



CITY OF KIRKLAND

City Attorney's Office

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MEMORANDUM

To: Kurt Triplett, City Manager
From: Oskar Rey, Assistant City Attorney
Date: November 8, 2013
Subject: Amendment to Interlocal with Finn Hill Park & Recreation District

RECOMMENDATION:

That the City Council passes a resolution authorizing the City Manager to sign an Amendment to the Interlocal Agreement Concerning O.O. Denny Park between the City of Kirkland ("City") and the Finn Hill Park & Recreation District ("District").

BACKGROUND DISCUSSION:

The City and the District entered into an Interlocal Agreement Concerning O.O. Denny Park ("Agreement") dated March 7, 2013 under which the City took over management and maintenance responsibilities for O.O. Denny Park. With the assumption by the City of management of O.O. Denny Park, the District is in the process of winding up its business and plans to dissolve before the end of 2013. The District has remaining funds in the amount of \$175,000 that it would like to transfer to the City prior to dissolution for use on park projects in the District boundaries.

The Agreement provides that the District may propose projects to the City for O.O. Denny Park to be funded by the District. The proposed amendment identifies a new picnic shelter and related improvements such as tables and pathways, as well as installation of an irrigation system and fencing as projects to improve the Park. City staff has reviewed the District's proposal and supports the identified projects.

Under the proposed Amendment, the District would transfer the \$175,000 to the City to be used by the City for installation of the identified projects. In the event the \$175,000 is not sufficient to complete all of the identified projects, the City would not be required to expend additional funds. In the event there is money left over after completion of the identified projects, the City would spend the remaining funds on additional projects in O.O. Denny Park or in Juanita Heights Park, which is also within the boundaries of the District.

It is anticipated that the District will approve and execute the attached Amendment at a special meeting to be held on November 14, 2013.

RESOLUTION R-5016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN AMENDMENT TO AN INTERLOCAL AGREEMENT WITH THE FINN HILL PARK & RECREATION DISTRICT CONCERNING O.O. DENNY PARK.

WHEREAS, the City of Kirkland ("City") and the Finn Hill Park & Recreation District ("District") entered into an Interlocal Agreement Concerning O.O. Denny Park ("Agreement") dated March 7, 2013; and

WHEREAS, it is anticipated that the District will wind up its affairs and be dissolved by the end of 2013; and

WHEREAS, the District would like to transfer its remaining funds to the City to be used towards park improvement projects at O.O. Denny Park and Juanita Heights Park, both of which are in the District; and

WHEREAS, the City is willing to accept the funds from the District for the purposes set forth in the attached Amendment to Interlocal Agreement Concerning O.O. Denny Park ("Amendment"); and

WHEREAS, Chapter 39.34 RCW authorizes the parties to enter into interlocal agreements (and amendments thereto) to perform any governmental service, activity or undertaking which each contracting party is authorized by law to perform.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City of Kirkland an Amendment substantially similar to that attached as Exhibit "A", which is entitled "Amendment to Interlocal Agreement Concerning O.O. Denny Park."

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2013.

Signed in authentication thereof this ____ day of _____, 2013.

MAYOR

Attest:

City Clerk

**AMENDMENT TO INTERLOCAL AGREEMENT
CONCERNING O. O. DENNY PARK**

The City of Kirkland (the "City" herein) and Finn Hill Park & Recreation District (the "Park District") do hereby amend their Interlocal Agreement Concerning O. O. Denny Park dated March 7, 2013 as follows:

1. PARK IMPROVEMENTS PROJECTS. The Board of Commissioners of the Park District and City staff have identified the location and design for an additional picnic shelter at O. O. Denny Park (the "Park"), including related improvements such as tables and pathways and have identified the installation of an irrigation system and fencing as projects to improve the Park pursuant to Section 5 of the Interlocal Agreement (the "Section 5 Projects"). The parties wish to proceed with these improvements to the Park.

The Park District has \$175,000.00 to fund the costs related to the installation of the additional picnic shelter and Section 5 Projects. The Park District desires to provide such funding to the City to allow it to install the additional picnic shelters and complete the Section 5 Projects to the extent such funds are sufficient to cover such costs. It is estimated that the cost of the installation of the additional picnic shelter and the foregoing projects will equal or exceed such funding.

2. TRANSFER OF FUNDS TO CITY.

2.1 Following the execution of this amendment, the Park District will transfer \$175,000.00 to the City. The City agrees to hold and use said funds it receives from the Park District for the costs and expenses it incurs in the installation of the additional picnic shelter and carrying out the Section 5 Projects in O. O. Denny Park. In the event there should be funds remaining after the completion of the projects described above, the City agrees to use the remaining funds for other work which improves the physical condition of O. O. Denny Park or Juanita Heights Park.

2.2 Without the need for physical segregation of said funds, the City shall designate the funding provided by the Park District as reserved for the foregoing purposes. The City shall have discretion in determining how and when the picnic shelter will be installed and other projects carried out and whether any projects should be modified.

2.3 If the cost of the foregoing projects exceed the funding provided by the Park District, the City shall not be obligated to carry out all of the projects, but may carry out such improvements at O. O. Denny Park as it finds it is able to complete with the funding provided by the Park District.

3. **EFFECT.** Except as expressly modified herein, the Interlocal Agreement concerning O. O. Denny Park shall remain in full force and effect.

DATED: November ____, 2013.

FINN HILL PARK & RECREATION DISTRICT

CITY OF KIRKLAND

By _____
Chairman of the Board of Commissioners

By _____
City Manager

Secretary of the Board of Commissioners