



Legislation Text

File #: 2010-0109, Version: 2

Clerk 02/17/2010

AN ORDINANCE authorizing the King County executive to execute an amendment to a purchase and sale agreement regarding the sale of the county-owned property known as the Summit Pit regional roads maintenance facility, located in council district 9, to Summit Place 156 LLC; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings.

A. King County owns a 156.5 acre undeveloped parcel of land commonly known as the Summit Pit regional roads maintenance facility ("Summit"), located in unincorporated King County, surrounded by the city of Maple Valley, approximately thirty-one miles southeast of downtown Seattle.

B. The King County council passed Ordinance 16359 approving execution of a purchase and sale agreement for the transfer of the property to Summit Place 156, LLC ("Summit Place").

C. The purchase and sale agreement with Summit Place has been executed by both parties and is dated February 20, 2009.

D. Prior to the King County council's approval of the purchase and sale agreement with Summit Place, Ron Sims, former King County executive, Christy A. Todd, interim city manager of the city of Maple Valley, and Brian Ross, president of Summit Place 156 LLC, all signed a Memorandum of Agreement Regarding Joint Planning, Interim Zoning, Pre-Annexation Zoning and Future Annexation of the Summit Pit Property ("the MOA").

E. On December 15, 2008, the King County council passed Motion 12899 ratifying the MOA and approving the county executive commencing negotiations with the city of Maple Valley for an interlocal agreement to annex the Summit Pit property.

F. The MOA, in Section 5, provides for representatives of the King County executive, the city of Maple Valley, and Summit Place 156 LLC (the “parties”) to meet for the purposes of joint planning, with a goal to adopt an interlocal agreement for joint planning by June 30, 2009.

G. The parties met faithfully after the execution of the MOA and agreed upon a joint plan consistent with the MOA.

H. The city of Maple Valley adopted Resolution No. R-09-688 on June 22, 2009, which authorizes the city manager to execute an interlocal agreement between the city of Maple Valley and King County to adopt the Joint Plan for Summit Place upon adoption of the interlocal agreement, unchanged, by the King County council.

I. The King County executive transmitted the interlocal agreement to the King County council on June 25th, 2009, for approval. The legislation was assigned File Number 2009-0401.

J. Following the introduction of legislation approving the interlocal agreement, Summit Place expressed its concern to the King County council regarding the content of the interlocal agreement. As a result, and upon the request of the executive, Summit Place and the city of Maple Valley, action on Proposed Ordinance 2009-0401 was suspended. The executive, Summit Place and the city of Maple Valley initiated discussions to resolve their differences regarding the interlocal agreement and matters related to the purchase and sale agreement for the Summit property.

K. As part of these discussions, Summit Place requested a one-year extension of all the deadlines in the purchase and sale agreement pertaining to Summit Place, in exchange for agreeing not to seek permits to develop prior to the property being annexed by the city of Maple Valley. Negotiations with King County regarding Summit Place's request ensued over several months with no resolution.

L. On November 9, 2009, the King County council passed Motion 13090 in part requesting that the King County executive negotiate an amendment to the purchase and sale agreement that would extend the deadlines for both parties by one year.

M. On January 14, 2009, Summit Place sent an e-mail to the King County executive representative that included a proposal to amend the purchase and sale agreement for the Summit property to extend all critical deadlines for both parties by one year and to establish additional criteria for setting the closing date.

N. The King County executive proposes to execute with Summit Place an amendment to the purchase and sale agreement in substantially the form of Attachment A to this ordinance. The amendment would extend all critical deadlines for both parties by one year, reduce the number of Closing Waivers from two to one, set March 1, 2012 as the earliest date for commencing closing and, if closing is conducted in phases, require Summit Place to pay additional amounts at the first two closings that would be included within the purchase price. The additional amounts would equal \$3,200,000 or \$3,280,000 depending on when the phased closing commences.

O. The additional payment minimally compensates King County for its economic loss associated with the one year delay.

P. In addition to negotiating an amendment to the purchase and sale agreement, the King County council, through Motion 13090, requested that the King County executive negotiate amendments to the MOA that would specify that neither the county nor Summit Place would submit applications for development of the Summit property until the property is annexed into the city of Maple Valley. The Executive intends to negotiate such an amendment simultaneously with negotiation of the amendment to the purchase and sale agreement.

Q. This ordinance constitutes an emergency because buyer's contingency expires on February 20, 2010, at which time buyer may terminate the agreement, exposing King County to financial risk before the council can act under its normal procedures.

SECTION 2. The King County executive is hereby authorized to amend the February 20, 2009

agreement for the sale of the Summit property, consistent with an amendment to the purchase and sale agreement substantially in the form of Attachment A to this ordinance, and to implement the amendment to the purchase and sale agreement.

SECTION 3. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.