

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Parks and Recreation	Andy Sheffer/4-7041	Justin Hellier/327-5684

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to Seattle Parks and Recreation; approving the execution of a settlement agreement with the Washington State Department of Transportation; authorizing the transfer of real property rights and the acceptance of the mitigation contribution for the Arboretum North Entry Project required for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project, which includes the SR 520 Portage Bay Bridge Roanoke Lid Project; superseding the requirements of Ordinance 118477, which adopted Initiative 42, with respect to the exchange; authorizing the Superintendent or Superintendent’s designee to execute, deliver, and perform corresponding documents; authorizing acceptance of recording of deeds for open space, park, and recreation purposes; creating a fund for depositing monies received from the settlement agreement; and ratifying and confirming certain prior acts.

Summary and Background of the Legislation:

WSDOT’s Portage Bay Bridge and Roanoke Lid Project is a component of the SR 520, I-5 to Medina: Bridge Replacement and HOV Project. It represents the final improvements to the SR 520 corridor in Seattle and WSDOT must acquire Seattle Parks and Recreation (SPR) property rights in order to execute the project.

This legislation approves the Settlement Agreement (GCB 3564) with the Washington State Department of Transportation (WSDOT), which authorizes the City to complete real property transactions and accepts the mitigation contribution toward the Arboretum North Entry Project, such settlement agreement facilitating WSDOT acquiring the required property rights for bidding the SR 520 Portage Bay Bridge Roanoke Lid Project in 2023. WSDOT must acquire the real property interests by December 15, 2022. The parties have disagreed about the interpretation of certain terms in the prior agreements, the application of relevant laws, and the valuation of certain costs associated with the property transfers and mitigation associated with the SR 520 project.

This negotiated Settlement Agreement which provides certainty to WSDOT that it will acquire the property rights it needs to complete its project, finalizes WSDOT’s mitigation payment to the City for the Arboretum North Entry Project, meets WSDOT’s construction timeline and eliminates the need for litigation to settle the parties’ differences.

The real estate transactions impact Bagley Viewpoint, areas north/below/south of the existing SR 520 span near Montlake Playfield, a portion of East Lake Washington Boulevard at Montlake Place E, a portion of Interlaken Park at Delmar Drive, and Roanoke Park. WSDOT seeks to acquire approximately 2.5 acres in fee, a .25-acre perpetual subterranean easement, and .81 acres of temporary easements. SPR will acquire 27.16 acres in fee at Lake Washington

Boulevard/Montlake Place E and the WSDOT Peninsula (the site of WSDOT’s current SR520 field office and leased cell tower, such lease to be terminated and the cell tower removed prior to City possession).

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

There will be de minimus maintenance cost savings for the fee acquisitions in the short term. The City’s possession of the 27+ acre Peninsula property will occur after WSDOT completes its work, estimated to be 12/31/2031. The Arboretum North Entry project is then scheduled to take place and the site will be reincorporated into the Arboretum – after which operations and maintenance will increase. The department may submit a funding request for maintenance costs associated with the acquired property in a future budget process. Specific O&M impacts to the City are yet to be determined as site responsibilities are shared with the Arboretum Foundation.

Are there financial costs or other impacts of *not* implementing the legislation?

One of the purposes of the Settlement Agreement is to avoid time-consuming litigation over the City’s/WSDOT’s differences. If WSDOT cannot acquire property rights by 12/15/2022, its bidding/schedule will be delayed as if there was no settlement agreement and therefore certain financial terms within the agreement benefitting the City may change as WSDOT pivots in order to offset its costs of delay.

3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from This Legislation:

Fund Name and Number	Dept	Revenue Source	2022 Revenue	2023 Estimated Revenue
33130 Park Mitigation & Remediation	SPR	Settlement Agreement Mitigation Payment		\$22,246,665
TOTAL				\$22,246,665

Is this change one-time or ongoing?

This revenue is considered a mitigation payment toward the construction of the Arboretum North Entry Project, scheduled for 2031.

3.c. Positions

This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
No.
- b. **Is a public hearing required for this legislation?**
No.
- c. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- d. **Does this legislation affect a piece of property?**
Yes, attached as Summary Exhibits 1-3.
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**
There are no known impacts to vulnerable or historically disadvantaged communities. The property transfers will (2.5 acres transferred to WSDOT for 27.16 acres acquired) result in a net increase of park land to the City.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

This legislation is not likely to change carbon emissions significantly. Any impact would likely be positive through the sequestration potential of preserved wetlands and forest habitats.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

Wetlands are one of the most efficient natural ways to sequester carbon from the atmosphere while at the same time creating resiliency for heavy storm events more likely to occur due to climate change. Preservation of wetlands along Lake Washington is a net benefit for climate resiliency.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

This legislation does not include a new initiative or a major programmatic expansion.

Summary Attachments:

Summary Exhibit 1 - Parcel Exhibit Key Map

Summary Exhibit 2 - Moshier Exhibit Key Map

Summary Exhibit 3 - Peninsula Exhibit Key Map