

Memorandum of Agreement

Between King County Department of Natural Resources and Parks and the City of Seattle Department of Parks and Recreation for use of mitigation funds pursuant to Section 1. (d) of the West Point Settlement Agreement

1) Parties to the Memorandum of Agreement

This Memorandum of Agreement is made and entered into by and between King County, through its Department of Natural Resources and Parks, hereinafter referred to as King County, and City of Seattle, through its Department of Parks and Recreation, hereinafter referred to as The City.

2) Background

- Pursuant to Section 1.(d) of the West Point Settlement Agreement made on February 19, 1991, by and between the Municipality of Metropolitan Seattle ("Metro," succeeded by King County), Puget Sound Water Quality Defense Fund, Friends of Discovery Park, Legal Advocates For Washington, Washington Environmental Council, and Magnolia Community Club, King County *"If neither the Reidel/SMI process nor any alternative meeting the requirements of subsection 1.(b) is implemented by December 31, 2005, Metro shall pay to the City, for deposit in the City's Shoreline Improvement Fund, \$1,000,000 per acre for the land area which, because of the digesters, is not available for public access; All funds paid under this subsection shall be dedicated to improvements to Discovery Park consistent with the primary function and central purpose of the park as defined in the Discovery Park Master Plan and, if any funds remain, to the acquisition and improvement of saltwater beaches.... Any payment of principal to the City under this subsection shall be accompanied by payment of the accumulated interest earned thereon...."*
- King County estimates the current value of funds to be transferred to The City to be \$5.3 million.
- By unanimous vote on September 17, 2001, the Metropolitan King County Council adopted Motion 11288, requesting the King County Executive to convene a citizens advisory committee to advise on projects consistent with the requirements of (1) the February 19, 1991 West Point Settlement Agreement and (2) the January 14, 1991 City of Seattle Council conditional use approval for the expansion of the West Point treatment plant (City Comptrollers File #296799).

- In May 2002, the King County Executive convened a West Point Citizens Advisory Committee (WPCAC) and appointed King County Councilman Larry Phillips as Committee Chair. The Executive also appointed nominees from the following community organizations to serve on the WPCAC:

Friends of Discovery Park	Legal Advocates for Washington
Magnolia Community Club	Puget Sound Water Quality Defense Fund
Washington Environmental Council	Discovery Park Advisory Council

- A report of the WPCAC on recommendations for improvements to Discovery Park under the terms of the West Point Settlement Agreement was prepared in December 2002.
- At the request of the City of Seattle, the WPCAC reconvened in February 2005. Their final meeting was held on May 3, 2005.
- The WPCAC selected projects that satisfy the primary function and central purpose for Discovery Park, as stated below:

The primary role of this park in the life of the city is dictated by its incomparable site. That role should be to provide an open space of quiet and tranquility for the citizens of this city—a sanctuary where they might escape the turmoil of the city and enjoy the rejuvenation which quiet and solitude and an intimate contact with nature can bring. It should be accepted that this park cannot satisfy all of the recreational needs of all of the citizens of Seattle. It can only complement the other elements in the park system. This park should not be asked to serve too many functions. It will best serve this city if it is permitted to serve one primary function and to serve that function well. (Fort Lawton [Discovery Park] Plan, 1972)

3) Purpose and Terms of the Memorandum of Agreement

- In accordance with Section 1. (d) of the West Point Settlement Agreement made on February 19, 1991, by and between the Municipality of Metropolitan Seattle (“Metro,” succeeded by King County), Puget Sound Water Quality Defense Fund, Friends of Discovery Park, Legal Advocates For Washington, Washington Environmental Council, and Magnolia Community Club, King County shall transmit \$5.3 million to The City on or before April 30, 2006.
- The City shall deposit the \$5.3 million transmitted plus all future interest earnings on these dollars in a “Discovery Park” sub fund of its Shoreline Park Improvement Fund, as originally established by Ordinance 115496, approved January 22, 1992.

- 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 \$5.3 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 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 \$5.3 million plus the interest earned on these dollars have been fully expended in accordance with this Memorandum of Agreement.

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.

5) 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.

6) 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 Bissonette, Director
Department of Natural Resources & Parks

Signature _____
Ken Bounds, Superintendent
Department of Parks and Recreation

Date _____

Date _____

Attachment: WPCAC Recommended Project List

Attachment

West Point Citizens Advisory Committee (WPCAC) Recommended Project List May 3, 2005

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. **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

2. **Chapel Annex**— The chapel annex is an unused facility that has become quite rundown. It does not meet current building codes and has only small restrooms, so any future use would require considerable upgrading.

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

Estimated Cost: \$50,000

3. **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

Group 2

1. **Capehart Site Purchase**—Seattle Mayor Greg Nickels has entered into an agreement with American Eagle Northwest to purchase the Navy's Capehart housing, a 23 acre in-holding in the westerly part of the park, once it is replaced with new housing in the Everett/Marysville vicinity by 2008. The agreed upon purchase price is \$10,000,000 with other considerations. The Mayor has proposed a mix of several local, state and federal funding sources to effect this purchase.

WPCAC Recommendation: The WPCAC recommends that funding be provided toward the purchase of the Capehart site.

Estimated Cost: \$2,000,000 (this is partial funding only as other sources will be sought to effect the necessary \$10,000,000 for purchase of the Capehart site.)

2. **West Point Lighthouse Renovation**—The U.S. Department of the Interior has awarded the West Point Light Station to Seattle Parks and Recreation to add 2.5 acres of valuable Puget Sound Shoreline to the park. A condition of the transfer was that the City would commit funds to needed restoration of the lighthouse and related structures.

WPCAC Recommendation: The WPCAC recommends that funding be provided for restoration of the West Point Light Station.

Estimated Cost: \$600,000

Group 3

1. **Capehart Site Restoration**—Purchase of the Capehart site from the United States Navy and American Eagle Northwest will involve removal of the sixty units of housing, the small Navy Exchange and storage building, but will leave roadways, parking lots and utilities in place. The goal is to return this area to natural conditions to complement the wooded bluff to the west and other forest, thicket and meadow areas to the north and south.

WPCAC Recommendation: The WPCAC recommends that funding be provided to effect demolition and site restoration following the Navy and American Eagle demolition of the Capehart housing.

Estimated cost: 500,000

2. **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. 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 northerly of the water service pressure reducing vaults. These roads and the old theater site, adjacent to Idaho Avenue, should be restored with native plants.

Estimated Cost: \$300,000

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: \$100,000

Contingency and Opportunity Fund

WPCAC Recommendation: A contingency and opportunity fund of approximately \$200,000 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:

- 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. In the alternative, a new restroom might be situated closer to the park road at the Capehart site

Estimated Cost for contingency and opportunity fund: \$200,000