

RESOLUTION NO. 23-1886

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN SUPPLEMENT NO. 1 TO WSDOT LOCAL PROGRAMS STATE FUNDING AGREEMENT NO. LA-9515 AND WSDOT PROJECT PROSPECTUS FORM FOR THE SR 104/LYON CREEK CULVERT PROJECT

WHEREAS, the City executed state funding agreement number LA-9515 with the WA Department of Transportation (WSDOT) in 2018 to support design of several Lyon Creek culvert replacements; and

WHEREAS, the scope of the project described in the original funding agreement has been reduced to the extent that WSDOT requires an update to the agreement and associated project prospectus form to reflect the changes; and

WHEREAS, the executing the supplemental funding agreement will not change the amount of state funding supporting the City's project or otherwise impact the City's ability to complete the remaining scope of the project;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Forest Park, as follows:

Section 1. AUTHORIZATION TO EXECUTE AGREEMENT. The City Council of the City of Lake Forest Park authorizes the Mayor to sign Supplement No. 1 to WSDOT Local Programs State Funding Agreement LA-9515 and WSDOT Project Prospectus form included herewith as Attachment 1.

Section 2. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

PASSED BY A MAJORITY VOTE of the members of the Lake Forest Park City Council this 9th day of March, 2023.

APPROVED:



Jeff Johnson
Mayor

ATTEST/AUTHENTICATED:



Matthew McLean
City Clerk

FILED WITH THE CITY CLERK: March 3, 2023
PASSED BY THE CITY COUNCIL: March 9, 2023
RESOLUTION NO.: 23-1886

EXHIBIT A to Resolution 23-1886



**Washington State
Department of Transportation**

Supplement - Local Programs State Funding Agreement

Agency City of Lake Forest Park	Supplement Number
Project Number HLP-0104(060)	Agreement Number LA-9515

All provisions in the AGREEMENT identified above remain in effect except as expressly modified by this supplement. The changes to the agreement are described as follows:

Project Description

Name SR104 / Lyon Creek Culvert

Location 3400± NE 185th St

Description of Work No Change

Replace culvert that conveys Lyon Creek under NE 185th St. The scope of work has been reduced from the scope described in the existing funding agreement. See attached document for additional information.

Reason for Supplement

Revised description of work and local funding. See attached explanation.

Type of Work	Estimate of Funding				
	(1) Previous Agreement/Suppl.	(2) Supplement	(3) Estimated Total Project Funds	(4) Estimated Agency Funds	(5) Estimated State Funds
PE a. Agency	\$ 408,000.00	-\$ 286,400.00	\$ 121,600.00	\$ 121,600.00	
b. Other Consultant	\$ 2,202,000.00	-\$ 1,599,400.00	\$ 602,600.00	\$ 62,600.00	\$ 540,000.00
c. Other Permitting, Bid Ad		\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	
d. State Services	\$ 10,000.00	\$ 0.00	\$ 10,000.00	\$ 10,000.00	
e. Total PE Cost Estimate (a+b+c+d)	\$ 2,620,000.00	-\$ 1,878,300.00	\$ 741,700.00	\$ 201,700.00	\$ 540,000.00
RW f. Agency					
g. Other					
h. Other					
i. State Services					
j. Total R/W Cost Estimate (f+g+h+i)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
CN k. Contract					
l. Other					
m. Other					
n. Other					
o. Agency					
p. State Services					
q. Total CN Cost Estimate (k+l+m+n+o+p)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
r. Total Project Cost Estimate (e+j+q)	\$ 2,620,000.00	-\$ 1,878,300.00	\$ 741,700.00	\$ 201,700.00	\$ 540,000.00

AGENCY

BY:

Title: Mayor

Agency Date:

STATE

BY:

Director, Local Programs

Date Executed:



**Local Agency Federal Aid
Project Prospectus**

	Prefix	Route	()	Date	1/30/2023	
Federal Aid Project Number	HLP-0104(060)			DUNS Number	023092638	
Local Agency Project Number	LFP-1	(WSDOT Use Only)		Federal Employer Tax ID Number	91-6019059	
Agency City of Lake Forest Park		CA Agency Yes <input checked="" type="checkbox"/> No	Federal Program Title 20.205 Other			
Project Title SR104 / Lyon Creek Culvert			Start Latitude N 47.762898 End Latitude N 47.762578	Start Longitude W -122.292236 End Longitude W -122.212952		
Project Termini From-To NE 185th St NE 185th St			Nearest City Name Lake Forest Park			Project Zip Code (+4) 98155-2556
Begin Mile Post	End Mile Post	Length of Project 0.035 miles			Award Type <input checked="" type="checkbox"/> Local Local Forces State Railroad	
Route ID	Begin Mile Point	End Mile Point	City Number 0658	County Number 17	County Name King	
WSDOT Region North Central Region	Legislative District(s) 46			Congressional District(s) 7		Urban Area Number 1

Phase	Total Estimated Cost (Nearest Hundred Dollar)	Local Agency Funding (Nearest Hundred Dollar)	Federal Funds (Nearest Hundred Dollar)	Phase Start Date	
				Month	Year
P.E.	741,700	201,700	540,000	December	2018
R/W	188,000	188,000		May	2023
Const.	2,757,040	2,757,040		January	2025
Total	3,686,740	3,146,740	540,000		

Description of Existing Facility (Existing Design and Present Condition)

Roadway Width 24 feet	Number of Lanes 2
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Existing culvert is undersized for passage of large debris during large storm events per WDFW design criteria. Replacement is necessary to meet fish passage standards and enable future transportation improvements.

Description of Proposed Work

Description of Proposed Work (Attach additional sheet(s) if necessary)

Replacement of the culvert that conveys Lyon Creek under NE 185th St. Replacement of the culverts at SR104, private property, and 35th Ave NE have been removed from the scope. See attached explanation.

Local Agency Contact Person Andrew Silvia		Title Senior Project Manager		Phone 206-957-2836	
Mailing Address 17425 Ballinger Way NE		City Lake Forest Park		State WA	Zip Code 98155
Project Prospectus		By			
		Approving Authority			
Title		Date			

Agency City of Lake Forest Park	Project Title SR104 / Lyon Creek Culvert	Date 1/30/2023
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Type of Proposed Work

Project Type (Check all that Apply)

<input type="checkbox"/> New Construction	<input type="checkbox"/> Path / Trail	<input type="checkbox"/> 3-R
<input checked="" type="checkbox"/> Reconstruction	<input type="checkbox"/> Pedestrian / Facilities	<input type="checkbox"/> 2-R
<input type="checkbox"/> Railroad	<input type="checkbox"/> Parking	<input type="checkbox"/> Other
<input type="checkbox"/> Bridge		

Roadway Width

24

Number of Lanes

2

Geometric Design Data

Description	Through Route	Crossroad
Federal Functional Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> NHS	<input type="checkbox"/> Principal Arterial <input type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input checked="" type="checkbox"/> Local Access
Terrain	<input type="checkbox"/> Flat <input checked="" type="checkbox"/> Roll <input type="checkbox"/> Mountain	<input checked="" type="checkbox"/> Flat <input type="checkbox"/> Roll <input type="checkbox"/> Mountain
Posted Speed	30	30
Design Speed	30	30
Existing ADT	3000	16,000
Design Year ADT		
Design Year		
Design Hourly Volume (DHV)		

Performance of Work

Preliminary Engineering Will Be Performed By	Others	Agency
Consultant Engineer (design, permit app review), WSDOT (review), & Agency (PM)	84 %	16 %
Construction Will Be Performed By	Contract	Agency
Contractor	100 %	%

Environmental Classification

<input type="checkbox"/> Class I - Environmental Impact Statement (EIS)	<input checked="" type="checkbox"/> Class II - Categorically Excluded (CE)
<input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement	<input checked="" type="checkbox"/> Projects Requiring Documentation (Documented CE)
<input type="checkbox"/> Class III - Environmental Assessment (EA)	
<input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreements	

Environmental Considerations

Within the project limits there is a former fuel filling station and home heating oil supply business. In 1996 the property was subject to flooding from Lyon Creek resulting in the collapse of a culvert and damage to the tanks and piping. There is an indeterminate amount of environmental remediation work left to accomplish, including the investigation of possible underground storage tanks still buried on the site and within the limits of the project area. These efforts will be completed by WSDOT as part of its adjacent project to replace the Lyon Creek culvert crossing of SR104 and the collapsed culvert on private property.

Agency City of Lake Forest Park	Project Title SR104 / Lyon Creek Culvert	Date 1/30/2023
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Right of Way

No Right of Way Needed

* All construction required by the contract can be accomplished within the existing right of way.

Right of Way Needed

No Relocation

Relocation Required

Utilities

No utility work required

All utility work will be completed prior to the start of the construction contract

All utility work will be completed in coordination with the construction contract

Railroad

No railroad work required

All railroad work will be completed prior to the start of the construction contract

All the railroad work will be completed in coordination with the construction contract

Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project

Adjustments to grade for 155 linear feet of sanitary sewer main will be necessary to accommodate a deeper culvert structure.

FAA Involvement

Is any airport located within 3.2 kilometers (2 miles) of the proposed project? Yes No

Remarks

Kenmore Air Harbor is located 1.64 miles from project location.

This project has been reviewed by the legislative body of the administration agency or agencies, or it's designee, and is not inconsistent with the agency's comprehensive plan for community development.

Agency

By

Mayor/Chairperson

Date

Description of Proposed Work (continued)

The original (2017) project scope described in state funding agreement LA-9515 included replacement of four Lyon Creek culverts, including (in upstream to downstream order):

- Culvert #1: Culvert crossing of SR 104 (Ballinger Way NE)
- Culvert #2: Culvert crossing of private property at 18503 Ballinger Way NE, immediately downstream of Culvert #1.
- Culvert #3: Culvert crossing of NE 185th St, immediately downstream of Culvert #2.
- Culvert #4: Culvert crossing of 35th Ave NE, approximately 250 linear feet downstream of Culvert #3.

At that time, the City of Lake Forest Park (City) and WSDOT planned to execute an agreement that would have enabled the City to serve as the lead agency for the project with WSDOT providing funding support for the portion of the project for which it was financially responsible (Culvert #1 and a portion of Culvert #2). This planned agreement was abandoned in 2018. As then-City-Engineer Neil Jensen described in a 11/29/2018 email to WSDOT staff (Jeff Davies), early project design development and communication with the private owner of Culvert #2 revealed that ROW acquisition challenges were beyond the City's capacity to address. At that point, WSDOT and the City agreed to separate the original project scope into separate projects. WSDOT is currently advancing its project to replace Culverts #1 and #2, while the City advances the project to replace Culverts #3 and #4. This change to the scope of funding agreement LA-9515 has not been memorialized via supplemental agreement until now.

A second, more recent change to the project scope was made in Summer 2022 as the City advanced the work to design the replacement of Culverts #3 and #4. As design of Culvert #4 neared 60% completion, the need to obtain a permanent easement on private property was confirmed and shared with the affected property owner. Upon review of this information, the property owner confirmed their unwillingness to grant easement rights to the City through a negotiated agreement. The project team subsequently determined that the City will not support acquisition of the required easement rights through the condemnation process; therefore, the replacement of Culvert #4 cannot proceed at this time. The City seeks to memorialize the removal of Culvert #4 from the project scope through this supplemental agreement.

The City will continue to advance the work to replace Culvert #3, which remains consistent with the intent of funding that the WA state legislature awarded to the project in 2017; namely, to remove barriers to anadromous fish passage by replacing an undersized Lyon Creek culvert, thereby restoring access to habitat in upstream creek reaches.