

(GENERAL)

COMPTROLLER
FILE NUMBER **279879**

LETTER OF CLARIFICATION
OF

THE 1934 AGREEMENT BETWEEN THE CITY OF SEATTLE AND THE UNIVERSITY OF WASHINGTON CONCERNING THE ESTABLISHMENT AND MAINTENANCE OF AN ARBORETUM IN WASHINGTON PARK, SEATTLE, WASHINGTON, ADOPTED BY RESOLUTION NO. 24646.

FILED AUGUST 30, 1974

C. G. ERLANDSON
COMPTROLLER AND CITY CLERK

[Signature] DEPUTY

ACTION OF THE COUNCIL

REFERRED	TO
REFERRED	TO
REFERRED	TO
REPORTED	DISPOSITION
RE-REFERRED	TO
REPORTED	DISPOSITION

REPORT OF COMMITTEE

Mr. President:

Your

Committee

to which was referred the within

would respectfully report that we have considered the same and respectfully recommend that

CHAIRMAN

CHAIRMAN

LETTER OF CLARIFICATION OF THE 1934 AGREEMENT BETWEEN THE CITY OF SEATTLE
AND THE UNIVERSITY OF WASHINGTON CONCERNING THE ESTABLISHMENT AND MAINTENANCE
OF AN ARBORETUM IN WASHINGTON PARK, SEATTLE, WASHINGTON

This letter is intended to clarify the understanding of the City of Seattle and the University of Washington concerning that certain agreement of December 6, 1934, entered into by the City of Seattle by its then Board of Park Commissioners (herein sometimes referred to as "the City") and the Board of Regents of the University of Washington (herein sometimes referred to as "the University") for the purpose of establishing and maintaining an arboretum and botanical garden in Washington Park within the territorial limits of the City of Seattle and owned by the City of Seattle.

The City and the University agree that an arboretum and botanical garden should continue to be maintained within the confines of Washington Park as provided for in the 1934 agreement and as more specifically set forth in this letter of clarification. Since that agreement was entered into prior to the actual establishment of said arboretum and botanical garden and has been in effect for nearly forty years, it is felt by the parties that this letter of clarification is necessary for the parties to continue to operate an arboretum and botanical garden within Washington Park pursuant to the provisions of that agreement.

In paragraph 1 of the said 1934 agreement, the area "to be designated" pursuant to the provisions of that paragraph 1 has been designated as shown on the map attached hereto as Exhibit A to this letter of clarification.

In paragraph 3 of said 1934 agreement, it is understood by the City and the University that the University shall continue to maintain the Washington Park Arboretum. Furthermore, it is the intention of both the City and the University that the maintenance of the arboretum will be at the current level or better provided that the City and the University share the cost of said maintenance equally.

It is agreed between the parties that the arboretum as it presently exists in Washington Park substantially fulfills the obligations of the second party to the provisions of paragraph 5, it being recognized that certain of the programs called for establishment within said paragraph 5 are neither

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SEATTLE

practicable nor essential for the establishment of an arboretum in Washington Park, it being further understood that this arboretum and botanical garden to be maintained by the University of Washington shall be devoted to a collection growth and development center for woody plants in conjunction with the more specialized teaching and research programs located at other arboreta sites, a display area and a portion of the public service function of the University of Washington's overall multi-site arboretum program.

It is understood and agreed between the parties that current provisions of the charter of the City of Seattle vest these powers and responsibilities under the City Charter in effect in 1934, referred to in paragraph 6 of the 1934 agreement, in the City's Superintendent of Parks and Recreation, particularly those powers vested in the Superintendent to propose and adopt rules and regulations necessary for proper operation of the City's park system. In order to assure the continued cooperative spirit between the City and the University of Washington in the operation and maintenance of the arboretum and botanical garden in Washington Park, and in recognition of the special nature of said arboretum and botanical garden and the need to protect the botanical collections maintained therein, said Superintendent, or his designee, and such person as the University designates will consult from time to time on rules, regulations and budgets necessary to operate and maintain the arboretum and botanical garden in Washington Park as a display area for public use and enjoyment and that before the City authorizes any non-arboretum uses for said area it shall consult and advise with the appropriate designated official from the University.

It is agreed and understood that any buildings erected within the arboretum and botanical garden pursuant to paragraph 7 of the 1934 agreement shall either be replacements for existing buildings or buildings which serve the public service aspect of the University's role in Washington Park, such as a visitors' center to the extent permitted under the Charter and ordinances of the City. Any such buildings will be subject to the review and permits required by the laws of the State of Washington and the ordinances of the City of Seattle.

It is understood that the parties shall continue to operate under the provisions of the December 6, 1934 agreement between the City of Seattle and the Board of Regents of the University of Washington as clarified by this letter of clarification.

IN WITNESS WHEREOF, The City of Seattle through its Superintendent of Public Parks, and the Board of Regents of the University of Washington, through its President and Secretary, hereby affix their names and seals this 23 day of August 1974.

CITY OF SEATTLE

By David L. Towne
David L. Towne, Superintendent
Department of Parks and Recreation

UNIVERSITY OF WASHINGTON

By John A. Reynolds
President, Board of Regents

By Barbara J. Zimmerman
Secretary, Board of Regents

RESOLUTION 24636

A RESOLUTION relating to the Arboretum in Washington Park; reaffirming the City's support for continuing the cooperative relationship between the City and the Board of Regents of the University of Washington established in the Agreement of 1934 between said parties, regarding said Park and adopting a letter of clarification with respect to said Agreement.

WHEREAS, the City is the owner of certain property situated within the territorial limits of The City of Seattle known as Washington Park; and

WHEREAS, under and pursuant to Ordinance 65130 the City's Board of Park Commissioners on December 6, 1934, entered into an agreement on behalf of the City with the Board of Regents of the University of Washington, (hereinafter "University"), an agency of the State of Washington, granting to said University a license to use and occupy a portion of said Washington Park for the purpose of establishing, operating and maintaining a public arboretum; and

WHEREAS, pursuant to said agreement the University with the cooperation of the City has established, operated and maintained a public arboretum in Washington Park which has achieved national acclaim and has provided a unique special purpose park for Seattle's residents and others; and

WHEREAS, it is the desire of the City and the University that such facility continue to be maintained under said 1934 Agreement in a manner equal to its current level of maintenance, or better, and that the City and the University share the cost of said maintenance equally; and

WHEREAS, in view of the fact that said Agreement has been in force and effect for nearly forty (40) years and was entered into prior to actual establishment of said Arboretum and botanical garden, the parties believe that a letter of clarification is necessary and proper for continued operation and maintenance of said Arboretum and Botanical Garden under the provisions of that Agreement;
Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

That The City of Seattle reaffirms its support of the continuation of the cooperative relationship between the City and the University of Washington regarding operation and maintenance of the Arboretum in Washington Park and its desire to continue such relationship under that certain agreement dated December 6, 1934, between the City and the Board of Regents of the University of Washington ("University" hereinafter) authorized by Ordinance 65130 and entitled "Agreement Relating to Arboretum and Botanical Garden in Washington Park" ("Agreement" hereinafter), and in

connection with such Agreement does hereby endorse and adopt said certain document executed by the Superintendent of Parks and Recreation and the President of the University entitled:

LETTER OF CLARIFICATION OF THE 1934 AGREEMENT BETWEEN THE CITY OF SEATTLE AND THE UNIVERSITY OF WASHINGTON CONCERNING THE ESTABLISHMENT AND MAINTENANCE OF AN ARBORETUM IN WASHINGTON PARK, SEATTLE, WASHINGTON,

attached hereto and identified as Exhibit "A", including the following provisions:

Area map showing area of Washington Park subject to 1934 agreement;

Agreement to maintain Arboretum to current level of maintenance or better and to share equally costs of such maintenance (Para. 5, 1934 Agreement);

Agreement that Arboretum as it presently exists substantially fulfills the intent of said 1934 Agreement;

Agreement that Arboretum will be essentially a display area fulfilling the public service aspect of the University's overall arboretum program;

Agreement that reference in said 1934 Agreement to Article XIII, § 3 of the City Charter is reference to City Charter existing in 1934 and that the same is understood to mean the provisions of any City Charter and appropriate ordinances governing its parks and recreation system;

Agreement that the Arboretum is a specialized park facility which requires special care and attention and in such connection that the Superintendent of Parks and Recreation, under the powers vested in him by the City Charter and ordinances, may promulgate such rules and regulations as he shall find necessary in recognition of the special nature of the Arboretum in Washington Park, with the advice and after consultation with appropriate officials of the University;

That any structures to be built in the Arboretum in Washington Park pursuant to paragraph 7 of the said 1934 Agreement, subject to the provisions of the City Charter, shall either be replacements for existing structures or buildings to serve the public service aspect of the University's role in Washington Park, such as a visitors' center.

PASSED the City Council the 22 day of August, 1974, and signed by me in open session in authentication of its

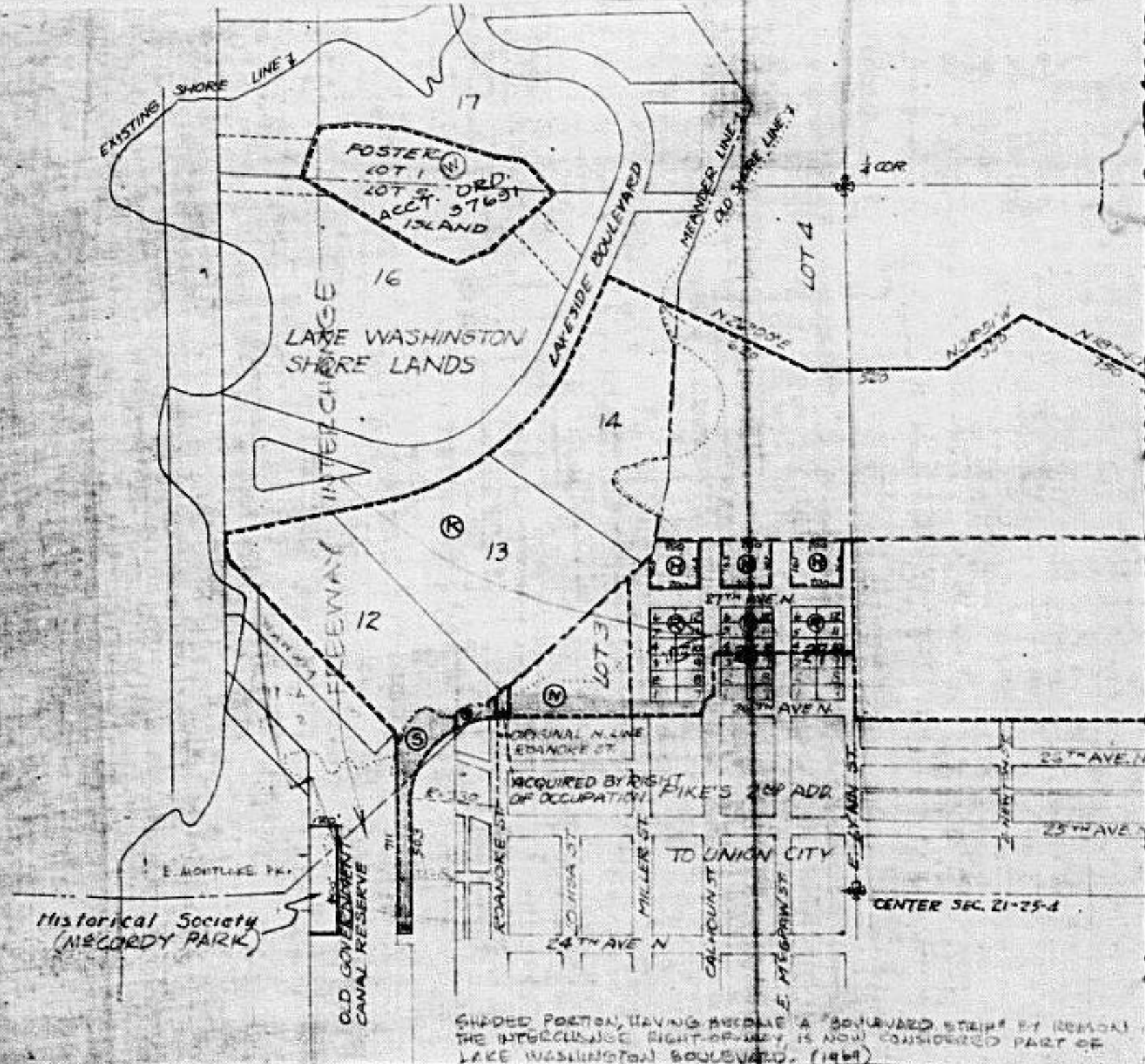
passage this 12 day of August, 1974.

[Signature]
President of the City Council

filed by me this 12 day of August, 1974.

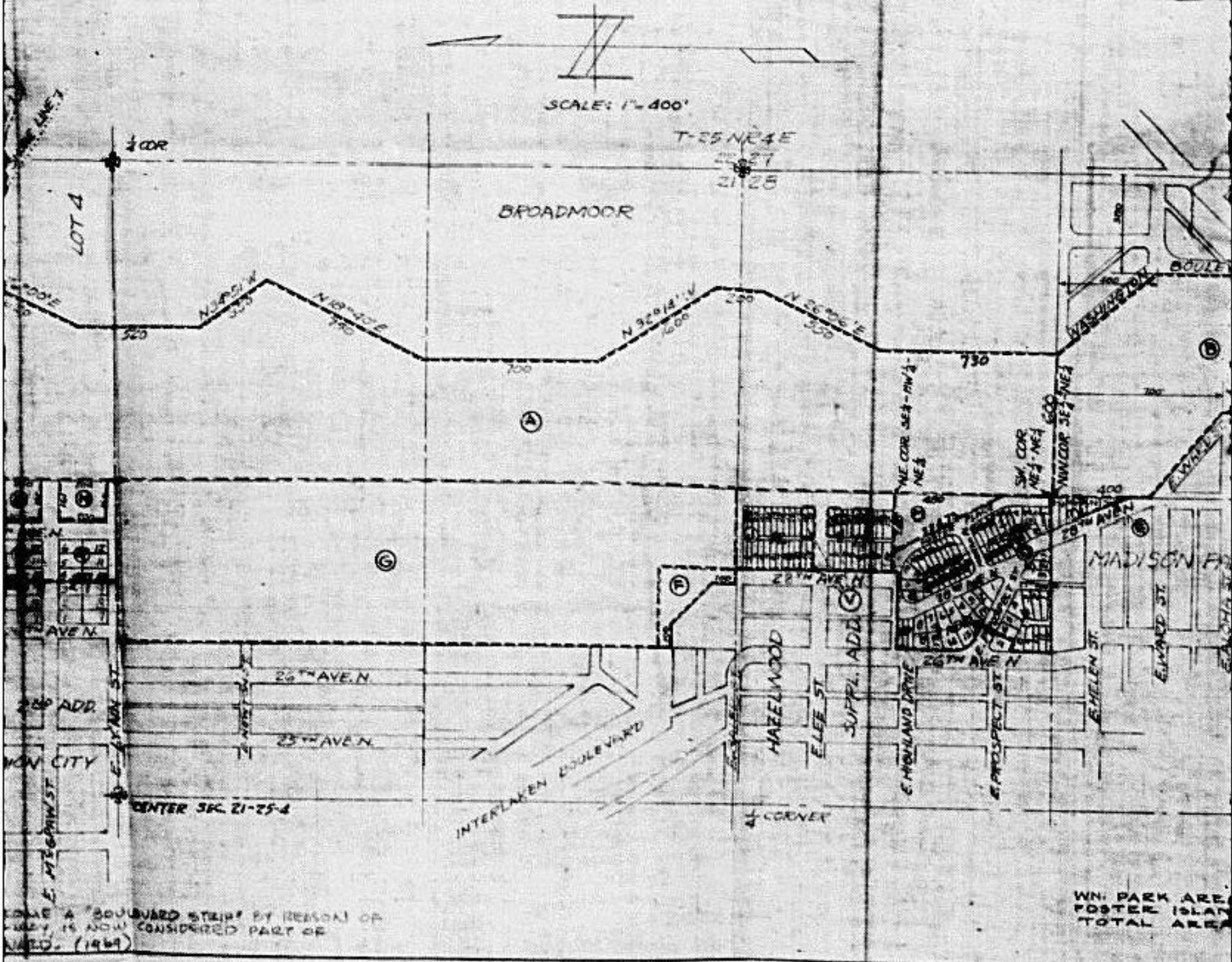
ATTEST: [Signature]
City Comptroller and City Clerk

By: [Signature]
Deputy



SHADED PORTION, HAVING BECOME A "BOULEVARD STRIP" BY REMOVAL OF THE INTERCHANGE RIGHT-OF-WAY IS NOW CONSIDERED PART OF LAKE WASHINGTON BOULEVARD. (1969)

SCALE: 1"=400'



EDGE A "BOULEVARD STRIP" BY RESOL. OF
 COM. IS NOW CONSIDERED PART OF
 WARD. (1969)

WN. PARK AREA
 FOSTER ISLAND
 TOTAL AREA

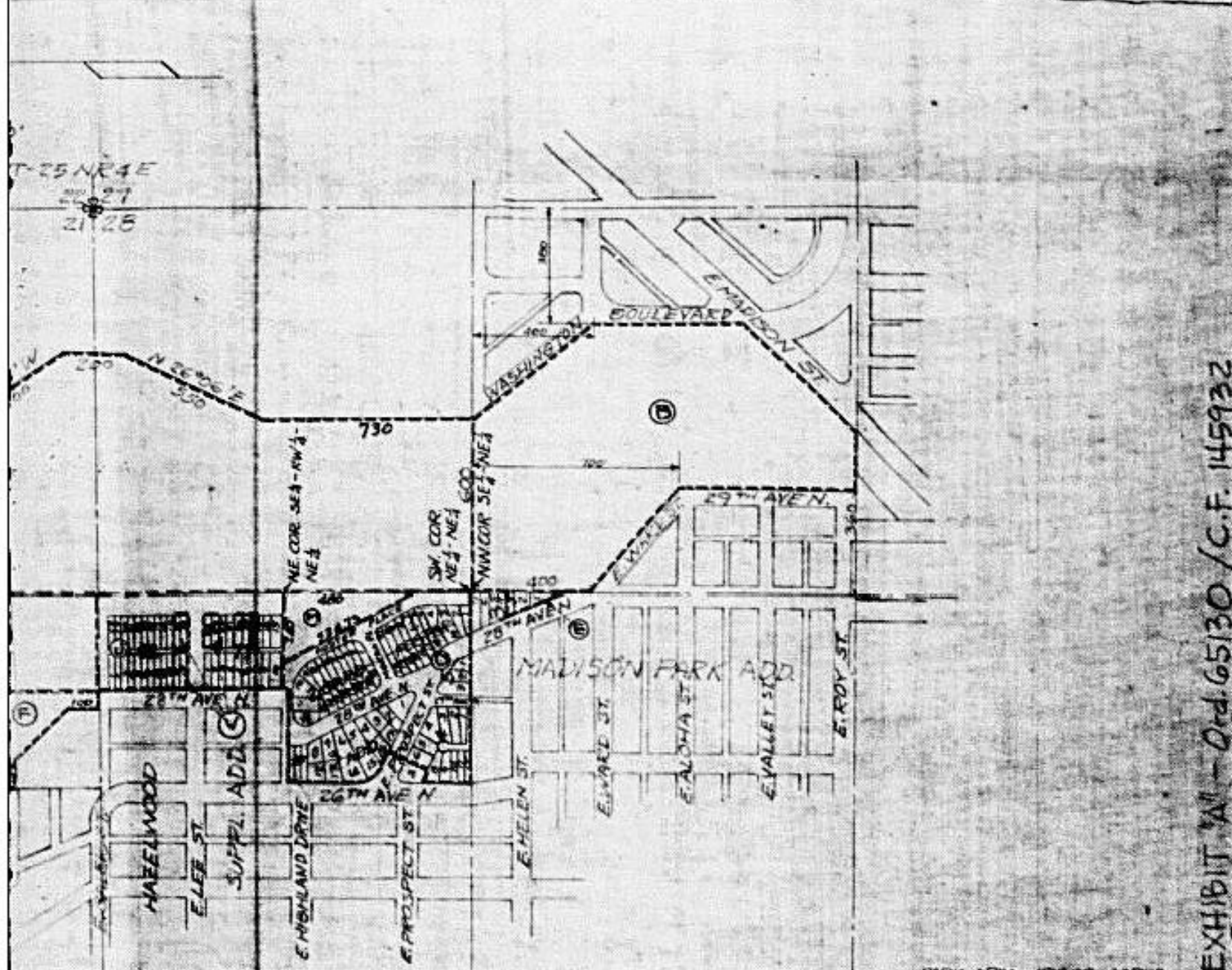


EXHIBIT 'A' - Ord. 65130 / C.F. 145932

141-C-4

WN. PARK AREA 180.00 A.
 FOSTER ISLAND 7.05 A.
 TOTAL AREA 187.05 A.

PARK AREA - 19000 ACRES
 SEATTLE PARK DEPT
 WASHINGTON PARK
 PROPERTY MAP

DR BY JBR 1-5-31
 CH BY RSR 3-12-31
 APP - W.C. Hall 3-17-31