

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Ordinance accepting Railroad Ave property donation.	Agenda Date: March 5, 2020 AB20-017	
	Mayor Carol Benson	
	City Attorney David Linehan	X
	City Clerk – Brenda L. Martinez	
	Com Development – Barbara Kincaid	X
	Finance – May Miller	
	MDRT/Econ Dev – Andy Williamson	
	Police – Chief Kiblinger	
	Public Works – Seth Boettcher	
	Court Administrator – Stephanie Metcalf	
Cost Impact (see also Fiscal Note):		
Fund Source:		
Timeline: ASAP		
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Ordinance with Exhibit A Draft Bargain and Sale Deed; Vicinity map		
SUMMARY STATEMENT: William and Jennifer Kombol approached the City with the idea of donating a vacant parcel of land adjacent to the Museum (King County Parcel Number 084400-0605). The parcel is +/-5757 sq. ft. in size with an approximate 30% slope towards Commission Ave. Both parties discussed appropriate uses for this property and agreed that it should be used in perpetuity for historical presentation, historical display, as a public gathering place, or similar and related uses. This donation would be executed through a Bargain and Sale Deed granting title to the city of Black Diamond for and in consideration of ten dollars.		
FISCAL NOTE (Finance Department):		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to approve Ordinance No. 20-1138 to accept the Railroad Ave property donation.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
March 5, 2020		

ORDINANCE NO. 20-1138

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
KING COUNTY, WASHINGTON, ACCEPTING THE
DONATION OF PROPERTY FOR HISTORICAL
PRESERVATION PURPOSES; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, William and Jennifer Kombol (the “Kombols”) are the owners of real property known as King County Tax Parcel No. 084400-0605 (the “Property”), which is located adjacent to the Black Diamond History Museum; and

WHEREAS, the Kombols desire to donate the Property to the City of Black Diamond (the “City”) for historical preservation and similar purposes; and

WHEREAS, RCW 35.21.100 allows the City to accept property donated to it and to carry out the terms of the donation if within the powers granted by law; and

WHEREAS, use of the property for historical preservation and similar purposes in perpetuity is within the powers granted to the City by law; and

WHEREAS, the City desires to accept the donation of the Property;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
KING COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. The City hereby accepts the donation of the Property by the Kombols and authorizes the Mayor to accept a Statutory Warranty Deed for the Property in a form substantially similar to the one attached hereto as Exhibit A.

Section 2. The City shall use the Property in perpetuity for historical presentation, historical display, as a public gathering place (either outdoor or indoor) and similar or related purposes, including but not limited to use by the Black Diamond Historical Society (or successor history related organization), or for monuments, murals, museum displays or museum expansions, public gardens or gathering places, and the like.

Section 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A REGULAR MEETING THEREOF ON THE 5TH DAY OF MARCH 2020.

CITY OF BLACK DIAMOND

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk

Approved as to form:

David Linehan, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Ordinance No.

Date of Publication:

Effective Date:

When recorded return to:
City Clerk
City of Black Diamond
24301 Roberts Drive
PO Box 599
Black Diamond, WA 98010

BARGAIN AND SALE DEED

THE GRANTORS, WILLIAM KOMBOL and JENNIFER KOMBOL, a married couple now and at all times since the date of acquiring title, for and in consideration of ten dollars and other good and valuable consideration, in hand paid, grant, bargain, sell and convey to the CITY OF BLACK DIAMOND, a non-charter code city, the following described real estate, hereinafter referred to as the "Property," situated in the County of King, State of Washington:

Lot 2, Block 12, Black Diamond Townsite, according to the plat thereof recorded in Volume 35 of plat, pages 23 through 27, inclusive, County of King, State of Washington, subject to exceptions of record.

King County Tax Parcel Number: 084400-0605

The Grantors, for themselves and for their successors in interest, do hereby expressly limit the covenants of the deed to those herein expressed, and exclude all covenants arising or to arise by statutory or other implication; and Grantors do hereby covenant that against all persons whomsoever lawfully claim by, through or under Grantors and not otherwise, Grantors will forever warranty and defend the title to said described real estate.

The Property shall be used in perpetuity for historical presentation, historical display, as a public gathering place (either outdoor or indoor) and similar or related purposes, including but not limited to use by the Black Diamond Historical Society (or successor

King County Tax Parcel No. 084400-0605: Railroad Ave Property Donation

