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Title: AN ORDINANCE authorizing the King County executive to execute the fourth amendment to the forty-year use agreement with the Eastside Football Club approved by Ordinance 15704 and amended by Ordinance 16245.

Sponsors: Kathy Lambert

Indexes: Agreement, Soccer

Code sections:

Attachments: 1. Ordinance 17838.pdf, 2. A. Fourth Amendment to Use Agreement with Eastside Football Club for Soccer Facility at Preston Park, 3. A. Fourth Amendment to Use Agreement with Eastside Football Club for Soccer Facility at Preston Park, 4. 2014-0238 Staff Report - EFC Amendment 4.docx

Date	Ver.	Action By	Action	Result
6/23/2014	1	Metropolitan King County Council	Hearing Held	
6/17/2014	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Consent	Pass
6/16/2014	1	Metropolitan King County Council	Introduced and Referred	

Clerk 06/12/2014

AN ORDINANCE authorizing the King County executive to execute the fourth amendment to the forty-year use agreement with the Eastside Football Club approved by Ordinance 15704 and amended by Ordinance 16245.

STATEMENT OF FACTS:

1. Ordinance 14509 authorizes the department of natural resources and parks to create new public recreational opportunities by empowering user groups, sports associations, and community organizations to operate, maintain and program mutually agreed upon capital improvements for public recreation facilities on King County land, and thereby address regional and rural recreation needs without encumbering new tax funded operations and maintenance costs.

2. In accordance with K.C.C. 4.56.150.E, the King County council may adopt an ordinance permitting the county to enter into agreements for the use of county property with bona fide nonprofit organizations if the property is to be used by the nonprofit organization to make improvements to the county property or to provide services that will benefit the public. The agreements are exempt from the requirements of fair market value, appraisal and notice.
3. Ordinance 15704, adopted in March 2007, authorized the executive to execute a forty-year use agreement ("the agreement") with the Eastside Football Club ("EFC") for the use, construction, development, programming and supplemental maintenance of a soccer facility ("the soccer facility") that was defined as including two synthetic soccer fields, one natural grass soccer field, related amenities, parking and site-wide infrastructure at the Preston fields and community park; and committed the county's community partnerships and grants ("CPG") program to contribute one million five hundred thousand dollars to the development of the soccer facility.
4. EFC began the work of developing the soccer facility.
5. Section 2.7 of the agreement required EFC to pay the county a guaranteed rental fee for the use of the soccer facility following the completion of its development, of one million two hundred thousand dollars at a rate of one hundred twenty thousand dollars per year for ten years, in consideration for the county's investment of one million five hundred thousand dollars.
6. Ordinance 15975, adopted in November 2007, allocated an additional four hundred thousand dollars of county capital funds to the project, and, in addition, the council approved an additional three hundred thousand dollars in CPG program funds, for a total additional investment of seven hundred thousand dollars, increasing the county's investment in the soccer facility to a total of two million two hundred thousand dollars, to provide additional assistance to EFC with the development of the soccer facility.

7. In February 2008, EFC and the county executed the first amendment to the agreement, amending Section 2.5 of the agreement to acknowledge the county's investment of an additional seven hundred thousand dollars in the soccer facility; and amending Section 2.7 of the agreement to increase the guaranteed rental fee to be paid by EFC to one million five hundred thousand dollars at a rate of one hundred fifty thousand dollars per year for ten years in consideration of the county's investment of an additional seven hundred thousand dollars in the soccer facility.

8. The soccer facility's two synthetic soccer fields were completed and opened to the public in March 2008. Numerous youth soccer teams have since been able to use the soccer facility for practices and games. The natural grass soccer field that was included in the definition of the soccer facility in the agreement was not constructed, pending additional fundraising by EFC. The agreement was not amended to reflect this change in schedule.

9. Ordinance 16245, adopted in September 2008, authorized the executive to negotiate a second amendment to the agreement, amending Section 2.7 to change the term of the required rental fee of one million five hundred thousand dollars EFC would pay King County from a rate of one hundred fifty thousand dollars a year for ten years to a rate of one hundred thousand dollars per year for fifteen years, and to begin those payments in 2008. Those changes were made to provide EFC with greater flexibility in its fundraising efforts.

10. Ordinance 16932, adopted in September 2010, allocated an additional two hundred thousand dollars in county capital funds to the project, and, in addition, the council approved an additional fifty thousand dollars in youth sports facility grant program funds, for a total additional investment of two hundred fifty thousand dollars, increasing the county's investment in the soccer facility to a total of two million four hundred fifty thousand dollars, to provide additional assistance to EFC with the development of the soccer facility.

11. In July 2011, EFC and the county executed the third amendment to the agreement, amending Section 2.7 of the agreement to reflect the additional investment of two hundred fifty thousand dollars from the county.

12. Following additional fundraising efforts, EFC has successfully secured sufficient funding, including cash or cash equivalents of donated materials, in kind services, and other consideration to EFC, including vendor discounts or concessions on products, to be used toward construction of a picnic shelter and the third soccer field and has proposed constructing the third field as a synthetic field rather than a natural grass field.

13. The executive and EFC now wish to amend the agreement a fourth time to reflect the change to the plans for the soccer facility with the construction of the third soccer field as a synthetic soccer field rather than a natural grass soccer field, and to specify the intention that EFC will receive three thousand hours of first priority use of the three soccer fields for EFC use each year during the term of the agreement.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The executive is hereby authorized to execute the fourth amendment to the existing use agreement with the Eastside Football Club as attached in Attachment A to this ordinance, to implement the terms of that amendment and to execute any documents necessary to carry out the amendment.