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Clerk 12/14/2009

AN ORDINANCE approving adjustments and substitutions of county open space and authorizing the executive to enter into an open space agreement between King County and BD Village Partners, LP, for the transfer to King County of open space lands in conjunction with the annexation of the south annexation area to the city of Black Diamond.

STATEMENT OF FACTS:

1. King County adopted the Black Diamond Urban Growth Area Agreement ("BDUGAA") through passage of Ordinance 12534 on November 25, 1996.

2. Pursuant to the BDUGAA, annexation of the South Annexation Area into the city is conditioned on, among other things, the conveyance in fee of 339 acres of "County Open Space."

3. The 339 acres of County Open Space is part of the combined open space requirement for annexation of the South Annexation Area based on a ratio of four-to-one where the combined open space, including county open space, in-city open space and Urban Growth Area open space, must be four times the acreage of the urban development area.

4. The BDUGAA provides that the acres reflected in the agreement are estimates subject to change following more detailed study and survey. Adjustments of boundaries and substitutions of parcels for County Open Space may be permitted so long as the ratios of open space lands to urban lands contained in the BDUGAA maintained. The county council is required to approve

any adjustments or substitutions of County Open Space which individually exceed 50 acres or cumulatively exceed 100 acres.

5. Within the South Annexation Area, approximately 151.9 acres were identified as being intended for urban development in the BDUGAA. BD Village Partners, LP, has performed detailed studies and surveys that have determined that the amount of land available for urban development within the South Annexation Area is 37.5 acres less than estimated in the BDUGAA.

6. King County and BD Village Partners, LP, have agreed on adjustments of boundaries and substitutions of parcels to allow for a reduction in the amount of acreage to be dedicated in fee to King County upon annexation of the South Annexation Area and an additional amount of acreage to be subject to a temporary conservation easement in favor of King County for a total of 339 acres.

7. The agreement sets forth the relevant facts that support it, and explains the terms of the adjustments of boundaries and substitutions of parcels and the transfer of the County Open Space, including the terms that will govern the acreage that will be subject to the temporary conservation easement.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The adjustments of boundaries and substitutions of parcels concerning County Open Space lands in the agreement that is Attachment A to this ordinance are hereby approved.

SECTION 2. The King County executive is hereby authorized to enter into an agreement, substantially in the form of the Attachment A to this ordinance, with BD Village Partners, LP, regarding the transfer of County Open Space as a

condition of the annexation of the South Annexation Area to the city of Black Diamond.

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