



THE CITY OF REDMOND
PUBLIC WORKS DEPARTMENT

September 5, 1995

Mr. Donald E. Marcy
Cairncross and Hempelmann
70th Floor, Columbia Center
701 Fifth Avenue
Seattle WA 98104-7016

Re: Redmond Town Center Traffic Mitigation Agreement

Dear Mr. Marcy:

Attached is a marked-up set of comments from the City of Redmond regarding the traffic mitigation agreement. We are in general agreement with the recitals portion of the agreement, Exhibits A, B, C, D, and F.

However, we have significant disagreement with point two on page two of the agreement, and Exhibit E. We do not believe that this section is in the spirit of the agreement reached on June 23, 1995. It is neither consistent with the letter dated June 23, 1995 sent by Winmar as a follow-up to that meeting, nor is it consistent with the letter of reply from the City dated July 14, 1995.

As we stated in our July 14, 1995 letter, "The City is also preparing a checklist of site plan conditions which will cover most of the site plan issues related to transportation." According to our tentative agreement on the Town Center mitigation, Winmar is still responsible for designing all the off-site transportation improvements to meet the City of Redmond standards.

Most all of the items listed in Exhibit E are considered essential portions of the work in completing the public improvements and meeting City of Redmond standards, therefore, they are subject to no additional credits. We are willing to negotiate on items 2A (170 Place NE/Redmond Way video surveillance) and 6A (Bear Creek Parkway interconnect) because they are desirable for the overall operations of the system. We will drop the requirements 5a (West Lake Sammamish Parkway interconnect) and 5c (West Lake Sammamish Parkway controllers and service cabinets).

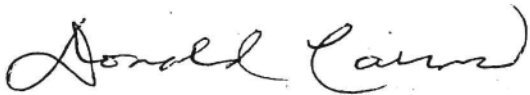
During our negotiation process on the Town Center transportation mitigation agreement, the City was able to rationally justify credits of \$5,250,231 or 94.9% of the total against the pro-rata mitigation identified for Town Center in the EIS. This left a remaining pro-rata of \$281,742. Ninety thousand dollars was proposed as credit for past payments of the SR 520/202 project, therefore, an additional \$46,675 is owed as Redmond Town Center's contribution to the SR 520/202 interchange. This \$46,675 may be applied against the \$281,742, which leaves a balance of \$235,067.

It was our understanding that Winmar was in agreement that "any remaining funds may be expended by the City in such transportation improvements as the City deems most advisable" (from June 23, 1995 letter from Winmar). The City could also choose to place these remaining funds as pro-rata into specific projects identified in the EIS. We prefer the flexibility of using the funds to benefit transportation improvements in the downtown area which include a signal at NE 80 Street and 166 Avenue NE, and at Redmond Way and 159 Avenue NE. In addition, some of these funds could be used to offset the difference to items 2A and 6A.

We remind you that completion of this transportation mitigation agreement is critical to the timely issuance of building permits. The form and substance of the agreement must be completed before the City will issue building permits. In addition, there will likely be minor changes to the language after we review the document with our City Attorney. This review will occur after we come to general agreement on terms. The agreement will be fully executed by the City after it has been signed by the City Attorney, City Clerk, and the Mayor. Design and completion of the improvements will be tied to occupancy.

We would like to meet and discuss these issues further. It is our interest to reach a mutually satisfactory agreement as soon as possible so that there are no delays for the project.

Sincerely,



Donald W. Cairns, P.E.
Transportation Division Manager

Attachments: comment list regarding Redmond Town Center traffic mitigation agreement draft dated August 23, 1995
copy of July 14, 1995 letter from the City of Redmond
copy of June 23, 1995 letter from Winmar

cc: Rob Crittenden, Transportation Development Engineer
Judd Black, Planner
Jim Roberts, Assistant Planning Director
Randy Kyte, Winmar
Carol Osborne, Director of Public Works

Comments on Redmond Town Center
Traffic Mitigation Agreement
(Draft)
Dated August 23, 1995

Item 1., page 2. Add the following: "These improvements shall be designed and constructed in accordance with appropriate City standards. All the improvements shall be completed prior to issuance of any occupancy permits."

Item 2., page 2. Delete in its entirety and replace with the following: "TCA will provide a cash payment at the time of building permit issuance in the amount of \$281,742. These funds will be distributed as follows:

1. \$46,675 applied to the SR 520/SR 202 impact fee.
2. \$235,067 may be expended by the City on such transportation improvements as the City deems most advisable. These improvements should be in the downtown area.
3. A portion of these funds may be reimbursed back to TCA for the specific improvement items described in Appendix E. Reimbursement is contingent upon these improvements exceeding both the cost for providing comparable improvements and exceeding the cost estimate shown in the appendix."

or

3. [We can negotiate a fixed cost and deduct from the \$235,067 payment making TCA completely responsible for the improvements. This is the preferred option.]

Item 3., page 2 Clarify the language regarding the future land conversion.

Exhibit C, Item 4 Clarify the issue of adjustments or refunds to the 520/202 fee.

Revised
Exhibit E

1. 170 Place NE/Redmond Way: add video surveillance system in lieu of induction loops to detect vehicles.

Total estimated cost with loops: \$273,000

Total estimated additional cost for video surveillance in lieu of loops:
\$10,000

2. Bear Creek Parkway: add 1-2" interconnect conduit to the trench and conduit for street lighting on the Bear Creek Parkway.

Total estimated cost for additional cost of conduit: \$5,000