



Ordinance 122141; and

WHEREAS, in the 2006 agreement, SAM was responsible, during the plant establishment period but no longer than three years after plant installation, for routine maintenance of the plantings and vegetation related to the Embayment located in Myrtle Edwards Park, after which time maintenance became the responsibility of DPR; and

WHEREAS, the 2006 agreement was amended in 2011, by Ordinance 123544, extending SAM's responsibilities for continuing the maintenance and planting for an additional three years from the effective date of the amendment; and

WHEREAS, the 2011 amendment provides for subsequent annual extensions of the Embayment maintenance obligation through the 25-year term of the Operation and Maintenance Agreement; and

WHEREAS, SAM has continued with this effort since establishment of the Embayment and is now requesting to continue their maintenance and planting responsibility, and is proposing a Second Amendment to the 2006 Agreement allowing SAM to continue its maintenance and planting responsibility for automatic successive one-year periods beginning on the expiration date of the initial three-year term specified in the 2006 agreement, and not to exceed the remainder of the 25-year term of the 2006 Agreement between SAM and DPR; and

WHEREAS, DPR would like to accept SAM's offer for continuing their maintenance responsibilities for the Embayment in Myrtle Edwards Park; and

WHEREAS, the Parties now wish to clarify SAM's rights under Paragraph 5 Subsection B of the 2006 agreement to include enforcement of City park rules and regulations governing public conduct in the Embayment area; and

WHEREAS, the rules governing public conduct on the Boulevard and Embayment shall be the same as those applicable to any other City park, as defined within the Parks Code, Chapter 18.12 of the Seattle Municipal Code; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The Superintendent of Parks and Recreation (“Superintendent”) or the Director’s designee is authorized to execute, for and on behalf of The City of Seattle (“City”), an Amendment to the Operation and Maintenance Agreement with Seattle Art Museum, in substantially the form attached to this ordinance as Attachment 1, or with such minor additions, modifications, or deletions as the Mayor or Superintendent deems to be in the best interest of the City.

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2017, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Second Amendment to Olympic Sculpture Park Operation and Maintenance Agreement