



Legislation Text

File #: 2010-0375, **Version:** 3

Clerk 07/20/2010

AN ORDINANCE relating to the Burien Transit Center Expansion project; authorizing a funding and cooperation agreement between the Central Puget Sound Regional Transit Authority and King County and approving revisions to the project lease (with option to purchase) and ground lease for the same; and amending Ordinance 16759, Section 2.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

- A. The Sound Transit board of directors adopted Sound Transit 2, A Mass Transit Guide, and The Regional Transit System Plan for Central Puget Sound ("ST2") on July 24, 2008.
- B. ST2 includes, within the ST Express Bus program, a capital contribution to the expansion of the Burien Transit Center and park-and-ride.
- C. The Sound Transit board of directors called an election to approve local taxes to implement ST2, which was approved by the electorate on November 4, 2008.
- D. Both King County and Sound Transit operate bus service at the Burien Transit Center, and both Sound Transit and the county have determined that it is in the public interest for the county to construct and operate the expanded park-and-ride facility.
- E. The King County Metro transit division completed the construction of a new \$8 million transit center and off-street layover facility adjacent to the site of the proposed expanded park-and-ride project in June 2009.

F. The chief executive officer of Sound Transit and the director of transportation signed an agreement in principle on June 12, 2009, providing for Sound Transit to contribute capital funding up to \$14.73 million to the county upon substantial completion of a public transit park-and-ride facility that includes a structured parking garage with up to five-hundred-three parking stalls.

G. The Sound Transit board of directors approved Resolution R2009-23 on December 10, 2009, adopting the 2010 annual budget, which included funding for the Burien Transit Center expansion project.

H. The King County council adopted Ordinance 16759 on February 16, 2010, relating to transit-oriented development of a portion of the county-owned park-and-ride lot in the city of Burien approving a ground lease of the site from the county to Alliance Wasatch I, LLC, and a lease by Alliance Wasatch I, LLC, back to the county of a parking garage to be constructed on the site, authorizing the county executive to execute final forms of the ground lease and project lease and approving certain other provisions of the lease/lease back transaction.

I. The King County council adopted Ordinance 16760 on February 16, 2010, requiring that Sound Transit and King County enter into a binding agreement authorizing payment by Sound Transit to King County of the \$14,730,000 for the project.

J. The county intends to enter into a lease/lease back development project with Alliance Wasatch I, LLC, for the construction of an approximately five-hundred-three-stall parking garage and possible future mixed used transit-oriented development project.

K. After substantial completion of the project, the county intends to exercise its option to purchase the project and terminate the ground lease and project lease.

L. After the county has purchased the project, Sound Transit will transfer \$14.73 million to the county in accordance with the attached agreement.

M. At the request of Alliance/Wasatch I and their construction lender, the county has negotiated revisions to the ground lease and project lease related to financing of the construction of the garage.

SECTION 2. The King County executive or the executive's designee is hereby authorized to execute an agreement with the Central Puget Sound Transit Authority, and the council approves the revisions to the ground lease and project lease (with option to purchase), substantially in the forms of Attachment A to this ordinance, for the design, construction, lease, operation and maintenance of the Burien Transit Center expansion project.

SECTION 3. Ordinance 16759, Section 2, is hereby amended to read as follows:

Approval of Ground Lease and Project Lease. Subject to ~~((section 4 of this o))~~Ordinance 16759, Section 4, the county executive is authorized to sign the Ground Lease, the Lease Agreement (With Option to Purchase) and the Exclusive Negotiating Agreement in substantially the forms set forth as Attachments ~~((A, B and C to this ordinance))~~ B, C and D to this ordinance (Proposed Ordinance 2010-0375), respectively; provided, however, that (i) the term of the Ground Lease shall commence no earlier than the effective date of this ordinance and shall expire no later than December 31, 2027, and (ii) the term of the Lease Agreement (With Option to Purchase) shall commence no earlier than the effective date of this ordinance and shall expire no later than December 31, 2027, nor shall the amount of Monthly Rent payable under the Project Lease exceed the monthly rental rate of 68 cents per square foot. When fully executed, copies of the Ground Lease and Lease Agreement (With Option to Purchase) shall be filed with the clerk of the council.