

**VandenBerghe, Alissa (Consultant)**

**From:** Struthers, James  
**Sent:** Thursday, April 02, 2009 8:42 AM  
**To:** Goldman, John (Consultant); Williamson, Alec; Ellington, Larry (Consultant)  
**Cc:** Phelps, Don (Consultant)  
**Subject:** RE: FW: Showbox parking lot rental

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Alec,

John is correct. We will need monitoring rights at least through the end of the year. I would also add that we should bear in mind that monitoring may need to be extended beyond this date, depending of packaging and project delivery decisions that are still forthcoming.

James R. Struthers, C.E.G  
Assistant Chief Foundation Engineer  
Special Projects Manager  
WSDOT Engineering and Environmental Programs  
(360) 791-2847

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**From:** Goldman, John (Consultant)  
**Sent:** Thursday, April 02, 2009 8:14 AM  
**To:** Williamson, Alec; Ellington, Larry (Consultant)  
**Cc:** Phelps, Don (Consultant); Struthers, James  
**Subject:** RE: FW: Showbox parking lot rental

Alec,

I can answer that. Yes, we will need ongoing monitoring rights through the end of the year.

John

**John Goldman**  
Senior Right of Way Specialist - WSDOT Consultant  
Alaskan Way Viaduct Program and Seawall Replacement Program  
**HDR / PHAROS ONE COMPANY | Many Solutions**  
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**From:** Williamson, Alec  
**Sent:** Wednesday, April 01, 2009 5:29 PM  
**To:** Ellington, Larry (Consultant)  
**Cc:** Goldman, John (Consultant); Phelps, Don (Consultant); Struthers, James  
**Subject:** RE: FW: Showbox parking lot rental

Larry- It is a critical location, please continue to pursue it.

Jim Struthers: Will we need ongoing monitoring rights at this location?

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**From:** Ellington, Larry (Consultant)  
**Sent:** Wednesday, April 01, 2009 3:03 PM  
**To:** Williamson, Alec  
**Cc:** Goldman, John (Consultant)  
**Subject:** FW: FW: Showbox parking lot rental

Alec,

John Goldman is working to secure an important ground water monitoring well location in a private parking lot along First Ave near Pike. The owner is reluctant to approve, but we are still in discussions and have begun talking about compensation.

However, before we go further, Jim Salter has asked for project concurrence that the location is critical and the project will fund the permit cost. John has outlined the potential costs below (over \$3600 for ten days for 14 stalls), but a final proposal has not been received from the owner.

Shall we continue to pursue this? I would like to discuss.

Larry

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**From:** Goldman, John (Consultant)  
**Sent:** Wednesday, April 01, 2009 2:38 PM  
**To:** Ellington, Larry (Consultant)  
**Cc:** Goldman, John (Consultant)  
**Subject:** FW: FW: Showbox parking lot rental

Larry,

So whose call is it at the project?

BTW, in a separate message, Monique wrote, "John If it helps, we could pay for the parking stalls out of our existing budget as long as the permit is written for a daily rate and the number of stalls occupied or impacted. I don't want to be charged for 10 days if we are only there for 5 and 14 stalls if we only need 7. I'll have Paul figure out exactly which stalls would be needed. "

Per the thread below, keep in mind that our offer of payment hasn't interested him so far.

John

**John Goldman**

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**From:** Salter, Jim  
**Sent:** Wednesday, April 01, 2009 2:30 PM  
**To:** Goldman, John (Consultant)  
**Subject:** RE: FW: Showbox parking lot rental

We will pay it if the project is willing to fund it and it is a critical location.

Salter

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**From:** Goldman, John (Consultant)  
**Sent:** Wednesday, April 01, 2009 2:15 PM  
**To:** Salter, Jim  
**Cc:** Goldman, John (Consultant)  
**Subject:** FW: FW: Showbox parking lot rental

Jim,

Shannon and Wilson is half way finished installing 17 piezometers in the r/w along the bored tunnel alignment. Initially we approached the owner of a parking lot near First and Pike so that S&W wouldn't have to deal with traffic issues using the r/w at that congested corner. He was not interested for the reasons explained in his 3/2 message. They attempted a boring on Pike just east of First but encountered vaults. This is an important boring for them as they BNSF tunnel crosses under that corner. They've asked me to recontact the owner to use his lot. That dialogue is also below.

I called him this afternoon to follow up. He's reiterated his opposition but didn't throw me out of the room. I asked him for his rates just to see if it is in our budget. I told him I wouldn't hold him to this but just needed a ball park idea. Here's the math of his loss of income: 14 stalls @ \$18.50 / day + 7 stalls @ \$15 / night x 10 days = \$3,640. This is strictly the posted rate calculation. I got the feeling that he'd ask for more adding on his lawyer's fee to look at the permit plus something for loss of business to the other stalls because he says people wouldn't want to park near a drill rig. Before I go any farther, is this kind of fee for a drilling permit in the cards?

Thanks,

John

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**From:** Goldman, John (Consultant)  
**Sent:** Wednesday, April 01, 2009 9:04 AM  
**To:** 'metropark@gmail.com'  
**Cc:** Goldman, John (Consultant); Nykamp, Monique (Consultant); 'Paul Van Horne'  
**Subject:** RE: FW: Showbox parking lot rental

Steve,

Following is the standard indemnity language for our drilling permits. I feel the **bolded** section makes us responsible and gives you the protection that you seek.

***"The Grantee, its authorized agents and employees, will protect, save and hold harmless the Grantor, its successors or assigns, from all claims, actions, costs, damages or expenses of any nature whatsoever by reason of the acts or omissions of the grantee, its assigns, agents, contractors, licensees, invitees, employees or any person whomsoever arising out of or in connection with any acts or activities authorized by this Permit. The***

**grantee, its agents or employees, further agrees to defend the grantor in any litigation, including payment of any costs or attorney's fees, for any claims or action commenced, thereof arising out of or in connection with acts or activities authorized by this Permit.** This obligation shall not include such claims, costs, damages or expenses which may be caused by the sole negligence of the grantor, its successor or assigns; Provided that if the claims or damages are caused by or result from concurrent negligence of (a) the grantor, its agents or employees and (b) the grantee, its agents or employees, and involves those actions covered by RCW 4.24.115, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the grantee or grantee(s) agents or employees."

We would like to rent all 14 of the south parking stalls (~12' x ~120') and do our geotechnical boring during the work week in one of the stalls, situated approximately 50 feet east of the southwest corner of the lot. The work would take about 5 week days but could be up to 10 week days if difficult conditions are encountered. We would like to install instrumentation in the boring, with a protective 12"-diameter, flush-mount monument over the borehole, when the drilling was complete.

On weeknights we'd leave the rig on the hole, which would occupy approximately 7 parking stalls which would give you back 7 stalls to rent. On the weekend we would remove the rig and you would get all 14 stalls back (so your bus schedules wouldn't be impacted). What would be the income lost for 10 weekdays for 14 stalls during the day and 7 stalls during the evening?  
(please show the break down)

I still would have to get approval for the compensation and then I can draft a "binding offer" in the form of a permit that would incorporate the indemnity language, payment and purpose for the work.

Call if you have questions ... and I hope you're on the mend.

Thanks,

John

-----Original Message-----

From: Steven Muscatel [<mailto:metropark@gmail.com>]

Sent: Wednesday, April 01, 2009 1:22 AM

To: Goldman, John (Consultant)

Subject: RE: FW: Parking lot rental

Hi John, I tried getting back to you late this afternoon, but I didn't have your direct line so I couldn't leave you a message. Sorry, I should have checked this e-mail or my voice mails first to get your direct line. I just had some surgery so my days and nights are mixed up, as you can tell by the time of this e-mail. Anyway, with the way the economy is, plus trying to hang on to my regular customers even without an interruption. In addition the shows and bus schedules for those shows this month all would be interrupted and impacted. I also didn't realize or was made aware of till I got a notice from the city letting property owners know of the "noise" and "vibration" issues. That coupled with my knowledge and concern with the grounds stability, plus my past experiences from the city prior to this, you'd have to have an amazingly binding offer to persuade me to reconsider and clearly take care of any and all my concerns, without going through any litigation first.

Steve

-----Original Message-----

From: Goldman, John (Consultant) [<mailto:goldmaj@consultant.wsdot.wa.gov>]

Sent: Monday, March 30, 2009 7:45 AM  
To: [metropark@gmail.com](mailto:metropark@gmail.com)  
Cc: Goldman, John (Consultant)  
Subject: FW: FW: Parking lot rental

Steve,

Per the message below, any chance that you'd reconsider????

John

-----Original Message-----

From: Paul Van Horne [<mailto:PVH@shanwil.com>]  
Sent: Saturday, March 28, 2009 12:27 PM  
To: Goldman, John (Consultant)  
Cc: Nykamp, Monique (Consultant); Sancewich, Greg (Consultant)  
Subject: Re: FW: Parking lot rental

John,

I don't know if you'd have any luck asking again, but this lot is still by far the best drilling site in the vicinity of Pike St for getting the information we would like to have. Monique and I talked this AM, and we'd like to see if you could broach the subject again with the lot owner.

Thanks,  
Paul

>>> "Goldman, John (Consultant)" <[goldmaj@consultant.wsdot.wa.gov](mailto:goldmaj@consultant.wsdot.wa.gov)>  
>>> 3/2/2009 12:44 PM >>>  
Paul and Monique,

The following is from the owner of the parking lot on the north side of the Showbox where we'd hoped to put the #109 boring.

I spoke to him after I got this and his most important reason for not wanting us there isn't stated. Even if we pay him for lost income, he doesn't want to end up having to make a claim &/or in litigation w/ us if his lot is damaged. This has happened to him before with the City so it's a case of 'once bitten, twice shy'.

Sorry I couldn't get this parcel for your use.

John

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From: Steven Muscatel [<mailto:metropark@gmail.com>]  
Sent: Monday, March 02, 2009 11:29 AM  
To: Goldman, John (Consultant)  
Subject: Re: Parking lot rental

Hi John, I've been giving this project a lot of thought over the weekend and with my concerns about the conditions of the ground as we know it to be in that area, coupled with the way our economy is right now, in addition to looking at the schedule of shows and the buses that

we've been asked to help with between mid-March through mid-April '09 I'm going to have to step back from being able to do this on the parking lot, and have to ask you to use the sidewalk location at this time. I'm very sorry about this, and if I can be of any assistance in the future to you I'll be happy to try and accommodate you.

Respectably yours

Steve

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From: Goldman, John (Consultant)  
Sent: Monday, February 23, 2009 11:48 AM  
To: 'metropark@gmail.com'  
Cc: Goldman, John (Consultant); 'Paul Van Horne'  
Subject: geotech borings in Showbox parking lot

Dear Steve,

Per our conversation, as part of the analysis for the deep bore tunnel portion of the Alaska Way Viaduct Project, WSDOT needs to do some 250-300 foot deep borings along First Ave to install ground water level monitoring wells (piezometers). Most borings will occur in the public right of way however we are investigating using private property for several. One of these locations would be in the parking lot on the north side of the Showbox Theater. We would need approximately 6 parking spots on the south side of the lot for 5-10 days in mid-March.

To do this work we would need a right of entry permit which would include compensation for your loss of parking revenue. However before we begin financial discussions per your suggestion, I will have our geotechnical consultant contact you because of your concern for the hollow cavity in our proposed drilling location. Expect to hear from Paul Van Horne and Shannon and Wilson. Once you both talk &/or meet onsite, Paul will decide if he wants to pursue using your lot vs. the public right of way (north sidewalk on Pike or First Ave in front of your lot). If he wants to pursue using your lot, I will re-contact you regarding logistics and compensation.

John

**John Goldman**

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