

RESOLUTION NO. 05-392

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
AUTHORIZING THE MAYOR TO SIGN THE EXTENSION OF  
BLACK DIAMOND AREA OPEN SPACE PROTECTION  
AGREEMENT

WHEREAS, the City of Black Diamond, a Washington municipal corporation, Plum Creek Land Company, a Delaware corporation, King County, a Washington home rule charter county, and Cascade Land Conservancy, a Washington nonprofit corporation entered into the Black Diamond Area Open Space Protection Agreement dated June 6, 2005 (the "Open Space Agreement"); and

WHEREAS, the Open Space Agreement provides that the Black Diamond City Council must pass the Ordinance for the successful annexation of the West Annexation Area no later than November 30, 2005 or the Open Space Agreement and any and all responsibilities related thereto shall automatically terminate; and

WHEREAS, the Open Space Agreement may be extended by agreement of all parties, in writing; and

WHEREAS, all parties are desirous of extending the Agreement termination date from November 30, 2005 to December 9, 2005; now, therefore

BE IT RESOLVED that the Mayor is hereby authorized to execute the agreement entitled Extension of Black Diamond Area Open Space Protection Agreement, substantially in the form attached hereto as Exhibit A.

ADOPTED by the City Council at an open public meeting held on the 3rd day of November, 2005.



Howard Botts, Mayor

Attest:



Cris Kandior, City Clerk

EXHIBIT A

EXTENSION OF BLACK DIAMOND AREA  
OPEN SPACE PROTECTION AGREEMENT

I. Date and Parties.

CAK. This Agreement ("Agreement"), for reference purposes only, is dated the <sup>3<sup>rd</sup></sup> day of ~~October~~ <sup>November</sup>, 2005, and is entered into by and among Plum Creek Land Company, a Delaware Corporation ("Plum Creek"), the City of Black Diamond, a Washington municipal corporation ("City"), King County, a Washington home rule charter county ("County"), and Cascade Land Conservancy, a Washington nonprofit corporation ("CLC"). Plum Creek, the City, the County and CLC are collectively referred to herein as the "Parties".

II. General Recitals.

A. All capitalized terms in this Agreement shall have the meanings set forth herein, and if not defined herein have the meaning given to them in that certain Black Diamond Area Open Space Protection Agreement ("Open Space Agreement"), dated June 6, 2005.

B. The Parties are all signatories to the Open Space Agreement, are committed to its full implementation, and recognize the mutual benefits contained therein.

C. The Open Space Agreement provides that the West Annexation Area must be fully annexed into the City no later than the Termination Date, November 30, 2005, or the Open Space Agreement and any and all responsibilities related thereto shall automatically terminate.

D. The Termination Date in the Open Space Agreement may be extended by the agreement, in writing, of all Parties.

III. Agreement.

A. Pursuant to Section III(Q)(1) of the Open Space Agreement, the Parties hereby agree to extend the Termination Date from November 30, 2005 to December 9, 2005, for adoption by the City of the annexation ordinances for the West Annexation Area. Closing shall occur upon the expiration of all annexation ordinance and BRB appeal periods, or at such other time as agreed to by the Parties.

B. In the event the Tender Date, as defined in Section III(P)(4) of the Open Space Agreement, falls on a Saturday, Sunday or holiday, the Parties agree that the Tender Date shall be changed to the first day preceding the Tender Date that is not a Saturday, Sunday or holiday.

DATED as of the date first above written.

**PLUM CREEK LAND COMPANY**

**KING COUNTY**

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

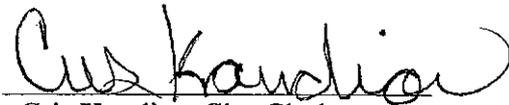
Its: \_\_\_\_\_

**CITY OF BLACK DIAMOND**

**CASCADE LAND CONSERVANCY**

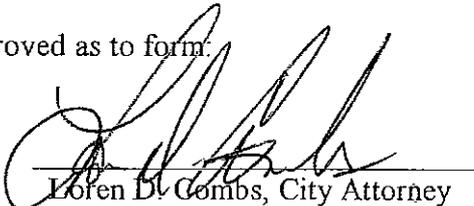
By:   
Howard Botts, Mayor

By: \_\_\_\_\_

Attest:  
By:   
Cris Kandior, City Clerk

Its: \_\_\_\_\_

Approved as to form:

By:   
Loren D. Combs, City Attorney

**EXTENSION OF BLACK DIAMOND AREA  
OPEN SPACE PROTECTION AGREEMENT**

**I. Date and Parties.**

This Agreement (“**Agreement**”), for reference purposes only, is dated the 20 day of November, 2005, and is entered into by and among Plum Creek Land Company, a Delaware Corporation (“**Plum Creek**”), the City of Black Diamond, a Washington municipal corporation (“**City**”), King County, a Washington home rule charter county (“**County**”), and Cascade Land Conservancy, a Washington nonprofit corporation (“**CLC**”). Plum Creek, the City, the County and CLC are collectively referred to herein as the “**Parties**”.

**II. General Recitals.**

A. All capitalized terms in this Agreement shall have the meanings set forth herein, and if not defined herein have the meaning given to them in that certain Black Diamond Area Open Space Protection Agreement (“**Open Space Agreement**”), dated June 6, 2005.

B. The Parties are all signatories to the Open Space Agreement, are committed to its full implementation, and recognize the mutual benefits contained therein.

C. The Open Space Agreement provides that the West Annexation Area must be fully annexed into the City no later than the Termination Date, November 30, 2005, or the Open Space Agreement and any and all responsibilities related thereto shall automatically terminate.

D. The Termination Date in the Open Space Agreement may be extended by the agreement, in writing, of all Parties.

**III. Agreement.**

A. Pursuant to Section III(Q)(1) of the Open Space Agreement, the Parties hereby agree to extend the Termination Date from November 30, 2005 to December 9, 2005, for adoption by the City of the annexation ordinances for the West Annexation Area. Closing shall occur upon the expiration of all annexation ordinance and BRB appeal periods, or at such other time as agreed to by the Parties.

B. In the event the Tender Date, as defined in Section III(P)(4) of the Open Space Agreement, falls on a Saturday, Sunday or holiday, the Parties agree that the Tender Date shall be changed to the first day preceding the Tender Date that is not a Saturday, Sunday or holiday.

DATED as of the date first above written.

**PLUM CREEK LAND COMPANY**

**KING COUNTY**

By: \_\_\_\_\_

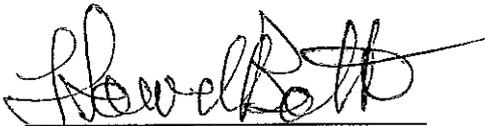
By: \_\_\_\_\_

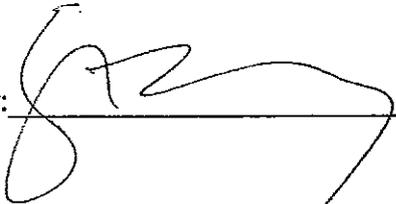
Its: \_\_\_\_\_

Its: \_\_\_\_\_

**CITY OF BLACK DIAMOND**

**CASCADE LAND CONSERVANCY**

By:   
Howard Botts, Mayor

By: 

Attest:

By: \_\_\_\_\_  
Cris Kandior, City Clerk

Its: PRESIDENT

Approved as to form:

By: \_\_\_\_\_  
Loren D. Combs, City Attorney

**EXTENSION OF BLACK DIAMOND AREA  
OPEN SPACE PROTECTION AGREEMENT**

**I. Date and Parties.**

This Agreement ("Agreement"), for reference purposes only, is dated the 28th day of November, 2005, and is entered into by and among Plum Creek Land Company, a Delaware Corporation ("Plum Creek"), the City of Black Diamond, a Washington municipal corporation ("City"), King County, a Washington home rule charter county ("County"), and Cascade Land Conservancy, a Washington nonprofit corporation ("CLC"). Plum Creek, the City, the County and CLC are collectively referred to herein as the "Parties".

**II. General Recitals.**

A. All capitalized terms in this Agreement shall have the meanings set forth herein, and if not defined herein have the meaning given to them in that certain Black Diamond Area Open Space Protection Agreement ("Open Space Agreement"), dated June 6, 2005.

B. The Parties are all signatories to the Open Space Agreement, are committed to its full implementation, and recognize the mutual benefits contained therein.

C. The Open Space Agreement provides that the West Annexation Area must be fully annexed into the City no later than the Termination Date, November 30, 2005, or the Open Space Agreement and any and all responsibilities related thereto shall automatically terminate.

D. The Termination Date in the Open Space Agreement may be extended by the agreement, in writing, of all Parties.

**III. Agreement.**

A. Pursuant to Section III(Q)(1) of the Open Space Agreement, the Parties hereby agree to extend the Termination Date from November 30, 2005 to December 9, 2005, for adoption by the City of the annexation ordinances for the West Annexation Area. Closing shall occur upon the expiration of all annexation ordinance and BRB appeal periods, or at such other time as agreed to by the Parties.

B. In the event the Tender Date, as defined in Section III(P)(4) of the Open Space Agreement, falls on a Saturday, Sunday or holiday, the Parties agree that the Tender Date shall be changed to the first day preceding the Tender Date that is not a Saturday, Sunday or holiday.

DATED as of the date first above written.

**PLUM CREEK LAND COMPANY**

By: \_\_\_\_\_

Its: \_\_\_\_\_

**KING COUNTY**

By: [Signature]  
Its: King County Executive

**CITY OF BLACK DIAMOND**

By: \_\_\_\_\_  
Howard Botts, Mayor

Attest:  
By: \_\_\_\_\_  
Cris Kandior, City Clerk

**CASCADE LAND CONSERVANCY**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Loren D. Combs, City Attorney

**EXTENSION OF BLACK DIAMOND AREA  
OPEN SPACE PROTECTION AGREEMENT**

**I. Date and Parties.**

This Agreement (“**Agreement**”), for reference purposes only, is dated the \_\_\_ day of November, 2005, and is entered into by and among Plum Creek Land Company, a Delaware Corporation (“**Plum Creek**”), the City of Black Diamond, a Washington municipal corporation (“**City**”), King County, a Washington home rule charter county (“**County**”), and Cascade Land Conservancy, a Washington nonprofit corporation (“**CLC**”). Plum Creek, the City, the County and CLC are collectively referred to herein as the “**Parties**”.

**II. General Recitals.**

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B. The Parties are all signatories to the Open Space Agreement, are committed to its full implementation, and recognize the mutual benefits contained therein.

C. The Open Space Agreement provides that the West Annexation Area must be fully annexed into the City no later than the Termination Date, November 30, 2005, or the Open Space Agreement and any and all responsibilities related thereto shall automatically terminate.

D. The Termination Date in the Open Space Agreement may be extended by the agreement, in writing, of all Parties.

**III. Agreement.**

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B. In the event the Tender Date, as defined in Section III(P)(4) of the Open Space Agreement, falls on a Saturday, Sunday or holiday, the Parties agree that the Tender Date shall be changed to the first day preceding the Tender Date that is not a Saturday, Sunday or holiday.

DATED as of the date first above written.

**PLUM CREEK LAND COMPANY**

**KING COUNTY**

By: *[Handwritten Signature]*

By: \_\_\_\_\_

Its: VP *[Handwritten]*

Its: \_\_\_\_\_

**CITY OF BLACK DIAMOND**

**CASCADE LAND CONSERVANCY**

By: \_\_\_\_\_  
Howard Botts, Mayor

By: \_\_\_\_\_

Attest:  
By: \_\_\_\_\_  
Cris Kandior, City Clerk

Its: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Loren D. Combs, City Attorney