



Signature Report

November 23, 2009

Ordinance 16714

Proposed No. 2009-0589.1

Sponsors Constantine

1 AN ORDINANCE authorizing the executive to enter into an  
2 agreement with the city of Seattle, consenting to a request  
3 from Capitol Hill Housing Improvement Program to serve  
4 as lead developer of an affordable housing project located  
5 in the White Center neighborhood of unincorporated King  
6 County.

7  
8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. Findings:

10 A. In 2007, the department of community and human services awarded funding  
11 to the Delridge Neighborhoods Development Association ("DNDA") for the Strength of  
12 Place Initiative Village affordable housing project located at 13th Avenue SW and SW  
13 100th Street in White Center in unincorporated King County ("the project").

14 B. Low-income housing tax credit equity is also needed as a major subsidy  
15 source for the project, and DNDA has concluded that a joint venture is necessary to  
16 secure tax credit equity funding.

17 C. DNDA desires to partner with Capitol Hill Housing Improvement Program  
18 ("CHHIP"), a public corporation chartered by the City of Seattle, to secure tax credit  
19 equity necessary to move the project forward and to complete development of the project.

20 D. DNDA and CHHIP have reached an agreement allowing CHHIP to act as the  
21 lead developer for the project, and the CHHIP board of directors has adopted a resolution  
22 approving this proposal.

23 E. Seattle Municipal Code Section 3.110.170 provides that "[i]f authorized by its  
24 charter to do so, a public corporation may undertake projects and activities or perform  
25 acts outside the limits of the city only in those areas of another jurisdiction whose  
26 governing body by agreement with the City consents thereto." The CHHIP charter  
27 authorizes CHHIP to conduct an activity outside the city of Seattle if the Seattle city  
28 council determines that the activity will further the purposes of the program, and if the  
29 governing body of the jurisdiction where the activity is located consents.

30 F. The Seattle city council has determined that CHHIP's work as lead developer  
31 for the project will further the purposes of the program, and authorized the director of the  
32 Seattle office of housing to enter into an agreement with King County to allow CHHIP to  
33 engage in such work through city of Seattle Ordinance No. 123058 on August 10, 2009.  
34 The mayor of the city of Seattle signed the ordinance on August 17, 2009.

35 G. The project will create new quality affordable housing for low-income  
36 households in a formerly vacant lot in the White Center neighborhood, which is in the  
37 interests of the city of Seattle as well as King County.

38 SECTION 2. The King County council, having determined that such an  
39 agreement is in the best interest of the public, hereby authorizes the executive or the

**Ordinance 16714**

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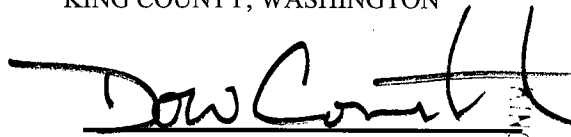
40 executive's designee to execute an agreement with the city of Seattle in substantially the  
41 form of Attachment A to this ordinance, in order to enable CHHIP to act as the lead  
42 developer for the project.

43

Ordinance 16714 was introduced on 10/19/2009 and passed by the Metropolitan King County Council on 11/23/2009, by the following vote:

Yes: 9 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Dow Constantine, Chair


ATTEST:



Anne Noris, Clerk of the Council

RECEIVED  
2009 DEC -4 PM 4:30  
KING COUNTY COUNCIL  
CLERK

APPROVED this 30<sup>th</sup> day of NOVEMBER, 2009.



Dow Constantine, County Executive

**Attachments**      A. Agreement

## AGREEMENT

THIS AGREEMENT is entered into between King County, a municipal corporation and political subdivision of the State of Washington, hereinafter referred to as “King County,” and The City of Seattle, a Washington municipal corporation, hereinafter referred to as “Seattle”, each being a unit of general local government of the State of Washington.

## RECITALS

WHEREAS, in 2007 the King County Housing and Community Development Program awarded funding for the SOPI Village affordable housing project, located at 13<sup>th</sup> Avenue SW and SW 100<sup>th</sup> Street in White Center in unincorporated King County and hereinafter referred to as the “Project,” to the Delridge Neighborhoods Development Association (“DNDA”); and

WHEREAS, the Project forms a key part of the White Center Community Development Agency’s Strength of Place Initiative, a neighborhood wide planning effort dedicated to preserving income diversity in a rapidly gentrifying area of unincorporated King County; and

WHEREAS, low-income housing tax credit equity is needed as a major source of funding for the Project, and DNDA concluded that a joint venture is necessary to secure a low-income tax credit equity investor; and

WHEREAS, DNDA desires to partner with Capitol Hill Housing Improvement Program (“CHHIP”), a public corporation chartered by The City of Seattle, which is a development entity with financial resources and a proven track record, to secure a tax credit investment and complete development of the Project; and

WHEREAS, DNDA and CHHIP have reached an agreement for CHHIP to act as the lead developer for the Project; and

WHEREAS, CHHIP is a public corporation established under SMC Chapter 3.110; and

WHEREAS, Seattle Municipal Code (SMC), Section 3.110.170, states in part: “If authorized by its charter to do so, a public corporation may undertake projects and activities or perform acts outside the limits of the City only in those areas of another jurisdiction whose governing body by agreement with the City consents thereto,” and the CHHIP Charter so authorizes;

WHEREAS, both King County and Seattle desire to facilitate CHHIP’s participation in the Project, to provide needed affordable housing; and

WHEREAS, by Ordinance \_\_\_\_\_ the City Council of Seattle authorized the Director of the Office of Housing of Seattle to enter into this agreement with King County to enable CHHIP to help develop the Project;

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING CIRCUMSTANCES, THE PARTIES AGREE AS FOLLOWS:

1. Consents

King County and Seattle each consents to CHHIP, a public corporation chartered by Seattle, developing an affordable housing project known as the SOPI Village (“Project”) located outside the City of Seattle in unincorporated King County, which may include, without limitation, participating in the financing, ownership, and operation of the Project. The Project, is to be located at 13<sup>th</sup> Avenue SW and SW 100<sup>th</sup> Street. The consent provided in this Agreement is intended to satisfy the conditions of SMC 3.110.170 and the Charter of CHHIP for actions outside the City of Seattle, and does not constitute approval of required revisions to existing funding agreements between King County and DNDA to reflect CHHIP’s participation in the Project.

2. Powers and Authority

Pursuant to Revised Code of Washington (RCW) Section 35.21.740, King County and Seattle agree that with respect to all activities of CHHIP related to the Project and all related property interests now or hereafter held by CHHIP, the powers, authorities and rights of Seattle to establish, to confer power and authority upon, and to exercise authority over, a public corporation or authority, as expressly or impliedly granted pursuant to RCW Sections 35.21.730 through 35.21.755, shall be operable, applicable and effective in unincorporated King County, so that CHHIP shall have the same powers, authority and rights with respect to such activities as CHHIP has within the corporate limits of the City of Seattle, and shall be subject to the same Seattle ordinances and authority of Seattle.

3. Duration

This Agreement and the consents herein shall take effect when both parties have signed this Agreement, and shall remain in effect so long as the corporate existence of CHHIP continues, unless and until modified or terminated by written agreement of King County and Seattle, but no such modification or termination shall affect the validity or binding effect of any agreement or action previously made or taken by CHHIP.

4. Miscellaneous

This Agreement represents the entire agreement of the parties with respect to the subject matter hereof. Nothing in this Agreement shall impose any obligation, liability or responsibility on King County or Seattle for any liability, action or omission of CHHIP.

CITY:

COUNTY:

The City of Seattle

King County

By: \_\_\_\_\_

By: \_\_\_\_\_

Adrienne E. Quinn, Director of Housing

Jackie McLean, Director, Department of  
Community and Human Services

Date: \_\_\_\_\_

Date: \_\_\_\_\_