



SEATTLE CITY COUNCIL

Legislative Summary

Res 31857

Record No.: Res 31857

Type: Resolution (Res)

Status: Adopted

Version: 2

Ord. no:

In Control: City Clerk

File Created: 11/13/2018

Final Action: 12/14/2018

Title: A RESOLUTION granting conceptual approval of a Significant Structure Term Permit to Seattle Arena Company, LLC to construct, maintain, and operate a tunnel under and across Thomas Street, east of 1st Avenue North and west of Warren Avenue North, to enable the renovation of KeyArena at the Seattle Center.

Notes:

Date
Filed with City Clerk: 12/14/2018

Mayor's Signature: 12/14/2018

Sponsors: Harrell

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: amy.gray@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	11/16/2018	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Resolution (Res) was Mayor's leg transmitted to Council. to the City Clerk Notes:						
1	City Clerk	11/16/2018	sent for review	Council President's Office			
	Action Text: The Resolution (Res) was sent for review. to the Council President's Office Notes:						
1	Council President's Office	11/20/2018	sent for review	City Council			
	Action Text: The Resolution (Res) was sent for review. to the City Council Notes:						
1	City Council	11/26/2018	referred	City Council			

- | | | | | |
|---|----------------------------------|------------|--------------------|------|
| 1 | Select Committee on Civic Arenas | 12/03/2018 | | |
| 1 | City Council | 12/03/2018 | adopted as amended | Pass |

Action Text: The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution:

Notes: ACTION 1:

Motion was made and duly seconded to adopt Resolution 31857.

ACTION 2:

Motion was made by Councilmember Harrell, duly seconded and carried, to amend Resolution 31857, by substituting the fourth recital, as shown in the underlined and strike through language below:

~~WHEREAS, Oak View Group, LLC entered into a lease agreement with Seattle Arena Company, LLC, and Seattle Arena Company, LLC will be the permit holder for the Significant Structure Term Permit, and~~
WHEREAS, on November 2, 2018, Oak View Group, LLC and Seattle Arena Company, LLC entered into an agreement titled Assignment and Assumption of Seattle Center Arena Project Permits and Approvals, by which Seattle Arena Company, LLC was assigned and assumed Oak View Group, LLC's rights and obligations related to Oak View Group, LLC's application for a Significant Structure Term Permit; and

ACTION 3:

Motion was made and duly seconded to adopt Resolution 31857 as amended.

In Favor: 5 Councilmember Bagshaw, Council President Harrell, Councilmember Herbold, Councilmember Mosqueda, Councilmember O'Brien

Opposed: 0

- | | | | | |
|---|--------------|--|---------------------------------|-------|
| 2 | City Clerk | 12/07/2018 | submitted for Mayor's signature | Mayor |
| | Action Text: | The Resolution (Res) was submitted for Mayor's signature. to the Mayor | | |
| | Notes: | | | |

- | | | | | |
|---|--------------|--|------------------------|------------|
| 2 | Mayor | 12/14/2018 | Signed | |
| 2 | Mayor | 12/14/2018 | returned | City Clerk |
| 2 | City Clerk | 12/14/2018 | attested by City Clerk | |
| | Action Text: | The Resolution (Res) was attested by City Clerk. | | |
| | Notes: | | | |
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CITY OF SEATTLE

RESOLUTION 31857

A RESOLUTION granting conceptual approval of a Significant Structure Term Permit to Seattle Arena Company, LLC to construct, maintain, and operate a tunnel under and across Thomas Street, east of 1st Avenue North and west of Warren Avenue North, to enable the renovation of KeyArena at the Seattle Center.

WHEREAS, Section 15.65.055 of the Seattle Municipal Code (SMC) authorizes the Seattle City Council to grant conceptual approval of a term permit to construct a significant structure over, above, across, on, or under a public place; and

WHEREAS, Oak View Group, LLC and The City of Seattle entered into a Memorandum of Understanding on December 4, 2017, and passed by the Seattle City Council by Ordinance 125480 on December 4, 2017, regarding the redevelopment of KeyArena; and the Seattle City Council passed Ordinance 125669 on September 24, 2018, authorizing the Mayor of Seattle to execute Agreements with Seattle Arena Company, LLC for the renovation and lease of KeyArena; and

WHEREAS, Oak View Group, LLC applied to the Seattle Department of Transportation (SDOT) for a Significant Structure Term Permit to construct a tunnel under Thomas Street east of 1st Avenue North and west of Warren Avenue North, to provide access for trucks, buses, and other vehicles used to prepare for events at the renovated KeyArena; and

WHEREAS, on November 2, 2018, Oak View Group, LLC and Seattle Arena Company, LLC entered into an agreement titled Assignment and Assumption of Seattle Center Arena Project Permits and Approvals, by which Seattle Arena Company, LLC was assigned and assumed Oak View Group, LLC's rights and obligations related to Oak View Group, LLC's application for a Significant Structure Term Permit; and

1 WHEREAS, the new vehicle tunnel will provide a connection between the parcels to the south of
2 KeyArena and the below-grade loading dock and area in the renovated KeyArena; and

3 WHEREAS, the Director of SDOT ("Director") reviewed Seattle Arena Company, LLC's
4 submitted plans and application materials for constructing the vehicle access tunnel,
5 considered the factors listed in SMC 15.65.040.C and all relevant environmental
6 documents, and recommends that the Seattle City Council grant conceptual approval of
7 the Significant Structure Term Permit; and

8 WHEREAS, the City Council has considered the factors listed in SMC 15.65.040.C and the
9 recommendation of the Director; NOW, THEREFORE,

10 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE**
11 **MAYOR CONCURRING, THAT:**

12 Section 1. The City Council finds that the proposed tunnel that would run under and
13 across Thomas Street, east of 1st Avenue North and west of Warren Avenue North ("Tunnel"),
14 as proposed by Oak View Group, LLC, is in the public interest and that no reasonable alternative
15 to the Tunnel exists.

16 Section 2. As conditions for obtaining final approval of a Significant Structure Term
17 Permit to construct the Tunnel, Seattle Arena Company, LLC shall:

18 (1) Provide engineering and plans for additional review and permitting to the Seattle
19 Department of Transportation (SDOT), which the Director will circulate for review and
20 comment to other City departments and to public and private utilities that may be affected by the
21 installation of the Tunnel;

1 (2) Provide a surety bond, covenant agreement, and public liability insurance naming
2 the City as an additional insured or self-insurance, all of which are subject to approval by the
3 City's Risk Manager;

4 (3) Pay all City permit fees;

5 (4) Obtain all necessary permits;

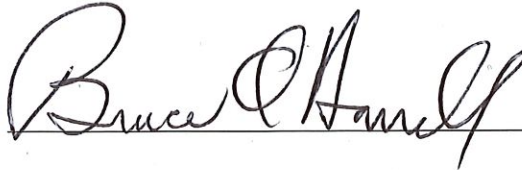
6 (5) Maintain and inspect the Tunnel; and

7 (6) Upon expiration of the permit remove the Tunnel and restore the right-of-way to
8 as good condition for public use as existed prior to construction of the Tunnel and in at least as
9 good condition in all respects as the abutting portions of the public place, as required by SDOT
10 right-of-way restoration standards or as specified by the Director or by the City Council pursuant
11 to the provisions of the final term permit ordinance.

12 Section 3. After this resolution is adopted, SDOT shall draft an ordinance that grants final
13 approval of the term permit and describes the proposed conditions of approval. The City Council
14 may approve, amend, or decline to adopt the ordinance.

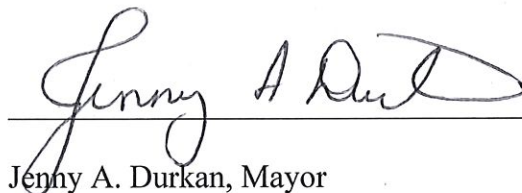
15 Section 4. As recommended by the Director and the Mayor, conceptual approval of a
16 term permit for construction of the Tunnel under and across Thomas Street, east of 1st Avenue
17 North and west of Warren Avenue North, is GRANTED.

1 Adopted by the City Council the 3rd day of December, 2018,
2 and signed by me in open session in authentication of its adoption this 3rd day of
3 December, 2018.

4 

5 President _____ of the City Council

6 The Mayor concurred the 14th day of December, 2018.

7 
8 Jenny A. Durkan, Mayor

9 Filed by me this 14th day of December, 2018.

10 

11 Monica Martinez Simmons, City Clerk

12 (Seal)

STATE OF WASHINGTON -- KING COUNTY

--SS.

369034

No. 31857

CITY OF SEATTLE, CLERKS OFFICE

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.

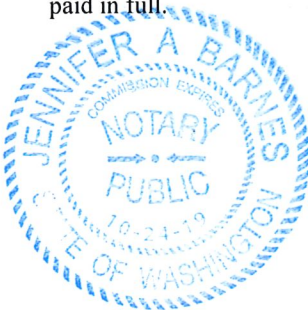
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY RESOLUTION

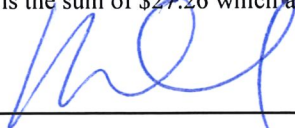
was published on

01/03/19

The amount of the fee charged for the foregoing publication is the sum of \$27.26 which amount has been paid in full.

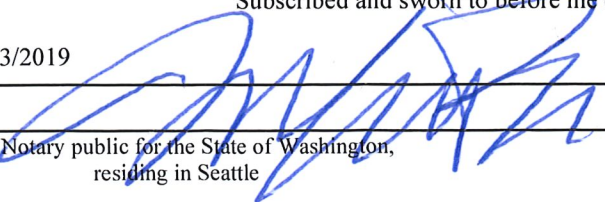


Affidavit of Publication



Subscribed and sworn to before me on

01/03/2019



Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Title Only Resolution

Resolution 31857

A RESOLUTION granting conceptual approval of a Significant Structure Term Permit to Seattle Arena Company, LLC to construct, maintain, and operate a tunnel under and across Thomas Street, east of 1st Avenue North and west of Warren Avenue North, to enable the renovation of KeyArena at the Seattle Center.

Date of publication in the Seattle Daily Journal of Commerce, January 3, 2019.

1/3(369034)