

CITY OF SEATTLE

RESOLUTION _____

..title

A RESOLUTION granting conceptual approval of a Significant Structure Term Permit to Seattle Arena Company, LLC to construct, maintain, and operate a tunnel under and across Thomas Street, east of 1st Avenue North and west of Warren Avenue North, to enable the renovation of KeyArena at the Seattle Center.

..body

WHEREAS, Section 15.65.055 of the Seattle Municipal Code (SMC) authorizes the Seattle City Council to grant conceptual approval of a term permit to construct a significant structure over, above, across, on, or under a public place; and

WHEREAS, Oak View Group, LLC and The City of Seattle entered into a Memorandum of Understanding on December 4, 2017, and passed by the Seattle City Council by Ordinance 125480 on December 4, 2017, regarding the redevelopment of KeyArena; and the Seattle City Council passed Ordinance 125669 on September 24, 2018, authorizing the Mayor of Seattle to execute Agreements with Seattle Arena Company, LLC for the renovation and lease of KeyArena; and

WHEREAS, Oak View Group, LLC applied to the Seattle Department of Transportation (SDOT) for a Significant Structure Term Permit to construct a tunnel under Thomas Street east of 1st Avenue North and west of Warren Avenue North, to provide access for trucks, buses, and other vehicles used to prepare for events at the renovated KeyArena; and

~~WHEREAS, Oak View Group, LLC entered into a lease agreement with Seattle Arena Company, LLC, and Seattle Arena Company, LLC will be the permit holder for the Significant Structure Term Permit, and~~

WHEREAS, on November 2, 2018, Oak View Group, LLC and Seattle Arena Company, LLC entered into an agreement titled Assignment and Assumption of Seattle Center Arena

1 Project Permits and Approvals, by which Seattle Arena Company, LLC was assigned and
2 assumed Oak View Group, LLC's rights and obligations related to Oak View Group,
3 LLC's application for a Significant Structure Term Permit; and

4 WHEREAS, the new vehicle tunnel will provide a connection between the parcels to the south of
5 KeyArena and the below-grade loading dock and area in the renovated KeyArena; and

6 WHEREAS, the Director of SDOT ("Director") reviewed Seattle Arena Company, LLC's
7 submitted plans and application materials for constructing the vehicle access tunnel,
8 considered the factors listed in SMC 15.65.040.C and all relevant environmental
9 documents, and recommends that the Seattle City Council grant conceptual approval of
10 the Significant Structure Term Permit; and

11 WHEREAS, the City Council has considered the factors listed in SMC 15.65.040.C and the
12 recommendation of the Director; NOW, THEREFORE,

13 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE**
14 **MAYOR CONCURRING, THAT:**

15 Section 1. The City Council finds that the proposed tunnel that would run under and
16 across Thomas Street, east of 1st Avenue North and west of Warren Avenue North ("Tunnel"),
17 as proposed by Oak View Group, LLC, is in the public interest and that no reasonable alternative
18 to the Tunnel exists.

19 Section 2. As conditions for obtaining final approval of a Significant Structure Term
20 Permit to construct the Tunnel, Seattle Arena Company, LLC shall:

21 (1) Provide engineering and plans for additional review and permitting to the Seattle
22 Department of Transportation (SDOT), which the Director will circulate for review and

1 comment to other City departments and to public and private utilities that may be affected by the
2 installation of the Tunnel;

3 (2) Provide a surety bond, covenant agreement, and public liability insurance naming
4 the City as an additional insured or self-insurance, all of which are subject to approval by the
5 City's Risk Manager;

6 (3) Pay all City permit fees;

7 (4) Obtain all necessary permits;

8 (5) Maintain and inspect the Tunnel; and

9 (6) Upon expiration of the permit remove the Tunnel and restore the right-of-way to
10 as good condition for public use as existed prior to construction of the Tunnel and in at least as
11 good condition in all respects as the abutting portions of the public place, as required by SDOT
12 right-of-way restoration standards or as specified by the Director or by the City Council pursuant
13 to the provisions of the final term permit ordinance.

14 Section 3. After this resolution is adopted, SDOT shall draft an ordinance that grants final
15 approval of the term permit and describes the proposed conditions of approval. The City Council
16 may approve, amend, or decline to adopt the ordinance.

17 Section 4. As recommended by the Director and the Mayor, conceptual approval of a
18 term permit for construction of the Tunnel under and across Thomas Street, east of 1st Avenue
19 North and west of Warren Avenue North, is GRANTED.

