



Legislation Text

File #: 2009-0607, **Version:** 1

Clerk 11/04/2009

A MOTION requesting the executive to negotiate amendments with Summit Place 156, LLC to the Summit Pit Purchase and Sale Agreement and negotiate amendments to the Memorandum of Agreement with Summit Place 156, LLC and the city of Maple Valley.

WHEREAS, the county is the owner of a 156.5 acre parcel located in the city of Maple Valley, utilized by the King County roads maintenance division, and containing an active gravel mine, and

WHEREAS, the city of Maple Valley ("the city") has been engaged with the county and Summit Place 156, LLC ("the developer") in a joint planning process under a Memorandum of Agreement ("MOA") executed on October 1, 2008, and

WHEREAS, the county and the developer executed a real estate purchase and sale agreement for the parcel on February 19, 2009, and

WHEREAS, in part due to the issues relating to joint planning and annexation, the developer has not had an opportunity to satisfy itself with the condition of the parcel for its contemplated use, especially as to whether land use approvals, permits and variances can be obtained under existing land use and zoning codes, or codes yet to be adopted and under consideration, and

WHEREAS, the developer has recently requested that the county executive consider amending the purchase and sale agreement in order to extend by one year, all critical dates in the purchase and sale agreement including the county's and the Developer's feasibility periods and closing dates, and

WHEREAS, the developer seeks the one year extension of all critical dates relating to its feasibility

period and closing date. As such an extension will potentially subject the King County road fund to additional borrowing and inflationary construction costs, the developer has agreed to pay consideration of \$100,000, and

WHEREAS, the developer offered certain concessions that will assist the joint planning effort with the city; specifically, the developer has offered to permanently waive its ability to file and vest an application for development in the county until annexation of the property into the city has occurred; and

WHEREAS, if the county agrees to amend the purchase and sale agreement, the MOA should be amended in recognition of the developer's offered concessions, and in recognition that with an extension of all contingencies periods for both the developer and the county under the purchase and sale agreement, as amended, more time exists for joint planning with the city and to accomplish an annexation interlocal agreement between the city and the county, and to set a date certain for annexation to occur, and

WHEREAS, the original goals that included deadlines and dates for action on pre-annexation zoning, Comprehensive Plan amendments and an annexation interlocal agreement set forth in the MOA are not capable of being achieved as originally contemplated despite the best efforts of all parties to the MOA, and

WHEREAS, the parties to the MOA still desire to work in good faith toward achieving the goals set forth in the MOA, and

WHEREAS, at the behest of both the city and the developer, the council has delayed taking action on the Joint Plan Interlocal Agreement to allow the King County executive and the developer an opportunity to negotiate amendments to the purchase and sale agreement, and

WHEREAS, also at the request of both the city and the developer, that once an amendment to the purchase and sale agreement has been negotiated, approved and executed, the council act on the Joint Plan already approved by the city;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. The King County executive is requested to negotiate amendments to the Summit Pit Purchase and Sale Agreement, as requested by the developer to extend by one year, all critical dates including the county's

and the developer's feasibility periods and closing dates.

B. Contingent upon the county and the developer amending the purchase and sale agreement, the King County executive is requested to negotiate amendments to the Memorandum of Agreement to include, among other things, the following terms:

1. That no application for development will be filed by the county or the developer until after annexation of the property into the city of Maple Valley has occurred; and

2. That a date certain for annexation will be set, such that legislation for annexation of the property into the city will have an effective date no later than August 1, 2010.