



WHEREAS, the purpose of the Thermal Energy Exchange System is to capture waste heat and distribute between the buildings located at 1120 Denny Way and 121 Boren Avenue North, reducing energy usage and carbon emissions that would otherwise be discharged to the atmosphere; and

WHEREAS, in making a recommendation, the Director of the Seattle Department of Transportation (“Director”) considered the plans and application materials submitted by Onni to construct the Thermal Energy Exchange System 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 thermal energy exchange system that would run under and across Boren Avenue North, north of Denny Way, as proposed by Onni Boren Avenue Seattle LLC, is in accordance with and in the public interest.

Section 2. As conditions for obtaining permission to construct the thermal energy exchange system, Onni Boren Avenue Seattle LLC shall:

A. Provide engineering and utility plans for additional review and permitting by the Seattle Department of Transportation (“SDOT”), which the Director will circulate to other City departments and any public and private utilities affected by the installation of the thermal energy exchange system;

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

C. Pay all City permit fees;

D. Obtain all other necessary permits;

E. Maintain and inspect the thermal energy exchange system; and

F. Remove the thermal energy exchange system and restore the right-of-way to in as good condition for public use as existed prior to construction of the thermal energy exchange system and in at least as good condition in all respects as the abutting portions of the public place as required by SDOT right-of-way

restoration standards upon expiration of the term permit, or at the direction of the Director or City Council in accordance with the provisions of the term permit ordinance.

Section 3. After this resolution is adopted, SDOT will present to the Council a draft term permit ordinance identifying the conditions under which permission may be granted for the use of the right-of-way for the thermal energy exchange system. Permission to use the right-of-way is subject to the Council’s decision to approve, deny, or modify the draft term permit ordinance presented by the Director.

Section 4. As recommended by the Director and the Mayor, conceptual approval for construction of the thermal energy exchange system is granted.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2024, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Scheereen Dedman, City Clerk

(Seal)