

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 7166

A RESOLUTION authorizing the City Manager, or his designee, to execute all documents necessary to enter into an Intergovernmental Land Transfer Agreement with King County transferring ownership of the properties commonly known as Surrey Downs and Coal Creek Park to the City of Bellevue consistent with the terms of the Settlement Agreement in *Newport Yacht Club and Weinstein v. City of Bellevue and King County*, USDC Cause No. C03-2534Z and to authorize the Parks Department to use the proceeds from the 1988 Bond Fund CIP P-AD 30 for park purposes including and not limited, to demolishing and renovating a portion of the Surrey Downs facility, and beginning the master plan process for the site, and authorizing the City Manager to execute a Lease Agreement with King County for the District Court facility at Surrey Downs.

WHEREAS, in August 2003, Weinstein and the Newport Yacht Club brought a lawsuit entitled *Newport Yacht Club and Weinstein v. City of Bellevue and King County*, USDC Cause No. C03-2534Z, in Federal Court against Bellevue and King County, alleging violations of the Clean Water Act, Endangered Species Act, nuisance, and trespass;

WHEREAS, the parties were able to reach a settlement in that matter;

WHEREAS, the Bellevue City Council approved Resolution No. 7053 ratifying the City Manager's approval of the Settlement Agreement;

WHEREAS, the Settlement Agreement was subsequently approved by the Federal court in October 2004;

WHEREAS, one element of the settlement was agreement that ownership of the Surrey Downs and Coal Creek Park properties would be transferred from the County to the City;

WHEREAS, both the Coal Creek and Surrey Downs sites are to be accepted "as is", in accordance with the Settlement Agreement;

WHEREAS, the Parks Department does not receive any funding for maintenance and operations in exchange for the transfer;

WHEREAS, the Parks Department currently lacks the resources to make any enhancements to either site and does not intend to improve the Coal Creek site for park purposes beyond its current condition, maintaining its existing current rustic character;

WHEREAS, as part of the acquisition of the Surrey Downs property, the Parks Department intends to use the proceeds from the bond, identified in the 1988 Bond Fund CIP P-AD 30, to renovate a portion of the site for park purposes, including but not limited to demolition of the former daycare wing, regrading the areas for park purposes, and public master-planning processes for the future use of the property;

WHEREAS, in order to accomplish the transfer of Surrey Downs and Coal Creek Park, King County and the City negotiated an Intergovernmental Transfer Agreement; and

WHEREAS, the Intergovernmental Transfer Agreement and the Lease Agreement are before the Bellevue City Council for approval; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Manager, or his designee, is authorized to execute all documents necessary to enter into an Intergovernmental Land Transfer Agreement with King County transferring ownership of the properties commonly known as Surrey Downs and Coal Creek Park to the City of Bellevue consistent with the terms of the Settlement Agreement in *Newport Yacht Club and Weinstein v. City of Bellevue and King County*, USDC Cause No. C03-2534Z, and is further authorized to execute a Lease Agreement with King County for the District Court facility at Surrey Downs.

Section 2. The Parks Department is authorized to use the proceeds from the 1988 Bond Fund CIP P-AD 30 for park purposes including and not limited, to demolishing and renovating a portion of the Surrey Downs facility, and beginning the master plan process for the site.

Section 3. A copy of the Intergovernmental Transfer Agreement has been given Clerk's Receiving No. 37396; and a copy of the Lease Agreement has been given clerk's Receiving No. 37395.

Passed by the City Council this 11th day of April, 2005, and signed in authentication of its passage this 11th day of April, 2005.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk