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Attachment C

2004-016

WEST POINT MEMORANDUM OF AGREEMENT

WITH ATTACHMENT

- The funds and future interest earnings will be held in a separate "Discovery Park" sub fund for the purposes of accounting and expending the funds for the purposes agreed to in this memorandum.
- The \$4.9 million and all interest earned on these funds shall be dedicated to improvements to Discovery Park, consistent with the terms of the 1991 West Point Settlement Agreement, and shall be covered by this Memorandum of Agreement. The funds will first and foremost go toward improvements in Discovery Park consistent with the "primary function and central purpose" of the park and consistent with the Discovery Park Master Plan. If, and only if, all potential projects that support the "primary function and central purpose" of Discovery Park have been completed, can funds be transferred out of the sub fund and used for other eligible purposes of the Shoreline Park Improvement Fund.
- The City shall establish a Citizens Oversight Committee which will be made up of one representative from each of the following organizations: the Puget Sound Water Quality Defense Fund, Friends of Discovery Park, Legal Advocates For Washington, Washington Environmental Council, Magnolia Community Club, Seattle Board of Park Commissioners and Discovery Park Advisory Council, which quarterly shall review progress made on the expenditure of the funds.
- The City will conduct its normal capital budgeting process to determine the projects, individual project schedules and budgets that are eligible for funding consistent with the West Point Settlement Agreement and this memorandum. The Oversight Committee will review the projects and advise the City accordingly.
- The City shall not use West Point Settlement Agreement monies to supplant funding for routine maintenance or other costs associated with preserving current operations at Discovery Park.
- The Attachment contains the list of projects the WPCAC recommends that The City fund with the dollars it will receive from King County under the terms of this Memorandum of Agreement.

4) Effective Date of Memorandum of Agreement and Termination

This Memorandum of Agreement shall become effective when signed by both parties and shall terminate when the \$4.9 million plus the interest earned on these dollars have been fully expended in accordance with this Memorandum of Agreement.

5) Changes, Modifications and Amendments

This Memorandum of Agreement may not be waived, changed, modified, or amended without written agreement executed by the parties signatory hereto.

6) Miscellaneous

This Memorandum of Agreement does not create a new partnership, joint venture, or agency relationship between the parties. No joint or several liability is created by this Memorandum of Agreement; by entering into or performing this Memorandum of Agreement, no party is agreeing to be liable for the acts, omissions, debts or obligations of any other party.

7) Entire Agreement

This Memorandum of Agreement contains all the terms and conditions agreed to by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Memorandum of Agreement shall be deemed to exist or to bind any of the parties hereto.

By signing this Memorandum of Agreement, the signatories agree to the terms contained herein.

King County

City of Seattle

Signature _____
Pam Bissonnette, Director
Department of Natural Resources & Parks

Signature _____
Ken Bounds, Director
Department of Parks and Recreation

Attachment: WPCAC Recommended Project List

Attachment**WPCAC Recommended Project List**

The projects recommended by WPCAC have been grouped based on geographic proximity, similar kinds of attributes, and other factors that would enable efficiencies if the projects were coordinated with each other. All four of these groupings are considered to be of equal importance. Within each grouping, the projects are listed in priority order. Estimated costs are also provided for each project. In the event that actual costs will exceed these estimates, WPCAC also recommends the development of a contingency and opportunity fund, described below.

Group 1

1. **500 Area (Phase 2)**— The “500” Area consists of about 20 acres and is located east of the Historic District and west of the Visitors Center. The Army Reserve occupied this area and its name comes from the building numbers assigned by the Army. The 1986 update to the Master Plan calls for removal of the buildings in this area and restoration to a relatively natural open space, including small meadows, an interpretive program, and drop-in informal use. A separate management plan for the 500 Area has been developed and Phase 1 (restoration of about 9 acres) has been partially completed, as additional plantings may be needed in Fall 2003. If Phase 2 (restoration of the remaining 11 acres) does not move forward, including clearing of invasive non-native species, the invasive species may spread to Phase 1 and negate the work performed previously.

WPCAC Recommendation: The WPCAC recommends funding to complete the management plan for the 500 Area. This should include removal of Louisiana and Carolina Avenues, and, potentially, reconfiguration of the south parking lot.

Estimated Cost: \$1,000,000

2. **Building 653**— Building 653 is no longer in use, so its removal would be consistent with the Discovery Park Master Plan. The building has also become an eyesore. Removal of the building would open up a corridor to link the eastern part of Discovery Park to the Historic District.

WPCAC Recommendation: The WPCAC recommends that funding be used to remove Building 653 and restore the area to natural conditions.

Estimated Cost: \$250,000

3. **Chapel, Chapel Annex, and Washington Avenue**— The chapel is an unused facility that has become quite rundown. It does not meet current building codes and has only a small restroom, so any future use would require considerable upgrading. The annex is another unused building that is falling apart. Washington Avenue, near the Chapel and Chapel Annex, is among the roads that are no longer in use and should be removed and replanted with native plants and trees.

WPCAC Recommendation: The WPCAC recommends that funding be used to remove the Chapel, Chapel Annex, and Washington Avenue and restore much of the area to natural conditions.

Estimated Cost: \$250,000

4. **Nike Building**— The Nike missile building is located in the 500 Area and is being used for temporary warehousing; this use will be discontinued when a suitable replacement facility is identified. The building has become an eyesore and is being used for purposes unrelated to Discovery Park. Its removal would be consistent with the Discovery Park Master Plan. Potential issues to be resolved include the need to find alternate warehouse space and the possibility that the building may contain contaminants such as lead and asbestos.

WPCAC Recommendation: The WPCAC recommends that funding be used for demolition or burial of the Nike Building and restoration of the area to natural conditions. WPCAC further recommends the City discontinue existing Nike Building use as soon as possible to enable this project to move forward.

Estimated Cost: \$1,000,000

5. **Historic District Restoration**— The Fort Lawton Historic District was listed on the National Register of Historic Places in 1978. The District includes a parade ground and surrounding buildings constructed between 1898 and 1908. It is located near the center of Discovery Park. The City's approved plan for the Historic District calls for retention of several buildings, but no use of the buildings. As such, it is to be compatible with the primary role of Discovery Park to provide an open space of quiet and tranquility, while still being a marker of the site's past. The parade ground is to be retained and preserved for public park purposes. Landscaping and roads, as originally planned for the District, are also to be retained, preserved, and restored to delineate the parade ground while allowing for views and transition to other areas. In 1990, the exteriors of the buildings were renovated and site improvements undertaken, but further site work, consistent with the approved Fort Lawton Historic District Landscape Plan, is needed.

WPCAC Recommendation: The WPCAC recommends that funding be used to remove the parking stalls along Oregon and California Avenues and to install additional street trees, preferably of native species.

Estimated Cost: \$100,000

Group 2

1. **North Forest Road Removal**— Major forest areas within Discovery Park are located in the northern half of the site. The 1986 Discovery Park Master Plan calls for managing the forests as wildlife habitat as well as recreational walking and nature interpretation. All but three of the roads in Discovery Park are closed to motorized vehicles but they add to fragmentation of the Park, inhibit the goal of reforestation and restoration of the pre-settlement character, and support invasive plants such as blackberries and scotch broom. The closed roads should be removed to increase the amount of forest and enhance the natural character of Discovery Park.

WPCAC Recommendation: The WPCAC recommends that funding be used for road removal and restoration. In some cases, utility revisions may be necessary to effect such removal, and in other cases, continued vehicle access will need to be retained to provide access to utilities. Illinois Avenue in the North Bluff area should be removed and replaced with a non-paved path or service road, where necessary. Kansas Avenue should be closed and portions of the road removed, while still allowing for service vehicle access to utilities. Idaho Avenue should also be completely removed and closed. These roads and the old theater site, adjacent to Idaho Avenue, should be restored with native plants.

Estimated Cost: \$350,000

2. **North Meadow Area Restoration**— The North Meadow area is at the top of North Bluff. This area is in need of restoration.

WPCAC Recommendation: The WPCAC recommends that funding be used to eradicate invasive species and to provide some wildlife habitat and retain usable open space. Funding should also be used to create a healthy forest edge. If appropriate, the wetland should be enhanced at the north end. The feasibility of such a proposal must take into account the unstable nature of the bluffs (there have been significant landslides on the bluffs in recent years).

Estimated Cost: \$50,000

3. **Forest Habitat Restoration (Bird Alley)**— Unofficial paths into the forest (“social trails”) that are shortcuts for park visitors or routes for transients are not part of Discovery Park’s design. These fragment plant communities and provide for invasive species as well as wildlife disturbances.

WPCAC Recommendation: The WPCAC recommends that funding be used to remove social trails into the forest to the west of the South Meadow (also known as "Bird Alley") so as to increase the area of unbroken forest. This includes removal of invasive, non-native plants and replanting of the area with native plants.

Estimated Cost: \$50,000

4. **Forest Restoration (Rhododendron Glen)** —The Rhododendron Glen is the eastern-most part of Discovery Park's North Forest where trees were cleared and rhododendrons were planted formerly, but have since been removed. The area is now a poorly established forest of primarily young deciduous trees.

WPCAC Recommendation: The WPCAC recommends that funding be used to enhance the forest in this area. Native conifers should be planted to create diversity in this forest community and to screen views of the adjacent Army Reserve facilities.

Estimated Cost: \$50,000

Group 3

1. **Visitors Center Habitat Restoration**— The Visitors Center serves as a principal entry into Discovery Park as well as an entry to the North Forest. Portions of this area provide for active recreation, playground use, picnics, and community activities. Some of the southern part of this area is undergoing initial, natural reforestation.

WPCAC Recommendation: The WPCAC recommends that funding be used to landscape the north edge of the parking lot and add steps from the lot to the road, where a social trail currently exists. Habitat restoration should be performed at the old visitor center site, the margins of the open meadow to the east of the new visitor center, and to the east of the tennis courts. The roadways in the vicinity of the play area should be removed, planted, or, where needed, replaced with non-paved trail.

Estimated Cost: \$250,000

Group 4

1. **Endowment**— Volunteer work parties organized by neighborhood groups, workplace groups, clubs, social organizations, and others have and continue to perform considerable work in Discovery Park. Funding for materials and equipment is sometimes needed for these volunteer projects.

WPCAC Recommendation: The WPCAC recommends creation of an endowment fund. Interest earned from investment of the principal in this fund can be used to fund habitat restoration and habitat improvement in Discovery Park.

Estimated Cost: \$500,000

2. **Maintenance Vehicle/Implement Purchase**— Discovery Park's 20-year-old tractor is subject to frequent breakdown and is in need of replacement. This machine is the principal mowing unit for Discovery Park and is used for vegetation management in meadow areas. A large tractor with cutting implements is needed to mow and maintain meadows and to clear scotch broom and blackberries. Several smaller vehicles and power tools are also needed for vegetation management.

WPCAC Recommendation: The WPCAC recommends that funding be allocated for replacement of the large tractor at Discovery Park. Such a machine should have tow-behind and extendable arm cutting attachments for broom and blackberry cutting. Should monies be available after such a machine is purchased, acquisition of other, smaller maintenance equipment needed for vegetation management should be pursued.

Estimated Cost: \$150,000

Contingency and Opportunity Fund

WPCAC Recommendation: A contingency and opportunity fund of approximately \$800,000 should be established with monies beyond the project allocations noted above. This fund should first be used to cover costs that exceed the estimated amounts identified for the projects above. This fund could then be used to respond to other opportunities. Examples include the following:

- West Point Lighthouse Interpretive Center – The Lighthouse was originally developed in 1881 and is listed on the National Register of Historic Places. Structures on the property include the lighthouse itself, an attached fog signal building, a garage-office and two keepers' buildings. Because of its location and historical interest, the 1986 Discovery Park Master Plan called for the Lighthouse to be part of the interpretive program for Discovery Park. The Lighthouse is one of the areas that may be transferred to the City in the near future. The object of this project would be to provide renovation of the facility such that the interpretive programs of Discovery Park could use it.
- Wetland creation/improvements – This project would provide improvements to the existing wetlands in Discovery Park and/or create new wetlands.

- Schuerman Creek – This would relocate and daylight Schuerman Creek in the North Parking Lot area.
- North Bluff Restroom Upgrade – This project would upgrade the existing restrooms to be a “green” facility that would use solar power, provide for composting, etc. As part of this project, the restroom might be moved closer to the road, although the current location was chosen to make the restroom less visible from the pedestrian paths.

Estimated Cost: Approximately \$800,000 for the contingency and opportunity fund