



Legislation Details (With Text)

File #: CB 120134 **Version:** 1 **Name:** CB 120134
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 8/9/2021

Final Action: 8/12/2021 **Ord. No.** Ord 126414

Title: AN ORDINANCE amending Ordinance 125142; granting Swedish Health Services permission to construct, maintain and operate a pedestrian skybridge over and across Minor Avenue, between Columbia Street and Cherry Street; and ratifying and confirming certain prior acts.

Sponsors: Alex Pedersen

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Summary Att A - Swedish Skybridge Annual Fee Assessment Summary, 3. Central Staff Memo, 4. Swedish Presentation, 5. SDOT Letter, 6. Signed Ordinance 126414, 7. Affidavit of Publication

Date	Ver.	Action By	Action	Result
8/12/2021	1	City Clerk	attested by City Clerk	
8/12/2021	1	Mayor	returned	
8/12/2021	1	Mayor	Signed	
8/12/2021	1	City Clerk	submitted for Mayor's signature	
8/9/2021	1	City Council	passed	Pass
8/4/2021	1	Transportation and Utilities Committee	pass	Pass
7/26/2021	1	City Council	referred	
7/13/2021	1	Council President's Office	sent for review	
7/6/2021	1	City Clerk	sent for review	
7/6/2021	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE amending Ordinance 125142; granting Swedish Health Services permission to construct, maintain and operate a pedestrian skybridge over and across Minor Avenue, between Columbia Street and Cherry Street; and ratifying and confirming certain prior acts.

WHEREAS, the Seattle City Council passed Ordinance 125142 granting Swedish Health Services permission to construct, maintain and operate a pedestrian skybridge over and across Minor Avenue, between Columbia Street and Cherry Street; and

WHEREAS, Swedish Health Services delayed the construction on the redevelopment of Swedish First Hill

Campus and requested an extension to the term of the skybridge permit granted by Ordinance 125142;

and

WHEREAS, Swedish Health Services is ready to begin the redevelopment of the Swedish First Hill Campus;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Sections 2, 14, 17, 19, and 21 of Ordinance 125142 are amended as follows:

* * *

Section 2. **Term.** The permission granted to Permittee is for a term of ~~((ten))~~ 15 years starting on the effective date of this ordinance and ending at 11:59 p.m. on the last day of the ~~((tenth))~~ fifteenth year. Upon written application made by the Permittee at least ~~((180 days))~~ one year before expiration of the term, the Director or the City Council may renew the permit ~~((twice, each time))~~ once for a successive ~~((ten))~~ 15-year term, subject to the right of the City to require the removal of the pedestrian skybridge or to revise by ordinance any of the terms and conditions of the permission granted by this ordinance. The total term of the permission, including renewals, shall not exceed 30 years. The Permittee shall submit any application for a new permission no later than ~~((180 days))~~ one year prior to the expiration of the then-existing term.

* * *

Section 14. **Consent for and conditions of assignment or transfer.** ~~((The permission granted by this ordinance shall not be assignable or transferable by operation of law; nor shall))~~ When the Property is transferred, the permission granted by this ordinance shall be assignable and transferable by operation of law pursuant to Section 20 of this ordinance. Continued occupation of the right-of-way constitutes the Permittee's acceptance of the terms of this ordinance, and the new owner shall be conferred with the rights and obligations of the Permittee by this ordinance. Other than a transfer to a

new owner the Permittee shall not transfer, assign, mortgage, pledge or encumber the same without the Director's consent, which the Director shall not unreasonably refuse. The Director may approve assignment or transfer of the permission granted by this ordinance to a successor entity only if the successor or assignee has ~~((accepted in writing all of the terms and conditions of the permission granted by this ordinance; has provided, at the time of the acceptance,))~~ provided the bond and certification of insurance coverage required under this ordinance; and has paid any fees due under Section 15 and Section 17 of this ordinance. Upon the Director's approval of an assignment or transfer, the rights and obligations conferred on the Permittee by this ordinance shall be conferred on the successors and assigns. Any person or entity seeking approval for an assignment or transfer of the permission granted by this ordinance shall provide the Director with a description of the current and anticipated use of the pedestrian skybridge.

* * *

Section 17. **Annual fee.** Beginning on the effective date of this ordinance, and annually thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an ~~((annual fee))~~ Annual Renewal Fee, and an Annual Use and Occupation Fee of ~~((~~ \$13,474.93)) \$27,059.93 or as adjusted annually thereafter, for the privileges granted by this ordinance.

Adjustments to the ~~((annual fee))~~ Annual Use and Occupation Fee shall be made in accordance with a term permit fee schedule adopted by the City Council and may be made every year. In the absence of a schedule, the Director may only increase or decrease the previous year's fee to reflect any inflationary changes so as to charge the fee in constant dollar terms. This adjustment will be calculated by adjusting the previous year's fee by the percentage change between the two most recent year-end values available for the Consumer Price Index for the Seattle-Tacoma-~~((Bremerton))~~ Bellevue Area, All Urban Consumers, All Products, Not Seasonally Adjusted. All payments shall be made to the City Finance Director for credit to the Transportation ~~((Operating))~~ Fund.

* * *

Section 19. **Acceptance of terms and conditions.** The Permittee shall ~~((deliver to the Director its written signed acceptance of the terms of this ordinance))~~ provide evidence of insurance coverage required by Section 10 of this ordinance, the bond as required by Section 12 of this ordinance, and the covenant agreement required by Section 20 of this ordinance within 60 days after the effective date of this ordinance. ~~((The Director shall file the written acceptance with the City Clerk. If no such acceptance is received within that 60-day period, the privileges conferred by this ordinance shall be deemed declined or abandoned and the permission granted deemed lapsed and forfeited.))~~ The Permittee shall not commence construction of the skybridge prior to the Permittee delivering ~~((its written signed acceptance of the terms of this ordinance and providing))~~ the bond and certificate of insurance coverage required by this ordinance as well as the covenant agreement required by Section 20 of this ordinance. Obtaining building permits from the Seattle Department of Construction and Inspections, and other applicable City-issued permits, constitutes the Permittee's acceptance of the terms of this ordinance.

* * *

Section 21. **Public benefit mitigation.** Permittee shall construct the following public benefit mitigation within one year of the ~~((effective date of this ordinance))~~ issuance of certificate of occupancy for Block 95:

- a) A 3,200-square-foot garden located at the intersection of Minor Avenue and Columbia Street;
- b) Curated outdoor art located in the garden at the intersection of Minor Avenue and Columbia Street;
- c) Artwork element consistent with the final recommendation of the Swedish Public Art Advisory Committee on the pedestrian skybridge that is visible from the street;

d) Intersection and sidewalk improvements at Minor Avenue and Columbia Street, including a partially raised intersection, ADA accessible ramps, and crosswalk striping, to enhance the pedestrian environment; and

e) Expanded pedestrian streetscape, including street paving, curb, sidewalk and curb ramps, street trees, plantings, and pedestrian lighting on the east side of Minor Avenue directly in front of the existing emergency department. Implementation of the art public benefit features requires review of the Swedish Public Art Advisory Committee that includes members from the Seattle Design Commission.

Section 2. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed 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

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)