

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA

Item No. 5b

Date of Meeting 7/13/2010

DATE: July 07, 2010

TO: Tay Yoshitani, Chief Executive Officer

FROM: Joe McWilliams, Managing Director, Real Estate Division

SUBJECT: Easement on Certain Port Property for South Park Bridge Replacement Project

Estimated Value of this easement: \$534,132

Source of Funds: In-kind

ACTION REQUESTED:

Request authorization for the Chief Executive Officer to execute required real estate documents with King County in connection with the South Park Bridge Replacement Project, including a permanent aquatic easement in favor of King County over certain Port of Seattle property with an estimated value at \$534,132.

SYNOPSIS:

King County has requested a permanent easement across certain Port of Seattle property for re-construction of the South Park Bridge abutments and required structural supports. King County is applying for, and expects to receive, TIGER II discretionary grant funding (Transportation Investment Generating Economic Recovery, American Recovery and Reinvestment Act) for the project, and must certify to the Federal Highway Administration that it has assembled the required right-of-way for the project by mid-July or no later than August 1, 2010.

BACKGROUND:

The South Park Bridge is a 78-year old facility, and in very poor condition. It is also a critical segment in our region's multimodal freight transportation system and provides important freight access over the Duwamish Waterway. The South Park Bridge is one of three crossings of the Duwamish Waterway and is an important route for freight transport in the Duwamish industrial area, linking to the south King County surface transportation network. Because the bridge is important for transportation mobility and access to the South Park community and plays a role in the industrial freight transportation system in South King County, as well as ensuring effective marine transportation in the Duwamish

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Waterway, a majority of Commissioners expressed their intention to commit five million dollars toward the bridge's restoration, at the Commission's June 22, 2010 meeting, as requested by King County Executive Dow Constantine. Several Commissioners also expressed the view that the Port should assist the communities affected by the bridge closure (South Park, Georgetown, SODO) because they are the Port's neighbors and have worked with the Port to resolve other problems, and "communities take care of each other."

King County closed the span on June 30, 2010, while seeking to secure funding for a replacement. Without this connection across the Duwamish Waterway, traffic congestion will increase on regional and interstate facilities serving the Port of Seattle (I-5, I-90, SR-509), the Duwamish industrial area, and the South Park and Georgetown communities.

One of the Port's primary goals is to create jobs and economic growth in an environmentally responsible way. Maintaining a transportation system that supports freight mobility, expands international trade, and keeps our state and country competitive in the global marketplace is a key priority. The South Park Bridge plays an important role in the regional transportation system, and the loss of the bridge threatens jobs in the industrial sector, results in increased traffic congestion and vehicle emissions and limits mobility in a disadvantaged community.

The Port owns certain property needed for the bridge footings. In response to a request from King County, the Port of Seattle committed in the third quarter of 2009 to making the required property available to King County through a permanent aquatic easement and established a value of \$534,132 based upon a requirement of 60,698 square feet of land at \$8.80 per foot.

Subsequent to the 2009 request for a permanent aquatic easement, in June 2010, King County further requested a \$5 million capital contribution from the Port of Seattle towards the project re-construction fund. The Commission discussed this request on June 22, 2010, in public session, and, at the end of the discussion, President Bryant stated that it was the "general intent" of the Commission to commit \$5 million to the South Park Bridge re-construction, subject to the Port's budget process later this year. While the Commission has not voted on this issue, there is a sense of the Commission that the easement is part of the \$5 million contribution rather than a donation as originally envisioned.

In addition to obtaining easement use of the area in the Duwamish Waterway for replacement of the over-water portions of the South Park Bridge, King County also requires access to Port-controlled shoreline area for improvement of aquatic natural resources required by state and federal agencies as environmental compensation for the negative effects of the bridge replacement project. In exchange for providing the County with shoreline area for habitat restoration, the Port is seeking access to comparable shoreline areas from the County. Replacement shoreline areas made available to the Port

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would be used for future, Port-sponsored fish and wildlife habitat restoration. The valuation of the off-setting parcels will not be determined through standard land valuation methods, but through their capability to produce credits that can be used to offset negative effects due to future Port development actions and for liability resulting from pending CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) determinations in the Duwamish Waterway basin.

DOCUMENTS ASSOCIATED WITH THIS REQUEST:

Aquatic Easement; Temporary Restoration Easement; Temporary Construction Easement.

Map showing location of the Easement

ALTERNATIVES CONSIDERED AND THEIR IMPLICATIONS:

Alternative 1: Deny the request from King County, recognizing, however, that the County does possess appropriate condemnation authority to acquire the property. Given the need for the project, the public benefit of the project and earlier favorable support for the project, this is not the recommended alternative.

Alternative 2: Approve the request as outlined herein. **This is the recommended alternative.**