse the costs of each project. The total amount of CFL funds provided by King County in 2011 is \$2,805,000. The projects being funded include:

- Me-Kwa-Mooks Greenspace Addition (acquired August 2009);
- Thornton Creek Park #6 Addition (acquired April 2009);
- Duwamish Head Greenbelt acquisition Projects (acquired June 2010);
- Chinatown/International District Urban Village Park (to be acquired in 2012);
- Fremont Urban Village Park/Ernst Park Completion (acquired June 2010);
- Greenwood/Phinney Urban Village Park (to be acquired in 2012);
- Lake City Urban Village Park (acquired September 2010).

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 50 percent matching contribution by the applicant. Ordinance 122749, which authorized the 2008 Parks Levy, anticipated that the costs of the projects might exceed actual levy revenues and provided authority to use 2008 Parks Levy funds to leverage outside funding sources to enhance these projects.



The CFL reimbursements will be deposited in the 2008 Parks Levy Fund (Fund 33860) and will provide reimbursement for the seven projects as follows: \$1,555,000 will reimburse prior acquisition costs for five projects including Me-Kwa-Mooks Greenspace Addition, Thornton Creek Park #6 Addition, Duwamish Head Greenbelt acquisition Projects, Fremont Urban Village Park (Ernst Park Completion), and Lake City Urban Village Park; and \$1,250,000 will reimburse future acquisition costs for the Chinatown/International District and Greenwood/Phinney Ridge projects. (Note: before CFL funds are disbursed to the City for the Chinatown/International District and Greenwood/Phinney Ridge projects, the City needs to propose a final site location to the Conservation Futures Citizens Committee, which will make a recommendation to the King County Council, before King County grants final approval for reimbursement).

The original appropriation authority for the five completed projects referred to above was previously legislated. Ordinance 123391 authorized appropriations for Lake City Urban Village Park (\$930,000). Ordinance 123414 provided appropriation for Fremont Urban Village Park/Ernst Park Completion (\$800,000), and Ordinance 122959 for Me-Kwa-Mooks (\$500,000), Thornton Creek (\$425,000), and Duwamish Head (\$730,000).



The following table summarizes the location and timeline for each project.

<b>Project Name:</b>	<b>Project I.D.:</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date:</b>
Neighborhood Park Acquisitions- 2008 Parks Levy	K730010	Urban Village Park (Chinatown/ International District)TBD	January 2010	June 2012
Neighborhood Park Acquisitions- 2008 Parks Levy	K730010	Urban Village Park (Fremont-Ernst Park Completion)719 N 35th Street	June 2009	Dec. 2010 (acquired)
Neighborhood Park Acquisitions- 2008 Parks Levy	K730010	Urban Village Park (Greenwood/ Phinney Ridge)TBD	June 2009	April 2012
Neighborhood Park Acquisitions- 2008 Parks Levy	K730010	Urban Village Park (Lake City)12510 33RD Ave NE	January 2009	Sept. 2010 (acquired)
Green Space Acquisitions- 2008 Parks Levy	K730011	Duwamish Head Greenspace 2257 Lotus Ave SW	June 2009	June 2010 (acquired)
Green Space Acquisitions- 2008 Parks Levy	K730011	Me-Kwa-Mooks Greenspace Addition 5244 SW Jacobsen Rd	May 2009	August 2009 (acquired)
Green Space Acquisitions- 2008 Parks Levy	K730011	Thornton Creek Park #6 Addition 11203 – 5th Avenue NE	January 2009	April 2009 (acquired)

This legislation creates, funds, or anticipates a new CIP Project.

This legislation does not have any financial implications.

This legislation has financial implications.



**Appropriations: N/A**

Fund Name and Number	Department	Budget Control Level*	Existing 2011 Appropriation	New 2011 Appropriation (if any)	2012 Anticipated Appropriation
<b>TOTAL</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

Appropriations Notes: This legislation does not appropriate any funds.

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

Spending Plan and Budget	2011	2012	2013	2014	2015	2016	Total
Me-Kwa-Mooks Greenspace Addition	485						
Thornton Creek Park #6 Addition	416						
Urban Village Park (Chinatown/ International District)	12		2,000				
Urban Village Park (Fremont-Ernst Park Completion)	815						
Urban Village Park (Greenwood/ Phinney Ridge)	27	1,500					
Urban Village Park (Lake City)	940						
Duwamish Head Greenspace	746						
<b>Current Year Appropriation</b>							
<b>Future Appropriations</b>		1,500	2,000				
Urban Village Park (Chinatown/International District)			2,000				
Urban Village Park (Greenwood/ Phinney Ridge)		1,500					

Spending Plan and Budget Notes: The spending plan and future appropriation information applies only to these acquisitions. For Neighborhood Park Acquisitions (K730010), appropriations are requested with legislation authorizing each acquisition. For Green Space Acquisitions (K730011), appropriations are included in the annual CIP. Future appropriations will be made in subsequent legislation for the Urban Village Parks (Chinatown/International District and Greenwood/Phinney Ridge) acquisition projects.



**Funding Source:**

Funding Source (Fund Name and Number, if applicable)	2011	2012	2013	2014	2015	2016	Total
<b>TOTAL</b>	<b>N/A</b>						

Funding Source Notes: Funding for prior projects was appropriated in the legislation noted in the above section.

**Bond Financing Required:** N/A

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

Bond Notes:

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

O&M	2011	2012	2013	2014	2015	2016	Total
Uses							
Start Up							
On-going							
<b>Sources (itemize)</b>	<b>N/A</b>						

Operation and Maintenance Notes:

**O&M notes per project:**

Me-Kwa-Mooks Greenspace: This property was purchased in 2009. The property is currently being maintained by DPR as undeveloped green space along with the rest of Me-Kwa-Mooks Greenspace.

Thornton Creek Park #6: This property was purchased in 2009. The property is currently being maintained by DPR as undeveloped green space along with the rest of Thornton Creek Natural Area.

Urban Village Park (Lake City): This site was purchased in 2010, with a commercial building subject to existing office leases. DPR has no immediate plans to develop the park and will keep the existing leases. The O&M for the maintenance of the property has already been identified in previous legislation authorizing the acquisition.

Duwamish Head Greenspace: This property was purchased in 2010. The property is currently being maintained by DPR as undeveloped green space along with the rest of Duwamish Head Greenspace.



**Periodic Major Maintenance Costs for the Project: N/A**

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

**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	2011 Positions	2011 FTE	2012 Positions **	2012 FTE **
<b>TOTAL</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Position Notes:

**Do positions sunset in the future? N/A**

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
No.
- b) **What is the financial cost of not implementing the legislation?**  
The City would forgo \$2,805,000 in payments and reimbursements from King County CFL proceeds.
- c) **Does this legislation affect any departments besides the originating department?**  
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** No alternative has 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.
- e) **Is a public hearing required for this legislation?** No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle***



***Times required for this legislation?*** No.

**g) Does this legislation affect a piece of property?**

Yes, this legislation affects seven properties.

**h) Other Issues:** None

**List attachments to the fiscal note below:** None.





City of Seattle  
Office of the Mayor

November 29, 2011

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 \$2,805,000 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, are invaluable in helping the City achieve the goals of the 2008 Parks and Green Spaces Levy (2008 Parks Levy). The 2011 CFL allocations made available by this legislation will be used to help pay for four Urban Village Parks (Lake City, Fremont-Ernst Park Completion, Greenwood/Phinney and Chinatown/International District), and three greenspace acquisitions (Me-Kwa-Mooks Greenspace, Thornton Creek Park #6 and Duwamish Head Greenspace). The Greenwood/Phinney and Chinatown/International District projects are still in negotiation and the others have all been acquired. As a CFL recipient, the City is required to provide at least 50 percent in matching funds. The source of the matching funds for the projects is the 2008 Parks Levy.

This legislation will help the City 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

