

2 RESOLUTION NO. 105

3 A RESOLUTION of the Washington State Major League Baseball
4 Stadium Public Facilities District regarding approval and authorizing
5 execution of an Operations and Lease Agreement with The Baseball Club
6 of Seattle, L.P. and reinstating the Development Agreement.
7

8 WHEREAS, the Washington State Major League Baseball Stadium Public Facilities
9 District (the "District") has been negotiating an Operations and Lease Agreement and The
10 Baseball Club of Seattle, L.P. (the "Club") for several months; and

11 WHEREAS, the District has sought to secure a Lease with the Club which would
12 enable the Club to operate the new Ballpark, retaining the revenues from operations but also
13 accepting responsibility for its maintenance and upkeep; and

14 WHEREAS, the District also has sought to shift the risk of maintaining the Ballpark
15 to a first class standard to the Club as its operator while retaining effective oversight and
16 ensuring that the Ballpark provides meaningful public benefits; and

17 WHEREAS, the Lease also must satisfy the requirements of the Ballpark Legislation
18 to, among other matters, ensure that the Mariners would play in the Ballpark for a period of
19 time not shorter than the term of the bonds issued to finance the initial construction of the
20 stadium and be legally binding and enforceable to the maximum extent available under law;
21 and

22 WHEREAS, the District, with no sources of revenue to meet its own operations
23 requirements, must also obtain sufficient rent through the Lease to cover its reasonably
24 foreseeable operating expenses; and

25 WHEREAS, the Lease also must implement certain Club obligations to pay for
26 possible Ballpark construction cost overruns; and

27 WHEREAS, the Lease is specifically conditioned on an agreement between the
28 District and the City of Seattle whereby the City agrees to provide and bear all financial
29 costs associated with Ballpark mitigation requirements beyond those directly associated
30 with construction, whether imposed as a condition of current or future permits or approval;
31 and

32 WHEREAS, the Parties, including their management, staff, and counsel have been
33 working diligently to complete negotiations of a mutual acceptable Lease in time to permit
34 the County to proceed with its deliberations on the issuance of Ballpark construction bonds;
35 and

36 WHEREAS, prior to the announcement of Saturday, December 14, that the Club
37 would be selling the franchise, the Parties counsel were close to agreement on language
38 except for a few issues and the Club so indicated; and

39 WHEREAS, the District wishes to signal its willingness to consummate a Lease
40 which would be acceptable to the Club as an indication of its good faith interest in
41 proceeding, together with the Club, with the Ballpark project.

42 NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
43 THE WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM PUBLIC
44 FACILITIES DISTRICT:

45 That subject to the City of Seattle's relief of mitigation fees consistent with the
46 Gorton letter by January 13, 1997, the attached Operating and Lease Agreement is hereby
47 approved, and the Board Chair is hereby authorized to execute it or an Agreement
48 substantially similar to it, and to execute a letter of agreement reinstating the Development
49 Agreement.

50
51 PASSED this 23rd day of December, 1996 with a roll call vote of 4 to 3 with
52 Enticknap, Gerberding, Gibbs, and Wallace voting aye, and Judd, Yapp, and Massinga
53 voting nay.

54
55 BOARD OF DIRECTORS
56 WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM PUBLIC
57 FACILITIES DISTRICT

58 _____
59 Joan Enticknap, Chair

60
61 ATTEST:

62 _____
Clerk

