

RESOLUTION No. 31324

A RESOLUTION relating to the State Route 99 Alaskan Way Viaduct and Seawall Replacement Program and Ordinance 123542, giving notice to the Washington State Department of Transportation that the City wishes to proceed beyond preliminary design with remaining work as addressed in the City-State agreements regarding the SR 99 Bored Tunnel Project.

*Sg Bagshaw*  
*Sam Clark*

*Tom Romussen*

Introduced: <i>Sept. 12, 2011</i>	By: <i>Romussen, Bagshaw, Clark</i>
Referred:	To: <i>Full Council</i>
Referred:	To:
Reported:	
Passed: <i>9.19.11</i>	Signed:
Filed: <i>9.19.11</i>	Published:

*9.19.11 Adopted 9.20*

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RESOLUTION 31324

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3 A RESOLUTION relating to the State Route 99 Alaskan Way Viaduct and Seawall Replacement  
4 Program and Ordinance 123542, giving notice to the Washington State Department of  
5 Transportation that the City wishes to proceed beyond preliminary design with remaining  
6 work as addressed in the City-State agreements regarding the SR 99 Bored Tunnel  
7 Project.

8 WHEREAS, in January 2009, the Governor of Washington, the Mayor of Seattle, and the King  
9 County Executive jointly recommended replacing the Alaskan Way Viaduct with a bored  
10 tunnel beneath downtown Seattle; and

11 WHEREAS, the Washington State Legislature passed Engrossed Substitute Senate Bill 5768 and  
12 the Governor signed the bill into law designating and funding the Bored Tunnel Project  
13 (the Project) as the preferred replacement for the Alaskan Way Viaduct, pending the  
14 completion of environmental review; and

15 WHEREAS, in October 2009, the City Council passed and the Mayor signed Ordinance 123133,  
16 which established the Project as the City's preferred alternative and which authorized a  
17 memorandum of agreement between the State of Washington and the City of Seattle; and

18 WHEREAS on February 7, 2011 the Council passed Council Bill 117101, which the Mayor  
19 vetoed on February 17, 2011, and which the Council reconsidered and passed on  
20 February 28, 2011, as authorized by Seattle Charter Article IV, Subsections 1.H and 1.K,  
21 thereby overriding the Mayor's veto to accept three agreements with the Washington  
22 State Department of Transportation (WSDOT) to address utility design and relocation for  
23 Seattle Public Utilities and Seattle City Light, and property, environmental remediation,  
24 design review, permitting, and construction coordination with the Seattle Department of  
25 Transportation [Ordinance 123542]; and

26 WHEREAS, King County provided the City Clerk on April 7, 2011 with a Certificate of  
27 Sufficiency that the petition for Referendum 1 originally submitted on March 30, 2011, to  
28 the King County Elections Department was examined and the signatures thereon  
carefully compared with the registration records of the King County Elections  
Department, and as a result of such examination, found the signatures to be sufficient  
under the provisions of the Revised Code of Washington Section 35A.01.040 and the  
Seattle Municipal Code Section 1.10.110; and

WHEREAS the Council passed Resolution 31298 on May 23, 2011, submitting Section 6 of  
Ordinance 123542 to the voters of the City as Referendum 1, at an election held on  
August 16, 2011, at which time the voters approved Referendum 1, affirming the process  
for the City Council to provide notice to the State of Washington as described in Section  
6 of Ordinance 123542; and



1 WHEREAS Section 2.3 of each of the three agreements provides: "...If the Proposed Bored  
2 Tunnel is selected, the remaining work under this Agreement other than preliminary  
3 design work may proceed no sooner than after issuance of the [federal Record of  
4 Decision] ROD and only after WSDOT and the City Council each provide notice to the  
5 other that it wishes to proceed with the Agreement. WSDOT will provide Notice to  
6 Proceed 2, which authorizes final design and construction, to the Design Builder only  
7 after issuance of the ROD"; and

8 WHEREAS, Section 6 of Ordinance 123542 reads: "The City Council is authorized to decide  
9 whether to issue the notice referenced in Section 2.3 of each agreement. That decision  
10 shall be made at an open public meeting held after issuance of the Final Environmental  
11 Impact Statement"; and

12 WHEREAS, the Final Environmental Impact Statement for the Project was signed by the Joint  
13 Lead Agencies (Federal Highway Administration, WSDOT, and Seattle Department of  
14 Transportation) on June 20, 2011, and published in July 2011; and

15 WHEREAS, the Federal Highway Administration signed the Record of Decision on August 22,  
16 2011; and

17 WHEREAS, WSDOT issued Notice to Proceed 2 on August 22, 2011, which authorizes final  
18 design and construction by its design build contractor; and

19 WHEREAS, WSDOT provided notice by letter to the City on August 23, 2011, that it wishes to  
20 proceed with the agreements as provided in Section 2.3 of each agreement accepted by  
21 Ordinance 123542; and

22 WHEREAS, WSDOT briefed the City Council at a special committee meeting on September 6,  
23 2011, on the Final Environmental Impact Statement and federal Record of Decision;  
24 NOW, THEREFORE,

25 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

26 Section 1. After having reviewed and considered the SEPA/NEPA Final Environmental  
27 Impact Statement and the federal Record of Decision for the Alaskan Way Viaduct Replacement  
28 Project, the City Council by this resolution notifies the Washington State Department of  
Transportation, as provided in Section 6 of Ordinance 123542, that the City wishes to proceed  
with the agreements accepted by Ordinance 123542.



1 Adopted by the City Council the 19<sup>th</sup> day of September, 2011, and  
2 signed by me in open session in authentication of its adoption this 19<sup>th</sup> day  
3 of September, 2011.

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

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7 Filed by me this 19<sup>th</sup> day of September, 2011.

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10 Monica Martinez Simmons, City Clerk

11  
12 (Seal)



**FISCAL NOTE FOR CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Legislative	Norm Schwab x4-9292	

**Legislation Title:** A RESOLUTION relating to the State Route 99 Alaskan Way Viaduct and Seawall Replacement Program and Ordinance 123542, giving notice to the Washington State Department of Transportation that the City wishes to proceed beyond preliminary design with remaining work as addressed in the City-State agreements regarding the SR 99 Bored Tunnel Project.

**Summary of the Legislation:**

After having reviewed and considered the SEPA/NEPA Final Environmental Impact Statement and the federal Record of Decision for the Alaskan Way Viaduct Replacement Project, the City Council by this resolution notifies the Washington State Department of Transportation, as provided in Section 6 of Ordinance 123542, that the City wishes to proceed with the agreements accepted by Ordinance 123542.

**Background:**

A description of the agreements and a discussion of the related fiscal implications are included in the Fiscal Note to Ordinance 123542.

Please check one of the following:

**This legislation does not have any financial implications.**  
(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

**This legislation has financial implications.**  
(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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277018  
CITY OF SEATTLE, CLERKS OFFICE

No. 31322,31323,31324

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY RESOLUTION

was published on

10/06/11

The amount of the fee charged for the foregoing publication is the sum of \$ 47.78, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

10/06/11

Notary public for the State of Washington,  
residing in Seattle

## State of Washington, King County

### City of Seattle

#### Title Only Resolution

##### RESOLUTION NO. 31322

A RESOLUTION relating to Local Improvement District (LID) No. 6750; authorizing the segregation of the local improvement assessment on real property known on the assessment roll of LID No. 6750 as LID numbers 114,115,116,117 and 118, upon the application of Urban Venture, LLC.

##### RESOLUTION NO. 31323

A RESOLUTION concerning the Alaskan Way Viaduct and Seawall Replacement Program Advisory Committee on Tolling & Traffic Management; stating the Council's intent to convene the Committee to advise the City and the State on options and strategies to raise revenue and to minimize traffic diversion; and appointing some and confirming the membership of the Committee.

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Date of publication in the Seattle Daily Journal of Commerce, October 6, 2011.  
10/6(277018)