



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 9, 2009

Motion 13090

Proposed No. 2009-0607.1

Sponsors Dunn, Hague, von Reichbauer,
Phillips, Gossett, Lambert and
Patterson

1 A MOTION requesting the executive to negotiate
2 amendments with Summit Place 156, LLC to the Summit
3 Pit Purchase and Sale Agreement and negotiate
4 amendments to the Memorandum of Agreement with
5 Summit Place 156, LLC and the city of Maple Valley.
6

7 WHEREAS, the county is the owner of a 156.5 acre parcel located in the city of
8 Maple Valley, utilized by the King County roads maintenance division, and containing an
9 active gravel mine, and

10 WHEREAS, the city of Maple Valley ("the city") has been engaged with the
11 county and Summit Place 156, LLC ("the developer") in a joint planning process under a
12 Memorandum of Agreement ("MOA") executed on October 1, 2008, and

13 WHEREAS, the county and the developer executed a real estate purchase and sale
14 agreement for the parcel on February 19, 2009, and

15 WHEREAS, in part due to the issues relating to joint planning and annexation, the
16 developer has not had an opportunity to satisfy itself with the condition of the parcel for
17 its contemplated use, especially as to whether land use approvals, permits and variances

18 can be obtained under existing land use and zoning codes, or codes yet to be adopted and
19 under consideration, and

20 WHEREAS, the developer has recently requested that the county executive
21 consider amending the purchase and sale agreement in order to extend by one year, all
22 critical dates in the purchase and sale agreement including the county's and the
23 Developer's feasibility periods and closing dates, and

24 WHEREAS, the developer seeks the one year extension of all critical dates
25 relating to its feasibility period and closing date. As such an extension will potentially
26 subject the King County road fund to additional borrowing and inflationary construction
27 costs, the developer has agreed to pay consideration of \$100,000, and

28 WHEREAS, the developer offered certain concessions that will assist the joint
29 planning effort with the city; specifically, the developer has offered to permanently waive
30 its ability to file and vest an application for development in the county until annexation of
31 the property into the city has occurred; and

32 WHEREAS, if the county agrees to amend the purchase and sale agreement, the
33 MOA should be amended in recognition of the developer's offered concessions, and in
34 recognition that with an extension of all contingencies periods for both the developer and
35 the county under the purchase and sale agreement, as amended, more time exists for joint
36 planning with the city and to accomplish an annexation interlocal agreement between the
37 city and the county, and to set a date certain for annexation to occur, and

38 WHEREAS, the original goals that included deadlines and dates for action on pre-
39 annexation zoning, Comprehensive Plan amendments and an annexation interlocal

40 agreement set forth in the MOA are not capable of being achieved as originally
41 contemplated despite the best efforts of all parties to the MOA, and

42 WHEREAS, the parties to the MOA still desire to work in good faith toward
43 achieving the goals set forth in the MOA, and

44 WHEREAS, at the behest of both the city and the developer, the council has
45 delayed taking action on the Joint Plan Interlocal Agreement to allow the King County
46 executive and the developer an opportunity to negotiate amendments to the purchase and
47 sale agreement, and

48 WHEREAS, also at the request of both the city and the developer, that once an
49 amendment to the purchase and sale agreement has been negotiated, approved and
50 executed, the council act on the Joint Plan already approved by the city;

51 NOW, THEREFORE, BE IT MOVED by the Council of King County:

52 A. The King County executive is requested to negotiate amendments to the
53 Summit Pit Purchase and Sale Agreement, as requested by the developer to extend by one
54 year, all critical dates including the county's and the developer's feasibility periods and
55 closing dates.

56 B. Contingent upon the county and the developer amending the purchase and sale
57 agreement, the King County executive is requested to negotiate amendments to the
58 Memorandum of Agreement to include, among other things, the following terms:

59 1. That no application for development will be filed by the county or the
60 developer until after annexation of the property into the city of Maple Valley has
61 occurred; and

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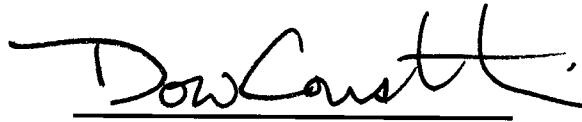
62 2. That a date certain for annexation will be set, such that legislation for
63 annexation of the property into the city will have an effective date no later than August 1,
64 2010.

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Motion 13090 was introduced on 11/9/2009 and passed by the Metropolitan King County Council on 11/9/2009, by the following vote:

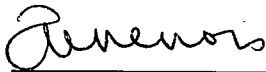
Yes: 9 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments None