

Legislation Text

File #: 2010-0626, **Version:** 1

A MOTION requesting the executive to identify and develop a plan to pay for the ecological repair work that will be required for the use of the of the four parcels lots owned by Northwest Aggregates Company located on Maury Island in council district 8 that the county intends to purchase.

WHEREAS, King County has negotiated the purchase of approximately two hundred fifty acres of land on Maury Island ("the NWA property") owned by Northwest Aggregates Co., an Oregon corporation ("NWA"). Closing of this transaction before the end of the year is a material term of the purchase and sale agreement ("the PSA"), required by NWA, and

WHEREAS, the PSA establishes a purchase price for the NWA property at \$36,000,000.00. The county would be purchasing this property "as is." The NWA property is within the area of the Asarco Plume and the county is aware that the NWA property is contaminated with arsenic and lead. Under state law, King County, as the property owner, will be responsible for remediating the NWA property, and

WHEREAS, part of the NWA property operated as a gravel and sand mine. Under the PSA, the county will assume the costs to reclaim the mined portion of the NWA property, and

WHEREAS, unless the county exercises an option to pay NWA additional consideration, the county will also be responsible for removing the conveyor and other personal property from the NWA property, and

WHEREAS, there are tunnels located on the NWA property that will need to be closed, and

WHEREAS, NWA has a lease with the state of Washington for the bedlands waterward of the property's shoreline, and

WHEREAS, it is anticipated that the county will be entering into a new lease with the state of

Washington, a condition of which will require the county to remove the dock pilings previously installed in the bedlands, and

WHEREAS, there currently is no dedicated source of funds to undertake the ecological repair work that may be required, including but not limited to reclamation, remediation and removal of personal property, closing the tunnels and removing the dock piling ("the ecological repair");

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

A. The executive is requested to consult with the appropriate state agencies, including but not limited to the department of ecology and the department of natural resources, as well as the county's own risk management section, to identify and prioritize the items of ecological repair and when they must be undertaken. As part of that identification, the executive should determine the anticipated cost to complete the ecological repair.

B. The executive is also requested to develop a plan to pay for the ecological repair. The plan should include all potential third-party sources, such as grants or loans that could be used to pay for the ecological repair. The plan should also investigate the use of reserves from county funds that could be used to defray the costs to implement the ecological repair.

C. The executive should submit a report identifying the items of ecological repair, their priority, estimating when each repair shall be undertaken and the anticipated cost to complete each repair. The report should be submitted to the council by June 1, 2011, filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers.

D. Included in that report should be the plan to pay for the ecological repair. The plan should include a detailed discussion regarding all potential county funding mechanisms and third- party resources that could be used and dedicated to the ecological repair.