



Resolution No. 424

A resolution regarding the acceptance of a gift of real property

WHEREAS, as noted in Resolution No. 421, the City lost to a fire the former Rainforest Art Center (RAC) which had both business and public uses associated with it;

WHEREAS, the adjacent building associated with the original Olympic Pharmacy was also lost in that conflagration that altered the City's downtown core;

WHEREAS, a group of citizens felt that the replacement project authorized in Resolution No. 421 should also incorporate the adjacent, vacated lot associated with the Olympic Pharmacy into a structure that would allow for a new landmark in the heart of Forks;

WHEREAS, in their working together, the Rainforest Players and the West Olympic Council for the Arts, with support from community members, have reached an agreement with Alaska Financial Corporation's representative which allows them to acquire the property;

WHEREAS, neither the Rainforest Players nor the West Olympic Council for the Arts want to own the property and be responsible for its management and utilization as part of the project authorized in Resolution No. 421;

WHEREAS, both the Rainforest Players and the West Olympic Council for the Arts seek affirmation from the City of Forks that if purchased and acquired, the City would accept the property as an outright gift to the City on behalf of the community;

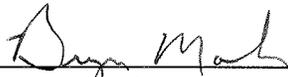
WHEREAS, it was determined that a resolution associated with the acceptance of the offered gift would be the best means of articulating both the acceptance of said gift, as well as ensure a clear understanding regarding the nature of the gift;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORKS THAT;

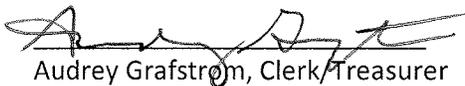
1. The Council thanks all of those who worked to make this gift a possibility and realize that the gift is being made to allow the City's authorized Rainforest Art Center replacement project have additional space available to make this an important landmark and community space;
2. Upon the offering of a deed in the appropriate, agreed upon form, the Mayor and City Staff are hereby authorized, empowered, and directed to accept the gift of real property consisting of the lot associated with the former Olympic Pharmacy subject to the conditions below;
3. The City Council further authorizes the Mayor and his staff to execute the necessary documents and record the same to effectuate the above decision of the City Council;
4. The City Council articulates its clear understanding, affirmed by the officers and/or representatives of both the Rainforest Players and the West Olympic Council for the Arts that this gift shall:

- a. Be made by both the Rainforest Players and the West Olympic Council for the Arts as an unrestricted, unconditional gift to the City of Forks with the clear understanding, agreement, and acceptance by both organizations, their officers, and members that in making such a gift that they retain absolutely no interests, real, perceived, and/or imagined, in said property once accepted by the City;
  - b. Be made without any lien, encumbrance, obligation, entanglement, mortgage, etc., on the property being given to the City; and, further, that both the Rainforest Players and the West Olympic Council for the Arts affirm that the transfer of ownership does not create any legal obligation by the City in reporting, documenting, assessing, paying for, and/or disclosing how the property is being utilized by the City;
  - c. Be made without any expectation, perceived understanding, or believed anticipation of any real or imagined oversight, management, ownership, tenancy, and/or control over the property, the project for which it will become incorporated into, or the final facility associated with the gifted property;
  - d. Be made with the clear understanding, acknowledgement and acceptance that once the property is in the ownership of the City that it can and will be utilized by the City in a manner as determined by the City Council which could from time to time be altered and or modified;
  - e. Be made with the clear understanding, acknowledgement and acceptance that once the property is in the ownership of the City that the City may dispose of the property in the applicable public processes permitted by State law; and,
  - f. Be accepted upon the affirmation and acknowledgement of the Officers of both the Rainforest Players and West Olympic Council for the Arts to this resolution and this articulated understanding of the proffered gift;
5. Further, the Mayor and staff are authorized to proceed with obtaining any necessary permits associated with consolidating the two lots when actually owned by the City into one lot to permit the furtherance of the project described in Resolution No. 421;
  6. Again, the Council extends its thanks and appreciation to the various members of the public, the West Olympic Council for the Arts, the Rainforest Players, who undertook this effort and have made this gift possible to the Forks community.

Passed by the City Council of the City of Forks at a regular meeting of said Council held on the 9<sup>th</sup> of September 2013.

  
Bryon Monohon, Mayor

Attested to and Authenticated by:

  
Audrey Grafstrom, Clerk/Treasurer

Approved as to Form:

  
William R. Fleck, Attorney/Planner

Affirmation, Acknowledgement and Acceptance of the Understanding of the City in Relationship to the Gift of Real Property as described in the attached City of Forks Resolution No. 424

Comes now the undersigned, as legally authorized representatives and/or officers of the Rainforest Players and the West Olympic Council for the Arts, and hereby acknowledge, affirm, and agree that the understanding of the City of Forks, as articulated within the attached City of Forks Resolution (No. 424) accurately reflects the terms and conditions associated with the gift of real property acquired by our organizations.

We further acknowledge, affirm and attest that the gift of real property is made by us to the City on behalf of the community without our retaining any interests, real or imagined, in the property being gifted to the City;

Further, we affirm that the property is being provided to the City without any lien, encumbrance, obligation, entanglement, mortgage, etc., on the property being gifted to the City that would have to be assumed by the City; Nor, are there any expected requirements associated with the gift of the property to the City that would require any reports, assessments, yearly statements, etc., on the utilization of the property by the City;

We also understand, affirm, and accept that in making this gift, there is not any real or imagined oversight, management, ownership, tenancy, and/or control over the property, the project for which it will become incorporated into, or the final facility associated with the gifted property;

If there is a question in the future about this transaction, it shall simply be resolved by all involved in that questioning that this is an unconditional gift by the Rainforest Players and the West Olympic Council for the Arts to the City of Forks to be utilized in a manner as determined best by the City Council in accordance with all applicable rules, regulations, and laws of the City and the State of Washington.

Signed this \_\_\_\_\_ day of September, 2013

\_\_\_\_\_  
Name and Position

August 30, 2013

Subject: Gift of Land to City of Forks, Corner of Division Street and Forks Avenue

City of Forks Council Representatives:

Community members affiliated with the theatrical group Rainforest Players and the arts group West Olympic Council for the Arts joined together and made a successful offer to purchase the land parcel located at the corner of Division Street and Forks Avenue. Their offer is contingent upon the City of Forks Council agreeing to accept this land as a gift. The groups' intention is this parcel of land would be part of the new community arts center complex. The soon-to-be purchased parcel is located adjacent to the City's land that formerly housed the Rainforest Art Center.

The groups raised money for this purchase through community fund raising and from the settlement from their insured contents. The groups lost nearly everything they owned in the fire that destroyed the Rainforest Art Center.

The groups desire to give this parcel of land to the City of Forks. The gift is given without any conditions for its use or expectations on the future management of the new community arts center. The members, collectively and individually, stand ready to provide feedback and assistance to the City as it designs, constructs, and plans for the sustainable management of the new community arts center.

Sincerely,



Carl Chastain  
President, West Olympic Council for the Arts



Gerald Morris  
President, Rainforest Players



Warren Brown  
Treasurer, West Olympic Council for the Arts



Stephen Kriebel  
Treasurer, Rainforest Players

Members of Rainforest Players and  
West Olympic Council for the Arts:

