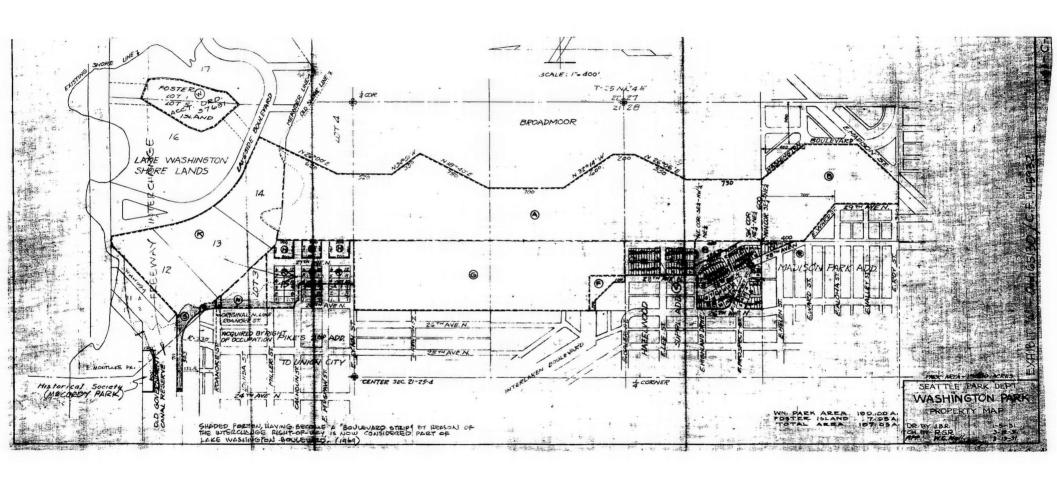
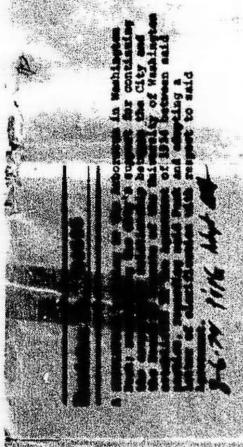
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SYN.

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RESOLUTION 2464ti

- 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 amboratum 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 assuably, 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 that 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 wap 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	4	day	of	Aligust
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			AT	TEST: CIT	y Controller	and City Clark
				Ву:	Deputy	(133.)

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

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. Further mare, 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 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 those 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 hudgets necessary to operate and maintain the propretum 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 WHERFOF, 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 seal this _______ day of ______.

19:4.

THE CITY OF SEATTLE

LAW DEPARTMENT

AREA CODE 200 IZEPHONE 583-2304

JOHN P HARRIS COMPONITION COUNSEL

July 31, 1974

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No: Arboretum in Washington Park

Parks and Public Grounds Committee City Council The City of Seattle

Monorable Members:

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Pursuant to oral request on July 23, 1974, from your Chairman, the undersigned Assistant at 7:30 P.M. on July 24, 1974, attended a meeting between your chairman, representatives of the Department of Parks and Recreation, representatives of the University of Washington and representatives of various citizen organizations regarding the Arboretum in Washington Park. A subsequent meeting was held on the afternoon of July 26, 1974 in the offices of the Assistant Attorney General assigned to the University meeting, it was agreed by the Superintendent of Parks and Recreation on behalf of the City and in accord with understandings reached at the meeting on July 24, that the City and the University would continue their existing relationship under that Agreement executed on December 6, 1934, pursuant to Ordinance 65130, between the City and the University, entitled

> AGREEMENT RELATING TO ARBORETUM AND BOTANICAL GARDEN IN WASHINGTON PARK.

It was also agreed that, in view of the fact that said Agreement has been in effect for nearly 40 years and in view of the fact that said Agreement had been executed prior to actual establishment of the Arboretum in Washington Park, it was advisable to compose and adopt a letter of clarification between those executive officers of the two governmental units most directly involved with the Arborstum in Washington Park. Purther in accord with understandings reached at the July 24th meeting, it was agreed to propose to the City Council a resolution reaffirming the City's support for continuation of the

Parks and Public Grounds Committee July 31, 1974 Page 2

City-University relationship and the 1934 Agreement and to adopt the points contained in said letter of clatification.

With respect to the "Letter of Clarification", we forward herewith a draft thereof prepared by the University. The Superintendent of Parks and Recreation recommends substitution of the following paragraph for the second paragraph on page two of the proposed letter of clarification to delineate clearly the Superintendent's responsibilities with respect to rules and regulations:

"It is understood and agreed netween the parties that current provisions of the Charter of The City of Seattle vest those 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 Forks 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."

In view of the language contained in Section 4 of the initiative petition relating to Washington Park recently filed, we advise that the paragraph commencing on page two of the "Letter of Clarification" and anding on page three thereof be altered to read as follows:

"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."

Parks and Public Grounds Committee July 31, 1974 Page 3

The University's proposed Letter of Clarification and the proposed modifications thereof set forth above are, in our opinion, consistent with the prior 1934 agreement.

We also advise that, in addition to the other reasons advanced for a "Letter of Clarification" there is a need for a new "designation map" (Para. 1, 1934 Agreement). The North end of Washington Park has been significantly altered since the execution of the 1934 Agreement because of the installation of the "Arboretum Interchange" for connecting the Evergreen Point Floating Bridge (State Highway 520) with the now defunct R. H. Thomson Expressway. Furthermore, the configuration of the South end of Washington Park has been altered by the installation of the Madison Playfield and the same should be clearly free of the restraints on use imposed under the agreement with the University regarding the Arboretum. The new "designation map", which we understand is being prepared by the Department of Parks and Recreation, to be supplied with the "Letter of Clarification" and identified in the third paragraph thereof as "Exhibit A", should clearly show such changes.

The "Letter of Clarification" drafted by the University, a proposed resolution reaffirming the City's support for continuation of the City-University relationship and the 1934 Agreement and adopting the "Letter of Clarification are forwarded herewith.

Yours very truly,

JOHN D. HARRIS Corporation Counsel

By Bring. 21

DONALD H. STOUT Assistant

DHS enc.

cc-Superintendent of Parks and Recreation LETTER OF CLARIFICATION OF THE 1934 AGREEMENT BETWEEN THE CITY OF SEATTLE AND THE UNIVERSITY OF WASHINGTON CONCERN-ING 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 (berein 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 instemical 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 arboretum at its current level of maintenance or better, and the City and the University shall share the coat 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 practicable not essential for the establishment of an arboretum and botanical garden, it being further understood that the arboretum and botanical garden to be maintained by the University of and out-planting area for other arboreta Washington shall be essentially a display/secon primarily fulfilling the public service aspect of the University of Washington's multi-

It is understood and agreed between the parties that the current provisions of the Charter of the City of Seattle vest those responsibilities referred to in Article 13, Section 3, of the City Charter in effect in 1934 in the Superintendent of Parks of the City of Seattle. In order to assure the continued cooperative spirit between the City of Seattle and the University of Washington in the operation and maintenance of the erboretum and botanical garden in Washington Park, the Superintendent of Parks, or his designee, and such person as the University of Washington shall designate will consult from time to time on rules, regulations and budgets necessary to operate and maintain the erboretum and botanical garden in Washington Park as a display ares for public use and enjoyment and that before the City of Seattle authorizes any non-arboretica uses for said area it shall consult and advise with the appropriate designated official from the University of Washington.

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. 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.

The City of Seattle-Lagislative Department

MR. PRESIDENT:

CONSTITUE OF THE WHOLE

NE 12 1974

Year Committee

Nes. 34646.

Relating to the Arboretum in Washington Park; resffirming the City's support for continuing the cooperative relationship between the City and the Board of Regents of the University of Washingtor established in the Agraement of 1934 between said parties, regarding said Park and adopting a letter of clarification with respect to said Agraement,

RECOMMENDS THAT THE SAME BE ADOPTED.

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LETTER OF CLARIFFCATION OF THE 1931 AGREDMENT RETRIED THE CITY OF SEATTLE AND THE PROTESTED OF VASHINGTON CONCERNING THE ESTABLISHMENT AND PAINTERAL OF AN ARBORRIUM IN MACHINGTON PAIR, SEATTLE, MACHINGTON

This letter is intended to charify the understanding of the City of Seattle and the Paiversity of Cashinston concerning that certain appearant of Recember n. 1314, extered into by the City of Seattle be its then board of Park Commissioners (hereto sometimes referred to us "the City") and the Park of Referets of the University of Machington (herein accordance referred to as "the University") for the purpose of establishing and maintaining an arboratum and Lorenteel speaks in University Park within the territorial limits of the City of Seattle and smood by the City of Seattle.

The City and the University agree that an aphoreton and horantial parties about a to the testinate of Machineton Park as provided for to the 1934 agreement and as more specifically not forth in this letter of clarification. Since that agreement was entered into prior to the octual establishment of maid suborques and betanical sander and has been in effect for morely forty years, it is full by the parties that this letter of clarification is successive for the parties to continue to operate an amoretum and betanical parties within Kashinston Park pursuant to the provisions of that agreement.

In paragraph 1 of the said 1915 agreement, the area "to be decisions of gursuant to the provintens of that paragraph 1 has been designated as show on the map attached hereto as Exhibit A to this letter of clarification.

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

It is agreed between the parties that the aphoratom as it presently values is backington Park substantially fulfills the obligations of the second party to the provisions of paragraph 5, it being recognized that cortain of the programs called for establishment within said paragraph 5 are noticed.

Practicable nor essential for the establishment of an arboreton in Washington Park, it being further understood that this arboretom and betonical garden to be maintained by the injurisity 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 sizes, a display area and a portion of the public service function of the University of Mashington's overall maintances arboretam program.

It is understood and agroud between the parties that current provisioned the charter of the City of Seattle vest these passes and responsihilities under the City Charter in offect in 1936, referred to in parastaph 6 of the 1934 agreement, in the City's Superintendent of Parks and Secreation, particularly them powers vested in the Separtatement to process and whop rules and regulations becomes for proper operation of the City's park sys-In order to nomes the continued computative spirit between the City and the University of Maphington in the speration and maintenance of the rectain and becamical pardon in Machington Park, and in recognition of the special nature of said artesectus and betanical garden and the need to protect the bounded endlocations maintained therein, said Superintendent, or his designed, and such purson as the Palversity designates will consult From time to time on rules, regulations and budgets necessary to energic and withthin the arborotum and botanical garden in backington face as a display area for public use and enjoyment and that before the City authorized app the arboretus uses for said area is shall consult and advise with the tenter riste designated official from the University.

It is agreed and understood that any buildings erected within the unbaretum and between parameter to paragraph 7 of the 193; agreement small either be replacements for entering buildings or buildings which serve the public service aspect of the University's role in Machineses Park, such as a visitors' center to the entent permitted under the Charter and ordinates of the City. Any much buildings will be embject to the review and permits required by the issue of the State of Machineses and the ordinatess of the city of Scattle.

THE REAL PROPERTY AND PERSONS ASSESSED.

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

IN MITHESS MARKET, The City of Scattle the "h its Superintendent of Public Porks, and the Board of Regents of the Paire sity of Mashington, through the Franciscot and Secretary, hereby affix their names and scale this ______ day of august 1974.

CITY OF BEATTIE

Active PC

COLUMN TO THE PERSONS

Propident, mard of Accounts

Secretary, Board of Paperts

The Kely - Parks

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