



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 20, 2010

Ordinance 16887

Proposed No. 2010-0375.3

Sponsors Drago and Phillips

1 AN ORDINANCE relating to the Burien Transit Center
2 Expansion project; authorizing a funding and cooperation
3 agreement between the Central Puget Sound Regional
4 Transit Authority and King County and approving revisions
5 to the project lease (with option to purchase) and ground
6 lease for the same; and amending Ordinance 16759,
7 Section 2.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. Findings:

10 A. The Sound Transit board of directors adopted Sound Transit 2, A Mass Transit
11 Guide, and The Regional Transit System Plan for Central Puget Sound ("ST2") on July
12 24, 2008.

13 B. ST2 includes, within the ST Express Bus program, a capital contribution to the
14 expansion of the Burien Transit Center and park-and-ride.

15 C. The Sound Transit board of directors called an election to approve local taxes
16 to implement ST2, which was approved by the electorate on November 4, 2008.

17 D. Both King County and Sound Transit operate bus service at the Burien Transit
18 Center, and both Sound Transit and the county have determined that it is in the public
19 interest for the county to construct and operate the expanded park-and-ride facility.

20 E. The King County Metro transit division completed the construction of a new
21 \$8 million transit center and off-street layover facility adjacent to the site of the proposed
22 expanded park-and-ride project in June 2009.

23 F. The chief executive officer of Sound Transit and the director of transportation
24 signed an agreement in principle on June 12, 2009, providing for Sound Transit to
25 contribute capital funding up to \$14.73 million to the county upon substantial completion
26 of a public transit park-and-ride facility that includes a structured parking garage with up
27 to five-hundred-three parking stalls.

28 G. The Sound Transit board of directors approved Resolution R2009-23 on
29 December 10, 2009, adopting the 2010 annual budget, which included funding for the
30 Burien Transit Center expansion project.

31 H. The King County council adopted Ordinance 16759 on February 16, 2010,
32 relating to transit-oriented development of a portion of the county-owned park-and-ride
33 lot in the city of Burien approving a ground lease of the site from the county to Alliance
34 Wasatch I, LLC, and a lease by Alliance Wasatch I, LLC, back to the county of a parking
35 garage to be constructed on the site, authorizing the county executive to execute final
36 forms of the ground lease and project lease and approving certain other provisions of the
37 lease/lease back transaction.

38 I. The King County council adopted Ordinance 16760 on February 16, 2010,
39 requiring that Sound Transit and King County enter into a binding agreement authorizing
40 payment by Sound Transit to King County of the \$14,730,000 for the project.

41 J. The county intends to enter into a lease/lease back development project with
42 Alliance Wasatch I, LLC, for the construction of an approximately five-hundred-three-
43 stall parking garage and possible future mixed used transit-oriented development project.

44 K. After substantial completion of the project, the county intends to exercise its
45 option to purchase the project and terminate the ground lease and project lease.

46 L. After the county has purchased the project, Sound Transit will transfer \$14.73
47 million to the county in accordance with the attached agreement.

48 M. At the request of Alliance/Wasatch I and their construction lender, the county
49 has negotiated revisions to the ground lease and project lease related to financing of the
50 construction of the garage.

51 SECTION 2. The King County executive or the executive's designee is hereby
52 authorized to execute an agreement with the Central Puget Sound Transit Authority, and
53 the council approves the revisions to the ground lease and project lease (with option to
54 purchase), substantially in the forms of Attachment A to this ordinance, for the design,
55 construction, lease, operation and maintenance of the Burien Transit Center expansion
56 project.

57 SECTION 3. Ordinance 16759, Section 2, is hereby amended to read as follows:

58 **Approval of Ground Lease and Project Lease.** Subject to ((section 4 of this
59 ~~o~~))Ordinance 16759, Section 4, the county executive is authorized to sign the Ground
60 Lease, the Lease Agreement (With Option to Purchase) and the Exclusive Negotiating
61 Agreement in substantially the forms set forth as Attachments ((A, B and C to this
62 ordinance)) B, C and D to this ordinance (Proposed Ordinance 2010-0375), respectively;
63 provided, however, that (i) the term of the Ground Lease shall commence no earlier than

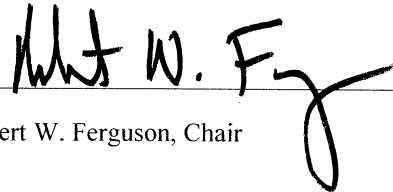
64 the effective date of this ordinance and shall expire no later than December 31, 2027, and
65 (ii) the term of the Lease Agreement (With Option to Purchase) shall commence no
66 earlier than the effective date of this ordinance and shall expire no later than December
67 31, 2027, nor shall the amount of Monthly Rent payable under the Project Lease exceed
68 the monthly rental rate of 68 cents per square foot. When fully executed, copies of the

69 Ground Lease and Lease Agreement (With Option to Purchase) shall be filed with the
70 clerk of the council.
71

Ordinance 16887 was introduced on 7/6/2010 and passed as amended by the Metropolitan King County Council on 7/19/2010, by the following vote:

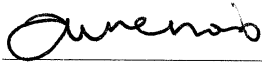
Yes: 9 - Ms. Drago, Mr. Phillips, Mr. von Reichbauer, Mr. Gossett,
Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



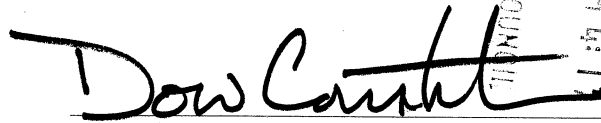
Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 30 day of July, 2010.



Dow Constantine, County Executive

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KING COUNTY COUNCIL
CLERK

Attachments: A. Funding and Cooperative Agreement for the Design, Construction, Operation and Maintenance of the Burien Transit Center Expansion Project, dated 7-19-10, B. Ground Lease Agreement between King County as Lessor and Alliance Wasatch I, LLC, as Lessee, dated August 1, 2010, C. Lease Agreement (With Option to Purchase) between Alliance Wasatch I, LLC, As Landlord and King County, As Tenant, dated August 1, 2010, D. Exclusive Negotiating Agreement, dated 7-19-2010