



## Legislation Details (With Text)

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**Type:** Ordinance **Status:** Passed

**File created:** 6/22/2009 **In control:** Budget and Fiscal Management Committee

**On agenda:** **Final action:** 7/27/2009

**Enactment date:** 7/30/2009 **Enactment #:** 16607

**Title:** AN ORDINANCE authorizing the King County executive to enter into a temporary, nonexclusive, surface use easement with the city of Shoreline to use land adjacent to the Shoreline district court facility as a park.

**Sponsors:** Bob Ferguson

**Indexes:** Construction and Facilities Management (DCFM), Easement, Shoreline, City of

**Code sections:**

**Attachments:** 1. 16607.pdf, 2. 2009-0380 Attachment to Transmittal Letter--Letter to Doug Williams--Cromwell Park Easement--Dated December 1, 2008.pdf, 3. 2009-0380 Fiscal Note.xls, 4. 2009-0380 Transmittal Letter.doc, 5. A. Easement Agreement for Park Use Between King County and City of Shoreline, 6. Staff Report 07-21-09

Date	Ver.	Action By	Action	Result
7/27/2009	1	Metropolitan King County Council	Hearing Held	
7/27/2009	1	Metropolitan King County Council	Passed	Pass
7/21/2009	1	Budget and Fiscal Management Committee	Recommended Do Pass	Pass
6/22/2009	1	Metropolitan King County Council	Introduced and Referred	

Clerk 06/16/09\par ..title

AN ORDINANCE authorizing the King County executive to enter into a temporary, nonexclusive, surface use easement with the city of Shoreline to use land adjacent to the Shoreline district court facility as a park.

### STATEMENT OF FACTS:

1. King County owns a parcel of land, consisting of two acres plus eighty-one percent of an acre, commonly known as the Shoreline district court ("SDC") property, which is located adjacent to the city of Shoreline's Cromwell park. The easterly portion of the SDC is not actively used for court activities and is occupied only by a drainage and surface water retention facility.

2. The city of Shoreline is proposing a temporary use for a portion of the additional SDC property in their Cromwell Park Master Plan ("CPMP").
3. The city of Shoreline citizens passed a park bond in 2006, which includes more than one million six hundred thousand dollars for CPMP upgrades.
4. The CPMP would combine the SDC and Cromwell park stormwater facilities, to use eighty-five percent of an acre located behind the SDC facility for recreation.
5. The SDC allows after hours use of the parking lot for public parking and restrooms for concerts. The SDC has given design preferences to the city for that portion of the CPMP which would be on SDC property. The SDC and King County's facilities management division ("FMD") have reviewed and approved the easement agreement.
6. The city would maintain the eighty-five percent of an acre as a park, maintain SDC diverted stormwater and would preserve SDC facility future growth needs. The majority of this area is currently open to public use, except a fenced area around the existing SDC detention pond.
7. The county has no current funding plan to accomplish the CPMP construction for additional district court rooms.
8. Together, K.C.C. 4.56.115 and 4.56.140 authorize the county to convey easements or enter into agreements with governmental agencies to provide utility service to county property. K.C.C. 4.56.150.E. authorizes the county to enter into agreements for the use of county land by governmental agencies that provide a service to the public.
9. The city and county negotiated a temporary, nonexclusive, surface use easement for park purposes, subject to completion of all appropriate regulatory permitting for SDC stormwater detention function transfer. The SDC and the FMD have reviewed and approved the easement agreement.
10. The city will at its sole expense, remove the existing stormwater detention facilities on the

SDC property and construct new stormwater detention facilities within the CPMP to provide stormwater detention and drainage from the SDC property and develop and operate this portion of the SDC property as a part of Cromwell park for the term of the easement.

11. The easement allows the county to terminate after fifteen years, with one hundred eighty day notice, without any compensation or damages to the city. The easement agreement contains a sixty day right of first refusal to the city to purchase certain property, should the county decide to place the property on the market.

12. The Shoreline city council has approved the easement document.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County executive is hereby authorized to convey an easement as described herein and to execute an easement agreement substantially in the form of Attachment A to this ordinance

SECTION 2. The appropriate county officials, agents and employees are hereby authorized to take all actions necessary to implement the easement and all actions up to now taken by county officials, agent and employees consistent with the terms and purposes of the agreement are hereby ratified, confirmed and approved.

SECTION 3. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the county is declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements are null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and in no way affect the validity of the other provisions of this ordinance or of the easement.