

No. 9-0240

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF AMENDMENT OF THE)
2005 CONSERVATION FUTURES PROGRAM)
PRIORITY LAND ACQUISITION LIST TO ADD A)
0.8-ACRE PROPERTY WITHIN THE CITY OF)
SPOKANE'S RIVERFRONT PARK TO THE)
GROUP "A" LIST AND TO AUTHORIZE COUNTY)
STAFF TO PURSUE ACQUISITION OF SAID)
PROPERTY SUBJECT TO SPECIFIED)
CONDITIONS)

RESOLUTION

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Spokane County has the care of County property and the management of County funds and business; and

WHEREAS, consistent with the provisions of RCW 84.34.200 et seq., on September 13, 2005, pursuant to Resolution No. 05-0827, the Board of County Commissioners of Spokane County accepted the recommendation of the Spokane County Parks Advisory Committee with respect to the list of potential properties to be acquired with the Conservation Futures Property Tax Levy authorized by the voters of Spokane County; and

WHEREAS, on August 14, 2007, pursuant to Resolution No. 07-0695, the Board of County Commissioners accepted the recommendation of the Spokane County Parks Advisory Committee to amend the list of potential properties to be acquired with the Conservation Futures Property Tax Levy authorized by the voters of Spokane County; and

WHEREAS, on February 5, 2008, pursuant to Resolution No. 08-0115, the Board of County Commissioners accepted the recommendation of the Spokane County Parks Advisory Committee to amend the list of potential properties to be acquired with the Conservation Futures Property Tax Levy authorized by the voters of Spokane County; and

WHEREAS, on July 22, 2008, pursuant to Resolution No. 08-0711, the Board of County Commissioners accepted the recommendation of the Spokane County Parks Advisory Committee to amend the list of potential properties to be acquired with the Conservation Futures Property Tax Levy authorized by the voters of Spokane County--a copy of said Resolution being attached hereto and incorporated herein by reference as Attachment "A"; and

WHEREAS, the Spokane County Park Advisory Committee, utilizing the "Unforeseen Opportunities" provision of the Spokane County Conservation Futures Program 2005 guidelines, unanimously passed a motion at their July 21, 2008 special meeting to recommend an amendment to Resolution No. 08-0711 to: (1) designate a 0.8-acre property within the City of Spokane's Riverfront Park ("Subject Property") as a recommended Priority List Group "A" property; and (2) authorize staff to pursue acquisition of the Subject Property consistent with program guidelines and contingent upon long-term financing of the proposed acquisition with an annual payment not to exceed \$350,000.00 per year for 20 years; and

WHEREAS, the Subject Property is more particularly described as:

Spokane County Assessor's Parcel Number 35184.0069.

A Portion of the NW 1/4 of the SE 1/4 of Section 18-25-43 beginning at a point on the N-S centerline of said Section 18 476.59 Feet North of the SW Corner of the NW 1/4 of the SE 1/4, then South 87 degrees 37 minutes East 24.67 feet to the point of beginning; then North 2 degrees 38 minutes East, 163.74 feet; then North 76 degrees 21 minutes 30 seconds East, 98.34 feet; then South 50 degrees 18 minutes East, 21.74 feet; then North 67 degrees 51 minutes 30 seconds East, 75.71 feet, more or less, to a point on the West right of way line of Howard Street; then South 1 degree 55 minutes East along the West line of Howard Street, 226.78 feet; then North 42 degrees 41 minutes West, 8.55 feet; then North 78 degrees 06 minutes West, 66.72 feet; then North 87 degrees 37 minutes West, 126.52 feet to the point of beginning; and

WHEREAS, the Subject Property currently includes a building known as the "YMCA" and the acquisition of this property with Conservation Futures funds is contingent upon the City of Spokane/City of Spokane Parks Board having agreed to remove said building within 5 years; and

WHEREAS, the Subject Property is located in a designated "open space" area, and its conservation will preserve and enhance the long-term recreational character and opportunities that exist within Riverfront Park and ensure the ultimate restoration and enhancement of the site as a natural area; and

WHEREAS, the Subject Property has been appraised by an MAI appraiser and said appraisal established the value of \$5.3 million; and

WHEREAS, the City of Spokane Parks Board has entered into a Purchase and Sale Agreement with an established purchase price of \$5.39 million and has already paid \$1.0 million toward the purchase of the Subject Property affording the opportunity for the Conservation Futures Fund to pay not more than \$4.39 million (plus ordinary closing costs) to complete this acquisition for City of Spokane ownership subject to the requirements and provisions of RCW 84.34.200 et seq.

NOW, THEREFORE, BE IT RESOLVED that consistent with the provisions of RCW 84.34.200 et seq., the Board of County Commissioners of Spokane County does hereby: (1) amend Resolution No. 08-0711 to include the above-referenced 0.8-acre Subject Property on the list of potential properties to be acquired with the Conservation Futures Property Tax Levy funds authorized by the voters of Spokane County; and (2) authorize County staff to pursue acquisition of the Subject Property contingent upon long-term financing with an annual payment from the Conservation Futures Fund not to exceed \$350,000.00 per year for 20 years; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of County Commissioners has directed staff to develop and bring back to the Board for their approval necessary documents facilitating acquisition of the Subject Property by the City of Spokane through use of Conservation Futures funds subject to the following terms:

- (1) The City of Spokane Parks Department will take ownership of the property, and demolish the existing building within 5 years; and
- (2) The City agrees to execute a business plan to generate revenue to demolish the building, and to restore the site as proposed on October 5, 2008; and said plan will commit to using recreational programming within the building (swimming lessons, etc.) as well as tenants' leases (YMCA administration offices, etc.) for the next few years together with a \$100,000 supplement per

year from the Parks budget; and

(3) Spokane County will provide funding via the Conservation Futures program for the remaining \$4.39 million (in current dollars) in the form of annual payments--not to exceed \$350,000.00 per year--over 20 years, *provided*, the City complies with the terms outlined in the previous paragraphs; *and provided further*, if, at some future time, the Board of Spokane County Commissioners does not levy the Conservation Futures tax, then, at that time, the County's obligation shall cease, and the City of Spokane will be solely responsible for making any and all remaining payments associated with the purchase of the Subject Property; and

(4) The document shall include a provision providing that it shall not become effective for a 30-day time frame after execution by the Board of County Commissioners. If during this 30-day time frame no lawsuits are filed challenging the use of Conservation Futures to acquire the site, then the agreement shall become effective at that time frame. If any lawsuits are filed challenging the use of Conservation Futures to acquire the site, then the agreement shall not become effective until the lawsuit is resolved by a court of competent jurisdiction or settlement between the parties; and

(5) The Board of County Commissioners would have final approval over the design of the restoration of the site so as to preserve and protect the intent and interest of the Conservation Futures Program; and

(6) The City of Spokane or City of Spokane Parks Board would use their Bonding Capacity to generate revenue to acquire the site; and

(7) To clarify, the City of Spokane or City of Spokane Parks Board will incur the entire cost of demolition of the existing structure, design of the restoration, and completion of the restoration project; and

(8) That it is clear that the intent of this project will be to provide for passive recreation, and to protect and improve the water quality as well as the natural habitat of the property, consistent with the Conservation Futures Program; and

(9) That it is further clarified that an informational kiosk displaying the other properties available as part of the Conservation Futures Program will be part of the improvement of the site; and

(10) That the Park Board and the City of Spokane City Council and the Mayor of the City of Spokane, would support and actively join the County in the pursuit of funds to recoup some or all of the funds expended by the Conservation Futures program to acquire the site; and

(11) That the City of Spokane Park Board, the majority of the City Council and the Mayor of the City of Spokane, would take actions in the form of a vote, or a letter on behalf of the Mayor, that would indicate their support for this motion as well as the conditions stated herein.

PASSED AND ADOPTED this 24th day of March, 2009.



ATTEST:

Todd Mielke
Todd Mielke, Chair

Mark Richard
Mark Richard, Vice-Chair

Diana Vasquez obo
Daniela Erickson
Clerk of the Board 9-0240

Bonnie Mager "No"
Bonnie Mager, Commissioner