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KING COUNTY, WA

UPON FILING INTEROFFICE COPY TO:

**King County**  
**Department Of Natural Resources And Parks**  
Water And Land Resources Division  
Open Space Acquisitions Unit  
**Attention: Pat Ross**  
**MS – KSC-NR-600**  
201 SOUTH JACKSON, SUITE 600  
Seattle, WA 98104-1614  
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FILING COVER SHEET

**Amendment N to the Conservation Futures Interlocal Agreement**

March 14, 2002

Department: **DNRP/WLRD Capital Projects & Open Space Acquisitions Section**

Parties **City of Seattle & King County**

Project: **Conservation Futures**

Legal Description (abbreviated): ptn Lots 3 and 4, Block 5, William N. Bell's 7th Addition to the City of Seattle and Lots 5 & 6, block 168-B, Supplemental Plat of Seattle Tidelands

Additional legal(s) on: Page 1, Attachment N  
Assessor's Tax Parcel ID#: 766620-2285

**\*Recorder, Please Conform The Copy Of This Filing Coversheet (Copy Enclosed) And Return It By Inter-Office Mail To:**

**DNRP/WLRD Pat Ross M.S. KSC-NR-0600**

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**AMENDMENT N TO THE CONSERVATION FUTURES  
INTERLOCAL COOPERATION AGREEMENT  
BETWEEN KING COUNTY AND THE CITY OF SEATTLE  
FOR OPEN SPACE ACQUISITION PROJECTS**

**Preamble**

The King County Council, through Ordinance 9128, established a Conservation Futures Levy Fund to collect the Conservation Futures Levy proceeds. The King County Council also has periodically approved allocations of such proceeds to the City of Seattle. This amendment is entered into to provide for the allocation of additional funds made available for open space acquisition.

THIS AMENDMENT is entered into between the CITY OF SEATTLE and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the 5<sup>th</sup> day of June, 1990, as previously amended.

The parties agree to the following amendments:

**Amendment 1: Article 1. Recitals**

A paragraph is hereby added to the Recitals Section to provide for a Conservation Futures Levy Fund allocation for the Seattle Art Museum ("SAM") Olympic Sculpture Park, and hereafter reads:

On December 15, 2000, the King County Council passed Ordinance 14018 which appropriated a total of One Million Dollars (\$1,000,000) in Conservation Futures Levy proceeds to the City of Seattle for Project 315400, Olympic Sculpture Park, subject to a requirement that the executive, after consultation with the prosecuting attorney, certify in writing to the council that the 10 Broad Street project site ("Site") meets the criteria of open space as defined in RCW 84.34. On April 23, 2001, the executive provided such certification contingent on the City of Seattle meeting the following conditions:

- A. The existing building and parking lot are removed utilizing funds other than Conservation Futures.
- B. The City of Seattle amends the Conservation Futures Interlocal Agreement with King County to include a project scope that remains consistent with RCW 84.34.
- C. The City of Seattle designates the Site as open space in their adopted comprehensive plan, with underlying zoning that allows such designation and use, meeting RCW 84.34.020(1)(a); or

D. The Site meets at least one of the following open space categories of RCW 84.34.020(1)(b):

- The Site enhances the value to the public of a larger abutting park, meeting the definition of RCW 84.34.020(1)(iv);
- The open space would preserve visual quality along a major public right-of-way, meeting the definition of RCW 84.34.020(1)(vii).

The City and the County hereby find and declare that the development of the Site would encroach upon the significant recreational, social, scenic and esthetic values of the Site as an open area and of the adjacent Myrtle Edwards Park and the Olympic Sculpture Park within the meaning of RCW 84.34.200. The City and the County hereby further find and declare that acquisition of and use of the Site for open space as part of the Olympic Sculpture Park will:

- Enhance the value to the public of abutting or neighboring parks or other open space, including Myrtle Edwards Park and Elliott Bay Park, within the meaning of RCW 84.34.020(iv);
- Preserve visual quality along highway, road and street corridors including Broad Street and Alaska Way and scenic vistas of Elliott Bay within the meaning of RCW 84.34.020(vi); and, in addition,
- Enhance passive recreation opportunities through public enjoyment of art sited in a park-like setting within the meaning of RCW 84.34.020(v).

**Amendment 2: Article V. Conditions of Agreement**

Section 5.1 is amended to include Attachment N, which lists a 2000 Conservation Futures Levy Allocation for the Seattle Art Museum Olympic Sculpture Park project and hereafter reads:

Section 5.1 Project Description. Funds available pursuant to this agreement may be used only for Projects. Current Projects are listed in Attachments A through N. The County may approve other Projects in the future.

**Amendment 3: Article VII. Responsibilities of County**

The first two sentences of this article are amended to include Attachment N, which lists a 2000 Conservation Futures Levy proceeds allocation for the Seattle Art Museum Olympic Sculpture Park Project:

Subject to the terms of this agreement, the County will provide Conservation Futures Levy Funds in the amounts shown in Attachments A through N to be used for the Projects listed in Attachments A through N. The City may request additional funds; however, the County has no obligation to provide funds to the City for the Projects in excess of the total amounts shown in Attachments A through N. The County assumes no obligation for the future support of the Projects described herein except as expressly set forth in this agreement.

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In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

This document shall be attached to the existing Interlocal Cooperation Agreement.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

CITY OF SEATTLE

Pam Bessometh for  
Ron Sims  
King County Executive  
3/7/02  
Date

[Signature]  
Greg Nickels  
Mayor  
2/21/2002  
Date

Acting under the authority of  
Ordinance: \_\_\_\_\_  
Dated: \_\_\_\_\_

Acting under the authority of  
Ordinance: 120675  
Dated: December 10, 2001

Approved as to form:

Approved as to form:

[Signature]  
NORM MALENG  
King County Prosecuting Attorney

Margaret Klockars for  
THOMAS A. CARR  
City Attorney

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**ATTACHMENT N**  
**2000 CONSERVATION FUTURES LEVY**  
**CITY OF SEATTLE**  
**ALLOCATION**

<u>Jurisdiction</u>	<u>Project</u>	<u>Allocation</u>
Seattle	Seattle Art Museum Olympic Sculpture Park	\$1,000,000
	TOTAL	<b>\$1,000,000</b>

**Project Description**

**City of Seattle – Seattle Art Museum Olympic Sculpture Park                      \$1,000,000**

Funds to be used to support acquisition of the following described real property (the “10 Broad Street Property”):

Parcel No. 1: Lots 3 and 4, Block 5, William N. Bell’s Seventh Addition to the City of Seattle, according to the Plat thereof recorded in volume 2 of Plats, page 82, records of King County Washington; Excepting therefrom that portion platted as Seattle Tidelands; Also Excepting therefrom, that portion described as follows: Beginning at a point on the Southeasterly line of said Lot 3, distant 14.408 feet Southwesterly of the most Easterly corner of said Lot; Thence Northerly and Westerly along the arc of a curve to the left having a radius of 24 feet, an arc distance of 27.83 feet to a point on the Northeasterly line of said Lot 3, distant 22 feet Northwesterly of said most Easterly corner; Thence Southeasterly along said Northeasterly line to said most Easterly corner; Thence southwesterly along the Southeasterly line of said Lot to the point of Beginning.

Parcel No. 2: Lots 5 and 6, Block 168-B, Supplemental Plat of Seattle Tidelands, as shown on the Official Maps of Seattle Tidelands on file in the office of the Commissioner of Public Lands at Olympia, Washington.

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10 Broad Street Property Use Restrictions:

Following removal of an existing building and parking lot, the 10 Broad Street Property will be developed as a sculpture garden, park or other open space with public access in perpetuity (subject to the Seattle Art Museum's right to close the Site to the general public for special events and to perform other property management responsibilities) as part of the Seattle Art Museum Olympic Sculpture Park and generally consistent with the Program for the Olympic Sculpture Park, dated November 2001, a copy of which is attached to this Attachment N. The development of the 10 Broad Street Property as part of the Olympic Sculpture Park will be further restricted to exclude the development of enclosed structures (as currently defined Seattle Municipal Code 23.84.036) on the 10 Broad Street Property and to exclude improvements that substantially obstruct water views across the 10 Broad Street Property from adjacent public rights-of-way, all as consistent with the provisions of Revised Code of Washington 84.34.020 and King County Code 26.12 governing Conservation Futures. This Use Restriction shall not in any manner limit the Seattle Art Museum from erecting and displaying sculpture or other pieces of art on the 10 Broad Street Property.

The City will include the language contained in the foregoing 10 Broad Street Property Use Restrictions in any third party lease, conservation futures development right easement, covenant, or other contractual right or agreement governing the use of the 10 Broad Street Property.

Funds other than conservation futures levy proceeds will be used for removal of the existing building and parking lot and for development of the 10 Broad Street Property as part of the Seattle Art Museum Olympic Sculpture Park. These conservation futures levy proceeds may be used to acquire the 10 Broad Street Property prior to the removal of the existing building and parking lot.

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