

EXHIBIT C

**Stormwater Infrastructure Ownership Resolution and
Seattle Public Utilities Easements Needed from the Port of Seattle**

This Exhibit of the Port of Seattle-City of Seattle Interlocal Agreement (ILA) Regarding Stormwater Utility Operations includes proposed resolution of infrastructure ownership issues and easements needed by the City of Seattle identified during the development of the Stormwater Map Books (SW Map Books).

1. Shilshole Bay Marina

The Port and City identified eight storm drainage “systems” that needed clarification of ownership and/or property rights. These “systems” are shown on Attachment 1 and can be found in the Seaport SW Map Book pages 3-5 (5/12/2016). The drainage “systems” involve a mix of infrastructure on the adjacent hillside, pipes and inlets in the road that were originally installed by the City when Seaview Drive was constructed, pipes that were extended by the Port from City lines with few or no Port connections, and lines that may no longer exist or be operational.

A. Ownership Resolution

Using street use permit data, side-sewer card data, Seattle Public Utilities (SPU) and Port GIS data on infrastructure, construction and current ownership records, and any existing easement records for each “system,” the Port and City verified current ownership and discussed future ownership of each system. The construction information, current ownership, and resolution of ownership issues are described below and summarized in Table 1.

- i. North 1 and North 2. The drainage on North 1 and North 2 starts on Burlington Northern Santa Fe Railroad (BNSFRR) property. Drainage infrastructure was likely first constructed by the railroad. The City installed drainage in right of way (ROW) when Seaview Drive was constructed. The lines were extended by the Port when Shilshole Bay Marina (SBM) was constructed. North 1 and North 2 are natural drainages. On North 1, the City has inlets in the roadway and the Port has two catchbasins behind a Port-controlled fenced area. On North 2, the City has inlets in the roadway and the Port installed a sediment vault. The sediment vault is partly on Port property and partly in ROW in Port parking area.

Since North 1 and North 2 involve BNSFRR, the City and the Port, the ownership of these lines will be as follows: 1) the City owns and is responsible for maintaining drainage structures from the western edge of BNSFRR property line to the western edge of the sidewalk, and 2) the Port owns the infrastructure from the western edge of the sidewalk to the outfall.

The Port and City recognize that North 2 is a natural drainage course that drains BNSFRR property. The City and the Port will continue to work cooperatively to address sediment

concerns, including working with BNSFRR. The City will continue to implement municipal authorities described in Section 3 of the ILA.

- ii. Central 1, Central 2, South 2 and South 4. These four lines were originally installed by the City when Seaview Drive was constructed. The lines were extended by the Port when the SBM was constructed. Because the Port has few or no connections to these systems, the City intends to take ownership of the portions extended by the Port if these lines are in acceptable condition to SPU. SPU and the Port will work out the responsibilities and costs to CCTV the lines and clean them. SPU and the Port will jointly discuss the condition, identify needed repairs and timing of repairs, and identify any work needed before the City takes ownership. The work to resolve the ownership will be completed within one year of the signing of the ILA. If City agrees to take these lines, SPU and the Port will enter into an asset transfer agreement. There will be no charge between the City and the Port for the transfer. If the Port and City cannot reach agreement on conditions and repairs, the Port will continue to own the extended portions of the stormdrains.
- iii. South 1. Port owns the majority of South 1, which was constructed by the Port to serve Port property. The City will own and operate the portion of the line in the road to the western edge of the sidewalk.
- iv. South 3. The City assumes ownership of South 3 given existing SPU easements in this location. The Port and SPU will field verify what infrastructure exists. These may be drainage, sewer or combined lines.

B. Easement Acquisition

Following ownership resolution of Central 1, Central 2, South 2 and South 4, the Port will grant the City one Master Easement for the SBM area. SPU and the Port will evaluate if the existing easements on South 3 should be incorporated into the new Master Easement. The easement work will be completed within two years of the signing of the ILA. The Port will not charge the City for these easements.

Table 1. Current and Proposed Construction, Ownership and Easement Details of Infrastructure at Shilshole Bay Marina

Storm Drain “System” (Easement Table ID)	Port Outfall #, SW Map Book pg	Construction and current ownership	Existing connections and easements	Proposed ownership pending resolution of condition and easement need
North 1 (401)	6034 Pg. 3	<ul style="list-style-type: none"> • <u>Portion in road</u>: Constructed by City, owned by City • <u>Portion on Port parking area and property</u>: Extended by Port, owned by Port 	<ul style="list-style-type: none"> • Port: 2 catchbasins (CB) • City: 2 inlets and maintenance hole (MH) in road • BNSFRR: Adjacent hillside 	<ul style="list-style-type: none"> • City: From BNSFRR western property line to western edge of the sidewalk abutting Port property • Port: From western edge of the sidewalk abutting Port parking area to the outfall
North 2 (402)	6037 Pg. 3	<ul style="list-style-type: none"> • <u>Portion in road</u>: Constructed by City, owned by City • <u>Portion on Port parking area and property</u>: Lines extended by Port, sediment vault constructed, owned by Port 	<ul style="list-style-type: none"> • Port: 0 CB/sediment vault • City: 3 inlets and MH in road • BNSFRR: Adjacent hillside 	<ul style="list-style-type: none"> • City: From BNSFRR western property line to western edge of the sidewalk abutting Port property • Port: From western edge of the sidewalk abutting Port parking area to the outfall
Central 1 (404)	6045 Pg. 4	<ul style="list-style-type: none"> • <u>Portion in road</u>: Constructed by City, owned by City • <u>Portion on Port parking area and property</u>: Extended by Port, owned by Port 	<ul style="list-style-type: none"> • Port: 0 CB • City: 4 inlets and MH in road 	<ul style="list-style-type: none"> • Potential City ownership of portion extended by Port pending condition assessment • If City owns, City to obtain an easement under a new SBM Master Easement
Central 2 (405)	6049 Pg. 4	<ul style="list-style-type: none"> • <u>Portion in road</u>: Constructed by City, owned by City • <u>Portion on Port parking area and property</u>: Extended by Port, owned by Port 	<ul style="list-style-type: none"> • Port: 0 CB • City: 2 inlets and MH in road 	<ul style="list-style-type: none"> • Potential City ownership of portion extended by Port pending condition assessment • If City owns, City to obtain an easement under a new SBM Master Easement

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Storm Drain “System” (Easement Table ID)	Port Outfall #, SW Map Book pg	Construction and current ownership	Existing connections and easements	Proposed ownership pending resolution of condition and easement need
South 1 (406)	6086 Pg. 5	<ul style="list-style-type: none"> • <u>Portion in road</u>: Likely constructed by City; owned by City • <u>Portion on Port parking area and property</u>: Constructed by Port, owned by Port 	<ul style="list-style-type: none"> • Port: 5 CBs • City: 2 inlets in road 	<ul style="list-style-type: none"> • City owns and operate the line in the road to the western edge of the sidewalk • Port owns the portion of the system in the Port parking area and on Port property
South 2 (407, 408)	6059 / 60 Pg. 5	<ul style="list-style-type: none"> • <u>Portion in road</u>: Constructed by City, owned by City • <u>Portion on Port parking area and on Port property</u>: Extended by the Port, owned by the Port • <u>Potential lateral to north</u>: Needs field investigation to verify what is in the ground prior to discussions of ownership 	<ul style="list-style-type: none"> • Port: 0 CB • City: 4 inlets and MH in road • No apparent connections to the northern line 	<ul style="list-style-type: none"> • Potential City ownership of portion extended by Port pending condition assessment, including verification of a potential northern lateral • City to obtain an easement under a new SBM Master Easement
South 3 (409, 410)	6062 Pg. 5	<ul style="list-style-type: none"> • City likely already owns lines given existing easements • Portions likely constructed by City. Unclear what portions may have been constructed by the Port • Lines may be drainage, sewer or combined lines 	<ul style="list-style-type: none"> • Port: 0 CB • City has two easements: recording #5138628 accepted by Ordinance 89044 and recording #5563000 accepted by Ordinance 91936 	<ul style="list-style-type: none"> • Likely City already owns • City and Port will verify what is in the ground • City may obtain a new easement (or easements if the second line exists and is operational) under a new SBM Master Easement; if that occurs, City to relinquish existing easements
South 4 (411)	6069 Pg. 5	<ul style="list-style-type: none"> • <u>Portion in road</u>: Constructed by City, owned by City • <u>Portion on Port Property parking area and on Port property</u>: Extended by the Port, owned by the Port 	<ul style="list-style-type: none"> • POS: 0 CB • City: Larger system connects from the south 	<ul style="list-style-type: none"> • Potential City ownership of portion extended by Port pending condition assessment

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Storm Drain "System" (Easement Table ID)	Port Outfall #, SW Map Book pg	Construction and current ownership	Existing connections and easements	Proposed ownership pending resolution of condition and easement need
				<ul style="list-style-type: none"> • City to obtain an easement under a new SBM Master Easement

2. Terminal 91

Two stormdrains from the hillside above Terminal 91 drain City ROW (Attachment 2). These connections are on page 8 and 9 of the Seaport SW Map Book. Construction documentation could not be found. These drains are:

- 1) Port Connection 12: pipe from catch basin/structure in the gutter along 23rd Ave W (near W Crockett St) to the connection with Port approximately at MH D027-236.
- 2) Port Connection 13: pipe from MH at the dead end of W Plymouth St to the connection with Port approximately at MH D027-037.

- A. Ownership Resolution.** The City assumes ownership of the two storm drains since they drain City rights-of-way. The Port and SPU will work together to determine the specific connection locations taking access into consideration. The connection points will be agreed upon within one year of signing of the ILA.
- B. Easement Acquisition.** After determining the connection points, the Port will grant the City one master easement for the two locations within two years of signing the ILA. The Port will not charge the City for the easement.

3. Terminal 115

In 1993, the Port reconstructed a City storm drain around a building on T-115 as shown in Attachment 3, Storm Drain Relocation Vault Plan 877-53. The plan notes that an easement was to be acquired. As part of the reconstruction work, a storm drain under the building was abandoned.

- A. Easement Acquisition and Relinquishment.** The Port will grant the City an easement. The City will relinquish the existing easement (recording #7510150842) accepted by Ordinance #105301 for the pipe that was abandoned during construction. The Port will not charge the City for the easement since this work was to be completed more than 20 years ago.

4. Vicinity of South Spokane Street and East Marginal Way near T-104

The City will need to acquire a master easement for infrastructure in the vicinity of Terminal 104 along South Spokane Street area and East Marginal Way (see Attachment 4). This area is shown on Seaport SW Map Book page 28. A title report initiated by SPU shows a complex parcel ownership, and that City infrastructure cross back and forth between public and Port-owned property.

- A. Easement Acquisition.** The City and the Port will work cooperatively to create an accurate map of parcel ownership and infrastructure ownership in order to identify easements needed. This work will be completed within one year of the signing of the ILA. The Port will then grant the City one master easement in this area within two years of the signing of the ILA. The Port will not charge the City for the easements.

Terminal 18, Terminal 5, and East Marginal Way Near Terminal 104

The Port and City have processes in place through other efforts to address known infrastructure ownership and easement needs at Terminal 18, Terminal 5 and East Marginal Way. These efforts are:

- T-18 street vacations under City Clerk File 301929 dated July 20, 1998 and the Harbor Island Redevelopment Agreement date April 1, 1999.
- T-5 street vacations under City Clerk File 300283 dated September 28, 1995, Section D of the January 17, 1997 Interlocal Agreement between the City of Seattle and Port of Seattle, and related Terminal 5 redevelopment documents from the mid-1990s.
- East Marginal Way ROW and easement dedication under City Ordinance 124477 filed May 29, 2014.