

**CITY OF SEATTLE**

**RESOLUTION 31980**

A RESOLUTION granting conceptual approval to construct, install, maintain, and operate below-grade private utility lines under and across Roy Street, west of 8th Avenue N; Dexter Avenue N, north of Mercer Street; Roy Street, west of Dexter Avenue N; and the alley north of Mercer Street, west of Dexter Avenue N, south of Roy Street, and east of Aurora Avenue N, as proposed by McKinstry Company LLC.

WHEREAS, McKinstry Company LLC applied for permission to construct below-grade private utility lines between the buildings located at 601 Dexter Avenue N, 701 Dexter Avenue N, and 800 Mercer Street in the South Lake Union neighborhood (“ARE District Energy”); and

WHEREAS, the purpose of ARE District Energy is to extract waste heat from municipal wastewater and distribute it between the buildings located at 601 Dexter Avenue N, 701 Dexter Avenue N, and 800 Mercer Street, reducing energy usage and carbon emissions that would otherwise be lost; and

WHEREAS, in making a recommendation, the Director of the Seattle Department of Transportation (“Director”) considered the plans and application materials submitted by McKinstry Company LLC to construct, install, maintain, and operate ARE District Energy and recommends that conceptual approval be granted; NOW, THEREFORE,

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

Section 1. The City Council finds that the below-grade private utility lines under and across Roy Street, west of 8th Avenue N; Dexter Avenue N, north of Mercer Street; Roy Street, west of Dexter Avenue N; and the alley north of Mercer Street, west of Dexter Avenue N, south

1 of Roy Street, and east of Aurora Avenue N (“ARE District Energy”) as proposed by McKinstry  
2 Company LLC are in accordance with and in the public interest.

3 Section 2. As conditions for obtaining permission to construct, install, maintain, and  
4 operate ARE District Energy, McKinstry Company LLC shall:

5 (1) Provide engineering and utility plans for additional review and permitting by the  
6 Seattle Department of Transportation (SDOT), which the Director will circulate to other City  
7 departments and any public and private utilities affected by the installation of ARE District  
8 Energy;

9 (2) Provide a surety bond, covenant agreement, and public liability insurance naming the  
10 City as an additional insured or self-insurance, as approved by the City’s Risk Manager;

11 (3) Pay all City permit fees;

12 (4) Obtain all necessary permits;

13 (5) Maintain and inspect ARE District Energy; and

14 (6) Remove ARE District Energy and restore the right-of-way to in as good condition for  
15 public use as existed prior to construction of the ARE District Energy and in at least as good  
16 condition in all respects as the abutting portions of the public place, as required by SDOT right-  
17 of-way restoration standards, upon expiration of the term permit or at the direction of the  
18 Director or City Council, in accordance with the provisions of the term permit ordinance.

19 Section 3. After this resolution is adopted, SDOT will present to the Council a draft term  
20 permit ordinance identifying the conditions under which permission may be granted for the use  
21 of the right-of-way for ARE District Energy. Permission to use the right-of-way is subject to the  
22 Council’s decision to approve, deny, or modify the draft term permit ordinance presented by the  
23 Director.

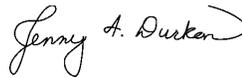
1 Section 4. As recommended by the Director and the Mayor, conceptual approval for  
2 construction, installation, maintenance, and operation of the private utility lines under and across  
3 Roy Street, west of 8th Avenue N; Dexter Avenue N, north of Mercer Street; Roy Street, west of  
4 Dexter Avenue N; and the alley north of Mercer Street, west of Dexter Avenue N, south of Roy  
5 Street, and east of Aurora Avenue N is GRANTED.

6 Adopted by the City Council the 7th day of \_\_\_\_\_ December, 2020,  
7 and signed by me in open session in authentication of its adoption this 7th day of  
8 \_\_\_\_\_ December, 2020.



9 \_\_\_\_\_  
10 President \_\_\_\_\_ of the City Council

11 The Mayor concurred the 11th day of December, 2020.



12 \_\_\_\_\_  
13 Jenny A. Durkan, Mayor

14 Filed by me this 11th day of December, 2020.



15 \_\_\_\_\_  
16 Monica Martinez Simmons, City Clerk

17 (Seal)