

**IN THE MATTER OF THE PETITION OF SEATTLE CITY LIGHT
FOR THE VACATION OF A PORTION OF DIAGONAL WAY SOUTH,
WEST OF 4TH AVENUE SOUTH
IN SEATTLE CITY COUNCIL DISTRICT 2 AND
THE GREATER DUWAMISH MANUFACTURING/INDUSTRIAL CENTER**

CLERK FILE 314451

The City Council hereby grants approval of the petition from Seattle City Light, (“SCL” or “Petitioner”) for Seattle City Light (“SCL” or “Petitioner”) for the vacation of a portion of Diagonal Way South between 4th Avenue South and 2nd Avenue South, described as:

Commencing at the most southwesterly corner of that portion of Diagonal Avenue South vacated under by City of Seattle Ordinance Number 112889, under King County Recording Number 86070I 0965, and amended by City of Seattle Ordinance 113226, under King County Recording Number 8701070967, said point of commencement also being the angle point at the intersection of the westerly and northwesterly lines of Lot 2 of the plat of Fourth and Duwamish Investment Park, recorded under King County Recording Number 8307280903; thence north $01^{\circ}09'28''$ east along the west line of said vacated Diagonal Avenue South 59.69 feet to a point at the northwesterly corner of the southeasterly portion of said vacated Diagonal Avenue South and true point of beginning;

Thence north $43^{\circ}14'20''$ east along the northwesterly line of the southeasterly portion of said vacated Diagonal Avenue South 355.61 feet to a point that bears north $46^{\circ}45'40''$ west and is 40.00 feet distant from a point on the southeasterly margin of Diagonal Avenue South and 38.41 feet northeasterly of the southwest corner of Lot 4, Block 304, of the unrecorded plat of Seattle Tide Lands, said point also being an angle point in said vacated Diagonal Avenue South; thence north $46^{\circ}45'40''$ west 40.00 feet to the southeasterly line of the northwesterly portion of said vacated Diagonal Avenue South; thence north $43^{\circ}14'20''$ west along said southeasterly line 311.31 feet to the southwesterly corner of the northwesterly portion of said vacated Diagonal Avenue South; thence south $01^{\circ}09'28''$ west 59.69 feet to the true point of beginning.

The proposed vacation is 330 feet in length and approximately 40 feet in width (the width tapers) for a total of approximately 13,300 square feet of right-of-way.

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 or other agreements is completed; all public benefit elements have been provided; any other agreements or easements 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. This approval constitutes the substantive Council approval of the vacation, and the Petitioner

may proceed with the permitting and development of the project, consistent with the conditions of this approval.

2. Any street improvements that may be required at the vacation site or at the public benefit site 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, as necessary.
3. 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. SPU has a number of lines in the area and has requested a Memorandum of Understanding (MOU) to detail access for service and repair to its current facilities and the need for future facilities. A partial Transfer of Jurisdiction or other accountability measure may be required to implement the agreement. This may include an MOU, easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner.

SPU facilities include:

- 30” sewer main,
 - 132” PSD,
 - 48” PSD; and
 - Need for future new water main in Diagonal Way South.
4. It is expected that development activity at the vacation site will commence within approximately 18 months of this approval and that development activity will be completed within 5 years. To ensure 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 and anticipated date of project completion and opening. 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.
 5. In addition to the conditions imposed through the vacation process, if the project as it proceeds through the permitting process is subject to SEPA review it may be subject to conditioning pursuant to City codes through the regulatory review processes.
 6. The Petitioner shall convey the real property known as the Flume property to Parks and to SDOT as outlined in the signed agreement between the three departments. Once the property is conveyed the receiving department shall bear the responsibility to complete the public amenities and shall be responsible for ongoing maintenance. The SDOT trail connection shall be open to the public at all times. The Parks off-leash area shall be open

and managed consistent with other off-leash areas and the public signage should indicate the hours of operation. Public signage shall be consistent with signage provided at SDOT trails and Park off-leash areas. The signage shall be clearly visible to the public. The property transactions to convey the real property must be completed before SCL may proceed with the final vacation ordinance.

7. Parks and SDOT shall be responsible for the process to meet with the community and complete the final design of the trail connection and the off-leash area and securing any necessary permits. The final design of the public benefit elements and schedule for construction shall be provided to SDOT Street Vacations to demonstrate compliance with the vacation conditions. SDOT Street Vacations may require additional review by the Design Commission if any significant changes are proposed. The public benefit requirements are outlined in the following chart.

PUBLIC BENEFIT MATRIX

Public Benefit Element	Department Cost Sharing Obligations			
	SPR	SDOT	SCL	Total
Site preparation			\$480K	
Off Leash Area <ul style="list-style-type: none"> • Pedestrian access, • Benches, • Water to site, and • ½ stormwater treatment 	\$400K		\$195K	\$595K
Bike and Pedestrian Trail: <ul style="list-style-type: none"> • Street improvements, • Lighting, • Trees, & • ½ stormwater treatment 		\$400K	\$1.283M	\$1.683M
Total development costs	\$400K	\$400K	\$1.958M	\$2.758M
Property transfer: <ul style="list-style-type: none"> • Total: Approx. 46,338 sq ft • Property to Parks for Off Leash Area: 36,626 sq ft • Property to SDOT for Bike and Pedestrian Trail: 9,712 sq ft 			\$1.854M	\$1.854M
Grand total	\$400K	\$400K	\$3.812M	\$4.612M

Granted by the City Council the _____ day of _____, 2021,
and signed by me in open session in authentication of its passage this _____ day of
_____, 2021.

President _____ of the City Council