

Ordinance No. 123048

Council Bill No. 116588

AN ORDINANCE granting Swedish Health Services permission to construct, maintain and operate a pedestrian skybridge crossing over Cherry Street, west of Broadway and east of Minor Avenue, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

CF No. _____

Date Introduced:	<u>7.20.09</u>	
Date 1st Referred:	To: (committee) <u>Transportation</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor:	Date Approved: <u>7.28.09</u>	
Date Returned to City Clerk:	Date Published: <u>12</u>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Jan Drago
Councilmember

Committee Action:

7/21/09 Pass JD, SC, Richard M, NZ

7-27-09 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Department

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 123048

1
2 AN ORDINANCE granting Swedish Health Services permission to construct, maintain and
3 operate a pedestrian skybridge crossing over Cherry Street, west of Broadway and east of
4 Minor Avenue, for a ten-year term, renewable for two successive ten-year terms;
5 specifying the conditions under which this permit is granted providing for acceptance of
6 the permit and conditions; and ratifying and confirming certain prior acts.

7
8 WHEREAS, the full city block bounded by James and Cherry Street, Broadway and Minor
9 Avenue is being redeveloped by Swedish Health Services as part of its Major Institution
10 Master Plan for the Swedish Medical Center/First Hill Campus, approved March 14,
11 2005 by the Department of Planning and Development; and adopted by the City Council
12 on October 25, 2005; and

13
14 WHEREAS, Swedish Health Services applied for permission to construct, maintain and operate
15 a pedestrian skybridge crossing over Cherry Street, west of Broadway and east of Minor
16 Avenue, to connect a new surgical specialty wing to the existing hospital at the 3rd floor
17 level as an integral part of its Major Institution Master Plan; and

18
19 WHEREAS, by Resolution 30906 the City Council, with the Mayor concurring, granted
20 conceptual approval of the skybridge on August 14, 2006; and

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22 WHEREAS, pursuant to the Seattle Municipal Code (SMC) Chapter 15.64, Swedish Health
23 Services submitted final materials required for the Director of Transportation (“Director”)
24 to make a recommendation to the City Council on whether to grant or deny the skybridge
25 application, and the Director recommends that approval for the skybridge be granted; and

26
27 WHEREAS construction of the skybridge has now been completed, and the City and Swedish
28 Health Services have negotiated the terms for the maintenance and operation permit for the
skybridge; and

WHEREAS, the adoption of this ordinance is the culmination of the approval process for the
skybridge; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the terms and conditions of this ordinance, permission is hereby
granted to the Swedish Health Services (“Permittee”), its successors and assigns, to construct



1 maintain and operate a pedestrian skybridge crossing over Cherry Street, west of Broadway and
2 east of Minor Avenue.

3 Section 2. The permission herein granted to the Permittee, its successors and assigns,
4 shall be for a term of ten (10) years commencing June 15, 2008, and terminating at 11:59 p.m.
5 ten (10) years thereafter on June 14, 2018; provided, however, that upon written application of
6 the Permittee at least thirty (30) days before expiration of the term, the Director may renew the
7 permit for two (2) successive ten (10) year terms; provided further that the total term of the
8 permission as originally granted and thus extended shall not exceed thirty (30) years and is
9 subject to the rights of The City of Seattle (“City”) to terminate the permit as set forth in Section
10 5 of this ordinance.
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13 Section 3. The permission granted herein is subject to the Swedish Health Services
14 honoring their pledge to provide \$100,000 for public art following the Design Commission’s
15 recommendation that this investment be made on a distinct, tangible art installation beyond what
16 is being provided as architectural treatments for the skybridge.
17

18 Section 4. The permission granted herein is subject to the Permittee bearing the expense
19 of any protection, support or relocation of existing utilities deemed necessary by the owner of the
20 utility and the Permittee being responsible for any subsequent damage to the utilities due to the
21 construction, repair, reconstruction, maintenance, or operation of said pedestrian bridge.
22

23 Section 5. The permission granted herein is subject to primary and secondary use by the
24 City and the public of the street right-of-way for travel, utility purposes, and other street uses, and
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1 the City expressly reserves the right to require the Permittee to remove said pedestrian skybridge
2 at Permittee's sole cost and expense in the event that:

- 3 a) The City Council determines, by ordinance, that the space occupied by the pedestrian
4 skybridge is necessary for any primary or secondary public use or benefit, or that said
5 pedestrian skybridge interferes with any primary or secondary public use or benefit; or
6
7 b) The Director determines that any term or condition of this ordinance has been
8 violated, and such violation has not been corrected by the Permittee by the compliance
9 date after notice of violation has been given by the City.

10 A City Council determination that the space is needed for or interferes with a primary or
11 secondary public use or benefit shall be conclusive and final without any right of the Permittee to
12 resort to the courts to question the same.
13

14 Section 6. In the event that the permission herein granted is not renewed at the expiration
15 of a term, or extends to its termination in thirty (30) years and an application for a new permit is
16 not granted, or the City orders removal of said pedestrian skybridge pursuant to the terms of this
17 ordinance, then within ninety (90) days after such expiration, termination or order of removal, or
18 prior to the date stated in an "Order to Remove", as the case may be, the Permittee shall remove
19 said pedestrian bridge and shall replace all portions of the street that may have been disturbed for
20 any part of said pedestrian skybridge, in as good condition for public use as it was prior to
21 construction of said pedestrian bridge and in at least as good condition in all respects as the
22 abutting portions thereof. The Director shall then issue a certificate discharging the Permittee, or
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1 its successor or assignee, from responsibility under this ordinance for occurrences after the date
2 of such discharge.

3 Section 7. The Permittee shall not commence reconstruction, relocation, readjustment or
4 repair of said pedestrian bridge except under the supervision of, and in strict accordance with,
5 plans and specifications approved by the Director. The Director, in his/her judgment, may order
6 such reconstruction, relocation, readjustment or repair of said pedestrian skybridge at the
7 Permittee's own cost and expense because of the deterioration or unsafe condition of said
8 pedestrian skybridge, grade separations, or the installation, construction, reconstruction,
9 maintenance, operation or repair of any and all municipally-owned public utilities, or for any
10 other cause.
11

12 Section 8. After notice to the Permittee, and failure of the Permittee to correct said
13 unsafe or risk prone condition(s) within the time stated in such notice, the Director may order
14 said pedestrian skybridge closed if the Director deems that it has become unsafe or creates a risk
15 of injury to the public. In a situation in which there is an immediate threat to the health or safety
16 of the public, notice is not required.
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18 Section 9. Notwithstanding termination or expiration of the permission granted, or
19 closure or removal of said pedestrian skybridge, the Permittee shall remain bound by its
20 obligation under this ordinance until:
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- 22 a) said pedestrian bridge and all its equipment and property are removed from the street;
23 b) the area is cleared and restored in a manner and to a condition satisfactory to the
24 Director; and
25



1 c) The Director certifies that the Permittee has discharged its obligation herein.

2 Provided that upon prior notice to the Permittee and entry of written findings that such is in the
3 public interest, the Director may, in his/her sole discretion, excuse the Permittee, conditionally or
4 absolutely, from compliance with all or any of the Permittee's obligations to remove said
5 pedestrian skybridge and its property, and restore disturbed areas.
6

7 Section 10. Said pedestrian skybridge shall remain the exclusive responsibility of the
8 Permittee. The Permittee, by acceptance of the terms set forth in this ordinance and the
9 permission hereby granted, releases the City from any and all claims resulting from damage or
10 loss to its own property and does covenant and agree for itself, its successors and assigns, with
11 the City, to at all times protect and save harmless the City from all claims, actions, suits, liability,
12 loss, costs, expense or damages of every kind and description (excepting only such damages that
13 may result from the negligence of the City), which may accrue to, or be suffered by, any person
14 or persons and/or property or properties, including without limitation, damage or injury to the
15 Permittee, its officers, agents, employees, contractors, invitees, tenants and tenants' invitees,
16 licensees or its successors and assigns, by reason of the construction, maintenance, operation or
17 use of said pedestrian skybridge, or any portion thereof, or by reason of anything that has been
18 done, or may at any time be done, by the Permittee, its successors or assigns, by reason of this
19 ordinance, or by reason of the Permittee, its successors or assigns, failing or refusing to strictly
20 comply with each and every provision of this ordinance; and if any such suit, action or claim be
21 filed, instituted or begun against the City, the Permittee, its successors or assigns, shall, upon
22 notice thereof from the City, defend the same at its or their sole cost and expense, and in case
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1 judgment shall be rendered against the City in any suit or action, the Permittee, its successors or
2 assigns, shall fully satisfy said judgment within ninety (90) days after such action or suit shall
3 have been finally determined, if determined adversely to the City. Provided that if it is
4 determined by a court of competent jurisdiction that RCW 4.24.115 applies to this ordinance,
5 then in the event claims or damages are caused by or result from the concurrent negligence of:

- 6
- 7 a) the City, its agents, contractors or employees; and,
 - 8 b) the Permittee, its agents, contractors, employees or its successors or assigns,

9 this indemnity provision shall be valid and enforceable only to the extent of the negligence of the
10 Permittee or the Permittee's agents, contractors, employees or its successors or assigns.

11

12 Section 11. For as long as the Permittee, its successors and assigns, shall exercise any
13 permission granted by this ordinance and until said pedestrian skybridge is entirely removed from
14 its location as described in Section 1 or until discharged by order of the Director as provided in
15 Section 6 of this ordinance, the Permittee shall obtain and maintain in full force and effect, at its
16 own expense, insurance policies which fully protect the City from any all claims and risks of any
17 loss from perils which can be insured against under general liability insurance contracts and fire
18 insurance contracts, including any extended coverage endorsements thereto which are
19 customarily available from time to time, in conjunction with:

- 20
- 21 a) construction, reconstruction, operation, maintenance, use or existence of said
22 pedestrian skybridge permitted by this ordinance and of any and all portions of said
23 pedestrian skybridge;
24



- b) Permittee's activity upon, or the use or occupation of the Cherry Street right-of-way west of Broadway and east of Minor Avenue, the area described in Section 1 of this ordinance, and
- c) any and all claims and risks in connection with and activity performed by the Permittee by virtue of the permission granted by this ordinance.

Minimum insurance requirements shall be a policy of comprehensive commercial general liability of a form acceptable to the City. The City will require insurance coverage to be placed with a company admitted and licensed to conduct business in Washington State, except that if it is infeasible to obtain such a policy, the City may approve an alternative company. Minimum policy limits shall be Two Million Dollars (\$2,000,000) per occurrence and Four Million Dollars (\$4,000,000) annual aggregate each period. Coverage shall specifically name said pedestrian skybridge exposure. Liability coverage shall add by endorsement the City of Seattle, its elected and appointed officers, officials, employees and agents as additional insured. Coverage shall contain a Separation of Insured's clause indicating essentially that "except with respect to the limits of insurance, and any rights or duties specifically assigned in this coverage part of the first named insured, this insurance applies as if each named insured were the only named insured, and separately to each insured against whom claim is made or suit is brought". The City will not accept a certificate of insurance as evidence of current coverage. Evidence of current coverage shall be submitted to the City in the form of a copy of the insurance policy declaration page, indicating all endorsements attached thereto, and is a condition to the validity of this permit.



1 Should the Permittee be self-insured, a letter from the Corporate Risk Manager, or
2 appropriate Finance Officer, may be acceptable in lieu of insurance provided that such letter
3 discloses such information as required by the City's Risk Manager. After such self-insurance
4 letter is approved, the City may subsequently from time to time require updated or additional
5 information.

6
7 Section 12. The Permittee shall require that any and all of its contractors performing
8 construction work on the premises as contemplated by this permit, name the City as an additional
9 insured on all policies of public liability insurance, and shall include in all contract documents a
10 provision extending construction indemnities and warranties granted to Permittee to the City as
11 well.

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13 Section 13. Within sixty (60) days after the effective date of this ordinance the Permittee
14 shall deliver to the Director for filing with the City Clerk a good and sufficient bond in the sum
15 of Three Hundred Thousand Dollars (\$300,000.00), executed by a surety company authorized
16 and qualified to do business in the State of Washington, conditioned that the Permittee will
17 comply with each and every provision of this ordinance and with each and every order of the
18 Director pursuant thereto. Said bond shall remain in effect until such time as said pedestrian
19 skybridge is entirely removed from its location as described in Section 1, or until the Permittee is
20 discharged by order of the Director as provided in Section 6 of this ordinance.

21
22 Section 14. The Director, in consultation with the City Risk Manager, may adjust
23 minimum levels of liability insurance and surety bond requirements during the term of this
24 permission, if the Director and Risk Manager determine that an adjustment is necessary to fully
25



1 protect the interests of the City. The Director shall notify the Permittee of the new requirements
2 in writing. Upon receipt, the Permittee shall provide proof of the adjusted required levels of
3 insurance and surety bond to the Director within sixty (60) days.

4 Section 15. The right, privilege and authority hereby granted shall not be assignable or
5 transferable by operation of law, nor shall the Permittee, their successors or assigns, assign,
6 transfer, mortgage, pledge or encumber the same without the consent of the Director, which
7 consent Director shall not unreasonably refuse. The Director may approve assignment and/or
8 transferal of the permit to a successor entity in the case of a change of name and/or ownership
9 provided that the successor or assignee has demonstrated its acceptance of all of the terms of the
10 permission granted to the initial Permittee.
11

12 Section 16. The Permittee, its successors and assigns, shall pay to the City such amounts
13 as may be justly chargeable by the City as costs of inspection of said pedestrian skybridge during
14 construction, reconstruction, repair, annual structural inspections with the inspection report
15 provided to the Director, and at other times deemed necessary to ensure the safety of said
16 pedestrian skybridge, under the direction of the Director, as provided by Municipal Code Section
17 15.76. Permittee shall also promptly pay to the City in advance upon statements rendered by the
18 Director an annual fee for the privileges granted and exercised hereunder of Eight Thousand Nine
19 Hundred Ten Dollars (\$8,910.00) beginning the commencement date of this ordinance and
20 annually thereafter. Adjustments to the annual fee amount shall be made in accordance with a
21 term permit fee schedule adopted by the City Council by ordinance and may be adjusted every
22 year. In the absence of such a schedule, the Director may only increase or decrease the previous
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1 year's fee amount annually to reflect any inflationary changes so as to charge said fee in constant
2 dollar terms. This adjustment will be calculated by adjusting the previous year's fee amount by
3 the percentage change between the two most recent year-end values available of the Consumer
4 Price Index for the Seattle-Tacoma-Bremerton Area, All Urban Consumers, All Products, and
5 Not Seasonally Adjusted. All payments shall be made to the City Finance Director for credit to
6 the Transportation Operating Fund. The City shall provide an invoice for the annual fees for the
7 years commencing June 15, 2008, and June 15, 2009, within thirty days following the effective
8 date of this ordinance.
9

10 Section 17. The Permittee shall not discriminate against any (1) employee, (2) applicant
11 for employment, or (3) person with respect to the award or referral of a contract or with respect
12 to the conditions, terms, price or performance standards, or other provisions of a contract in
13 connection with the design, architectural or structural engineering work or the construction,
14 repair, or maintenance of said pedestrian skybridge permitted to be erected and/or operated
15 pursuant to this ordinance, on the basis of race, religion, creed, color, sex, marital status, sexual
16 orientation, gender identity, political ideology, ancestry, age, national origin, or the presence of
17 any sensory, mental or physical handicap unless based upon bona fide occupational qualification.
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19 The Permittee shall:
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- 21 a) post in conspicuous places available to such employees and applicants for such
22 employment, notices setting forth the provisions of this non-discrimination clause;
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24 and
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1 b) insert in any contract for work undertaken in connection with the design, architectural
2 or structural engineering work or the repair, construction, maintenance or operation of
3 said pedestrian skybridge referenced in this ordinance language substantially similar
4 to the language contained in this Section 17 and which requires any person or entity
5 entering into such contract to comply with the non discrimination provisions of this
6 Section.
7

8 Section 18. The Permittee shall deliver its written acceptance of the permission conferred
9 by this ordinance and its terms and conditions to the Director within sixty (60) days after the
10 effective date of this ordinance. The acceptance shall be filed with the City Clerk. If no such
11 acceptance is received by then, the privileges provided by this ordinance shall be deemed
12 declined or abandoned; and the permission extended, contingent upon its acceptance, deemed
13 lapsed and forfeited.
14

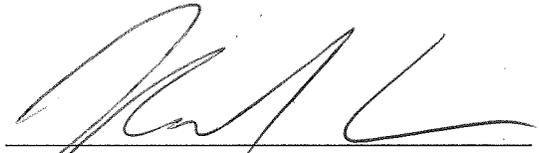
15 Section 19. Any act taken by the City or the Permittee pursuant to the authority and in
16 compliance with the conditions of this ordinance, but prior to the effective date, is hereby ratified
17 and confirmed.
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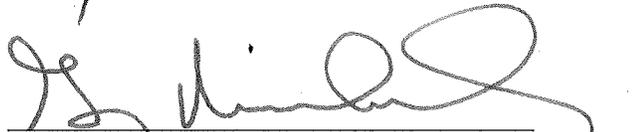
1 Section 20. This ordinance shall take effect and be in force thirty (30) days from and
2 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
3 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 27th day of July, 2009, and
5 signed by me in open session in authentication of its passage this

6
7 27th day of July, 2009.

8
9
10 
11 _____
12 President _____ of the City Council

13 Approved by me this 28th day of July, 2009.

14 
15 _____
16 Gregory J. Nickels, Mayor

17 Filed by me this 30th day of July, 2009.

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19 
20 _____
21 City Clerk Interim

22
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27
28 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Department of Transportation	Brian de Place 233-3855	Stephen Barham 733-9084

Legislation Title:

AN ORDINANCE granting Swedish Health Services permission to construct, maintain and operate a pedestrian skybridge crossing over Cherry Street, west of Broadway and east of Minor Avenue, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

• **Summary of the Legislation:**

The legislation grants permission to Swedish Health Services for the construction, maintenance and operation of a pedestrian skybridge over Cherry Street, west of Broadway and east of Minor Avenue, as proposed by Swedish Health Services, for the First Hill campus. See Attachment 1.

The permit is for an initial ten-year term, renewable for two successive ten-year terms for a total of 30 years. The legislation specifies the conditions under which authorization is granted and provides for acceptance of the permit and conditions, which will include a commitment to provide \$100,000 of publicly accessible art. See Attachment 2.

Swedish Health Services is to pay to the City of Seattle an annual fee of \$8,910.00 beginning with, and retroactive to, the commencement date of June 15, 2008, on the effective date of the ordinance and annually thereafter. Adjustments to the annual fee amount shall be made in accordance with a term permit fee schedule adopted by the City Council by ordinance and may be adjusted every year. In the absence of such a schedule, the Director may only increase or decrease the previous year's fee amount annually to reflect any inflationary changes so as to charge said fee in constant dollar terms. This adjustment will be calculated by adjusting the previous year's fee amount by the percentage change between the two most recent year-end values available of the Consumer Price Index for the Seattle-Tacoma-Bremerton Area, All Urban Consumers, All Products, and Not Seasonally Adjusted. See Attachment 3.

This legislation replaces Council Bill 116316 and reflects SDOT's current methodology for calculating pedestrian skybridge fees.



- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

Swedish Health Services obtained final approval of the Major Institutional Master Plan from DPD on October 25, 2005, for its re-development project. Swedish Health Services submitted the information required for the Director of Transportation to make a recommendation to the City Council on whether to grant or deny conceptual approval; the Director circulated the conceptual information to the City departments and public and private utilities interested in or affected by the proposed skybridge (C.F. 307690), and compiled the responses; and by Resolution 30906 the City Council, with the Mayor concurring, granted conceptual approval of the skybridge on August 14, 2006.

The construction of the skybridge has been completed. The City and Swedish Health Services have negotiated the terms for maintenance and operations. This ordinance is the culmination of the approval process.

- *Please check one of the following:*

This legislation does not have any financial implications.
 This legislation has financial implications. *(Please complete all relevant sections that follow.)*

Appropriations: *This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation, please provide details in the Notes section below.*

Fund Name and Number	Department	Budget Control Level*	2009 Appropriation	2010 Anticipated Appropriation
TOTAL				

**See budget book to obtain the appropriate Budget Control Level for your department.*

Notes:

Anticipated Revenue/Reimbursement: Resulting From This Legislation: *This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.*



Susan Paine/Angela Steel
SDOT Swedish Skybridge Cherry St FISC
June 15, 2009
Version #4

Fund Name and Number	Department	Revenue Source	2009 Revenue	2010 Revenue
Transportation Operating Fund 10310	Seattle Department of Transportation	Annual Fee – to include annual inspection costs	\$8,910 (June 2008-May 2009)	\$8,910 + 4.2% CPI (June 2009-May 2010)
TOTAL				



Total Regular Positions Created, Modified, Or Abrogated Through This Legislation,

Including FTE Impact: *This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.*

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2009 Positions	2009 FTE	2010 Positions*	2010 FTE*
TOTAL							

- *2010 positions and FTE are total 2010 position changes resulting from this legislation, not incremental changes. Therefore, under 2010, please be sure to include any continuing positions from 2009.*

Notes:

NA

- **Do positions sunset in the future?** *(If yes, identify sunset date):* NA

Spending/Cash Flow: *This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.*

Fund Name & #	Department	Budget Control Level*	2009 Expenditures	2010 Anticipated Expenditures
TOTAL				

- *See budget book to obtain the appropriate Budget Control Level for your department.*

Notes: NA

- **What is the financial cost of not implementing the legislation?** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented.)*

If the legislation is not implemented by the City Council, the City of Seattle will not receive the annual fee of \$8,910 for at least ten years. As previously stated, the City of Seattle has the option to adjust the fee amount on an annual basis. Additionally, the skybridge, which was granted conceptual approval by Resolution 30906, will not be permitted; and Swedish Health Services will be out of compliance with the requirements of SMC Chapter 15.64.



- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** *(Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)*

None

- **Is the legislation subject to public hearing requirements:**

No

- **Other Issues** *(including long-term implications of the legislation):*

None.

Attachment 1: Map showing the location of the skybridge

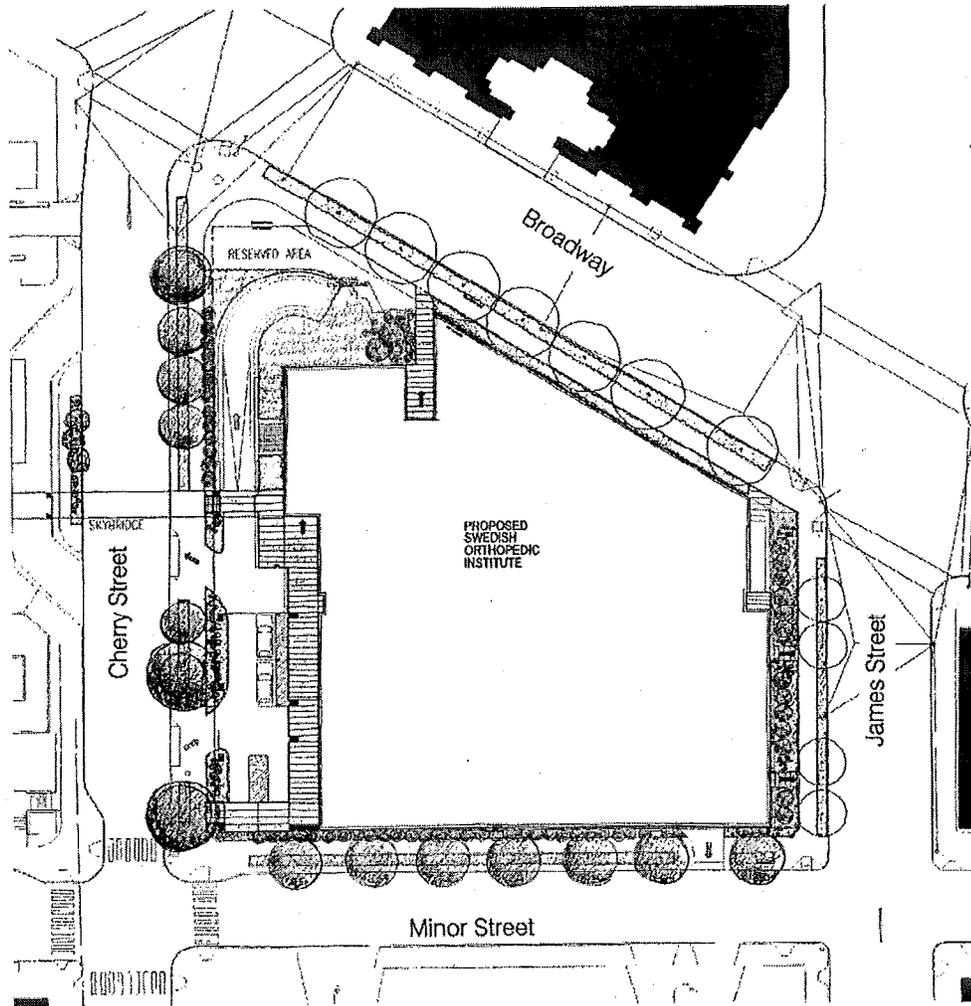
Attachment 2: Publically accessible art

Attachment 3: Street use value estimate



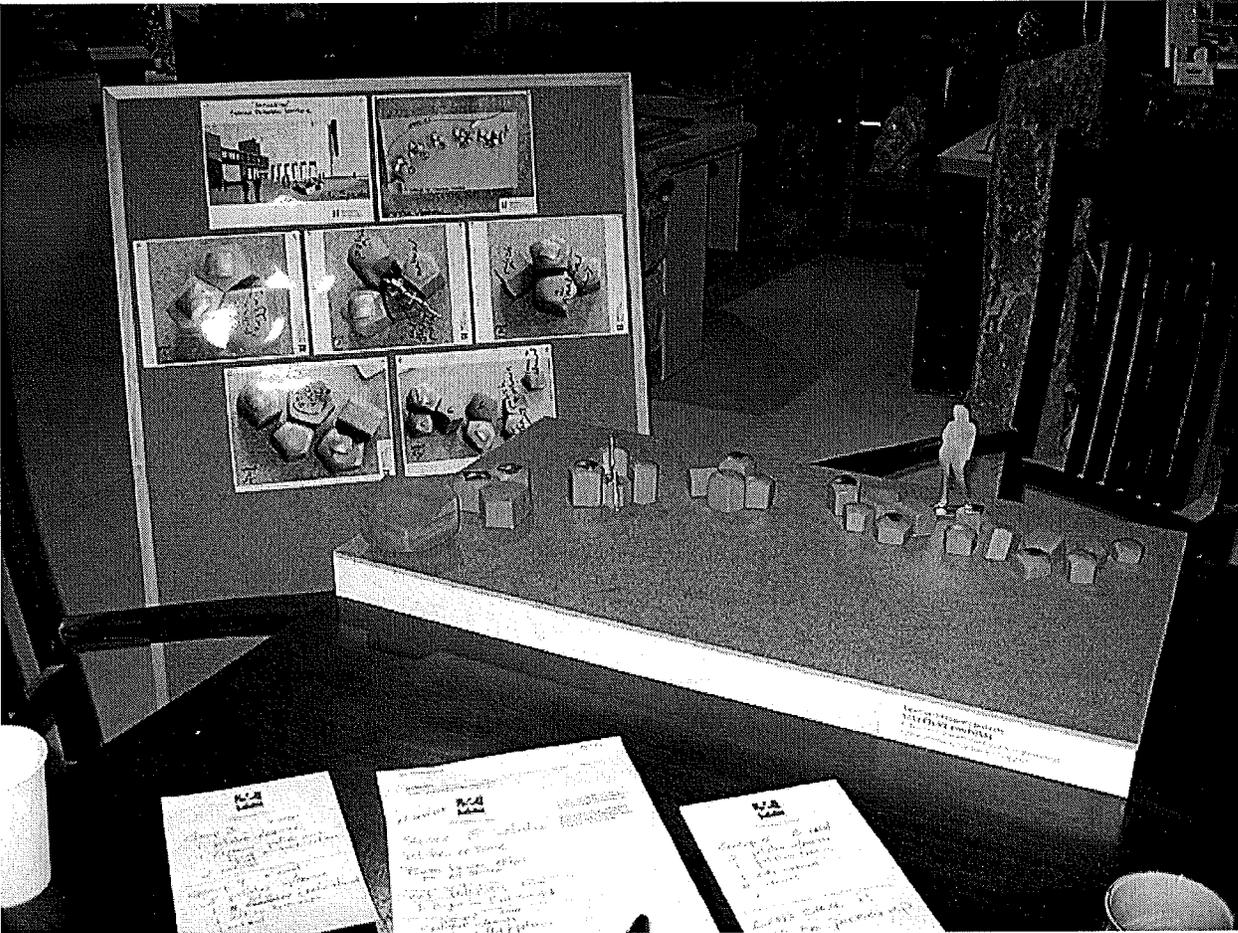
Attachment 1

Map showing the location of the skybridge.



Attachment 2

Publicly accessible art



Attachment 3
STREET USE VALUE ESTIMATE

Summary: Land Value: \$250/SF First Year Permit Fee: \$8,910.00
--

Date: 2/11/2009
 Prepared by: John Bresnahan Sr. Real Estate Agent

I. Property Description:

That portion of the 66' wide public road right-of-way known as Cherry Street bounded by Minor Avenue to the west and Broadway Avenue to the east lying beneath a skybridge connecting tax parcels 859090-0860 and 859090-0970, measuring approximately 792 square feet (12' bridge width X 66' right-of-way).

II. Applicant:

Swedish Health Services, 747 Broadway, Seattle.

III. Zoning, Size, Assessed Value:

Parcel 859090-0860--NC3-85. 49,740 square feet. Assessed \$155/SF
 Parcel 859090-0970—MIO-MR-240. 73,043 square feet (assembled one usage). Assessed \$155/SF (average of 4 parcels).

IV. Highest and Best Use Analysis:

The highest and best use of this particular public road right-of-way would be assemblage to the adjoining properties.

V. Brief Sales Data Summary:

	Sale #1	Sale #2	Sale #3	Sale #4
Location	Seattle U.	9 th & Columbia	8 th & Columbia	1001 Broadway
Sale Price	\$15,500,000	\$11,200,109	\$7,143,346	\$21,100,00
Area SF	92,173	57,611	28,793	28,695
Sale Date	11/2007	2/2007	2/2007	2/2008
Zoning	MIO-37-L-3	HR	HR	NC3-160
Price/SF	\$168	\$251	\$248	\$297
Parcel Number	224500875 (multiple)	8590400830 (multiple)	8590400825 (multiple)	1978201145

VI. Notes:

Greatest consideration is given to sales #2 and #3. Sale prices within approximately one mile from the subject ranged from \$98/SF for mixed use development south of the skybridge to \$521/SF for medical buildings/land north of the skybridge.

VII. Conclusion:

The value of that portion of Cherry Street beneath the Swedish Hospital skybridge is estimated at \$250 per square foot. The first year permit fee should be calculated as follows: (\$250/SF) X (792 SF) X (50%) X (9%) = \$8,910.00, where 50% is the air rights/alienation multiplier and 9% is the rate of return.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

July 14, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

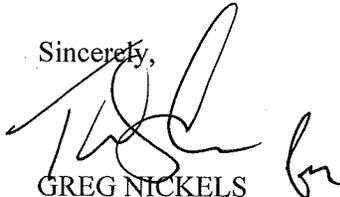
I am pleased to transmit the attached proposed Council Bill that will grant a term permit to Swedish Health Services for the construction, maintenance and operation of a pedestrian skybridge over Cherry Street, west of Broadway and east of Minor Avenue. This will be a ten-year term permit, renewable for two additional ten-year terms.

Swedish Health Service's Major Institution Master Plan, which was approved March 14, 2005 by the Department of Planning and Development, described the redevelopment of the full city block bounded by James and Cherry Streets, Broadway and Minor Avenue and included a pedestrian skybridge over Cherry Street. Conceptual approval for the skybridge was granted by Resolution 30906 on August 14, 2006. The skybridge spans Cherry Street at a location that is not designated as a protected view corridor.

This skybridge provides a safe, direct and crucial time-saving connection between the existing Swedish Medical Center/First Hill main campus buildings and the new Orthopedic Institute, for both ambulatory and non-ambulatory patients transported to the Intensive Care Unit, and for medical personnel to respond to emergencies. Swedish Health Services will provide streetscape improvements, including a large plaza at the corner of Cherry and Broadway, with two other integrated public plazas, landscape plantings, and provision of \$100,000 for art in the public realm by noted Northwest artist, Julie Speidel.

Thank you for your consideration of this legislation. Should you have questions, please contact Brian de Place at 233-3855.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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STATE OF WASHINGTON – KING COUNTY

--SS.

243029
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

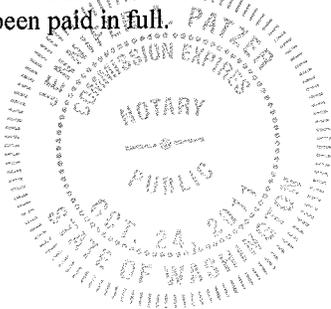
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123048-123050

was published on

08/06/09

The amount of the fee charged for the foregoing publication is the sum of \$ 91.98, which amount has been paid in full.



[Handwritten signature]

Subscribed and sworn to before me on

08/06/09

[Handwritten signature]

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

123048
123049
123050

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on July 27, 2009, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123050

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 123049

AN ORDINANCE relating to the Department of Neighborhoods; authorizing

implementation of certain Neighborhood Matching Fund projects in 2009, and specifying that 2009 appropriations for the Neighborhood Matching Subfund shall carry forward automatically to future budget years.

ORDINANCE NO. 123048

AN ORDINANCE granting Swedish Health Services permission to construct, maintain and operate a pedestrian skybridge crossing over Cherry Street, west of Broadway and east of Minor Avenue, for a ten-year term, renewable for two successive ten-year terms; specifying the conditions under which this permit is granted providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, August 6, 2009.
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