City of Seattle Legislative Information Service

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Resolution Number: 31297

A RESOLUTION relating to the State Route 99 Alaskan Way Viaduct and Seawall Replacement Program and Ordinance 123542 that entered into certain agreements with the Washington State Department of Transportation (WSDOT); stating that after the City Council has had the opportunity to review and consider the Final Environmental Impact Statement and the Federal Record of Decision, the City Council will make the decision whether to issue to the State of Washington the notice described in Section 6 of Ordinance 123542 in the form of introducing and considering for enactment a City ordinance.

Status: Full Council

Date introduced/referred to committee: May 16, 2011
Committee: Full Council
Sponsor: CONLIN

(No indexing available for this document)

Text

A RESOLUTION relating to the State Route 99 Alaskan Way Viaduct and Seawall Replacement Program and Ordinance 123542 that entered into certain agreements with the Washington State Department of Transportation (WSDOT); stating that after the City Council has had the opportunity to review and consider the Final Environmental Impact Statement and the Federal Record of Decision, the City Council will make the decision whether to issue to the State of Washington the notice described in Section 6 of Ordinance 123542 in the form of introducing and considering for enactment a City ordinance.

WHEREAS, Section 2 of Ordinance 123542 provides:

"Acceptance of 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 Exhibits A, Attachments 1, 2, and 3".

WHEREAS Section 2.3 of each of the three agreement provides:

"...If an alternative other than the Proposed Bored Tunnel is selected, this Agreement will be terminated pursuant to the provisions of Section 28 of the Agreement. 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 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".

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.

WHEREAS, the City is involved in current litigation in King County Superior Court (Case No 11-2-11719-7) regarding whether Ordinance 123542 is a proper subject for referendum; and,

WHEREAS, the Honorable Laura Gene Middaugh heard oral argument on motions for summary judgment in that case on May 13, 2011; and,

EXHIBIT R

WHEREAS, Judge Middaugh asked a question concerning whether the City Council might, after completion of environmental review and issuance of the Federal Record of Decision, decide to issue the notice described in Section 6 of Ordinance 123542 by means other than by enacting a City ordinance; and,

WHEREAS, the City Council answers that question by stating that it will make any future decision whether to issue the notice described in Section 6 of Ordinance 123542 in the form of introducing and considering for enactment a City ordinance;

NOW THEREFORE,

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

Section 1. After having the opportunity to review and consider the Final Environmental Impact Statement and the Federal Record of Decision, the City Council's notice to the State of Washington as described in Section 6 of Ordinance 123542 shall be in the form of introducing and considering for enactment a City ordinance.

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.

_____

City Clerk

(Seal)

05/13/11 Section 6 Notice Resolution (Ver. 1)