

**Capital Improvement Committee Meeting (CIC)  
Agenda & Meeting Materials  
May 24, 2023 - 5:00 PM**

Metro Parks Headquarters  
4702 S 19th St.  
Tacoma, WA 98405



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This Capital Improvement Committee Meeting (CIC) will be held at Metro Parks Headquarters, 4702 S 19th St., Tacoma, WA 98405. You can also join the meeting remotely by following the instructions below: (either by online link or by phone)

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

Time: **May 24, 2023 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**

**Wednesday, May 24, 2023  
5:00 PM**

**MINUTES FROM MAY 10, 2023**

**PROJECT STATUS REPORT**

**DISCUSSION ITEMS**

**ACTION ITEMS**

- Point Defiance Park Loop Trail Phase 1 - Sound Pacific Construction, LLC Change Order #3 BID# J2022-28
- Point Defiance View Points Infrastructure Improvements/Loop Trail Project - BCRA, Inc, A&E Contract Amendment #3
- Peck Sports Park Master Plan Contract Award to Walker Macy
- Granting Two Easements from Metro Parks Tacoma to Pirece County in Swan Creek Park

**FUTURE AGENDA TOPICS**

**ADJOURNMENT**



## BOARD OF PARK COMMISSIONERS CAPITAL IMPROVEMENT COMMITTEE

May 10, 2023  
5:00 PM  
MINUTES

**Attendees:** Commissioner Pointer, Commissioner Reid

**Staff Support:** **Marty Stump**, Deputy Director - Planning and Development; **Kristi Evans**, Capital Program Manager, Community and Neighborhood Parks; **Erich Sachs**, Asset Management and Sustainability Manager; **Mary Kay Henley**, Planning Administration

**Acceptance of Minutes:** Minutes from the April 26, 2023, meeting were approved as written.

### Discussion Item

N/A

### Action Items

#### **Portland Avenue Park Master Plan -Final Acceptance**

- This resolution authorizes the acceptance of the Portland Avenue Park Master Plan. Kristi presented the Commissioners with an overview of the master plan, noting that there will be a more in-depth presentation at the next Board meeting that includes probable costs.
- Kristi explained the planning process included a steering committee, input from public meetings & surveys and meetings with local governmental and community agencies. She added that the master plan does not address future building usage for the former Portland Avenue Community Center.
- Kristi encouraged questions or comments from the Commissioners since this is a pre-final 2-read resolution. It was noted it has already been vetted through the Executive Cabinet.
- The proposed plan shows additional park entry points and new trees for additional shade. The parking lot will be enlarged, and the rugby field will remain the same size.
  - Commissioner Pointer asked if there will be seating around the rugby field. Kristi reported yes, there will be bleachers on either side and possible lighting in the future.
- Restrooms will be moved to the middle of the park to make access easier, and a new grant-funded spray ground will be added. And as suggested by the Puyallup Tribe of Indians, a circular area will be designated a gathering place and include a playground with shade structures. Metro Parks will also use this area for programming.
- A skate park is also included in the plan as requested by the community. The existing tennis courts will be moved out of their current, location low in the park, and depending on trends, these courts might be repurposed for another activity (pickle ball, field, etc.). New walking trails will allow dogs on a leash. It was also mentioned possibly connecting with any future First Creek trails currently being planned by City of Tacoma Environmental Services,

ultimately connecting to Swan Creek Park. Kristi noted interpretive signage is planned, and existing wetlands will be protected.

- Commissioner Pointer asked about any future building improvements. Marty pointed out with the building's current leased occupant (Asian Pacific Cultural Center), it allows us time to decide how to reactivate the building, either renovation or replacement. Commissioner Pointer asked if these improvements could compete with Eastside Community Center (ECC). It was pointed out that the building could offer different offerings than ECC, noting there has been talk of a cultural center, and/or a City of Tacoma library.
- This item was accepted for moving forward to the full Board with a recommendation of approval.

### **Revised EAM Software Purchasing Resolution – Cartegraph Systems**

- Erich reported an earlier resolution authorizing the purchase and implementation of new EAM software for \$250,000 was only for the first year of service. Staff determined that bundling three years with implementation was a much better option. This revised resolution includes two additional years (approx. \$70,000 yr.) for a total not to exceed \$375,000. Benefits of this revision, Metro Park's will be able to capitalize the initial three-year term instead of just one year. This new system will also allow us to field validate data that hasn't been possible before.
- Commissioner Pointer asked what EAM stands for. Erich reported it stands for Enterprise Asset Management – a generic term for database systems for managing assets.
- Commissioner Reid asked if all of Commissioner Smith's earlier budget questions were answered. Marty reported yes, staff were able to answer all the funding table questions in the first resolution.
- Commissioner Reid asked if this is a local and/or minority owned firm. Marty reported no, adding they are a national firm that offers a highly specialized product. Commissioner Pointer added it would be hard to find anyone else to meet our requirements.
- Commissioner Reid asked if we could issue a new RFP at the end of our 3-year contract. Erich reported yes, we do have the option at the end of the contract to reevaluate our needs. He added, however, we would like to maintain a long-term relationship in three-year blocks. He cautioned we need to be mindful of the data migration integrity when considering a new vendor.
- Commissioner Pointer asked if they are doing business with anyone else locally. Eric said yes, several municipalities including Kitsap County. It's a very popular tool, noted for its ease of use.
- This item was accepted for moving forward to the full Board with a recommendation of approval.

### **Other Discussion Items**

- Commissioner Reid had a question about the Titlow Park project. He asked if they planned to leave the old culvert open. He noted this along with the new trestle would offer two water openings. Marty said staff will check into this but recalls hearing it might be capped or dug out due to overall management objectives for water elevations within the lagoon.
- Commissioner Pointer questioned hearing that one foot of fill at the Tacoma Yacht Club will be cat litter. Marty said they are using a product with similar absorbing properties as cat litter as part of that site remediation work.

**Meeting Adjourned**



**MEMORANDUM**

TO: Board of Park Commissioners

THROUGH: Shon Sylvia, Executive Director

FROM: Debbie Russell, Director of Business Administration and Planning

**SUBJECT: Point Defiance Park Loop Trail Phase 1  
Sound Pacific Construction, LLC  
Change Order #3 BID# J2022-28**

DATE: June 7, 2023

**EXECUTIVE SUMMARY:** This resolution authorizes the contract Change Order #3 to Sound Pacific Construction, LLC for Point Defiance Park Loop Trail Phase 1 in the amount of \$47,625.05, including Washington State Sales Tax.

**BACKGROUND:** During the 2015 Point Defiance Master Plan Update process, one of the key improvements to the park that the public identified was the need for increased pedestrian and bicyclist safety. Through the planning and with grant funding from the Washington State Recreation Conservation Office (RCO), the Loop Trail and Viewpoints project was developed. This Loop Trail is to be a “shared-use” trail for pedestrians and bicyclists, and will be separated from the vehicular road network as topography and space allow.

Work was done in 2016 and 2017 under the “Parking & Circulation Study” to develop the 30% design and a preferred location of the new Loop Trail. Public meetings, design options, workshops, and surveys were conducted to arrive at the most desired alignment. Tree protection, safety, reuse of existing pavement, accessibility, and user experiences were all taken into consideration. This contract builds the first phase of construction advanced from the preferred route discovered through the 30% design study.

This new path will connect the new roundabout at the Pearl Street entrance, the Wilson Way bridge landing, the Pagoda, the Main Picnic area, the new pedestrian and bicyclist path to Owen Beach, the front entrance to the zoo, and the neighborhood. The project will install concrete walkways, retaining walls, improve the Wilson Way connection to the park, and signage.

The bid opening for Point Defiance Park Loop Trail Phase I was held on September 7, 2022. Seven (7) bids were received and five (5) were considered responsive. Sound Pacific Construction, LLC submitted the lowest base bid in the amount of \$1,397,872.71 (including Washington State Sales Tax). Reference checks were completed by staff to confirm that Sound Pacific Construction, LLC is a responsible contractor and performs quality work. The contract was awarded to Sound Pacific Construction, LLC by the Board of Park Commissioners on September 26, 2022, Resolution #PW80-22, for a total amount of \$1,397,872.71 (including Washington Sales Tax).

**CIC DRAFT 5/24/23**

**Change Order #1:** Change Order #1 covered the costs and time extensions incurred by the inadvertent discovery of the old trolley rail line. The Change Order increased the project budget \$79,351.61 (including Washington Sales Tax) and was approved administratively.

**Change Order #2:** Change Order #2 covered the costs and time extensions incurred by the discovery of rotten gazebo structure, the discovery and relocation of existing utilities, and overexcavation and replacement of poor soil. The Change Order increased the project budget \$67,224.14 (including Washington Sales Tax) and was approved administratively.

**Change Order #3:** Change Order #3 covers the costs of additional asphalt paving, additional overexcavation of poor soil, slope drainage remediation, additional existing utility revisions, and revising proposed bollards to surface mount. Change Order #3 increases the project budget \$47,625.05 for a total contract amount of \$1,592,073.51 (including Washington Sales Tax).

Staff is recommending approval of Change Order #3 for a total amount of \$47,625.05 (including Washington Sales Tax).

**FISCAL IMPACT:** The funds for this project are from a combination of 2014 UTGO Bond – Regional Parks and a Washington State RCO WWRP grant. Other project costs listed below include inspections, permits, and utility adjustments.

<b>Funding</b>	
14UTGO Regional Parks & Attractions Point Defiance Park	\$ 3,250,000
WA State RCO WWRP#14-1694, Point Defiance Loop Trail	\$ 3,250,000
<b>Total</b>	<b>\$ 6,500,000</b>
<b>Project Budget</b>	
Planning and Design	\$ 1,350,000
Phase 1 Construction (including tax)	\$ 1,600,000
Other Project Costs	\$ 100,000
Construction Contingency	\$ 50,000
1% for Art	\$ 16,000
Future Project Costs	\$ 3,384,000
<b>Total</b>	<b>\$ 6,500,000</b>

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

**METROPOLITAN PARK DISTRICT OF TACOMA**

**RESOLUTION NO. PWXX-XX**

**POINT DEFIANCE PARK LOOP TRAIL PHASE 1  
SOUND PACIFIC CONSTRUCTION, LLC – CHANGE ORDER #3**

WHEREAS, the Board of Park Commissioners of the Metropolitan Park District of Tacoma desires to make upgrades to Point Defiance Park; and;

WHEREAS, the contract with Sound Pacific Construction LLC was approved by the Board of Park Commissioners on September 26, 2022, Resolution #PW80-22, for a total amount of \$1,397,872.71 (including Washington Sales Tax); and

WHEREAS, on February 23, 2023, Change Order #1 was issued in the amount of \$79,351.61 (including Washington Sales Tax) in response to the costs and delays associated with an inadvertent discovery;

WHEREAS, on March 22, 2023, Change Order #2 was issued in the amount of \$67,224.14 (including Washington Sales Tax) in response to existing utility conflicts, soil replacement, and existing gazebo structural repairs; Now, therefore, be it

RESOLVED by the Board of Park Commissioners of the Metropolitan Park District of Tacoma to authorize Change Order #3 with Sound Pacific Construction LLC in the amount of \$47,625.05 (including Washington Sales Tax), for a total contract amount of \$1,592,073.51 (including Washington Sales Tax).

The foregoing resolution was adopted by the Board of Park Commissioners of the Metropolitan Park District of Tacoma at a regular meeting held on \_\_\_\_\_2023.

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Clerk





**MEMORANDUM**

TO: Board of Park Commissioners

THROUGH: Shon Sylvia, Executive Director

FROM: Debbie Russell, Director of Business Administration and Planning

**SUBJECT: Point Defiance View Points Infrastructure Improvements/Loop Trail Project  
BCRA, Inc, A&E Contract Amendment #3**

DATE: June 7, 2023

**EXECUTIVE SUMMARY:** This resolution authorizes an amendment of an additional \$217,740.00 to the existing A&E Contract with BCRA Inc. to provide design services for the Loop Trail Project.

**BACKGROUND:** During the 2015 Point Defiance Master Plan Update process, one of the key improvements to the park that the public identified was the need for increased pedestrian and bicyclist safety. Through the planning and with grant funding from the Washington State Recreation Conservation Office (RCO), the Loop Trail and Viewpoints project was developed. This Loop Trail is to be a “shared-use” trail for pedestrians and bicyclists, and will be separated from the vehicular road network as topography and space allow.

Work was done in 2016 and 2017 under the “Parking & Circulation Study” to develop the 30% design and a preferred location of the new Loop Trail. Public meetings, design options, workshops, and surveys were conducted to arrive at the most desired alignment. Tree protection, safety, reuse of existing pavement, accessibility, and user experiences were all taken into consideration. This contract builds the first phase of construction advanced from the preferred route discovered through the 30% design study.

This new path will connect the new roundabout at the Pearl Street entrance, the Wilson Way bridge landing, the Pagoda, the Main Picnic area, the new pedestrian and bicyclist path to Owen Beach, the front entrance to the zoo, and the neighborhood. The project will install concrete walkways, retaining walls, improve the Wilson Way connection to the park, and signage.

Metro Parks public solicitation for a design firm to assist with the project produced nine (9) Statements of Qualifications (SOQ’s). Of the four (4) teams that were interviewed, BCRA Inc. was selected. The contract was awarded to BCRA, Inc. by the Board of Park Commissioners on March 11, 2019, Resolution PW25-19, for a total amount of \$799,200.

**CIC DRAFT 5/24/23**

**Amendment #1:** Extended the contract date and provided funding to include additional jurisdictional coordination, revised permitting strategy, additional cost opinions, and revised project scope, increased the contract total \$98,100, to a total of \$897,300.00, and was approved administratively.

**Amendment #2:** Extended the contract date and revised the allocation of the project budget, shifting itemized budgets to match the revised scope of the Loop Trail project.

**Amendment #3:** Revisions to design package including utility additions, signage, split permitting approach into two phases, revisions to stormwater permitting, landscaping, and path guardrail designs. This amendment increases the contract by \$217,740 to a total of \$1,115,040.

**FISCAL IMPACT:** An amended scope of additional services has been negotiated with BCRA to add the amount of \$217,740.00 to their existing A&E contract.

The total funds allocated to this project, in the amount of \$ 6,500,000, are from the Metro Parks Tacoma 2014 UTGO Bond Funds and an RCO WWRP Grant. Other project costs listed below include inspections, permits, and utility adjustments.

<b>Funding</b>	
14UTGO Regional Parks & Attractions Point Defiance Park	\$ 3,250,000
WA State RCO WWRP#14-1694, Point Defiance Loop Trail	\$ 3,250,000
<b>Total</b>	<b>\$ 6,500,000</b>
<b>Project Budget</b>	
Planning and Design	\$ 1,350,000
Phase 1 Construction (including tax)	\$ 1,600,000
Other Project Costs	\$ 100,000
Construction Contingency	\$ 50,000
1% for Art	\$ 16,000
Future Project Costs	\$ 3,384,000
<b>Total</b>	<b>\$ 6,500,000</b>

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

**METROPOLITAN PARK DISTRICT OF TACOMA**

**RESOLUTION NO. PWXX-XX**

**POINT DEFIANCE VIEW POINTS INFRASTRUCTURE  
IMPROVMENTS/LOOP TRAIL PROJECT  
BCRA, INC. A&E CONTRACT AMENDMENT #3**

WHEREAS, the Board of Park Commissioners of the Metropolitan Park District of Tacoma desire to make infrastructure upgrades to the Point Defiance View Points and Loop Trail; and

WHEREAS, BCRA Inc. was selected to provide full design, permitting, construction documents and construction administration services for the Point Defiance View Points and Loop Trail Project; and

WHEREAS, March 11, 2019, Resolution #PW25-19, the Board of Park Commissioners of the Metropolitan Park District of Tacoma authorized the Executive Director to execute a contract with BCRA Inc. for the Point Defiance View Points and Loop Trail project in the amount of \$799,200.00; and

WHEREAS, on November 12, 2021, Amendment #1 was issued in the amount of \$98,100 to extend the contract date and in response to scope, design, and permitting revisions; and

WHEREAS, on January 27, 2023, Amendment #2 was issued to extend the contract date and recategorize line items within the budget; Now, therefore, be it

RESOLVED by the Board of Park Commissioners of the Metropolitan Park District of Tacoma that the Executive Director is authorized to execute contract Amendment #3 with BCRA Inc. for the Point Defiance View Points and Loop Trail project in the amount of \$217,740 for a contract total of \$1,115,040.

The foregoing resolution was adopted by the Board of Commissioners of the Metropolitan Park District of Tacoma at a regular meeting held on \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Clerk



**MEMORANDUM**

TO: Board of Park Commissioners

THROUGH: Shon Sylvia, Executive Director

FROM: Debbie Russell, Director of Business, Administration and Planning

**SUBJECT: Peck Sports Park Master Plan Contract Award to Walker/ Macy**

DATE: June 7, 2023

**EXECUTIVE SUMMARY:** This resolution authorizes contract award for the Peck Sports Park Master Plan contract to Walker/Macy in the amount not to exceed \$93,750.00.

**BACKGROUND:** This Scope is intended to provide for a long-range Master Plan with the potential for design development and construction document phases for the implementation of improvements at Peck Athletic Complex. This effort is intended to provide broader context to concurrent efforts at this park location. On May 22, 2023 the Metro Parks Board of Commissioners passed a resolution to authorizing an MOU for Metro Parks Tacoma to work with Tacoma Public Schools to plan, design, construct and program an all-season multi-use sport field at Peck Athletic Complex for TPS and MPT sports teams. In partnership the all-season multi-use field would serve as the home field for Stadium High School and Hilltop Heritage Middle School baseball teams, and also be available for soccer, lacrosse, and other community sports needs. The full Peck Sports Park master plan will include neighborhood park amenities and will explore the emerging principles of Community Sports Parks, informed by community feedback.

The efforts of the Master Plan consultant (A&E) will be to assimilate information garnered through this process and to develop a range of long-term site redevelopment concepts, including illustrative graphics, brief program and project narrative, and rough order of magnitude costs for future enhancements. The A&E scope of services will account for substantial staff time required for public engagement, presentation, feedback and plan revisions as can be anticipated under this project.

Through an MPT A& E Roster review and ranking of twenty-one (21) landscape architect/planners experienced in park master planning with an emphasis on sport park development projects, the Walker / Macy team was determined to be most qualified.

Walker / Macy is a certified Woman-Owned Business with offices in Seattle and Portland.

The effort is expected to be completed by October 31, 2023. Kristi Evans will be Capital Program Manager for this project.

**FISCAL IMPACT:** The funds for the Peck Sports Park Master Plan contract are derived from Planning Operating funds. The following is a breakdown of the funding sources and project budgets.

<b>Funding:</b>	
Planning Operating Budget	\$131,000
<hr/>	
<b>Total</b>	<b>\$131,000</b>
<b>Budget:</b>	
Planning and Design	\$129,000
Other Costs	\$ 2,000
<hr/>	
<b>Total</b>	<b>\$131,000</b>

**ADDITIONAL INFORMATION:** For additional information, please contact Debbie Russell, Director of Business, Administration & Planning at 253.305.1086.

**METROPOLITAN PARK DISTRICT OF TACOMA**

**RESOLUTION NO. \_\_\_\_\_**

**PECK SPORTS PARK MASTER PLAN CONTRACT AWARD TO WALKER/ MACY**

WHEREAS, the Board of Park Commissioners of the Metropolitan Park District of Tacoma desires to create a Master Plan for Peck Sports Park for future development; and

WHEREAS, staff has developed a planning framework of program delivery of concepts, including illustrative graphics, brief program and project narrative, and rough order of magnitude costs for future development; and

WHEREAS, Walker/Macy was selected as the most qualified of the Twenty-one (21) submittals on the Architectural and Engineering Roster; and

WHEREAS, funds for the project are provided from Planning Operating Funds; Now, therefore, be it

RESOLVED by the Board of Park Commissioners of the Metropolitan Park District of Tacoma to award the Peck Sports Park Master Planning contract to Walker/Macy in the amount of \$93,750.00 (not including Washington State Sales Tax).

The forgoing resolution was adopted by the Board of Park Commissioners of the Metropolitan Park District of Tacoma at a regular meeting held on \_\_\_\_\_2023.

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Clerk



## **MEMORANDUM**

TO: Board of Park Commissioners

THROUGH: Shon Sylvia, Executive Director

FROM: Debbie Russell, Director of Business Administration and Planning

**SUBJECT: Granting Two Easements From Metro Parks Tacoma to Pierce County in Swan Creek Park**

DATE: June 7, 2023

**EXECUTIVE SUMMARY:** Approval of a resolution is requested granting an two easements, one permanent and one temporary, to Pierce County from the Metro Parks Tacoma and authorizing the Executive Director to negotiate and sign said easement.

**BACKGROUND:** The Permanent Easement is for the a project that is intended to reduce persistent channel incision and erosion occurring in the Swan Creek ravine by stabilizing the channel bed and bank slopes to reduce sediment transport to Clear Creek. The project may increase water surface elevations within the Swan Creek ravine, including during flood events, but Project analysis predicts that those water surface elevations will be localized to the channel and contained within the Easement Area, and the resulting increase in water surface elevation will require the Grantee to coordinate with FEMA to update the existing floodplain mapping.

The 2 year Temporary Easement for construction activities for the channel stabilization such as planting new natives plants, temporary closures of trails for pedestrian safety.

The project includes a portion of Swan Creek and the Swan Creek ravine that is located within the Property in the area legally described in Exhibit “A” and depicted on Exhibit “B” for illustrative purposes (the “Easement Area”) which are attached for both the Permanent and Temporary Easements.

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

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

**METROPOLITAN PARK DISTRICT OF TACOMA**

**RESOLUTION NO. R  
GRANTING TWO EASEMENTS FROM METRO PARKS TACOMA TO PIRECE  
COUNTY IN SWAN CREEK PARK**

WHEREAS, the Board of Park Commissioners of the Metropolitan Park District of Tacoma desires to grant Pirece County a permanent easement to construct improvements for better channel flow in Swan Creek; and

WHEREAS, in order to complete said improvements Pirece County requires a permanent and temporary easement on Metro Parks Tacoma property; and

WHEREAS; the proposed easements permits Pierce County to install, construct, operate, inspect, maintain, remove, repair and replace the channel improvements; Now, therefore, be it

RESOLVED by the Board of Park Commissioners of the Metropolitan Park District of Tacoma to approve the granting of two easements as described within 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 \_\_\_\_\_2023.

\_\_\_\_\_

President

ATTEST:

\_\_\_\_\_

Secretary

\_\_\_\_\_

Clerk



Pierce County Planning and Public Works  
2702 South 42nd Street, Suite 109  
Tacoma, WA 98409  
Attention: Erica Grimm, Right-of-Way Agent

## **GRANT OF PUBLIC SURFACE WATER FACILITY EASEMENT**

Grantor(s): Metropolitan Park District of Tacoma

Grantee: Pierce County

Abbreviated Legal: Portions of the NW ¼, SW ¼ Sec. 14-20N-3E; SE ¼ of Sec. 15-20N-3E; NE ¼ of Sec. 22-20N-3E; SW ¼, NW ¼, GL 1 of Sec. 23-20N-3E; and Blocks 5 & 6, Roosevelt Add.; and Block 11 of Portland Heights, w/vac. alley

Tax Parcel No.: a portion of 0320233112

WHEREAS, the Grantor, the Metropolitan Park District of Tacoma, a Washington municipal corporation, is the owner of certain real property located in Pierce County, Washington identified as tax parcel number 0320233112 (the "Property"), and;

WHEREAS, the Grantee, Pierce County, a municipal corporation and a political subdivision of the State of Washington, will be constructing the Capital Improvement Project (CIP) D460 - Swan Creek Channel Restoration (the "Project") within the Property, and;

WHEREAS, the Project is intended to reduce persistent channel incision and erosion occurring in the Swan Creek ravine by stabilizing the channel bed and bank slopes to reduce sediment transport to Clear Creek, and;

WHEREAS, the Project includes a portion of Swan Creek and the Swan Creek ravine that is located within the Property in the area legally described in Exhibit "A" and depicted on Exhibit "B" for illustrative purposes (the "Easement Area") which are attached hereto and made a part hereof, and;

WHEREAS, the Project will require construction and installation of water and sediment management structures and planting of native vegetation along the channel, as well as ongoing operation, maintenance, repair, and improvement of the structures and plants within the Easement Area, and;

WHEREAS, a portion of Grantor's Property that is within the Easement Area is currently encumbered by a Federal Emergency Management Agency (FEMA) mapped Special Flood Hazard Area (SFHA) floodplain, designated as Zone AE, and includes additional Floodway designations, and;

WHEREAS, the Project may increase water surface elevations within the Swan Creek ravine, including during flood events, but Project analysis predicts that those water surface elevations will be localized to the channel and contained within the Easement Area, and the resulting increase in water surface elevation will require the Grantee to coordinate with FEMA to update the existing floodplain mapping and;

WHEREAS, Grantor has agreed to convey to Grantee the right to construct the Project and to increase water surface elevations within the Easement Area;

NOW, THEREFORE, in consideration of the mutual benefits and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantors does by these presents grant and convey to Grantee, a municipal corporation and political subdivision of the State of Washington, together with its successors and assigns, a perpetual easement on, over, under, through, and across the real property legally described in Exhibit "A" and depicted on Exhibit "B" (the "Easement Area") for the purposes of the construction, improvement, maintenance, and repair of the Project, including water and sediment management structures (said structures to include without limitation timber frame structures, channel spanning logs, tethered boulders, wood slash), including installing and maintaining in-ground support members and devices necessary for tethering and securing objects, and further including the right to alter flow and sediment characteristics related to the location, volume and elevation of water and sediment within the Easement Area and to use the Easement Area for water placement, flow, and storage (including overflowing, flooding, inundating, and/or submerging of the Easement Area) as specified within the Project documents, together with the right of Grantee, its successors and assigns, to enter upon said Easement Area at any time with all necessary staff, material, and equipment for the purposes of constructing, inspecting, repairing, and maintaining the Project. The parties acknowledge Grantee may exercise its rights herein through its officers, employees, agents, permittees, and contractors, but no easement is granted to Grantee's officers, employees, agents, permittees, and contractors. Grantor reserves the right to seek compensation for Grantee's use of additional real property if the Project causes an increase in water surface elevations on Grantor's Property outside of the Easement Area.

It is also understood and agreed by the Grantor that Grantee shall not be responsible for replacing or restoring any structures, fences, retaining walls, shrubbery, hedges, landscaping, or any other items found within the described Easement Area after working in this area.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

METROPOLITAN PARK DISTRICT OF TACOMA

By: \_\_\_\_\_  
Shon Sylvia, Executive Director

STATE OF WASHINGTON )  
 )  
County of Pierce )

I, the undersigned, a NOTARY PUBLIC, do hereby certify that on this \_\_\_\_ day of \_\_\_\_\_ 2022, that I know or have satisfactory evidence that Shon Sylvia is the person who appeared before me, on oath stated that he is the Executive Director of the Metropolitan Park District of Tacoma and that he was authorized to sign the above instrument as the free and voluntary act and deed of the Metropolitan Park District of Tacoma for the uses and purposes therein mentioned.

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Notary Public in and for the State of Washington  
Residing at \_\_\_\_\_  
My Appointment Expires: \_\_\_\_\_

APPROVED as to form only:

Accepted By:

\_\_\_\_\_  
Pierce County Deputy Prosecuting Attorney

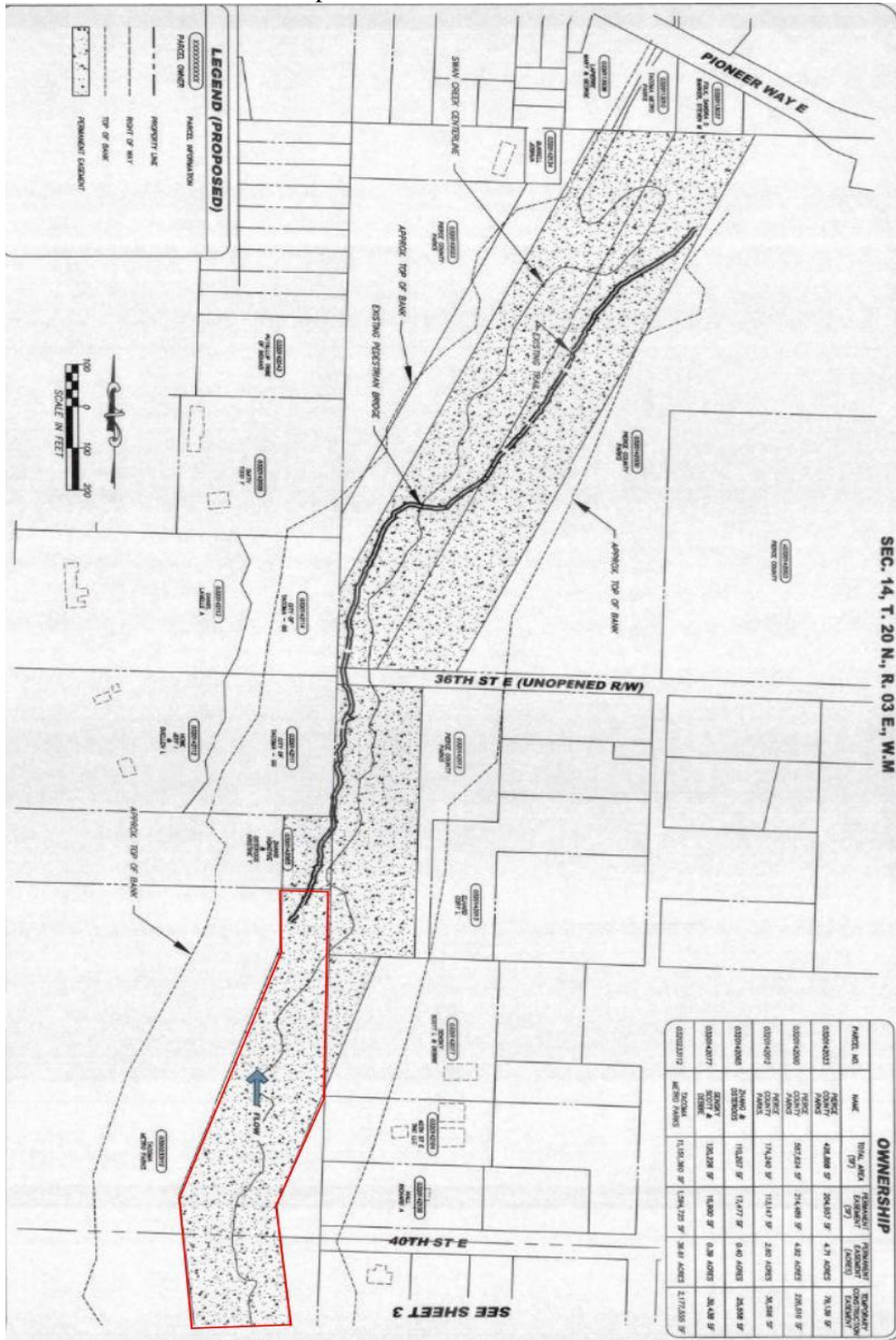
\_\_\_\_\_  
Pierce County Executive Date

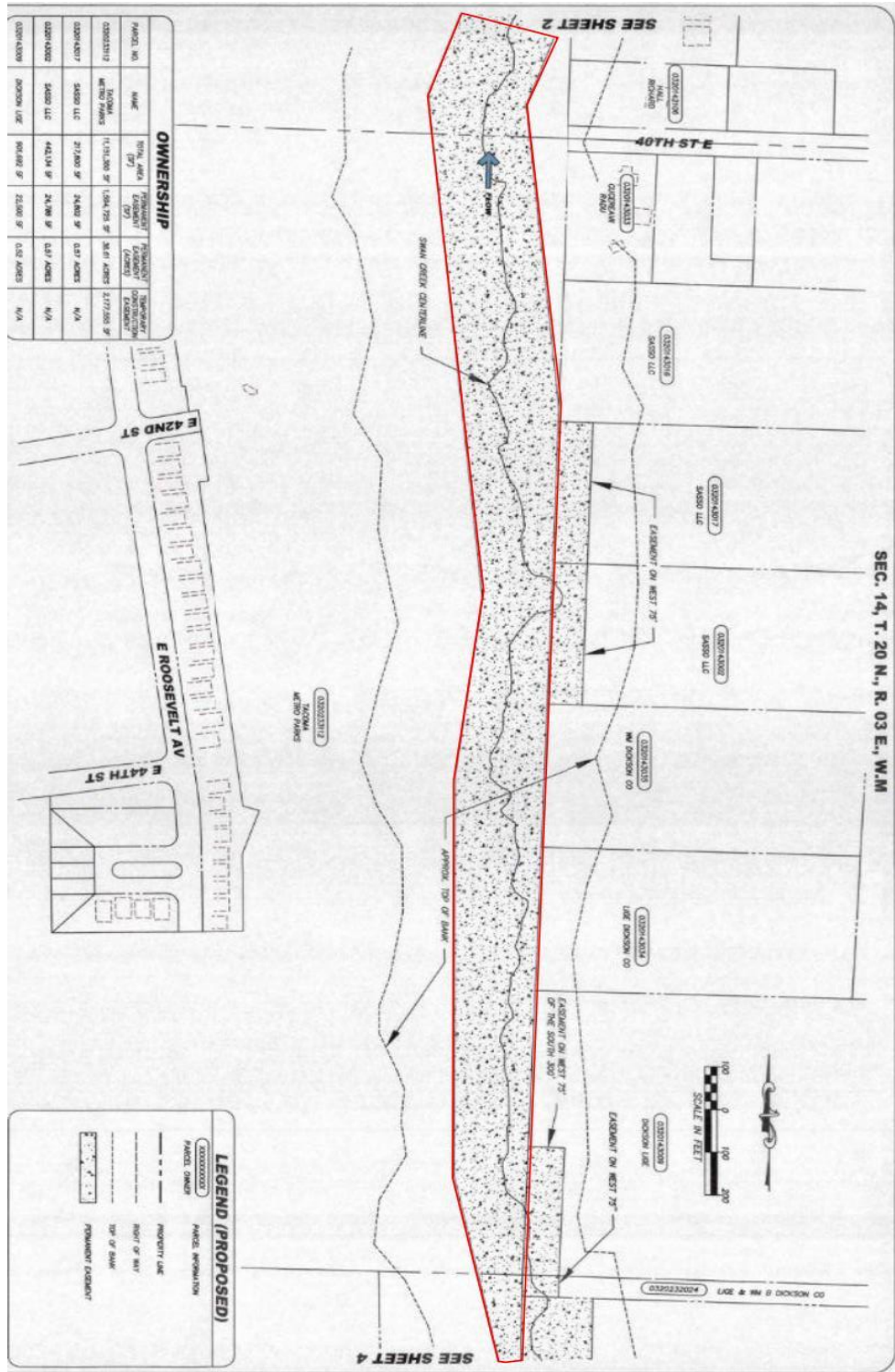
**EXHIBIT A**

Legal Description of Easement Area

COMMENCING AT THE NE CORNER OF THE SW ¼ OF THE NW ¼ OF SECTION 14,  
T20N, R03E, WILLAMETTE MERIDIAN  
THENCE S 01° 45' 15" W ALONG THE EAST 1/16<sup>TH</sup> LINE OF SAID SUBDIVISION A  
DISTANCE OF 510.68 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING ALONG THE EAST 1/16<sup>TH</sup> LINE S 01° 45' 15" W A DISTANCE OF  
478.53 FEET;  
THENCE S 19° 48' 35" W A DISTANCE OF 293.75 FEET;  
THENCE S 05° 28' 11" E A DISTANCE OF 709.87 FEET TO THE SAID EAST 1/16<sup>TH</sup> LINE;  
THENCE CONTINUING ALONG THE EAST 1/16<sup>TH</sup> SECTION LINE S 01° 45' 15" W A  
DISTANCE OF 2044.27 FEET TO THE SOUTH LINE OF SAID SECTION 14 BEING THE  
NE CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 23 T20N R3E;  
THENCE CONTINUING ALONG THE EAST 1/16<sup>TH</sup> LINE OF SAID SECTION 23  
SUBDIVISION, S 01° 03' 23" W A DISTANCE OF 436.77 FEET;  
THENCE S 33° 44' 37" W A DISTANCE OF 436.77 FEET;  
THENCE S 04° 43' 53" W A DISTANCE OF 774.07 FEET;  
THENCE S 01° 59' 51" E A DISTANCE OF 955.15 FEET;  
THENCE S 16° 08' 56" W A DISTANCE OF 978.90 FEET;  
THENCE S 10° 45' 25" E A DISTANCE OF 674.96 FEET;  
THENCE S 55° 49' 56" E A DISTANCE OF 420.69 FEET;  
THENCE S 00° 41' 32" E A DISTANCE OF 228.25 FEET;  
THENCE N 87° 37' 48" W A DISTANCE OF 24.12 FEET;  
THENCE N 55° 49' 56" W A DISTANCE OF 613.64 FEET;  
THENCE N 10° 45' 25" W A DISTANCE OF 805.79 FEET;  
THENCE N 16° 08' 56" E A DISTANCE OF 994.81 FEET;  
THENCE N 01° 59' 51" W A DISTANCE OF 934.97 FEET;  
THENCE N 04° 43' 53" E A DISTANCE OF 837.58 FEET;  
THENCE N 33° 44' 37" E A DISTANCE OF 522.19 FEET;  
THENCE N 09° 14' 54" E A DISTANCE OF 796.36 FEET;  
THENCE N 12° 03' 43" W A DISTANCE OF 483.31 FEET;  
THENCE N 00° 13' 54" E A DISTANCE OF 931.38 FEET;  
THENCE N 07° 40' 32" E A DISTANCE OF 421.92 FEET;  
THENCE N 05° 28' 11" W A DISTANCE OF 1183.46 FEET;  
THENCE N 19° 48' 35" E A DISTANCE OF 629.47 FEET;  
THENCE N 01° 45' 13" E A DISTANCE OF 140.14 FEET;  
THENCE S 88° 10' 02" E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.  
SITUATE IN COUNTY OF PIERCE, STATE OF WASHINGTON.

**EXHIBIT B**  
Depiction of the Easement Area





**OWNERSHIP**

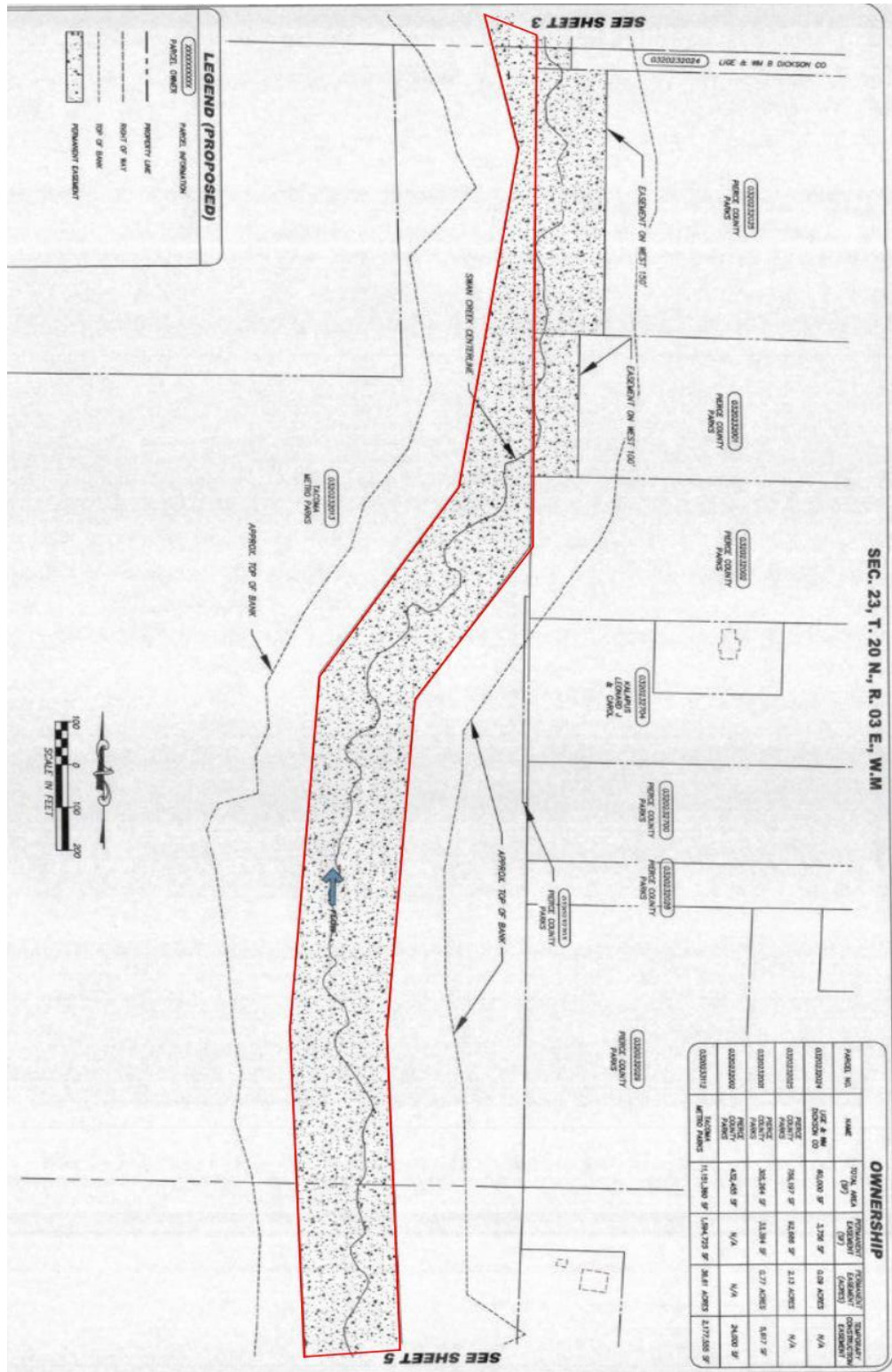
PARCEL NO.	NAME	TOTAL AREA (SQ FT)	PERMANENT EASEMENT AREA (SQ FT)	TEMPORARY EASEMENT AREA (SQ FT)
020014206	WALTON WINTO FARMS	1,171,200 SF (26.84 ACRES)	38,671 ACRES (877,200 SF)	2,177,200 SF
020014207	54000 LLC	277,000 SF	0 SF	N/A
020014208	54000 LLC	24,000 SF	0 SF	N/A
020014209	54000 LLC	442,174 SF	24,700 SF	N/A
020014210	54000 LLC	22,000 SF	0 SF	N/A

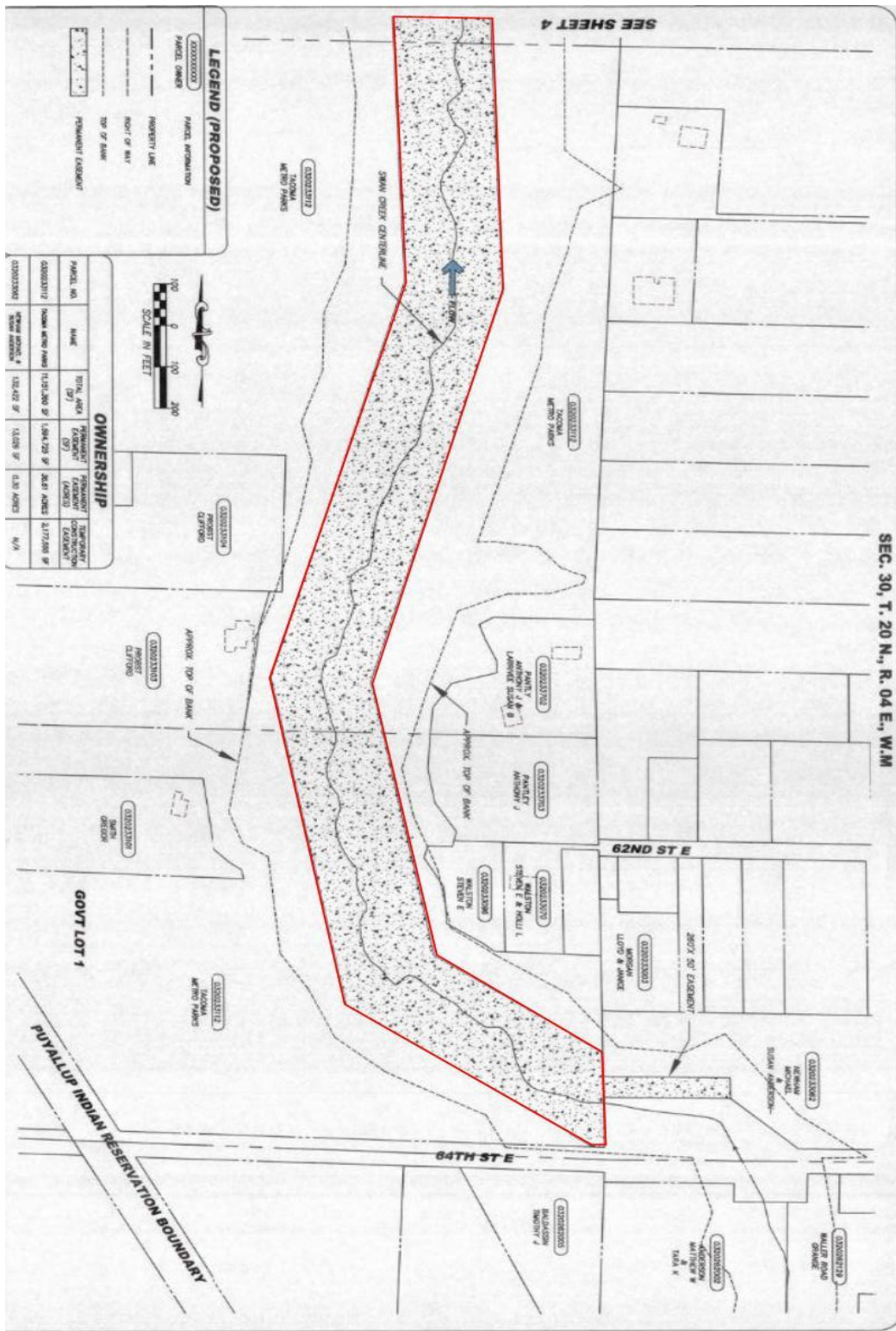


**LEGEND (PROPOSED)**

- Parcel Boundary
- Property Line
- Right of Way
- Top of Bank
- Permanent Easement









Pierce County Planning and Public Works  
2702 South 42nd Street, Suite 109  
Tacoma, WA 98409  
Attention: Erica Grimm, Right-of-Way Agent

## TEMPORARY EASEMENT

Grantor(s): Metropolitan Park District of Tacoma

Grantee: Pierce County

Abbreviated Legal: Portions of the NW ¼, SW ¼ Sec. 14-20N-3E; SE ¼ of Sec. 15-20N-3E; NE ¼ of Sec. 22-20N-3E; SW ¼, NW ¼, GL 1 of Sec. 23-20N-3E; and Blocks 5 & 6, Roosevelt Add.; and Block 11 of Portland Heights, w/vac. alley

Tax Parcel No.: a portion of 0320233112

THE GRANTOR, Metropolitan Park District of Tacoma, a Washington municipal corporation, for and in consideration of valuable consideration, receipt of which is hereby acknowledged, and in further consideration of the general public welfare and of the peculiar and special benefits to accrue to us therefrom, does by these presents grants and conveys to Pierce County, a municipal corporation and a political subdivision of the State of Washington (hereinafter "Grantee"), a temporary easement for the purpose of performing the work necessary to complete the CIP D460 - Swan Creek Channel Restoration Project (hereinafter the "Project"), including, without limitation, delivering, storing, and staging Project materials; using easement airspace for helicopter overflight; using and potentially damaging existing trees to anchor temporary tree skylines; clearing invasive plants; planting native plants; and monitoring and maintaining said native plants over, along, under, through, across, and upon that certain real property situated in Pierce County, Washington, legally described in Exhibit A and depicted on Exhibit B for illustrative purposes (hereinafter the "Temporary Easement Area"), together with the rights of ingress, egress, and entry upon said Temporary Easement Area with all necessary staff, material, equipment, and other actions for the purposes of completing the Project. Grantee may exercise its rights herein through its officers, employees, agents, permittees, and contractors.

Said rights are granted upon the following conditions:

1. Grantee shall restore the Temporary Easement Area to the prior condition at the termination of this Temporary Easement, except that if Grantee damages any trees by using them as skyline anchors, Grantee shall plant new native plants at the location of such damage.
2. Grantee will conduct operations in a manner that will leave Grantor's existing trail system within the Temporary Easement Area undisturbed.
3. The Project will require temporary trail closures to ensure pedestrian safety during aerial

material installation activities. The Grantee shall provide advance written notification to Grantor prior to performing any work requiring temporary trail closure.

4. Grantee agrees to protect areas of Torrey Pea Vine within the Temporary Easement Area, either through transplanting or leaving it undisturbed.

5. Grantee shall apply for and obtain all necessary permits prior to commencing any construction activities.

6. Grantee shall require its Contractor(s) to obtain insurance policies prior to commencing any construction activity, with said policies to include Grantor as an additional named insured.

This Temporary Easement, and all rights granted hereunder, shall take effect upon written notice from the Grantee and shall continue for a duration of two (2) years thereafter. If the Project is completed, including all necessary plant establishment and maintenance, before expiration of the two-year period, then this easement shall terminate automatically and without notice, on that date. In any event, this temporary easement shall expire and terminate not later than March 31<sup>st</sup>, 2026.

The lands herein described contain an area of 2,177,555 square feet, more or less.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2022.

METROPOLITAN PARK DISTRICT OF TACOMA

By: \_\_\_\_\_  
Shon Sylvia, Executive Director

STATE OF WASHINGTON )  
 )  
County of Pierce )

I, the undersigned, a NOTARY PUBLIC, do hereby certify that on this \_\_\_\_ day of \_\_\_\_\_ 2022, that I know or have satisfactory evidence that Shon Sylvia is the person who appeared before me, on oath stated that he is the Executive Director of the Metropolitan Park District of Tacoma, and that he was authorized to sign the above instrument as the free and voluntary act and deed of the Metropolitan Park District of Tacoma for the uses and purposes therein mentioned.

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Notary Public in and for the State of Washington  
Residing at \_\_\_\_\_  
My Appointment Expires: \_\_\_\_\_

APPROVED as to form only:

Accepted By:

\_\_\_\_\_  
Pierce County Deputy Prosecuting Attorney

\_\_\_\_\_  
Pierce County Executive

\_\_\_\_\_  
Date

**EXHIBIT A**

Legal Description of Temporary Easement Area

**THE TEMPORARY EASEMENT AREA CONSISTS OF AREAS A, B, C AND D AS LEGALLY DESCRIBED BELOW:**

**AREA A:**

COMMENCING AT THE QUARTER CORNER COMMON TO SECTION 22 AND 23, T20N, R03E, WILLAMETTE MERIDIAN

THENCE N 01° 17' 17.3" E ALONG THE SAID SECTION LINE A DISTANCE OF 41.37 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N 87° 50' 21.3" E A DISTANCE OF 572.68 FEET;

THENCE N 00° 16' 04.0" E A DISTANCE OF 1611.34 FEET;

THENCE N 89° 51' 35.1" E A DISTANCE OF 629.92 FEET;

THENCE S 09° 14' 54.4" W A DISTANCE OF 74.15 FEET;

THENCE S 33° 44' 37.5" W A DISTANCE OF 522.19 FEET;

THENCE S 04° 43' 53.2" W A DISTANCE OF 837.58 FEET;

THENCE S 01° 59' 51.4" E A DISTANCE OF 934.97 FEET;

THENCE S 16° 08' 56.1" W A DISTANCE OF 994.81 FEET;

THENCE S 10° 45' 25.4" E A DISTANCE OF 805.79 FEET;

THENCE S 55° 49' 56.5" E A DISTANCE OF 613.64 FEET;

THENCE N 87° 37' 48.2" W A DISTANCE OF 977.03 FEET;

THENCE N 28° 31' 54.3" W A DISTANCE OF 347.10 FEET;

THENCE N 67° 43' 24.2" E A DISTANCE OF 263.06 FEET;

THENCE N 85° 49' 39.6" E A DISTANCE OF 317.94 FEET;

THENCE N 14° 03' 33.9" W A DISTANCE OF 467.71 FEET;

THENCE N 08° 12' 32.2" E A DISTANCE OF 425.30 FEET;

THENCE N 01° 25' 20.2" E A DISTANCE OF 329.79 FEET;

THENCE N 03° 24' 35.8" E A DISTANCE OF 967.80 FEET;

THENCE N 87° 30' 40.9" W A DISTANCE OF 686.19 FEET TO THE SAID SECTION LINE;

THENCE N 01° 17' 17.3" E A DISTANCE OF 65.50 FEET ALONG THE SAID SECTION LINE TO THE TRUE POINT OF BEGINNING;

**AREA B:**

COMMENCING AT THE NE CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 23 T20N R3E;

THENCE ALONG THE EAST 1/16<sup>TH</sup> SECTION LINE OF SAID SECTION 23, S 01° 03' 23" W A DISTANCE OF 1164.18 FEET;

FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE EAST 1/16<sup>TH</sup> SECTION LINE S 01° 03' 23" W A DISTANCE OF 120.35 FEET;

THENCE N 76° 41' 33.8" W A DISTANCE OF 10.30 FEET;

THENCE S 01° 02' 52.9" W A DISTANCE OF 37.66 FEET;

THENCE S 29° 40' 15.7" W A DISTANCE OF 283.37 FEET;

THENCE S 00° 56' 21.3" E A DISTANCE OF 1056.72 FEET;

THENCE S 04° 57' 53.8" W A DISTANCE OF 1053.27 FEET;

THENCE S 23° 45' 51.6" W A DISTANCE OF 619.67 FEET;  
THENCE S 00° 41' 07.7" E A DISTANCE OF 337.48 FEET;  
THENCE N 10° 45' 25.4" W A DISTANCE OF 389.68 FEET;  
THENCE N 16° 08' 56.1" E A DISTANCE OF 978.90 FEET;  
THENCE N 01° 59' 51.4" W A DISTANCE OF 955.15 FEET;  
THENCE N 04° 43' 53.2" E A DISTANCE OF 774.07 FEET;  
THENCE N 33° 44' 37.5" E A DISTANCE OF 436.77 FEET TO THE TRUE POINT OF  
BEGINNING;

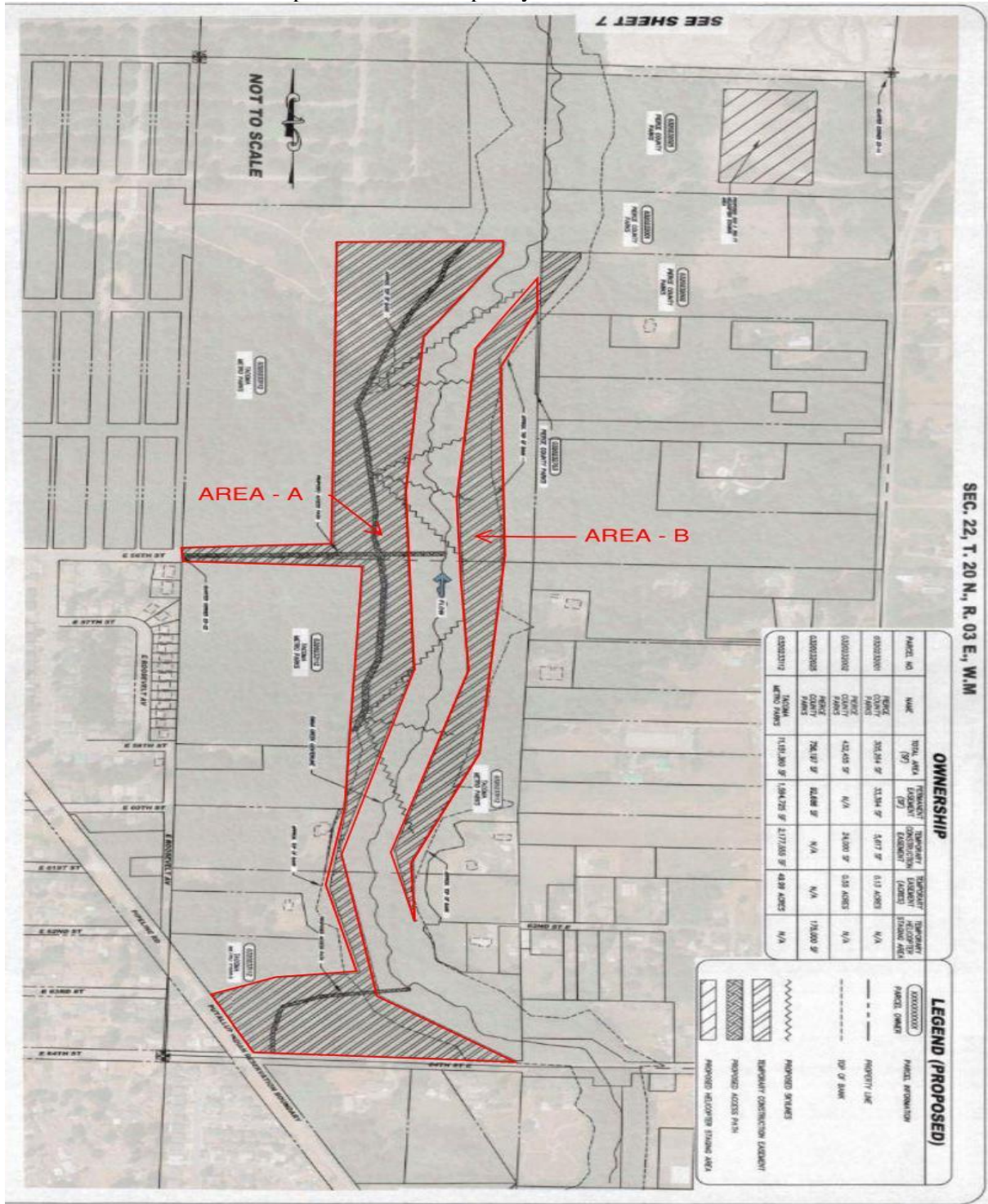
**AREA C:**

COMMENCING AT THE NE CORNER OF THE SW ¼ OF THE NW ¼ OF SECTION 14,  
T20N, R03E, WILLAMETTE MERIDIAN  
THENCE S 01° 45' 15" W ALONG THE EAST 1/16<sup>TH</sup> SECTION LINE OF SAID SECTION A  
DISTANCE OF 510.68 FEET;  
THENCE N 88° 10' 02" W A DISTANCE OF 100.00 FEET TO THE TRUE POINT OF  
BEGINNING;  
THENCE S 01° 45' 15" W A DISTANCE OF 140.14 FEET;  
THENCE S 19° 48' 35" W A DISTANCE OF 629.47 FEET;  
THENCE S 05° 28' 11" E A DISTANCE OF 798.54 FEET;  
THENCE N 77° 58' 19" W A DISTANCE OF 273.41 FEET;  
THENCE S 81° 44' 32" W A DISTANCE OF 187.14 FEET;  
THENCE S 09° 47' 02" E A DISTANCE OF 30.95 FEET;  
THENCE N 85° 22' 01" W A DISTANCE OF 100.57 FEET;  
THENCE N 07° 06' 44" W A DISTANCE OF 36.13 FEET;  
THENCE N 74° 26' 07" E A DISTANCE OF 148.19 FEET;  
THENCE N 45° 58' 48" E A DISTANCE OF 104.47 FEET;  
THENCE N 07° 16' 58" W A DISTANCE OF 1113.10 FEET;  
THENCE N 85° 35' 21" E A DISTANCE OF 347.75 FEET;  
THENCE N 28° 32' 06" E A DISTANCE OF 278.61 FEET;  
THENCE S 88° 10' 02" E A DISTANCE OF 137.05 FEET TO THE TRUE POINT OF  
BEGINNING;

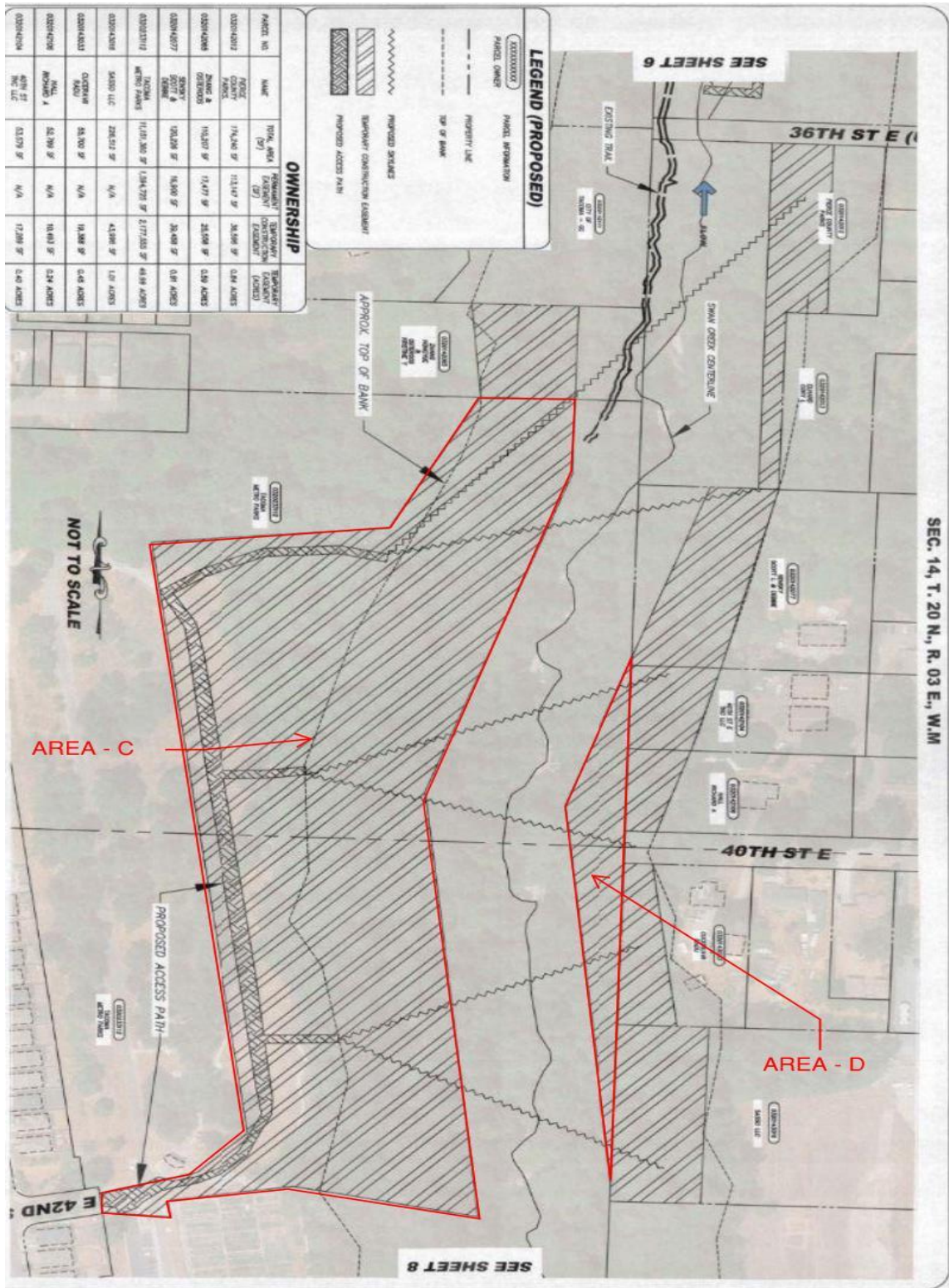
**AREA D:**

COMMENCING AT THE NE CORNER OF THE SW ¼ OF THE NW ¼ OF SECTION 14,  
T20N, R03E, WILLAMETTE MERIDIAN  
THENCE S 01° 45' 15" W ALONG THE EAST 1/16<sup>TH</sup> SECTION LINE OF SAID SECTION A  
DISTANCE OF 989.21 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING ALONG THE EAST 1/16<sup>TH</sup> SECTION LINE S 01° 45' 15" W A  
DISTANCE OF 983.53 FEET;  
THENCE N 05° 28' 11.5" W A DISTANCE OF 709.87 FEET;  
THENCE N 19° 48' 35.8" E A DISTANCE OF 293.75 FEET TO THE TRUE POINT OF  
BEGINNING;  
SITUATE IN COUNTY OF PIERCE, STATE OF WASHINGTON.

**EXHIBIT B**  
 Depiction of the Temporary Easement Area







SEC. 14, T. 20 N., R. 03 E., W.M