

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA
ACTION ITEM

Item No.	6d
Date of Meeting	January 25, 2011

DATE: January 19, 2011

TO: Tay Yoshitani, Chief Executive Officer

FROM: Lindsay Pulsifer, General Manager, Marine Maintenance
Gary Lee, Marine Facilities Maintenance Manager

SUBJECT: Memorandum of Agreement and Temporary Construction Easement for City of Seattle access through Elliott Bay Park

ACTION REQUESTED: Request Port Commission authorization for the Chief Executive Officer to execute (i) a Temporary Construction Easement (TCE) granting the City of Seattle the right to use portions of Elliott Bay Park during the construction of its West Thomas Street Overpass Project for an estimated ten months beginning in April, 2011 and (ii) a Memorandum of Agreement with the City of Seattle providing for certain improvements to Elliott Bay Park as consideration for the Port granting the Temporary Construction Easement. The cash value of the TCE is estimated at approximately \$120,000, and the cost of the park improvements to be provided by the City of Seattle is estimated at \$150,000 to \$200,000.

BACKGROUND: In 2004, a plan was conceived to improve pedestrian and bicycle access points into the City-owned Myrtle Edwards Park. The Seattle Department of Parks and Recreation proposed and received City Council approval to construct an overpass for pedestrians and cyclists from the Lower Queen Anne and Belltown area to Myrtle Edwards Park at West Thomas Street. Completion of the structure will greatly enhance access into Myrtle Edwards Park as well as the Port's Elliott Bay Park.

In order to construct the Project, the City requires access for trucks and other construction equipment through the Port-owned Elliott Bay Park. The access requested by the City will close the bicycle path along the east side of Elliott Bay Park during the City's construction period. The City will provide a temporary path adjacent to the existing west trail to accommodate both bicycles and pedestrians. A Temporary Construction Easement in this circumstance requires Commission approval.

The City has agreed to several conditions to protect the Port and the public during construction, including the full restoration of the bicycle path and repair of any damage to the park. The conditions include:

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- Provide schedule of work to Port for review and approval.
- Reimburse the Port for all damages to Port property.
- Be responsible for all repairs and restoration work to the Port property.
- Be responsible for all signage and temporary traffic revisions in the park and to submit plans to Port for review and comment.
- Pay for a park survey by a firm approved by the Port before and after construction to assess the damage and scope damage to the asphalt, irrigation, and landscape.

In lieu of paying the Port for the use of the Elliott Bay Park area, the City has further agreed to pay for a number of improvements to the park, including replacement of trees causing damage to the pathways, replacement of park benches and picnic tables, asphalt repairs to the pedestrian and bike paths, repainting the park restrooms and restriping the entire bike path. Cost of these improvements is estimated at \$150,000 to \$200,000, significantly more than the fee the Port would have received in cash compensation for the City's use of the Temporary Construction Easement (approximately \$120,000). No Port funds will be utilized.

PROJECT JUSTIFICATION: Approval of this easement will enable the City to construct the West Thomas Street Overpass Bridge in a timely manner and reduce the risks to the public from hazards during its construction. Public access to the waterfront, including the Port's park, will be improved.

FINANCIAL IMPLICATIONS: The Port will receive an estimated \$150,000 - \$200,000 in improvements to Elliott Bay Park, in addition to restoring the bike path and repairing any damage due to construction. These include costly asphalt repairs, painting, removal of asphalt-damaging Poplar trees, and the purchase of new benches and picnic tables. The maintenance costs will be reduced for that location and utilized for other park maintenance projects.

STRATEGIC OBJECTIVES:

Community

Elliott Bay Park is the Port's largest and most popular park. The public will enjoy improved access to the entire waterfront park area, and the City-funded improvements will repair existing maintenance items.

ENVIRONMENTAL SUSTAINABILITY AND COMMUNITY BENEFITS:

The City shall obtain the responsible environmental permit(s) in compliance with all Federal, State and local laws and ordinances in order to construct the proposed new pedestrian overpass as well as for the improvements in Elliott Bay Park.

Port park grounds and facilities will be repaired and improved.

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ALTERNATIVES CONSIDERED AND THEIR IMPLICATIONS:

- Grant the City of Seattle a Temporary Construction Easement. The existing park bike path will be used as the construction access route. Bike traffic will be detoured on to the existing pedestrian pathway and a temporary four-foot wide walk path will be installed for pedestrian traffic. **This is the recommended alternative.**
- Deny the Temporary Construction Easement to the City. All construction vehicles would enter through the south entrance near Broad Street at the entrance to the Olympic Sculpture Park. This would likely result in heavy traffic congestion at the entrance and potential construction delays. Risks to pedestrians and bike traffic would be higher due to the narrow drive way and pinch points around the Olympic Sculpture Park. Other routes were explored but found not feasible. This alternate is not recommended.

OTHER DOCUMENTS ASSOCIATED WITH THIS REQUEST:

- Memorandum of Agreement
- Temporary Construction Easement
- Map of proposed easement route