

## Proposed Agenda & Meeting Materials

February 10, 2021 - 5:00 PM

Capital Improvement Committee Meeting (CIC) Special Session

Remote Meeting



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### ATTENTION:

Protecting the public, our partners, and our staff are of the utmost importance.

Due to recent health concerns with the novel coronavirus and in compliance with the Governor's Executive Order 20-28.2 (amending 20-05, 20-28, 20-28.1 , 20-28.2, 20-28.3, 20-28.4, 20-28.7 , 20-28.8, 20-28.9, 20-28.10, 20-28.11,20-28.12, 20-28.13, 20-28.14, 20-28.15),

this meeting will be held remotely.

You can listen to the Capital Improvement Committee Meeting (CIC) online by following the instructions below: (either by online link or by phone)

Topic: **Metro Parks Tacoma Capital Improvement Committee (CIC)**

Time: **February 10, 2021 5:00 PM Pacific Time (US and Canada)**

Join Zoom Meeting Online by clicking the link below:

<https://zoom.us/j/95041531173?pwd=ZUsvRmRLOUpNTWdZdGFxM085Zz09>

<b>Or Dial:</b>	<b>(253) 215-8782</b>
Enter Meeting ID:	<b>950 4153 1173</b>
Password:	<b>039699</b>
Participant ID:	<b>No ID needed, just press #</b>

**Order of Presentation:** In general, each agenda item will include a short staff presentation, followed by board discussion. Public Comment is not taken at this committee meeting.



**BOARD OF PARK COMMISSIONERS  
CAPITAL IMPROVEMENT COMMITTEE  
AGENDA**

**February 10, 2021  
5:00 PM**

**MINUTES FROM January 13, 2021**

**PROJECT STATUS REPORT**

**DISCUSSION ITEMS**

**ACTION ITEMS**

- Approving Two Easements From City Of Tacoma for the Development of Melanie La Plant Dressel Park, for the Ability to Install, Construct, Operate, Inspect, Maintain, Remove, Repair or Replace the Easement Improvements.

**FUTURE AGENDA TOPICS**

**ADJOURNMENT**



**BOARD OF PARK COMMISSIONERS  
CAPITAL IMPROVEMENT COMMITTEE  
(VIRTUAL MEETING)**

**January 13, 2021  
5:00 PM  
MINUTES**

**Attendees:** Commissioner Pointer, Commissioner Baines  
**Staff Support:** **Debbie Terwilleger** – Director of Business Administration and Planning;  
**Marty Stump**, Planning Deputy Director - Planning & Development Department; **Kristi Evans**,  
Capital Program Manager – Community & Neighborhood Parks; **Mary Kay Henley**, Planning  
Administration

**Acceptance of Minutes:** Minutes from the January 5, 2021 meeting were approved as written.

**Discussion Items**

- Commissioner Pointer asked if there was any damage at Point Defiance Park during the recent windstorm.
  - Marty reported only a temporary closure of 5-mile loop. NW Trek reported some fallen trees, but no known damage to structures. Kristi added that Swan Creek Park was fine, noting the high tides present during the storm event not known to have caused any significant damage to the waterfront.

**Action Item**

**Dickman Mill Expansion & Head Saw Project, Redside Construction Change Order No. 2**

- This resolution authorizes Change Order #2 to the Redside Construction LLC contract for Dickman Mill Expansion and Heads Saw Project in the amount not to exceed \$300,000. Marty noted the resolution being presented tonight is an updated version. He will email commissioners at the close of the meeting the updated version being discussed.
- Funds for this change order will cover additional anticipated piling work (calculated by approved unit-price bid item). If approved this change order will allow for continuity of work and takes full advantage of the contractor's pile driving equipment currently mobilized per the project's critical path schedule and to meet the conditions of shoreline permitting ('fish window').
- Marty explained that Change Order 1 was executed administratively since it fell below the Board's threshold (\$119,000). It covered pile driving costs to support the overwater structure and upland area. Change Order 2 will fund additional unforeseen piling costs and other miscellaneous items. Issues mentioned included: original in-water piling estimates of 55 feet needing to be increased in some instances to 100 feet and upland pilings hitting debris at only 2-5 feet. It was added there is a sense of urgency because piling needs to be completed before the end of the fish window, February 15.
- Since final estimates haven't been secured the Board is being asked to consider this change order to help with the permitting and timing constraints of this project. It was

explained that funds for this change order would be taken from the project's remaining budget balance.

- Commissioner Pointer asked if we have ever pre-authorized funding before and what would happen if we go over this budgeted amount.
  - Marty this would be somewhat of new approach to Metro Parks. He added he is confident that the \$2.9M budget donated by Cambia is sufficient to complete this project. And if the need does arise, funds would be drawn from bond funds for Waterfront Parks. Per the current plan, any remaining funds remaining at the end of the project would be returned to Cambia.
  - It was mentioned this type of funds authorization might be considered for future projects that require quick response while maintaining accountability, especially for shoreline projects where schedule and timing constraints can be significant. Debbie pointed out, however, more internal conversations will still need to happen.
- Commissioner Pointer asked if we could have a more precise estimate before the next Board meeting. Kristi said she is in communication with the contractor and that we should have better information next week. Marty confirmed he will make resolution updates and circulate a new version to the commissioners before the next Board meeting.
- Commissioners Baines wanted more information to better understand costs calculations. Staff agreed to provide him with this information in advance of the Board packet being sent out. Marty reiterated that for additional piling work we have a unit price built into the contract, so actual expenses are tied directly to actual lineal footage of piling installed. Therefore the not-to-exceed nature of the const information is intended to account for what we believe to be the high-end of probable expense.
- Commissioner Pointer asked what happens if we don't make the fish window deadline. Kristi stated we might be able to request an extension if work starts before the February 15<sup>th</sup> cutoff.
- It was agreed to leave this resolution with no recommendation until revised cost figures are available. Once available, commissioners will decide if they want to forward this resolution to the full Board for approval.

#### **Other Discussion Items**

- Commissioner Pointer asked about the homelessness encampments at Swan Creek Park. Kristi reported she didn't see anything significant during her recent mid-day visit to the park.

#### **Meeting Adjourned**



**MEMORANDUM**

TO: Board of Park Commissioners

THROUGH: Shon Sylvia, Executive Director

FROM: Debbie Terwilleger, Director of Business Administration and Planning

**SUBJECT: Approving Two Easements from City of Tacoma at Melanie La Plant Dressel Park for the Ability to Install, Construct, Operate, Inspect, Maintain, Remove, Repair or Replace Easement Improvements**

DATE: 02/10/2021

**EXECUTIVE SUMMARY:** Approval of a resolution is requested granting an easement to Metro Parks Tacoma from the City of Tacoma and authorizing the Executive Director to negotiate and sign said easement.

**BACKGROUND:** In 2020 Metro Parks acquired property on the Thea Foss Waterway for the development of Melaine La Plant Dressel Park. In order to make planned park improvements, two easements were needed to be requested from the City of Tacoma on property abutting the north property boundary of Melanie La Plant Dressel Park. This request is to provide a non-exclusive perpetual easement to install, construct, operate, inspect, maintain, remove, repair, and replace park and sewer system improvements (Easement Improvements). This work should minimally impact the site and the City will provide routine operation and maintenance on the sewer under the terms of this agreement.

The Easement Area is as described within City of Tacoma Easement No. 4526

**FISCAL IMPACT:** There is no dollar value attached to the granting of this easement.

**ADDITIONAL INFORMATION:** For additional information, please contact Debbie Terwilleger, Director of Business Administration and Planning at (253) 305-1086 or [debbiet@tacomaparks.com](mailto:debbiet@tacomaparks.com)

**METROPOLITAN PARK DISTRICT OF TACOMA**

**RESOLUTION NO. R**

**APPROVING TWO EASEMENTS FROM CITY OF TACOMA AT MELANIE LA PLANT DRESSEL PARK FOR THE ABILITY TO INSTALL, CONSTRUCT, OPERATE, INSPECT, MAINTAIN, REMOVE, REPAIR OR REPLACE EASEMENT IMPROVEMENTS**

WHEREAS, the Board of Park Commissioners of the Metropolitan Park District of Tacoma desires to construct improvements to Melanie La Plant Dressel Park; and

WHEREAS, in order to complete said improvements Metro Parks Tacoma requires additional park space and the construction of a sewer line (Easement Improvements) on City of Tacoma property adjacent to the park property; and

WHEREAS; the proposed easement permits the Metro Parks to install, construct, operate, inspect, maintain, remove, repair and replace the Easement Improvements; Now, therefore, be it

RESOLVED by the Board of Park Commissioners of the Metropolitan Park District of Tacoma to approve the granting of park and utility easements described within City of Tacoma Easement No. 4526 and as shown on EXHIBITS 'A' and 'B', and that the Executive Director be authorized to negotiate and sign said easement on behalf of the Board.

The foregoing resolution was adopted by the Board of Park Commissioners of the Metropolitan Park District of Tacoma at a regular meeting held on \_\_\_\_\_ 2021.

\_\_\_\_\_

President

ATTEST:

\_\_\_\_\_

Secretary

\_\_\_\_\_

Clerk

When Recorded Return To:

METROPOLITAN PARK DISTRICT  
Public Works Department  
Real Property Services  
747 Market Street, Room 737  
Tacoma WA 98402-3701

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<b>Document Title:</b>	<b>EASEMENT</b>
<b>Grantor:</b>	<b>CITY OF TACOMA</b>
<b>Parks:</b>	<b>METROPOLITAN PARK DISTRICT OF TACOMA</b>
<b>Legal Description:</b>	<b>NORTHWEST 1/4 OF SECTION 04, TOWNSHIP 20 NORTH, RANGE 03 EAST, W. M.</b>
<b>Additional Legal Description:</b>	<b>PAGES 6, 7 &amp; 9</b>
<b>Assessor's Tax Parcel Number:</b>	<b>895000-1973 &amp; 895000-1974</b>

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**CITY OF TACOMA EASEMENT NO. 4526**

THE GRANTOR, **CITY OF TACOMA**, as the owner of the property hereinafter described, for and in consideration of mutual benefits, does hereby grant unto the GRANTEE, **METROPOLITAN PARK DISTRICT OF TACOMA**, a municipal agency, ("Parks") a Park and Sewer easement ("Easement") to include the ability to install, construct, operate, inspect, maintain, remove, repair, and located in, upon, under, and along that portion of Grantor's real property in Pierce County, Washington, and as generally legally described in Exhibit "A" and more specifically described in Exhibit "A-1" and Exhibit "B-1", and depicted in Exhibits "A-2" and B-2".

1. Easement Area. The portion of Grantor's real property where an Easement is reserved for the purpose of installing, constructing, operating, inspecting, maintaining, removing, repairing, and replacing the Easement improvements shall be known as the "Easement Area".

2. Access. Grantee shall have the right to enter upon Grantor's real property, at reasonable times, to access the Easement Area with all necessary employees, including persons working on Grantee's behalf, with all material and necessary construction equipment for the purposes of installing, constructing, operating, inspecting, maintaining, removing, repairing, and replacing the Easement improvements. The term "reasonable times" as used herein, shall mean between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, excluding holidays. Unless waived by Grantor, the Grantee shall notify Grantor at least five (5) calendar days prior to entering Grantor's real property for the purpose of installing, constructing, operating, inspecting, maintaining, removing, repairing and replacing the Easement improvements. Such notice may be made orally or in writing, and shall describe the purpose of the access and its expected duration. The foregoing notwithstanding, in the event of an emergency involving Easement improvements, which affects or threatens to affect public health and welfare, Grantee may enter Grantor's real property at any hour without notice to inspect, repair, and/or replace the Easement improvements.

3. Improvements by Grantor. Grantor, and its heirs, successors or assigns shall not disturb the Easement improvements or place, plant or construct any permanent structures in, upon or under the Easement Area unless specifically approved in writing by the Grantee. Permanent structure shall mean any concrete foundation, concrete slab, wall, building, deck, overhanging structure, fill material, private utilities, or any other improvement that restricts or unreasonably interferes with Grantee's access to install, construct, operate, inspect, maintain, remove, repair, and replace the Easement improvements within the Easement Area.

4. Restoration by Grantee. In the event Grantee's activities under this Easement require the removal of, or cause damage to the Easement Area, or within other portions of Grantor's real property, then Grantee shall, at its own expense, restore to no worse condition than existed on the date Grantee entered upon Grantor's real property to commence the activities that resulted in such removal or damage. If the placement or



construction of permanent structures is approved by the Grantor, then responsibility for removal and replacement of such structures, including any damage thereto, shall be governed by the terms of such approval.

5. Indemnity. Grantee agrees to indemnify, defend and hold harmless the Grantor, its successors in interest (including lenders and future owners of all or a portion of the Property), its members, employees, and lessees (the "Indemnitee"), from and against any and all costs, claims, demands, causes of action, damages, liabilities, penalties, losses and expenses, and all related defense costs (collectively "Claims"), caused by or resulting from contamination within the Thea Foss Waterway which is attributable to or associated with the use or operation of the Property for Easement purposes; provided that, such duty to indemnify, defend and hold harmless does not apply to the extent such Claims arise from or are attributable to the acts or omissions of the indemnitee.

6. Binding on Successors. The terms and condition of this Easement shall constitute real covenants that run with the land and are binding upon the Grantor's heirs, successors and assigns. The Agreement shall be filed of record with the Pierce County Auditor's Office.

7. Effective Date. This Easement shall become effective on the date it is recorded by the Pierce County Auditor's Office.

8. All Writings Contained Herein. This Easement, together with all exhibits, constitutes the complete and final agreement of the parties, replaces and supersedes all oral and/or written proposals and agreements heretofore made on the subject matter, and may only be modified by a writing signed by both parties.



**METROPOLITAN PARK DISTRICT  
OF TACOMA**

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Shon Sylvia  
Metro Parks Executive Director

Approved as to Form:

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Deputy City Attorney

Legal Description Approved:

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Gary C. Allen, P. L. S.  
Chief Surveyor

## **EXHIBIT “A”**

### **City of Tacoma Property**

THE SOUTH HALF OF LOT 12, ALL OF LOTS 13 AND 14, AND THE NORTH HALF OF LOT 15, BLOCK 62, ACCORDING TO THE OFFICIAL MAP OF TACOMA TIDELANDS, FILED IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS AT OLYMPIA, WASHINGTON SEPTEMBER 3, 1895.

ALL SITUATE IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 04, TOWNSHIP 20 NORTH, RANGE 03 EAST OF THE W.M., WITHIN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

## EXHIBIT "A-1"

### EASEMENT LEGAL DESCRIPTION

#### PARK EASEMENT DESCRIPTION



THE SOUTH 20 FEET OF THE NORTH HALF OF LOT 12 IN BLOCK 62, ACCORDING TO THE OFFICIAL MAP OF THE TACOMA TIDE LANDS, FILED IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS AT OLYMPIA, WASHINGTON, 3 SEPTEMBER 1895.

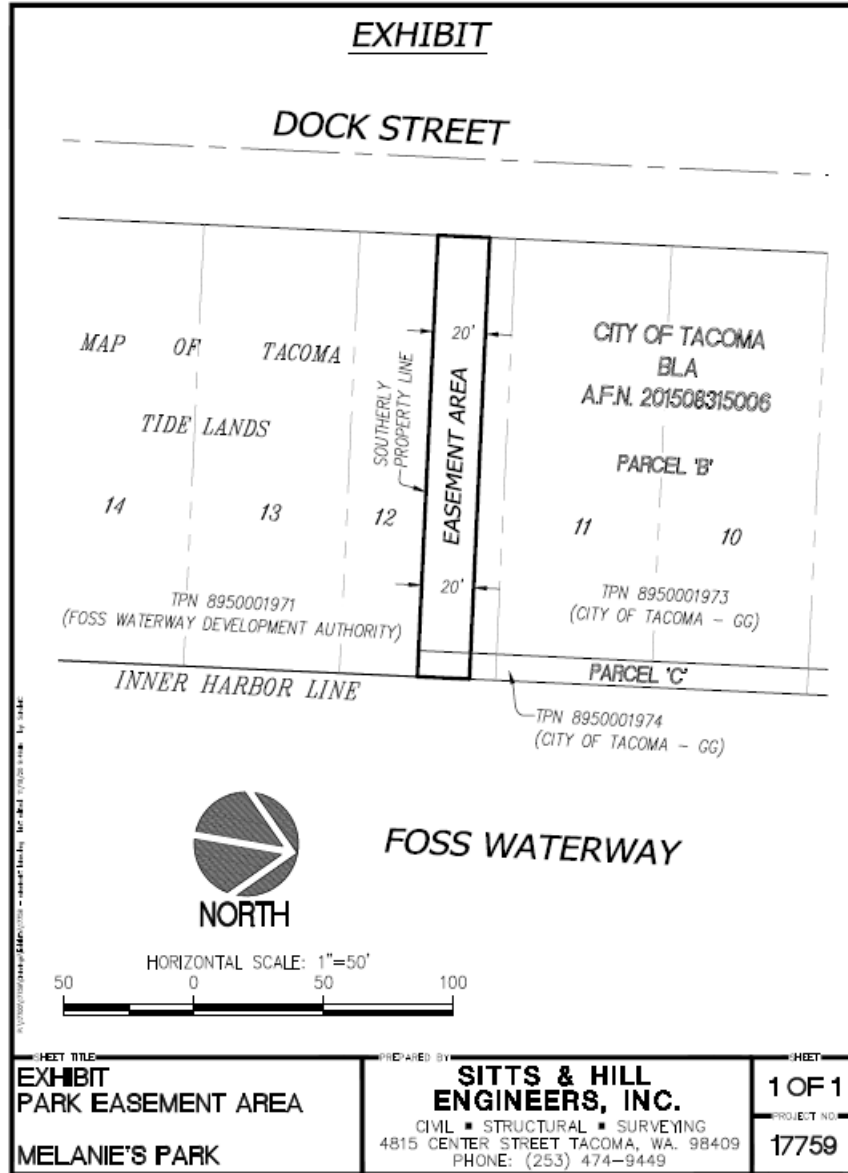


MICHAEL A. MCEVILLE, P.L.S.  
WASHINGTON STATE REGISTRATION NO. 44639

SITTS & HILL ENGINEERS, INC.  
4815 CENTER STREET  
TACOMA, WASHINGTON 98409  
TELEPHONE: (253) 474-9449

# EXHIBIT "A-2"

## EASEMENT AREA DEPICTION Park Easement



# EXHIBIT "B-1" EASEMENT LEGAL DESCRIPTION

## SEWER EASEMENT DESCRIPTION



THE SOUTH 13.08 FEET OF THE WEST 12.50 FEET OF LOT 11 AND THAT PORTION OF THE WEST 12.50 FEET OF LOT 12 LYING NORTH OF THE SOUTH 20 FEET OF THE NORTH HALF THEREOF, ALL IN BLOCK 62, ACCORDING TO THE OFFICIAL MAP OF THE TACOMA TIDE LANDS, FILED IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS AT OLYMPIA, WASHINGTON, 3 SEPTEMBER 1895.



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# EXHIBIT "B-2"

## EASEMENT AREA DEPICTION Sewer Easement

