



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

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

7 WHEREAS, in October 2009, the City Council passed and the Mayor signed Ordinance Number:  
8 123133, which established the Bored Tunnel Alternative as the City's preferred  
9 alternative and which authorized a memorandum of agreement between the State of  
Washington and the City of Seattle; and

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

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

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

21 WHEREAS those conditions have been met; and,

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

24 WHEREAS the City and State have negotiated final versions of interlocal agreements, which are  
25 attached to this ordinance as Exhibit A, Attachments 1, 2 , and 3 ("The Agreements");

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

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

5 NOW, THEREFORE,

6 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

12 1. MEMORANDUM OF AGREEMENT NO. GCA 6486, SR 99 ALASKAN WAY  
13 VIADUCT, PROPERTY, ENVIRONMENTAL REMEDIATION, DESIGN REVIEW,  
14 PERMITTING, AND CONSTRUCTION COORDINATION AGREEMENT FOR SR 99  
15 BORED TUNNEL PROJECT, attached as Attachment 1 to Exhibit A;

16 2. MEMORANDUM OF AGREEMENT UT 01476 SR 99 ALASKAN WAY  
17 VIADUCT REPLACEMENT BORED TUNNEL PROJECT SPU FACILITIES WORK,  
18 attached as Attachment 2 to Exhibit A; and

19 3. MEMORANDUM OF AGREEMENT UT 01474 SR 99 ALASKAN WAY  
20 VIADUCT REPLACEMENT BORED TUNNEL PROJECT SCL FACILITIES WORK,  
21 attached as Attachment 3 to Exhibit A.

22 Section 2. Acceptance of the Agreements. By enacting this ordinance, the City of Seattle  
23 accepts the offer made by the State and agrees that the City shall be legally bound by the  
24

1 Agreements attached as Exhibit A, Attachments 1, 2, and 3. The Agreements, having been  
2 accepted by the legislative authority of the City of Seattle by this ordinance as provided in RCW  
3 39.34.080, RCW Chapter 47.12, and other applicable law, shall be effective as of the effective  
4 date of this ordinance.

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

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

9 Section 5. Authority to Amend the Agreements. Section 30.4 of Exhibit A, Attachment  
10 1 provides:

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

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

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

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

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

4 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and signed by me in open  
5 session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

6  
7  
8 \_\_\_\_\_  
9 President \_\_\_\_\_ of the City Council

10  
11 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

12  
13 \_\_\_\_\_  
14 Michael McGinn, Mayor

15  
16 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

17  
18 \_\_\_\_\_  
19 City Clerk

20  
21  
22 (Seal)

1 Exhibit A Letter from State of Washington to the City of Seattle dated January 28, 2011.

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3 Attachments to Exhibit A:

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5 1. MEMORANDUM OF AGREEMENT NO. GCA 6486, SR 99 ALASKAN WAY  
6 VIADUCT, PROPERTY, ENVIRONMENTAL REMEDIATION, DESIGN REVIEW,  
7 PERMITTING, AND CONSTRUCTION COORDINATION AGREEMENT FOR SR 99  
8 BORED TUNNEL PROJECT.

9

10 2. MEMORANDUM OF AGREEMENT UT 01476 SR 99 ALASKAN WAY  
11 VIADUCT REPLACEMENT BORED TUNNEL PROJECT SPU FACILITIES WORK.

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13 3. MEMORANDUM OF AGREEMENT UT 01474 SR 99 ALASKAN WAY  
14 VIADUCT REPLACEMENT BORED TUNNEL PROJECT SCL FACILITIES WORK.

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