

**IN THE MATTER OF THE PETITION OF TRINITY TRAILSIDE, LLC FOR THE VACATION OF A
PORTION OF NORTHEAST 48TH STREET LYING BETWEEN 24TH AVENUE
NORTHEAST AND THE BURKE GILMAN TRAIL**

CLERK FILE 314380

The City Council hereby grants approval of the petition from Trinity Trailside, LLC ("Trailside" or "Petitioner") for the vacation of a portion of Northeast 48th Street lying between 24th Avenue Northeast and the Burke Gilman Trail described as:

THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERN MOST CORNER OF THAT STRIP OF LAND CONVEYED TO THE CITY OF SEATTLE BY DOCUMENT RECORDED UNDER KING COUNTY RECORDING NUMBER 4967657, SAID CORNER BEING ON THE WEST MARGIN OF THE 25TH AVENUE RIGHT OF WAY AND ALSO ON THE SOUTH MARGIN OF THE NE 47TH STREET RIGHT OF WAY, THENCE NORTH 88 DEGREES 47'27" WEST ALONG SAID SOUTH MARGIN, 188.05 FEET TO THE WEST MARGIN OF THE 24TH AVENUE NE RIGHT OF WAY;

THENCE NORTH 00 DEGREES 59'01" EAST ALONG LAST SAID WESTERN MARGIN, 327.72 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO LYING ON THE SOUTH MARGIN OF THE NE 48TH STREET RIGHT OF WAY;

THENCE NORTH 88 DEGREES 47'06" WEST ALONG THE LAST SAID SOUTH MARGIN, 243.84 FEET TO THE EAST MARGIN OF THE BURKE GILMAN TRAIL (FORMERLY NORTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY);

THENCE NORTHERLY ALONG SAID EAST MARGIN 40 FEET MORE OR LESS TO THE NORTH MARGIN OF SAID NE 48TH STREET RIGHT OF WAY;

THENCE SOUTH 88 DEGREES 47'06" EAST ALONG SAID NORTH MARGIN, 242.89 FEET TO SAID WEST MARGIN OF THE NE 24TH AVENUE NE RIGHT OF WAY;

THENCE SOUTH 00 DEGREES 59'01" WEST 40.00 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

The vacation is granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed on the vacation by the City Council have been satisfied: all utility work relating to the vacation including easements, permits or other agreements is completed; all public benefit elements have been provided; and Property Use and Development Agreements (PUDA) or other agreements, easements or other obligations have been completed and recorded as necessary; and all fees paid, prior to the passage of the street vacation ordinance.

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose.
2. All street improvements shall be designed to City standards, as modified by these conditions to implement the Public Benefit requirements, and be reviewed and approved by SDOT through a Street Improvement Permit, including:
 - Curbless street improvements on 24th Avenue NE, and

- Enhanced intersection treatments at NE 47th Street.
3. The trail connection to the Burke Gilman Trail shall require a Property Use and Development Agreement (PUDA), public access easement agreement, SPU permit, or other binding mechanism to define the design, use, maintenance, programming and other obligations related to the trail connections and right-of-way improvements. The agreement(s) shall ensure that the trail connection remains open and accessible to the public unless relocated or replaced. The agreement between the Petitioner and SPU shall be completed before a Certificate of Occupancy is issued for the project. The enhanced trail connection shall also require a permit from the Parks Department that shall also be obtained before a Certificate of Occupancy is issued. SPU has agreed to provide for a trail connection across SPU property subject to the terms being developed as a condition of the vacation, but SPU is not obligated to accommodate other public benefit features such as benches or other features unless SPU issues a separate permit for any additional elements. The SPU permit agreement should:
- Be recorded in order to place future property owners or successors on notice and bind them to permanent construction, access, maintenance, monitoring, and management obligations for the portion of the trail connection on SPU property;
 - Establish terms for payment of adequate and fair compensation to SPU for Petitioner's and its successors' use of SPU property for the trail connection;
 - Require the Petitioner and its successors to indemnify and hold harmless the City for any claim, damages, and attorney's fees arising from any individual use of the trail connection, and any claim that the trail connection has been improperly constructed or maintained;
 - Require that the Petitioner and its successors construct the trail connection to accepted standards and maintain the trail connection in as good condition as when initially completed;
 - Require insurance in a form and amount acceptable to the City's Risk Manager covering the City for any claims or damages arising from any claim that the trail connector has been improperly constructed or maintained;
 - Provide that the permit shall not be revoked without both SPU's and SDOT's consent in recognition of the trail connection as a public benefit condition of the vacation; and
 - Include provisions for continuous and unrestricted access for maintenance, repair, protection, and monitoring of the SPU facilities and for future upgrades.
4. The utility issues shall be resolved to the full satisfaction of the affected utility before the final vacation ordinance is approved. Before starting any development activity on the site, the Petitioner shall work with the affected utilities and provide protection for the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. The impacted utilities include SCL and SPU.

5. It is expected that development activity will commence within approximately 18 months of this approval and that development activity will be completed within 5 years. To insure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide SDOT with regular reports, following City Council vacation approval, providing an update on the development activity, schedule, and progress on meeting the conditions. The Petitioner shall not request or be issued a Final Certificate of Occupancy until SDOT determines that all conditions have been satisfied and all fees have been paid as applicable.
6. In addition to the conditions imposed through the vacation process, the project as it proceeds through the permitting process is subject to SEPA review and to conditioning pursuant to City codes through the regulatory review processes.
7. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent amenity features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed within the on-site vacation public benefit features. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others. Signage clearly identifying public access and allowed free speech activities is required at the public open space elements and shall require the review and approval of SDOT Street Vacations. Signage shall be consistent with signage provided for public amenity spaces. Any violation of these condition will be enforced through Chapter 15.90 of the Seattle Municipal Code.
8. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements.
9. Signage clearly identifying public access is required at the public open space elements and shall require the review of SDOT Street Vacations. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. The public benefit requirements include the following features including approximate square footage dimensions, shall be described in the PUDA:

| Public Benefit | Description | Approx. Value | Code Required |
|---|---|---------------|---|
| 1 – Enhanced Burke-Gilman Trail Connection (including 47 th Ave) ROW enhancements) | Burke-Gilman Trail connection within property (3,040 S.F.) 5 fixtures pedestrian-scale lighting 1 bollard | \$300,000 | No |
| 2 – Enhanced ROW improvements (24 th Ave NE and NE 47 th St) | 24th Ave NE: Surfacing to SDOT curbless street standards (17,000 S.F.) Additional Planting (525 S.F.) 7 additional street trees 2 additional streetlights NE 47th St right-of-way enhancements (north side) for bikes/peds between 24 th Ave NE and 25th Ave NE: Sidewalk (3,000 S.F.) Planting area (630 S.F.) 5 Street Trees | \$350,000 | Minimal 24th Ave NE Frontage Improvements |
| 3 – Burke-Gilman Amenities – SPU and SPR Property | Concrete surfacing at amenity and trail (2,075 S.F.) 2 benches 1 water fountain/fill station 1 bike fix-it station 75 feet of split-rail fencing 1 trash and 1 recycling receptacle 1 fixture - pedestrian scale lighting Striping and traffic control markings | \$130,000 | No |
| 4 – Burke-Gilman Trail Landscape Restoration | New native landscape plantings in SPR property (approx. 4,900 S.F.) New native landscape plantings in SPU property (approx. 7,600 S.F.) Maintenance agreement | \$15,000 | No |
| 5 – Wayfinding | 4-6 wayfinding signs 1 information kiosk | \$18,000 | No |
| | Total Value | \$813,000 | |

Signed by me in open session this _____ day of May, 2019.

President _____ of the City Council