



**COMMISSION  
AGENDA MEMORANDUM**

**Item No.** 7a

**ACTION ITEM**

**Date of Meeting** July 9, 2019

**DATE:** June 28, 2019

**TO:** Stephen P. Metruck, Executive Director

**FROM:** Stephanie Jones Stebbins, Managing Director Maritime  
Tim Leonard, Capital Project Manager

**SUBJECT:** East Marginal Way Grade Separation Properties & Easements Conveyance to City of Seattle

**Amount of this request:** \$0

**ACTION REQUESTED**

Request (1) unanimous consent to adopt Resolution No. 3760 at the same meeting at which it is first introduced and (2) Introduction and Adoption of Resolution 3760: A Resolution of the Port Commission of the Port of Seattle declaring surplus and no longer needed for port district purposes certain overpass structure and real property located south of South Spokane Street in the vicinity of Duwamish Avenue in the City of Seattle, Washington, and authorizing the Chief Executive Officer to execute all documents necessary to transfer title of the surplus property to the City of Seattle for use in furtherance of the East Marginal Way Grade Separation project.

**SUMMARY**

The East Marginal Way Grade Separation (EMWGS) project was created in 1998 in partnership with the City of Seattle (City), State of Washington, and federal government to improve freight mobility for numerous Port terminals and provide safer transit for all traffic by eliminating surface street/railroad crossing conflicts in the East Marginal Way/Spokane Avenue area. Construction of the grade separation structure was substantially completed in 2012, at a total cost of approximately \$52 million, and it has successfully operated since as a vital railroad track overpass for freight as well as local vehicle traffic. A project Memorandum of Agreement (MOA), including requirements for the transfer of ownership (and long-term maintenance) of the EMWGS structure and conveyance of related properties/easements to the City of Seattle, was subsequently finalized and approved by the Port and the City in 2014. The documents necessary for legal conveyance of the necessary properties and easements, in accordance with the MOA, have now been finalized between the City and the Port and are ready for formal approval by the Port Commission and City Council.

**ATTACHMENTS TO THIS REQUEST**

- (1) Draft Resolution No. 3760 with Exhibit A (property description)

Meeting Date: July 9, 2019

- (2) PowerPoint presentation slides (properties and easements exhibits)

**PREVIOUS COMMISSION ACTIONS OR BRIEFINGS**

- April 22, 2014 – Approval of (1) EMWGS project MOA between the City and the Port; and (2) \$800,000 for final close-out construction elements and the conveyance of required properties/easements to the City
- April 1, 2014 – Briefing to Commission regarding project updates and upcoming requested actions
- April 23, 2013 – Commission Authorization for (1) Ratification of \$232,159 for costs already incurred in excess of current authorization for the EMWGS project; (2) additional authorization in the amount of \$1,637,841 to complete outstanding work on the project for a total project authorization of \$55,456,171
- September 11, 2012 – Commission authorization to increase previous Project Authorization by the amount of the American Recovery and Reinvestment Act grant in the amount of \$2,875,171 received after Commission authorization on March 24, 2009, resulting in the total project authorization of \$53,575,171
- May 18, 2010 – Commission authorization of a change order for a not-to-exceed amount of \$430,000
- May 11, 2010 – Commission authorization for a Purchase and Sale agreement between Port of Seattle and Ash Grove Cement Company for a portion of Ash Grove’s real property
- November 30, 2009 – Commission approved agreement for early termination of Clear Channel Outdoor, Inc.’s leaseholds and settlement of any claims related to the removal of certain signs on Port-owned property acquired for EMWGS project
- March 24, 2009 – Commission authorization to (1) increase previous Project Authorization by the amount of \$17,200,000 resulting in a total Project Authorization of \$50,700,000, and (2) advertise for bids for a total of \$50,700,000
- January 13, 2009 – Commission project update
- April 11, 2006 – Commission authorization for project-wide elements for a total of \$34,500,000
- December 9, 2003 – Commission authorization for design refinement
- April 9, 2002 – Commission authorization EMWGS project conceptual design development
- July 14, 1998 – Commission approved Resolution No. 3283 to authorize participation in the FAST Corridor