

1 December 8, 2008

Proposed No.: 08-008

2 RESOLUTION NO. 390

3 A RESOLUTION of the Board of Directors of the Washington State
4 Major League Baseball Stadium Public Facilities District ratifying the
5 Board Chair's execution of real property documents relating to WSDOT's
6 acquisition of a portion of the 1st and Atlantic Street corner property from
7 The Baseball Club of Seattle, L.P. and compensating the District and the
8 Club for WSDOT's use of a temporary construction easement thereon for
9 phase 2 of the SR 519 Project.
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11 WHEREAS, pursuant to Chapter 36.100 RCW, as amended, the Washington State
12 Major League Baseball Stadium Public Facilities District (the District), has been created
13 and possesses all the powers of a public facilities district, including the power to enter into
14 agreements with governmental and private entities and the power to buy and sell real
15 property; and

16 WHEREAS, phase 2 of the Washington State Department of Transportation's SR
17 519 Intermodal Access Project requires the expansion of the intersection and roadway
18 located at the corner of 1st Avenue S. and S. Atlantic Street (Edgar Martinez Way), which
19 is directly south of the home plate entrance to the ballpark (the "Corner Property"); and

20 WHEREAS, the Corner Property is owned by The Baseball Club of Seattle, L.P.
21 (the Club) and subject to a restrictive covenant in favor of the District; and

22 WHEREAS, the restrictive covenant runs with the land for the benefit of the
23 District, and it requires the Club to reserve land and develop an open plaza on the northern
24 portion of the Corner Property in a manner compatible with the ballpark; and

25 WHEREAS, the acquisition of a portion of the Corner Property by the Washington
26 State Department of Transportation (WSDOT) includes the permanent take of
27 approximately 3,799 sq.ft. of land, as well as a temporary construction easement for 1,779
28 sq.ft. of land, 1,045 sq.ft. of which overlaps with the District's plaza area; and

29 WHEREAS, the PFD has an interest in the State's taking of the temporary
30 construction easement, because it interferes with the rights of District under the restrictive
31 covenant; and

32 WHEREAS, the State determined that the District was entitled to compensation
33 for the temporary loss of some of those rights, in the amount of \$8,360.00; and

34 WHEREAS, the State and the Club negotiated over the appropriate fair market
35 value of the property to be taken, but the District was not directly involved in those
36 discussions; and

37 WHEREAS, because of the restrictive covenant on the Corner Property benefitting
38 the District, the State asked that the District execute a quitclaim deed for the property
39 being acquired by WSDOT; and

40 WHEREAS, prior to executing the real property documents for the Corner
41 Property, the Board Chair received a letter of assurance from the Club (copy attached as
42 Exhibit A) confirming that the Club's and the District's view that the State's acquisition
43 does nothing to modify the restrictive covenant, and reserving for future discussion how
44 the plaza might be redesigned and/or relocated from the way it is reflected in the
45 restrictive covenant; and

46 WHEREAS, the Board Chair executed the real property documents for the Corner
47 Property in October, 2008, so that the SR 519 project could proceed with construction,
48 and so that the Club could be compensated for WSDOT's taking prior to the end of the
49 Club's fiscal year; and

50 WHEREAS, it is in the best interest of the District to ratify the Board Chair's
51 execution of these real property documents, subject to the letter understanding with the
52 Club.

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

58 Section 1. The Board Chair's execution of the real property documents for
59 WSDOT's acquisition of a portion of the Corner Property from the Club, including the
60 quitclaim deed, temporary easement, real property voucher, real estate excise tax affidavit,
61 and W-9 form, is hereby ratified.

62 Section 2. A copy of each of these documents is on file with the District.

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

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

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Robert C. Wallace, Chair

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ATTEST:

Clerk