

PETITION FOR REFERENDUM

To the City Council of The City of Seattle

We, the undersigned registered voters of The City of Seattle, State of Washington, respectfully direct that Ordinance No. 123542 [Council Bill 117101] entitled: *AN ORDINANCE relating to the State Route 99 Alaskan Way Viaduct and Seawall Replacement Program; entering into certain agreements with the State of Washington as provided in RCW 39.34.080, RCW Chapter 47.12, and other applicable law; and ratifying and confirming certain prior acts, a true and correct copy of which is included, be referred to the voters at the next municipal election.*

I am a **legal voter** of The City of Seattle, State of Washington.
My residence address is correctly stated. I have **personally signed** this petition.

1.	<input type="checkbox"/> X SIGNATURE	PRINT NAME	STREET ADDRESS	DATE
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WARNING Ordinance 942891 provides as follows:

Section 1. It is unlawful for any person:

1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or
2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or
3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment petition by threat, intimidation or any other corrupt means or practice; or
4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition

for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle."

The provisions of this ordinance shall be printed as a warning on every petition for a City initiative, referendum, or Charter amendment.

Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment."

Return Petitions to: Protect Seattle Now, PO BOX 17385 Seattle, WA 98127

**Council Bill 117101
Ordinance 123542**

AN ORDINANCE relating to the State Route 99 Alaskan Way Viaduct and Seawall Replacement Program; entering into certain agreements with the State of Washington as provided in RCW 39.34.080, RCW chapter 47.12, and other applicable law; and ratifying and confirming certain prior acts.

WHEREAS, in the 1950s, the City of Seattle and the Washington State Department of Transportation jointly designed and built the Alaskan Way Viaduct to accommodate passenger and freight mobility into the foreseeable future; and WHEREAS, in 2001 the Nisqually earthquake damaged the Alaskan Way Viaduct and Seawall; and

WHEREAS, the Alaskan Way Viaduct and Seawall are at risk of sudden and catastrophic failure in an earthquake and are nearing the end of their useful lives; and

WHEREAS, various studies have determined that it is not fiscally responsible to retrofit the viaduct, and that retrofitting would cause significant construction impacts; and

WHEREAS, in March 2007, the Washington State Governor, the King County Executive, and the Mayor of Seattle pledged to advance a series of key State Route 99 projects (Moving Forward Projects) that will facilitate the removal and/or repair of key portions of SR 99, including the Yesler Way Vicinity Stabilization Project, Electrical Line Relocation, the SR 99 South Holgate Street to South King Street Viaduct Replacement Project, and Transit Enhancements and Other Improvements; and

WHEREAS, in 2008 the State and City agreed to guiding principles for replacing the Alaskan Way Viaduct: improve public safety; provide efficient movement of people and goods now and in the future; maintain or improve downtown Seattle, regional, Port of Seattle and state economies; enhance Seattle's waterfront, downtown and adjacent neighborhoods as a place for people; create solutions that are fiscally responsible; and improve the health of the environment; and

WHEREAS, in 2008 the State and the City considered feedback from 16 meetings of a stakeholder advisory committee made up of representatives from business, labor, environmental, and neighborhood interests, and more than one thousand public comments collected during quarterly public meetings and more than 50 community briefings; and

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

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

WHEREAS, the proposed Alaskan Way Viaduct and Seawall Replacement (AWVSR) Program consists of a four-lane bored tunnel and improvements to City streets, the waterfront, and transit, and the Moving Forward Projects; and

WHEREAS, in October 2009, the City Council passed and the Mayor signed Ordinance Number: 123133, which established the Bored Tunnel Alternative as the City's preferred alternative and which authorized a memorandum of agreement between the State of Washington and the City of Seattle; and

WHEREAS, that agreement contemplated that the State and City would negotiate further agreements detailing the State and City's relative rights and responsibilities in the State highway project; and

WHEREAS, In August 2010, the City Council passed Resolution Number: 31235, which expressed the City Council's intent to authorize additional agreements with the State if:

- 1) The State awarded a contract consistent with the Draft Design-Build Contract;
- 2) The State demonstrated it could complete all elements of WSDOT's Program within the Program Budget;
- 3) The State provided the City with clear documentation identifying all changes between the Draft Design-Build Contract and the awarded construction contract; and
- 4) The State Legislature has not enacted legislation to overturn WSDOT's responsibility for Program costs, including cost overruns, as set out in the proposed agreements between the State and City; and

WHEREAS those conditions have been met; and,
WHEREAS Resolution 31235 also restated the City's policy that the State is solely responsible for all costs, including any cost overruns, related to implementing WSDOT's Program; and

WHEREAS the City and State have negotiated final versions of interlocal agreements, which are attached to this ordinance as Exhibit A, Attachments 1, 2

, and 3 ("The Agreements");

WHEREAS in a letter dated January 28, 2011, the State has offered to enter into the Agreements as legally binding contracts between the State and the City; and

WHEREAS the City's timely acceptance of the Agreements by enactment of this ordinance will protect the City's vital interests;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. In a letter dated January 28, 2011, (Exhibit A to this Ordinance), the State of Washington has offered to enter into and be legally bound by the Agreements, in the form of Attachments 1, 2 and 3 to Exhibit A, if the City accepts the Agreements by ordinance as provided in RCW 39.34.080, Chapter RCW 47.12, and other applicable law. The Agreements" are:

1. MEMORANDUM OF AGREEMENT NO. GCA 6486, SR 99 ALASKAN WAY VIADUCT, PROPERTY, ENVIRONMENTAL REMEDIATION, DESIGN REVIEW, PERMITTING, AND CONSTRUCTION COORDINATION AGREEMENT FOR SR 99 BORED TUNNEL PROJECT, attached as Attachment 1 to Exhibit A;
2. MEMORANDUM OF AGREEMENT UT 01476 SR 99 ALASKAN WAY VIADUCT REPLACEMENT BORED TUNNEL PROJECT SPU FACILITIES WORK, attached as Attachment 2 to Exhibit A; and
3. MEMORANDUM OF AGREEMENT UT 01474 SR 99 ALASKAN WAY VIADUCT REPLACEMENT BORED TUNNEL PROJECT SCL FACILITIES WORK, attached as Attachment 3 to Exhibit A.

Section 2. Acceptance of the Agreements. By enacting this ordinance, the City of Seattle accepts the offer made by the State and agrees that the City shall be legally bound by the Agreements attached as Exhibit A, Attachments 1, 2, and 3. The Agreements, having been accepted by the legislative authority of the City of Seattle by this ordinance as provided in RCW 39.34.080, RCW Chapter 47.12, and other applicable law, shall be effective as of the effective date of this ordinance.

Section 3. Signature as a Ministerial Act. The City Clerk is authorized to sign the Agreements as a ministerial act evidencing the City's acceptance of the Agreements.

Section 4. As provided in Seattle City Charter Article V, Section 7, the Mayor shall see that the Agreements are faithfully kept and performed.

Section 5. Authority to Amend the Agreements. Section 30.4 of Exhibit A, Attachment 1 provides:

This Agreement including the definition of the PROJECT as more particularly described in the Project Description attached as Exhibit A may be amended only by a written instrument, duly authorized by the CITY and the STATE, and executed by their duly authorized representatives.

For purposes of Section 30.4, "duly authorized by the City" means expressly authorized by ordinance and the City's "duly authorized representative" means the person identified in that authorizing ordinance.

Section 6. The City Council is authorized to decide whether to issue the notice referenced in Section 2.3 of each Agreement. That decision shall be made at an open public meeting held after issuance of the Final Environmental Impact Statement.

Section 7. Any act consistent with the authority of this ordinance taken after the passage of this ordinance and prior to its effective date is hereby ratified and confirmed.

Section 8. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 28th day of February, 2011, and signed by me in open session in the authentication of its passage this 28th day of February, 2011.

President Richard Conlin of the City Council

Approved by me this 28th day of February, 2011.

Michael McGinn, Mayor

Filed by me this 28th day February, 2011.

City Clerk