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Norm Schwab
LEG AWVSRP Notice RES
September 12, 2011
Version # 3

RESOLUTION 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.

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 Bored Tunnel Project (the Project) as the preferred replacement for the Alaskan Way Viaduct, pending the completion of environmental review; and

WHEREAS, in October 2009, the City Council passed and the Mayor signed Ordinance 123133, which established the Project 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 on February 7, 2011 the Council passed Council Bill 117101, which the Mayor vetoed on February 17, 2011, and which the Council reconsidered and passed on February 28, 2011, as authorized by Seattle Charter Article IV, Subsections 1.H and 1.K, thereby overriding the Mayor's veto to accept three agreements with the Washington State Department of Transportation (WSDOT) to address utility design and relocation for Seattle Public Utilities and Seattle City Light, and property, environmental remediation, design review, permitting, and construction coordination with the Seattle Department of Transportation [Ordinance 123542]; and

WHEREAS, King County provided the City Clerk on April 7, 2011 with a Certificate of Sufficiency that the petition for Referendum 1 originally submitted on March 30, 2011, to 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

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

WHEREAS, Section 6 of Ordinance 123542 reads: "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"; and

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

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

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

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

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

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

Section 1. 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.

Adopted by the City Council the ____ day of _____, 2011, and signed by me in open session in authentication of its adoption this_____ day of _____, 2011.

_____

President _____of the City Council

Filed by me this ____ day of _____, 2011.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Form revised: July 12, 2011

FISCAL NOTE FOR CAPITAL PROJECTS

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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:

_x_ **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.)