

Washington State Major League Baseball Stadium Public Facilities District Staff Report

Agenda Item Number: 05

Date: May 21, 2001

PROPOSED RESOLUTION 01-006

PURPOSE:

This resolution ratifies and affirms the actions of the Executive Director and the Board Chair relating to agreements for the SR 519 Intermodal Access Project ("SR 519 Project"). Specifically, the proposed resolution ratifies the Executive Director's execution of an Operation and Maintenance Agreement ("O&M Agreement") and the Board Chair's execution of a Real Property Voucher and Quitclaim Deed and Easement, between the Public Facilities District ("PFD"), the Washington State Department of Transportation ("WSDOT"), and The Baseball Club of Seattle, L.P. ("Club"), regarding real property acquired by WSDOT from the PFD. The resolution also ratifies and affirms the Executive Director's acceptance and approval of the Utility Permit and the Fire Loop Permit (collectively "Utility Permits") for the PFD's facilities that will remain in the right-of-way acquired by WSDOT. Finally, the resolution ratifies the Board Chair's consent for WSDOT's use of certain easement areas.

BACKGROUND:

The PFD has been a partner in the SR 519 Project since February 1996. In May/June 2000, the PFD approved/ratified a number of agreements that allowed for the continued development of the SR 519 Project. Those agreements included a 9-Party MOA, an Agreement Regarding Use and Possession, Valuation and Operation and Maintenance, and a 3-Party Agreement among the PFD, WSDOT, and King County relating to the reimbursements and credits for real property the PFD acquired from King County.

These agreements contemplated an O&M Agreement establishing the terms and conditions for construction and operation of the SR 519 Project. They also contemplated that the property at issue would be conveyed to WSDOT (and certain easements reserved) by a Quitclaim Deed and Easement, and that WSDOT would 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, it includes requirements for any future construction and maintenance of the Project, it requires that certain improvements be made as part of the Project, it grants certain rights of entry onto the property conveyed to WSDOT, and it 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 completes the transfer of property rights from the PFD to WSDOT for the property necessary for the SR 519 Project. The Use and Possession Agreement executed last year transferred to WSDOT rights to use and possess the property but was not a conveyance of title. The Quitclaim Deed and Easement completes the conveyance by transferring title to the property to WSDOT. The Quitclaim Deed and Easement also identifies certain property rights that are reserved to the PFD, such as easements for the sky bridge and roof overhang.

The Real Property Voucher provides for additional payment to the PFD of \$4,203 for additional property interests needed by WSDOT.

The Utility Permits provide the PFD with the right to repair and maintain certain utilities located in the right-of-way acquired by WSDOT.

Finally, the PFD has granted WSDOT limited consent to access and occupy certain easement areas held by the PFD over the BNSF Railroad tracks to the east of the ballpark.

POLICY ISSUES:

The O&M Agreement, Quitclaim Deed and Easement, voucher, Utility Permits and consent are the final agreements required on the part of the PFD to authorize the development of the SR 519 Project. By ratifying and affirming the Executive Director's and Board Chair's execution of these agreements, the PFD completes the transfer of its property interests to WSDOT.

COST:

The O&M Agreement, Quitclaim Deed and Easement, and Utility Permits do not have any cost elements independent of the prior agreements regarding the SR 519 Project. As a result of some minor changes in the property acquired by WSDOT, the PFD will be paid an additional \$4,203.00 for its interests. The PFD's remaining obligation to the SR 519 Project is \$80,000.