

Washington State Major League Baseball Stadium Public Facilities District Staff Report

Agenda Item Number: 6

Date: August 7, 2000

PROPOSED RESOLUTION 00-014

PURPOSE:

This resolution authorizes the Board Chair or Executive Director to execute two agreements: 1) an Operations & Maintenance Agreement and 2) a Quitclaim Deed and Easement Agreement among the Public Facilities District, the Washington State Department of Transportation, and The Baseball Club of Seattle L.P. regarding property being acquired from the District for the SR 519 Intermodal Access Project. The resolution also authorizes the Board Chair or Executive Director to accept and approve a Utility Permit and a Fire Loop Permit for District facilities that will remain in the right-of-way being acquired by WSDOT.

BACKGROUND:

The Public Facilities has been a partner in the SR 519 Intermodal Access Project since February 1996 and in May/June 2000 approved/ratified a number of agreements that allow for the continued development of the SR 519 Intermodal Access Project. Those agreements include the 9-Party MOA, the Agreement Regarding Use and Possession, Valuation and Operation and Maintenance, and the 3-Party Agreement among the PFD, WSDOT, and King County.

The Agreement Regarding Use and Possession requires the PFD, WSDOT, and the Club to enter into an agreement regarding Operation & Maintenance for the SR 519 Project (“O&M Agreement”). It also contemplates that the property at issue will be conveyed to WSDOT (and certain easements reserved) by a Quitclaim Deed and Easement. It also requires WSDOT to provide the PFD with permits for certain utilities. Each of these agreements is discussed briefly below.

The O&M Agreement addresses how the SR-519 Project will be constructed, includes requirements for any future construction and maintenance of the Project, requires certain improvements be made as part of the Project, grants certain rights of entry onto the property conveyed to WSDOT, and contains other terms and conditions binding the parties. The O&M Agreement incorporates all of the key terms required by the Use and Possession Agreement and will be recorded as a covenant running with the land acquired by WSDOT.

The Quitclaim Deed and Easement Agreement provides for the formal transfer of property rights from the PFD to WSDOT for the property necessary for the SR 519 Project. The Use and Possession Agreement entered earlier only transferred to the State certain rights to use and possess the property and was not a conveyance of title. The Quitclaim Deed and Easement Agreement completes the conveyance and transfers title to the property to WSDOT. The Quitclaim Deed and Easement Agreement also identifies certain property rights that are reserved to the PFD, such as easements for the sky bridge and roof overhang.

The Utility Permit and Fire Loop Permit provide the PFD with the right to repair and maintain certain utilities located in the right-of-way being acquired by WSDOT. The permits have a duration of not less than 50 years.

POLICY ISSUES:

The O&M Agreement, Quitclaim Deed and Easement Agreement, and Utility Permits are the final agreements required on the part of the PFD for the development of the SR 519 Project. If these agreements are not executed by the Board, the earlier Use and Possession Agreement provides for mediation and then arbitration over the terms of the O&M Agreement. Failure of the Board to execute the O&M Agreement could trigger these mediation and arbitration provisions.

COST:

The O&M Agreement, Quitclaim Deed and Easement Agreement, and Utility Permits do not have any cost elements independent of the prior agreements on the SR 519 Project. The PFD's remaining obligation to the SR 519 Project is \$80,000.