

1 December 8, 2008

Proposed No.: 08-007

2 RESOLUTION NO. 389

3 A RESOLUTION of the Board of Directors of the Washington State
4 Major League Baseball Stadium Public Facilities District ratifying the
5 Executive Director's execution of: 1) a Memorandum of Agreement
6 contributing funding for Phase 2 of the SR 519 Intermodal Access Project;
7 and 2) a Construction, Operation, and Maintenance Agreement for the
8 same project.
9

10 WHEREAS, pursuant to Chapter 36.100 RCW, as amended, the Washington State
11 Major League Baseball Stadium Public Facilities District (the District), has been created
12 and possesses all the powers of a public facilities district, including the power to enter into
13 agreements with governmental and private entities; and

14 WHEREAS, the District has long supported and has been an active participant in
15 the Washington State Department of Transportation's SR 519 Intermodal Access Project;
16 and

17 WHEREAS, the District approved a Memorandum of Agreement for funding
18 Phase 2 of the SR 519 Project (the Project) by Resolution No. 384 on June 9, 2008; and

19 WHEREAS, a number of minor changes were made to the funding agreement
20 ultimately approved by the District, the Washington State Department of Transportation
21 (WSDOT), and The Baseball Club of Seattle, L.P. (the Club); and

22 WHEREAS, prior to executing the funding agreement, the District received from
23 the Seattle Department of Transportation (SDOT) a letter of assurance (copy attached as
24 Exhibit A) regarding the District's compliance with obligations established by the City of
25 Seattle in its street vacation conditions for the construction of the ballpark; and

26 WHEREAS, the SDOT letter confirms that if the SR 519 phase 2 project
27 improvements are built as planned, including a pedestrian overcrossing of the BNSF
28 mainline railroad tracks at S. Royal Brougham Way, then the District and the Club will
29 have fully satisfied their obligations relating to one of the street vacation conditions; and

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WHEREAS, at the same time that the funding agreement was executed, the District executed a Construction, Operation, and Maintenance Agreement with WSDOT and the Club; and

WHEREAS, the construction agreement provides detailed requirements, construction standards, and work schedules for the SR 519 phase 2 project; and

WHEREAS, the construction agreement also establishes a Maintenance of Traffic Task Force, which is designed to minimize the impact of project construction on ballpark use and operations; and

WHEREAS, it is in the best interest of the District to ratify the Executive Director's approval of these funding and construction agreements.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM PUBLIC FACILITIES DISTRICT:

Section 1. The Executive Director's execution of a Memorandum of Agreement contributing funding for Phase 2 of the SR 519 Intermodal Access Project (I-90 to SR 99 Improvements), a copy of which is on file with the District, is hereby ratified.

Section 2. The Executive Director's execution of a Construction, Operation, and Maintenance Agreement for the SR 519 phase 2 project, a copy of which is on file with the District, is hereby ratified.

PASSED by a vote of 5 to 0 this 8th day of December, 2008.

BOARD OF DIRECTORS
WASHINGTON STATE MAJOR LEAGUE BASEBALL STADIUM PUBLIC
FACILITIES DISTRICT

Robert C. Wallace, Chair

ATTEST:

Clerk