

Legislation Text

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AN ORDINANCE relating to the duties of the facilities management division of the department of executive services, in coordination with the department of natural resources and parks, to administer real property and real property interests obtained by the county in the course of providing services to the King County Flood Control Zone District; and amending Ordinance 12045, Section 4, as amended, and K.C.C. 4.56.060.

STATEMENT OF FACTS:

1. Beginning on January 1, 2008, the department of natural resources and parks ("the department") has functioned as the primary service provider to the King County Flood Control Zone District ("the district") under an interlocal agreement between King County and the district, as authorized by chapter 39.34 RCW. Among its duties as service provider, the department implements the district's annual work program.
2. A substantial portion of the district's annual work program involves capital flood management or protection projects, which are implemented by the water and land resources division of the department. The department's implementation of projects includes planning and design, obtaining of permits, acquisition of necessary real property and real property interests, construction, and post-construction operation, maintenance, reporting and monitoring.
3. Under section 9 of the interlocal agreement between the county and the district, the county has acquired on behalf of the district real property or real property interests, with title to the real property and real property interests taken in the name of the county for later transfer to the district, as required by

RCW 86.15.080.

4. When the district desires to transfer real property and real property interests from the county to the district or a third party in accordance with RCW 86.15.210, it is the intent of the district, by resolution, to provide direction to the county either to convey these properties or interests to itself or third parties or to sell the properties or interests, with the proceeds of the sale to be remitted to the district.

5. Under such circumstances, it is more efficient and expeditious for the facilities management division of the department of executive services to convey or sell the real property or real property interests held in the county's name but on behalf of the district without following the processes mandated by K.C.C. chapter 4.56 for the sale or conveyance of real property or real property interests acquired by the county on behalf of the district and held in the name of the county.

6. Tracking the real property and real property interests acquired on behalf of the district is an important component to expeditiously conveying real property or real property interests to the district or a third party or selling them on behalf of the district.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12045, Section 4, as amended, and K.C.C. 4.56.060 are each hereby amended to read as follows:

A. Except as otherwise provided in this chapter, the facilities management division, acting under the supervision of the county administrative officer, shall be the sole organization responsible for the administrative processes of acquiring, disposing, inventorying, leasing and managing real property, the legal title of which rest in the name of the county, or which the county manages in a trust capacity.

B. Open space, trail, park, agriculture and other natural resource real properties shall be acquired by the department of natural resources and parks, unless the executive directs the facilities management division to

make such acquisitions.

C. Real property and interests in real property necessary for the metropolitan public transportation and metropolitan water pollution abatement functions shall be acquired and managed by the departments of transportation and natural resources and parks, respectively, as set forth in this chapter, unless the executive directs the facilities management division to make such acquisitions and/or manage such properties.

D. County departments shall be responsible for maintaining all real property for which they are the custodian.

E.1. As part of the services the county provides to the King County Flood Control Zone District under an interlocal agreement, the county, acting through the facilities management division in coordination with the department of natural resources and parks, is authorized to sell or otherwise convey real property and real property interests held in the name of the county that were acquired on behalf of the district, without being subject to the other requirements of this chapter, but only if:

a. the district, by resolution, directs the county to convey to the district or named third parties those real properties or real property interests acquired by the county for the district and held in the county's name. Within the time stated in the resolution, or within sixty days of the county's receipt of a copy of the resolution, if a time is not stated in the resolution, the division should execute the conveyance document, in a form approved by the district, and transmit it to the district unless the resolution directs the conveyance document be transmitted to named third parties; or

b.(1) the district, by resolution, directs the county to sell those real properties or real property interests acquired by the county for the district and held in the county's name, with the proceeds of the sales remitted to the district. Unless otherwise directed by the district by resolution, all sales shall be made to the highest responsible bidder at public auction or by sealed bid. Within the time stated in the resolution, or within sixty days of the county's receipt of a copy of the resolution, if a time is not stated in the resolution, the division should initiate the process to sell real properties or real property interests; and

(2) not more than thirty days after bids are received, the county shall provide the district with notice of all bids received and the county's determination of the highest responsible bidder. Before closing on any sale, the county shall obtain written confirmation from the district's executive director that the district concurs in the county's determination of the highest responsible bidder.

2. The county shall provide monthly progress reports on all district-authorized conveyances or sales, including but not limited to in the case of a conveyance, the expected date of executing the conveyance documents or, in the case of a sale, the closing date. In each monthly report, if the expected date of the executing conveyance documents is delayed or the expected closing date of a sale is delayed, the county shall report to the district the reasons for the delay and the new expected date to convey or sell.

3. No later than March 31 of each year, the county shall provide to the executive director of the King County Flood Control Zone District an inventory of all real property and real property interests acquired by the county on behalf of the district and held in the name of the county.