



Legislation Text

File #: 2002-0311, **Version:** 1

Clerk 07/08/2002

AN ORDINANCE relating to surplus real property; authorizing the transfer of parks and recreation facilities that are located in potential annexation areas to the cities that will eventually annex the parks and recreation facilities; and amending Ordinance 12045, Section 5, as amended, and K.C.C. 4.56.070.

STATEMENT OF FACTS:

1. The council in 1990 passed Motion 8056, which authorized the executive to negotiate the transfer of parks and recreational facilities located within cities to those cities.
2. Under this motion and RCW 36.89.050, parks and recreational facilities located wholly or partly within cities may be transferred to a city without following the process for declaring real property to be surplus under K.C.C. 4.56.070.
3. Due to the current fiscal crisis, the county is also seeking to transfer parks and recreational facilities located in potential annexation areas to the cities that are designated to annex the areas in which the parks and recreational facilities are located.
4. The transfer of such parks and recreational facilities is not exempt from the process for declaring real property to be surplus under K.C.C. 4.56.070. This process requires consideration of whether the park or recreation facility at issue would be suitable for other uses.
5. Because parks and recreational facilities located within potential annexation areas are proposed to be transferred for continued parks and recreation use, no purpose would be served by evaluating whether a park or recreational facility proposed for transfer would be suitable for

other uses pursuant to the process for declaring real property to be surplus under K.C.C.

4.56.070.

6. Many parks and recreation facilities within potential annexation areas have become surplus to the county's needs because the county can no longer afford to operate its entire parks system.

7. The monetary value of a park or recreational facility that is transferred only for continued park and recreation use is significantly limited because other, more valuable uses are prohibited.

8. The substantial benefits that will accrue to the county by expediting the transfer of appropriate parks and recreational facilities located in potential annexation areas to cities prior to annexation include, but are not limited to, relieving the county of the burden of maintaining and operating those parks and recreational facilities, allowing the residents of King County to continue to enjoy the use of those parks and recreational facilities, and encouraging annexation within potential annexation areas.

9. Through these benefits the county will receive full value from the cities to which parks and recreational facilities are transferred for continued park and recreation use.

10. The council will have an opportunity to review whether each proposed transfer of a park or recreation facility located in a potential annexation area is appropriate when the proposed transfer is presented to the council for approval by the executive.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12045, Section 5, as amended, and K.C.C. 21A.08.030 are each hereby amended as follows:

Facilities management division, county departments - Responsibilities and powers in declaring county real property surplus.

A. The facilities management division shall no later than the end of the first quarter of the calendar year, maintain and update a current inventory of all county titled real property with detailed information as to

current departmental custodianship and as to the characteristics that determine its economic value and potential uses(~~(; provided, that)~~). However, all county roads shall be excluded from (~~(the provision of)~~) this section.

B. No later than June 30(~~(th)~~) of each calendar year, each department shall submit a report to the facilities management division on the status of all real property for which the department is the custodian and include in the report any change in use or status since the previous year's report.

C. County departments shall be required, no later than June 30th of every third calendar year beginning with 1996, to justify departmental retention of all real property for which the department is the custodian to the facilities management division.

1. If in the judgment of the facilities management division a county department cannot justify the retention of real property for which it is the custodian or if a department determines that real property is surplus to its needs, the facilities management division shall determine whether any other county department has a need for the property that is related to the provision of essential government services, including but not limited to services for the public health, public safety, or services related to transportation, water quality, surface water or other utilities. If the property is not needed for the provision of essential government services, the facilities management division shall then determine if the parcel is suitable for affordable housing. If it is deemed suitable for housing the county shall first attempt to make it available or use it for affordable housing pursuant to K.C.C. 4.56.085 or 4.56.100. Suitable for affordable housing for the purpose of this section means the parcel is located within the Urban Growth Area, zoned residential and the housing development is compatible with the neighborhood. If the property is not deemed suitable for the purposes described (~~(above)~~) in this subsection C.1, then it shall be determined whether any other department has a need for the parcel.

2. If another department can demonstrate a need for said real property, custodianship of such real property shall be transferred to that department without any financial transaction between present and future custodial organizations, except as required by RCW 43.09.210, as amended, or under grants.

3. If no other department can demonstrate a need for such real property, said real property shall be

declared surplus to the future foreseeable needs of the county and may be disposed of as set forth in this chapter.

D. The facilities management division shall review and make recommendations to the executive for uses other than the sale of surplus real property prior to a decision by the executive to dispose of such properties through sale.

Other possible uses that shall be considered by the division in accordance with ~~((the provisions of))~~ this chapter, are:

1. Exchanges for other privately or publicly owned lands that meet the county's land needs;
2. Lease with necessary restrictive covenants;
3. Use by other governmental agencies;
4. Retention by the county if the parcel is classified as floodplain or slide hazard property;
5. Use by nonprofit organizations for public purposes; and
6. Long-term lease or sale for on-site development of affordable housing.

E. The facilities management division in consultation with the office of regional planning and policy and the department of community and human services shall, no later than the third quarter of the calendar year, submit a report to the council identifying surplus county real property suitable for the development of affordable housing. Affordable housing for the purpose of this chapter means residential housing that is rented or owned by a person:

1. Who is from a special needs population and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income; or
2. Who qualifies as a very low-income, low-income, or moderate-income household as those terms are defined in RCW 43.63A.510.

F. A park or recreational facility located in a potential annexation area may be transferred to the city designated to annex the area in which the park or recreational facility is located without being subject to this

section, but any such a transfer must require that the park or recreational facility shall be used in perpetuity for park or recreation purposes unless other equivalent lands or facilities within the county or the city are received in exchange therefore and the replacement lands or facilities are used in perpetuity for park or recreation purposes.