

Attachment 5

Memorandum of Agreement Developing the Georgetown Steam Plant Flume into a Community Asset

Whereas, the City Light Department (SCL) owns 46,338 square feet of property located between S Myrtle St and East Marginal Way S, which formerly functioned as part of the Georgetown Steam Plant Flume (Flume Property); and

Whereas, SCL is seeking a vacation of a segment of Diagonal Way S, which would require the provision of an offsetting public benefit; and

Whereas, the Georgetown community has been historically underserved in terms of public amenities; and

Whereas, this community has long expressed an interest in additional open-space amenities, including specifically an off-leash area and a trail connection with the South Park community; and

Whereas, the Georgetown community has participated in the Seattle Parks and Recreation Department's (SPR) planning for City off-leash areas (OLA), the Seattle Department of Transportation's (SDOT) study of a trail connection between Georgetown and South Park, and SCL's community outreach process for that department's proposed vacation of a segment of Diagonal Ave S and has specifically advocated for both an OLA and a trail segment at the Flume Property; and

Whereas, SPR finds the Flume Property to be a suitable and preferred location for an OLA and SDOT finds the Flume Property to be a suitable and preferred location for a segment of the Georgetown/South Park Connector trail; and

Whereas, the Seattle Design Commission has recommended that SCL's street vacation request be granted and approved the creation of an OLA and trail at the Flume Property as the public benefit for the vacation;

The City Light Department, the Seattle Department of Parks and Recreation, and the Seattle Department of Transportation agree to the following:

Overview. SCL has petitioned to vacate a section of Diagonal Ave S. As a public benefit for the vacation, the petition included transferring the jurisdiction of the Flume Property, at no cost, to SPR and SDOT. The jurisdiction of the western twenty feet of the property (see Exhibit A) will be transferred to SDOT for the future development of a bike/pedestrian trail. The jurisdiction of the remainder of the property (see Exhibit B) will be simultaneously transferred to SPR for the development of an OLA. These two transfers and other consideration detailed below would constitute the offsetting public benefit for the granted vacation and would be contingent on the granting of the vacation.

SCL will also transfer partial jurisdiction of a portion of the property (see Exhibit C) to Seattle Public Utilities (SPU) for the operation and maintenance of SPU's existing drainage infrastructure on the property. SCL will also retain partial jurisdiction of the property to allow the continued presence of its utility poles and overhead lines (see Exhibit D.)

If the street vacation is approved and the jurisdiction of the property is transferred by the City Council, then SPR, SCL, and SDOT would develop the property as outlined below.

Development. The property will be developed to support an Off- Leash Area (OLA) on the eastern portion of the site and bicycle/pedestrian trail on the western site of the site, more or less as indicated in Exhibit E. The project would include the following components:

- The top 6 -12" of soil will be removed from the flume property and properly disposed (12" for the OLA and 6-12" of the other portions of the site).
- The underlying soil may be regraded.
- An equivalent thickness of clean gravel will replace the removed soil. The soil removal and gravel replacement will serve two purposes:
 - It will remove any previously undetected residual contamination and leave a clean surface for the OLA and trail users.
 - It will create a surface that is more suitable for the development of the OLA and trail.
- The OLA on the eastern portion of the property will be fenced.
- The OLA will also have hard pavement pedestrian circulation, signage and waste receptacles.
- An on-site stormwater management facility (bioswale) will be constructed on the eastern portion of the property to serve both the OLA and the trail. 20 trees will be included in this part of the site.
- A domestic water service will be constructed to the site.
- The trail will include pedestrian lighting.
- The project will include required street improvements along S. Myrtle and East Marginal Way S.
- Project timeline:
 - City Council approval of vacation and transfer of public benefit property to SPR & SDOT – 4Q 2020 – 1Q 2021
 - OLA and bioswale constructed 3Q 2021 – 2Q 2022 – Dependent on property transfer and permitting.
 - Trail and street improvements constructed 1Q 2022 – 1Q 2023 – or sooner, if SDOT's funds can be made available quickly enough.

Responsibilities.

- SCL will:
 - Provide the property for the project to SPR and SDOT.

- Contribute to SPR and SDOT for the full cost of soil removal, regrading and placement of clean gravel up to \$480,000.
- Contribute to SPR \$185,000 toward the cost of designing and developing the OLA.
- Contribute to SDOT \$1,283,000 toward the cost of designing and constructing the trail.
- Issue a revocable easement to King County, or otherwise resolve to the satisfaction of SPR the existing encroachment on the east side the Flume Property prior to transfer of the OLA portion of the property to SPR (see Exhibit F.)
- Continue to be responsible – even after the transfers of jurisdiction of the property - for any testing and/or removal of legacy contamination below the newly placed gravel, that may be required by a regulatory agency.
- These commitments are contingent on the granting of the Diagonal Ave S street vacation to SCL by the City Council.
- SPR and SDOT will:
 - Continue to support SCL in its efforts to receive the street vacation, including participating in meetings with the community, the Seattle Design Commission, SDOT Street Vacation staff and the Seattle City Council.
 - Assume responsibility for any future contamination of the top gravel layer in their respective areas after its installation.
 - Equally share the cost of the design and construction of the stormwater management facility.
 - Be responsible for maintaining their respective properties once the transfers of jurisdiction are effective. (For SDOT this will include the areas of the street improvements in the S. Myrtle St. and East Marginal Way S. ROWs.)
 - Be responsible for any future improvements to their respective properties that they might seek to make beyond those envisioned here.
- SPR will:
 - Be responsible for and fund (to the limit described below) the design and construction of the OLA, the related fencing, the OLA-related pedestrian circulation, the signage and waste receptacles, and the drinking water service.
 - Manage the design and construction of the initial soil removal and gravel placement for the entire site and the design and construction of the stormwater management facility.
 - Commit \$400,000 of identified capital and labor budget toward its share of the above components.
 - Be responsible for and fund the maintenance of the trees in the stormwater management facility.
- SDOT will:
 - Be responsible for and fund (to the limit described below) the design and construction of the trail, the pedestrian lighting, and the curb and sidewalk improvements along S Myrtle and East Marginal Way S.
 - Reimburse SPR for the cost of the installation of the trees in the stormwater management facility.

- Commit \$400,000 of identified capital and labor budget toward its share of the above components.
- Cover the ongoing cost of the electricity for the pedestrian lighting.

Tom DeBoer

Tom DeBoer (Oct 16, 2020 15:09 PDT)

Tom DeBoer, Chief Environmental Officer
Seattle City Light

10/16/2020

Date

Andy Sheffer

Andy Sheffer, Planning & Development
Division Director
Seattle Department of Parks and Recreation

10/16/2020

Date

Jim Curtin

Jim Curtin (Oct 19, 2020 08:05 PDT)

Jim Curtin, Director of Project Development
Seattle Department of Transportation

10/19/2020

Date

Exhibit A: Legal Description of Property to be Transferred from SCL to SDOT

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE GOVERNMENT MEANDER LINE AND THE SOUTHERN LINE OF SOUTH MYRTLE STREET AS SHOWN ON THAT CERTAIN SURVEY AS RECORDED IN BOOK 409 OF SURVEYS, PAGES 44 AND 45, RECORDS OF KING COUNTY, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE S88°49'03"E ALONG SAID SOUTHERN LINE FOR 20.29 FEET;

THENCE S10°56'18"W FOR 166.59 FEET;

THENCE S00°39'37"E FOR 197.68 FEET;

THENCE S08°24'44"E TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST MARGINAL WAY SOUTH FOR 145.68 FEET;

THENCE N47°51'58"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 31.47 FEET;

THENCE N08°24'44"W FOR 122.73 FEET;

THENCE N00°39'37"W FOR 201.07 FEET;

THENCE N10°56'18"E FOR 165.18 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 9,989 SQUARE FEET, MORE OR LESS.

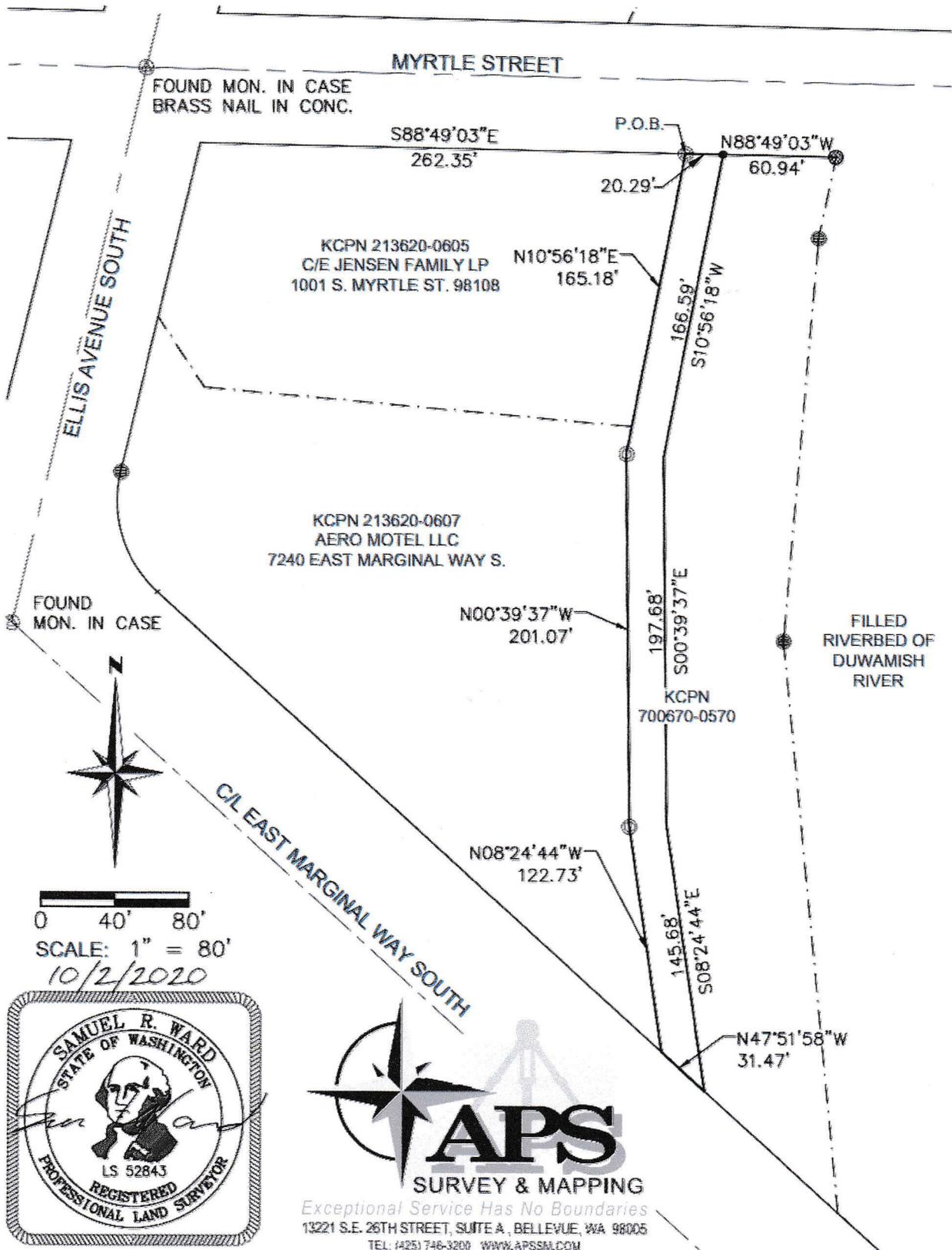


Exhibit B: Legal Description of Property to be Transferred from SCL to SPR

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE GOVERNMENT MEANDER LINE AND THE SOUTHERN LINE OF SOUTH MYRTLE STREET AS SHOWN ON THAT CERTAIN SURVEY AS RECORDED IN BOOK 409 OF SURVEYS, PAGES 44 AND 45, RECORDS OF KING COUNTY;
THENCE S88°49'03"E ALONG SAID SOUTHERN LINE FOR 20.29 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING S88°49'03"E FOR 60.94 FEET;
THENCE S11°48'48"W FOR 44.75 FEET;
THENCE S04°46'40"W FOR 218.30 FEET;
THENCE S05°42'51"E TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST MARGINAL WAY SOUTH FOR 309.83 FEET;
THENCE N47°51'58"W ALONG SAID NORTHERLY RIGHT-OF WAY LINE FOR 97.70 FEET;
THENCE N08°24'44"W FOR 145.68 FEET;
THENCE N00°39'37"W FOR 197.68 FEET;
THENCE N10°56'18"E FOR 166.59 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 36,349 SQUARE FEET, MORE OR LESS.

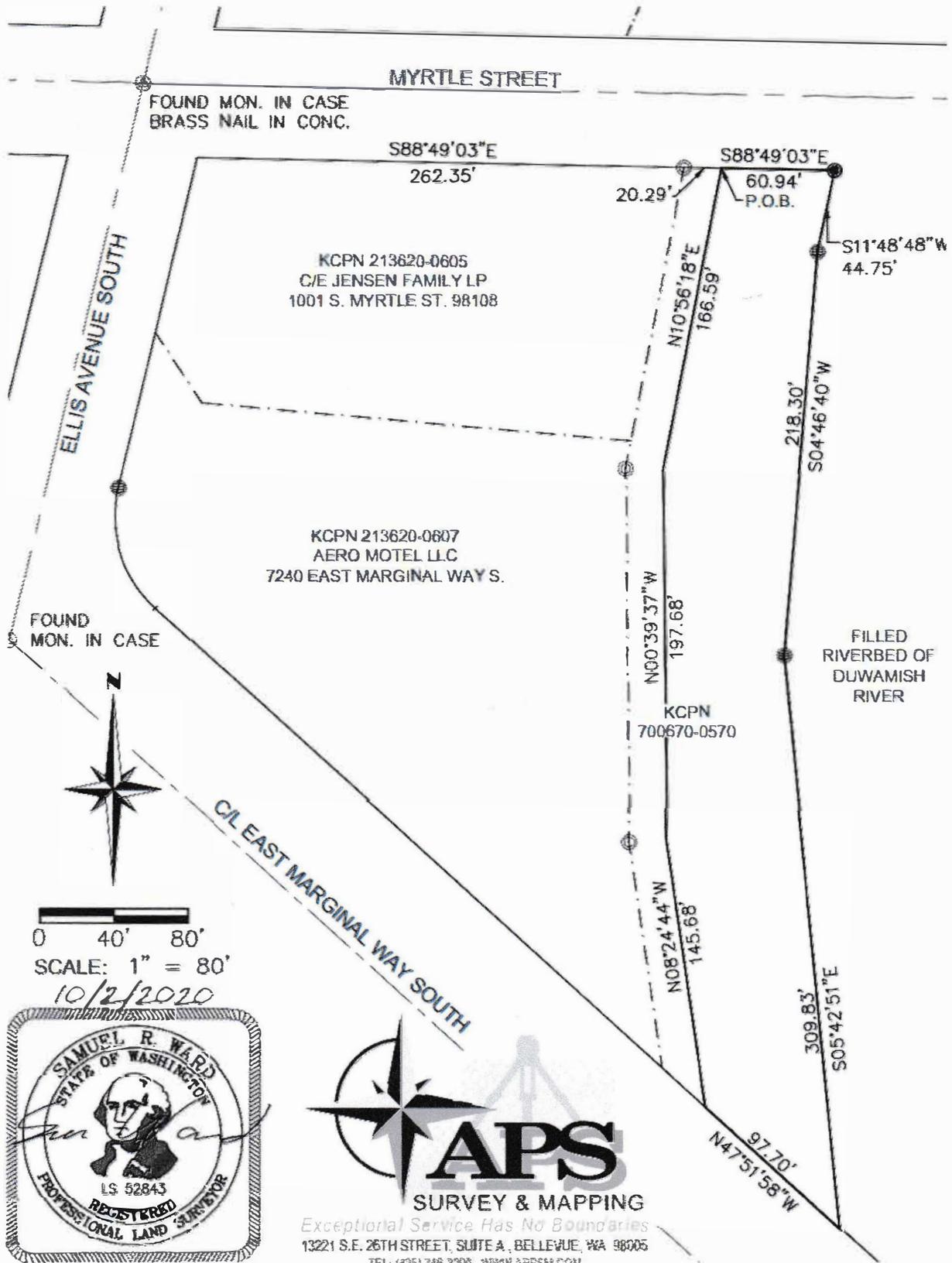


Exhibit C: Property Description for Partial Transfer of Jurisdiction to Seattle Public Utilities

A 20 foot wide strip of land, being a portion of the northerly and westerly half of the filled bed of the Duwamish River in Sections 28 and 29, Township 24 North, Range 4 East, W.M., being 10 feet on each side of the following described centerline:

Commencing at the intersection of the center lines of Ellis Ave S and S Myrtle St; Thence along the center line of said S Myrtle St S 88° 49' 53" E a distance of 317.92 feet; Thence S 01° 10' 07" W a distance of 40.00 feet to the Point of Beginning;

Thence S 10° 39' 38" W a distance of 118.66 feet to a point hereinafter referred to as point "A"
Thence continuing S 10° 39' 38" W a distance of 53.68 feet;
Thence S 01° 29' 03" E a distance of 174.48 feet;
Thence S 17° 32' 54" E a distance of 172.10 feet;

Thence S 47° 51' 41" E a distance of 42.54 feet to the terminus of said 20 foot wide strip of land at the east line of said westerly half of the filled bed of the Duwamish River in Sections 28 and 29, Township 24 North, Range 4 East, W.M., from which the southeasterly corner of said westerly half bears S 05° 53' 30" E a distance of 35.37 feet.

The southerly sidelines of said strip to be extended or shortened to terminate at said easterly line.

Together with a 20.00 foot wide strip of land, being 10 feet on each side of the following described centerline:

Commencing at said point "A", Thence N 79° 20' 22" W a distance of 10.00 feet to the point of beginning; Thence continuing 79° 20' 22" W a distance of 5.00 feet to the terminus of said line

Containing 11,329 square feet or 0.26 acres, more or less.

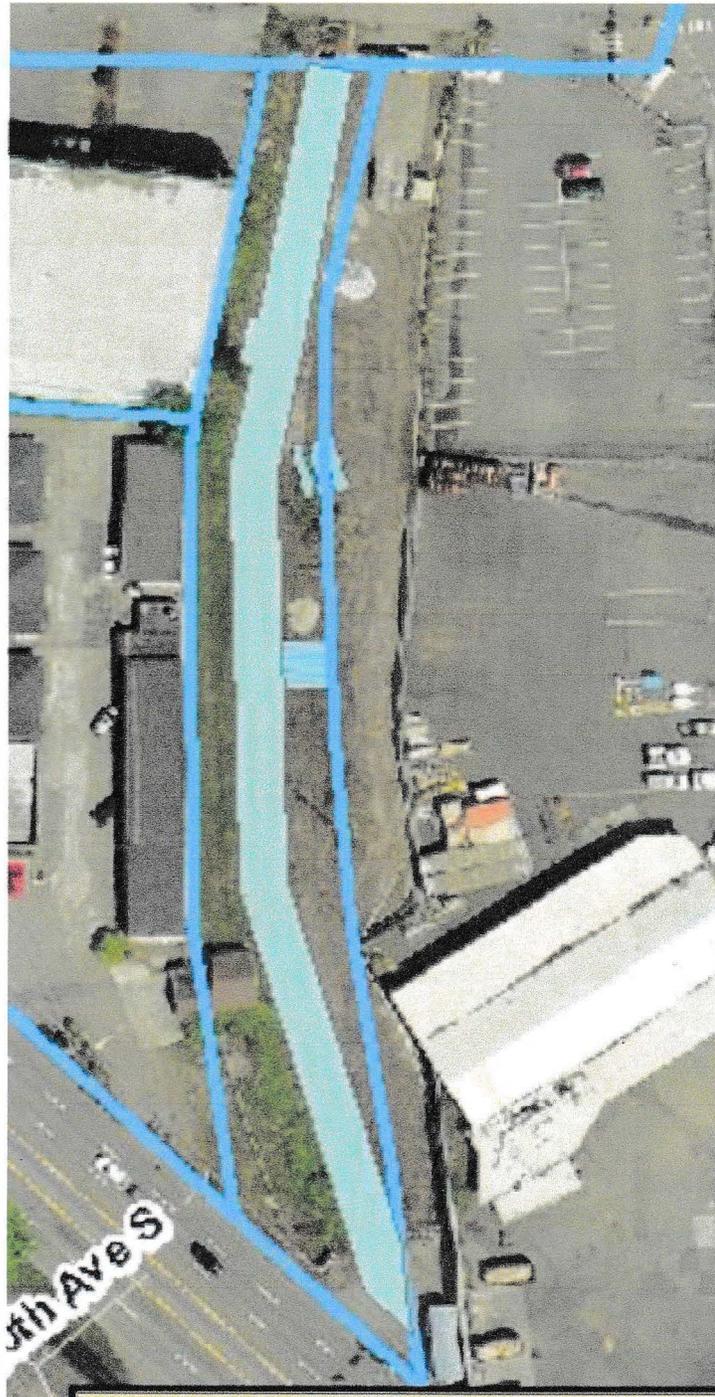


Exhibit D: City Light's Reservation of Jurisdiction for its Electrical Infrastructure on the Flume Property

1. Wooden pole located at approximately Lat. 47.538803, Long. -122.319152, or possible future replacement poles within ten feet of said location.
2. Wooden pole located at approximately Lat. 47.538441, Long. -122.319079, or possible future replacement poles within ten feet of said location.
3. Guy wires as necessary to stabilize said poles
4. Electrical distribution and service lines as necessary to serve customers adjacent to the Flume Property.

Exhibit F: Legal Description of Revocable Easement Area

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE GOVERNMENT MEANDER LINE AND THE SOUTHERN LINE OF SOUTH MYRTLE STREET AS SHOWN ON THAT CERTAIN SURVEY AS RECORDED IN BOOK 409 OF SURVEYS, PAGES 44 AND 45, RECORDS OF KING COUNTY;
THENCE S88°49'03"E ALONG SAID SOUTHERN LINE FOR 81.23 FEET;
THENCE S11°48'48"W FOR 44.75 FEET;
THENCE S04°46'40"W FOR 218.30 FEET;
THENCE S05°42'51"E FOR 130.64 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING S05°42'51"E FOR 27.89 FEET;
THENCE N32°45'57"W FOR 24.84 FEET;
THENCE N57°14'03"E FOR 12.68 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 158 SQUARE FEET, MORE OR LESS.

