



**Washington State
Department of Transportation**

Paula J. Hammond, P.E.
Secretary of Transportation

Engineering and Regional Operations
SR 520 Bridge Replacement and HOV Program
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LTR - 2173

July 19, 2011

Mr. Donald Harris, Property & Acquisitions Services Manager
Seattle Parks Department
100 Dexter Avenue North
Seattle, WA 98109

Dear Mr. Harris:

This letter memorializes WSDOT's intent to convey property in the area known informally as the "WSDOT peninsula" to the City of Seattle as mitigation for impacts of the SR 520, I-5 to Medina: Bridge Replacement and HOV Project. Although the legal details, structure, and quantity of the property transfer are still being worked out, this serves as a statement of our commitment to identify the transfer mechanism when these issues have been resolved.

The property known as the WSDOT peninsula (shown on the attached map) is approximately 26 acres in size and is contiguous with the northwestern boundary of the Washington Park Arboretum. It consists of several parcels that WSDOT (then the State Highway Department) acquired from the Arboretum in the early 1960s, when SR 520 was being planned and built. The site contains both upland and aquatic area. The property currently contains active freeway ramps connecting SR 520 to Lake Washington Boulevard, as well as unused ramps originally planned for the R.H. Thomson Expressway.

Property ownership in this area is complex. Research conducted by the state Attorney General's Office indicates the WSDOT peninsula parcels are currently owned in fee by WSDOT and are restricted in use to highway purposes. Environmental mitigation required for a highway project is considered a highway use and land conveyed to satisfy such an environmental mitigation obligation would not require monetary compensation. However, the value of the land conveyed must be equivalent in value to the mitigation obligation being satisfied. To the extent the value of the property to be conveyed exceeds the value of the mitigation obligation, WSDOT would need to determine the excess property is no longer needed for a highway purpose and the grantee would be required to pay the fair market value of that property to WSDOT.

As you know, WSDOT's wetland mitigation plan for the I-5 to Medina project currently proposes the use of the peninsula area to provide approximately 11 acres of wetland creation and enhancement. This will satisfy a portion of WSDOT's regulatory obligations for mitigation under state and federal law. As a result, the property used for wetland mitigation may be conveyed to the Seattle Parks Department at no cost, provided a

conservation easement is established for the wetland site and the Seattle Parks Department maintains the wetland in perpetuity.

The remaining portion of the peninsula is not suitable for wetland mitigation. However, because the project would acquire Section 4(f) properties under the jurisdiction of Seattle Parks that have not already been mitigated through the Section 6(f) process, the opportunity exists to use land on the peninsula to mitigate for the 4(f) impact to these properties. Accordingly, WSDOT is developing appraisals of both the Section 4(f) properties and the peninsula property to determine what proportion of the peninsula property could be appropriately used as mitigation, based on a comparison of the properties' relative values.

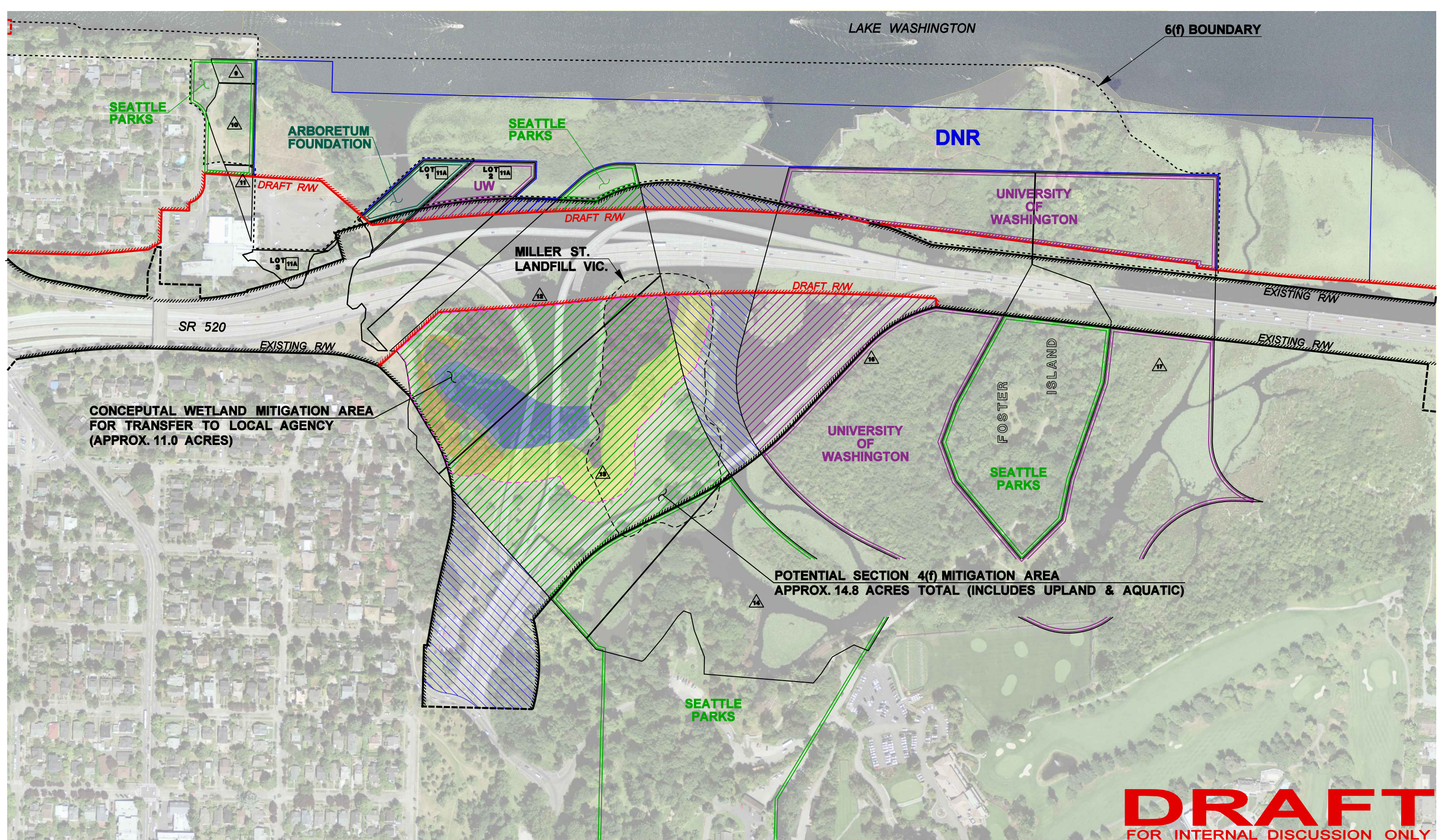
We anticipate that the appraisals will be completed by fall 2011. At that time, we will meet with you to discuss the property available to be used as mitigation and the appropriate process and timing for the transfer. We also anticipate discussing the commitments made in the Arboretum Mitigation Plan in the context of this additional mitigation being provided. In the meantime, if you have any questions or need more information to complete your review, please call me at (206) 770-3568 or e-mail me at meredjl@wsdot.wa.gov.

Sincerely,




Julie Meredith, Director
SR-520, I-5 to Medina Project

cc: Theresa Doherty, Chair, Arboretum and Botanical Garden Committee
Paige Miller, Executive Director, Arboretum Foundation
Terry Dunning, Seattle Parks Department
David Graves, Seattle Parks Department
Trish Nightingale, Assistant Attorney General



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FILE NAME c:\aawork\pw_work\sr520\guruleg\dms53769\I-5_to_Medina_RW_Surplus_Exhibits.dgn		REGION NO. 10		STATE WASH	FED.AID PROJ.NO.	DATE		 Washington State Department of Transportation	SR 520 BRIDGE REPLACEMENT AND HOV PROJECT I-5 TO MEDINA		Plot 4 PLAN REF NO
TIME 2:21:06 PM	DATE 6/20/2011	JOB NUMBER		CONTRACT NO.	LOCATION NO.	DATE			WSDOT PENINSULA		SHEET OF SHEETS
PLOTTED BY guruleg	DESIGNED BY	REVISION	DATE	BY	P.E. STAMP BOX	DATE					
ENTERED BY	CHECKED BY										
PROJ. ENGR.	REGIONAL ADM.										