

PORT OF TACOMA - TACOMA PUBLIC WORKS
ALEXANDER AVENUE INTERLOCAL AGREEMENT

The Port of Tacoma, a port district organized under the laws of the State of Washington (hereafter, "Port") and the City of Tacoma, a municipal corporation (hereafter, "City") enter into this Interlocal Agreement under authority of the Interlocal Cooperation Act (RCW 39.34), the laws governing the operation of the Port, and the State constitution Art. XI § 10, RCW 35.22.030. General Powers - RCW 35.21.010 and RCW chapter 35.22, the laws governing the City.

RECITALS

The Port of Tacoma is a port district organized under the authority of RCW 53.

The City of Tacoma is a Charter city organized pursuant to and the State constitution Art. XI § 10, RCW 35.22.030. General Powers - RCW 35.21.010 and RCW chapter 35.22.

The Port has filed with the City of Tacoma a petition requesting vacation of a portion of Alexander Avenue located in Tacoma in connection with Port development of a marine terminal on the Blair Waterway in the Tacoma tideflats area.

The Port submitted a traffic analysis detailing the effects of the proposed street vacation and outlining appropriate replacement traffic improvements. The City of Tacoma, Department of Public Works, Traffic Engineering Division and Environmental Services Engineering Division reviewed and commented on the Port's Traffic Analysis to the Land Use Hearings Examiner.

As a result of the combined information, the City of Tacoma Land Use Hearing Examiner in his Report and Recommendation dated March 22, 2004 included Condition No. 6 (a) - (d) which describes the replacement traffic improvements required to be undertaken by the Port as a condition of vacation approval.

This Agreement is hereby entered into by the parties to memorialize the Examiner's Condition No. 6 and to address the timing for performance of the terms of that condition and is based on both parties' recognition of the opportunities for increased economic development presented by the Port's Street vacation action, and on the mutual responsibilities and benefits described in this Interlocal.

NOW, THEREFORE, in consideration of the mutual promises and obligations hereinafter set forth, the parties agree as follows:

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TERMS OF AGREEMENT

1. The Port shall undertake the following traffic improvements described as Condition No. 6(a)-(d) in the March 22, 2004 Hearing Examiner Decision according to the following schedule:

- a. Intersection at Taylor Way and 509**

- No later than December 1, 2004.**

- The traffic signal at this intersection shall be revised and a new southbound right-turn lane shall be constructed meeting the approval of the City Engineer. These requirements are necessary to accommodate the increased traffic volumes that will be relocated to Taylor Way as a result of the street vacation.

- b. Lincoln Avenue from Taylor Way to Alexander Avenue—**

- No later than December 1, 2004.**

- Rebuild Lincoln Avenue with a new two-lane road section, to accommodate the increased traffic volumes that will be relocated to Lincoln Avenue as a result of the street vacation. The road shall consist of two 12-foot lanes meeting the approval of the City Engineer.

- c. Intersection at Lincoln Avenue and Taylor Way-**

- No later than December 1, 2004.**

- Construct a new traffic signal and install a new eastbound right-turn lane meeting the approval of the City Engineer. These requirements are necessary to accommodate the increased traffic volumes that will be relocated to Taylor Way via Lincoln Avenue.

- d. Alexander Avenue –**

- 1. No later than December 1, 2004 or road closure, whichever comes first.** Emergency and evacuation access shall be maintained through the Pierce County Terminal until the Hylebos Bridge is operation.

- 2. No later than February, 2005.** A cul-de-sac shall be constructed at the southern terminus of the remaining Alexander Avenue. Design and construction of these requirements shall meet the approval of the City Engineer and the Tacoma Fire Department.

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2. The Port will not close Alexander Avenue to traffic prior to October 31, 2004, notwithstanding an earlier vacation approval date. In addition, the Port will not close Alexander Avenue prior to that date in any event.
3. The Port shall not close Alexander Avenue prior to completion of the improvements described herein, or upon the posting of security deemed sufficient by the City to guarantee completion of the described improvements.
4. An existing storm sewer conveyance system located within the proposed vacated portion of Alexander Avenue. The public storm sewer system currently conveys run-off from a large portion of Alexander Avenue south to a private storm system and outfall owned and maintained by the Port of Tacoma. As a result of the street vacation, the City of Tacoma will no longer own, operate, or maintain the existing system of catch basins, pipes, and manholes located within the limits of the proposed street vacation.
5. The City conveys to the Port of Tacoma ownership and maintenance responsibilities for all storm systems located within the vacated area of Alexander Avenue. The Port of Tacoma shall continue to convey run-off from the right-of-way north of the proposed vacated area through their privately owned and maintained onsite storm water conveyance system and outfall.
6. There are existing public sanitary sewer facilities located within the proposed vacated portion of Alexander Avenue and also a segment of sanitary main in Frontage Road which conveys sanitary sewage through the proposed area of Alexander Avenue. The Port of Tacoma owns all properties abutting the service area of the existing sanitary sewer system. Based on the Port of Tacoma being the sole property owner served by this system, there is no longer a need for the City to own, operate, or maintain what the City deems as a private sanitary system.
7. The City conveys to the Port of Tacoma ownership and maintenance of the sanitary sewer system and all connection to the existing system, thereby turning the existing public sanitary system into a privately owned and maintained on-site sanitary sewer conveyance system.
8. This Agreement shall be effective upon execution by all parties hereto and shall be of indefinite duration; provided, however, that this Agreement shall terminate and neither party shall have any obligation to the other hereunder if the Port's petition to vacate a portion of Alexander Avenue, modified as stated herein, is not granted.
9. The parties do not by this Agreement create any separate or additional organization, legal or administrative entity.
10. Except as provided above, the parties shall finance the conduct of responsibilities under this Agreement each by providing for payment of its own employees and

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consultants, and by determining, from time to time, an appropriate division or assignment of responsibility for any additional costs.

11. This Agreement shall not be terminated prior to the accomplishment of the responsibilities spelled out above.

12. The terms of this Agreement shall be administered jointly by the parties. Each of the parties shall designate from its respective staff or consultants a contact person with responsibility for administration of the terms of this Agreement.

13. This Agreement does not relieve either party of any obligation or responsibility imposed upon it by law.

14. The requirements of this Agreement shall be carried out in a timely manner according to a schedule negotiated by and satisfactory to the parties.


15. This Agreement constitutes the complete and final agreement of the parties, replaces and supersedes all oral and/or written proposals and agreements heretofore made by the parties on the subject matter, and may be modified only by a writing signed by the parties hereto.

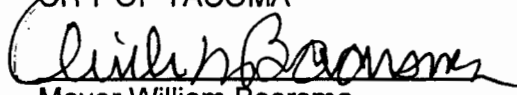
16. A copy of this Agreement shall be recorded in the Office of the Pierce County Auditor as provided by law.

PASSED BY the Commissioners of the Port of Tacoma, State of Washington and signed in authentication thereof this 15th day of July, 2004.

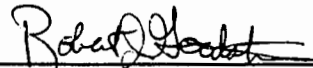
PASSED BY the City Council of the City of Tacoma, State of Washington and signed in authentication thereof this 5th day of July, 2004.

PORT OF TACOMA:

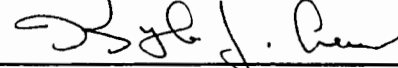

~~Ted Bottiger~~, Acting President
Port of Tacoma Commissioners

October
CITY OF TACOMA

Mayor William Baarsma
City of Tacoma


APPROVED AS TO FORM:

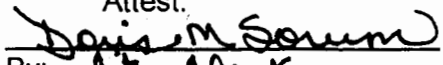

Robert Goodstein,
General Counsel

APPROVED AS TO FORM:


City Attorney
Assistant

ATTEST:


Timothy J. Farrell
Port of Tacoma Acting Exec. Director

Attest:

By: City Clerk
It's City of Tacoma

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