

**AGREEMENT BETWEEN PLAINTIFFS AND CITY OF SEATTLE
RE: NON-MONETARY SETTLEMENT**

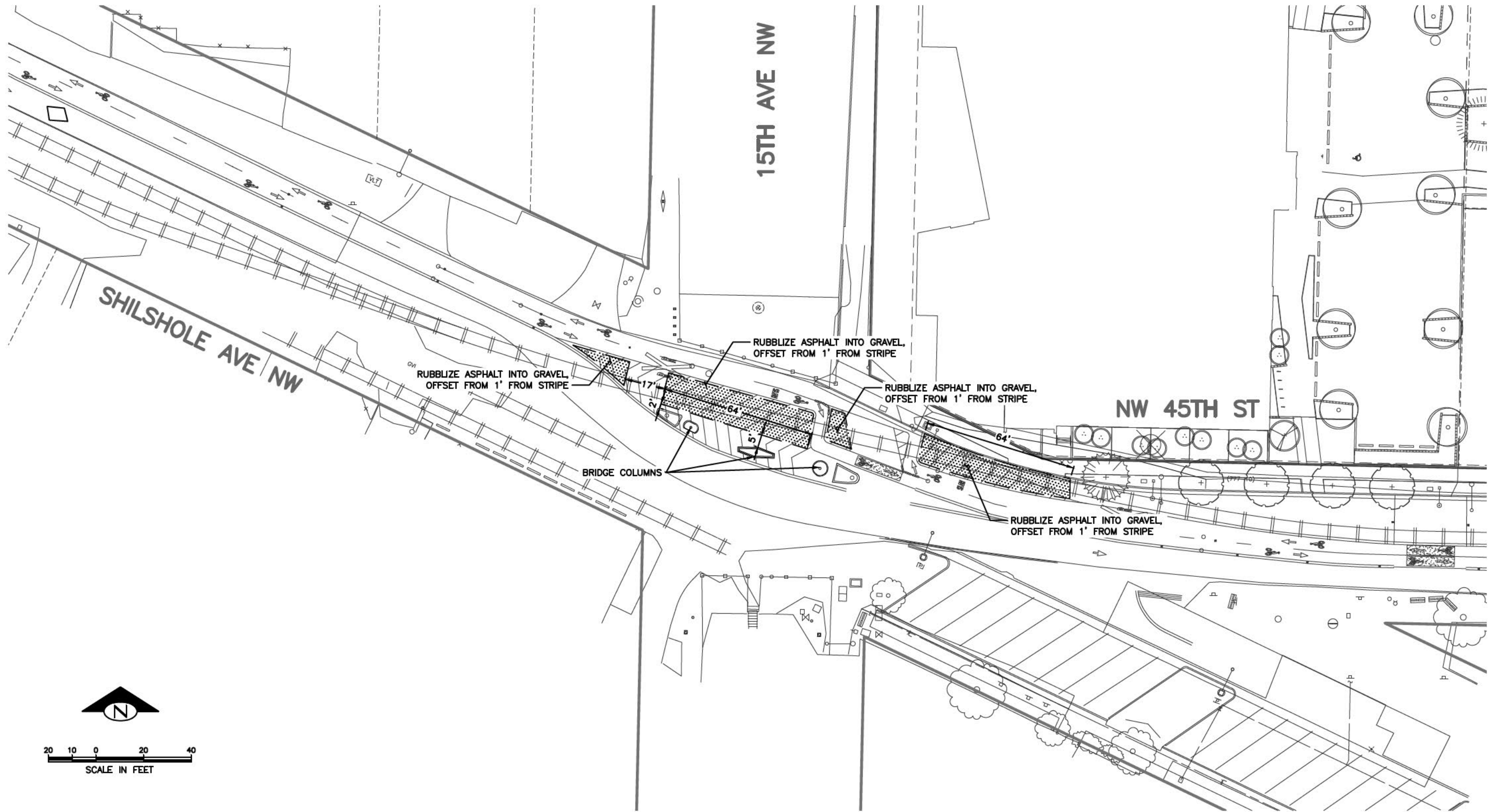
This Agreement memorializes the non-monetary settlement terms and conditions between Plaintiffs (“Plaintiffs”) and CITY OF SEATTLE (“the City”) and is to be signed contemporaneously with the Hold Harmless Agreement and Release between the same Plaintiffs and Defendants City of Seattle and Ballard Terminal Railroad.

In further consideration of Plaintiffs’ agreement to dismiss the lawsuit commenced in King County Superior Court as Cause No. 22-2-04125-1 SEA, the City agrees to proceed with the improvements to the two-way bicycle lanes and immediate vicinity at or near Shilshole Ave NW and the Ballard Bridge as described in the attached Toole Design Inc. Ballard Bike Rail Crossing preliminary concept drawings (“the Drawings”), which are incorporated herein by reference. The City agrees to proceed with the first phase of the improvements (the Drawings marked “1” and “2”), to include asphalt removal consistent with or substantially consistent with the Drawings and City of Seattle Department of Transportation Work Order 1005482, which were provided to counsel for Plaintiffs for review and consideration as part of ongoing settlement negotiations. The City agrees that, barring circumstances that cannot reasonably be anticipated or foreseen, the first phase of the improvements shown in the Drawings marked “1” and “2”, or substantially similar improvements, shall be completed and the bicycle lanes reopened for use no later than February 1, 2023.

The City further agrees to proceed with the second phase of the improvements, or a substantially similar design, as illustrated in the Drawing marked “3”, which was provided to counsel for Plaintiffs for review and consideration as part of ongoing settlement negotiations. The City agrees that, barring circumstances that cannot reasonably be anticipated or foreseen, the second phase of the improvements shown in the Drawing marked “3”, or substantially similar improvements, shall be completed and the bicycle lanes reopened by December 31, 2023.

If the City does not complete either phase before the referenced deadlines, barring circumstances that cannot reasonably be anticipated or foreseen, the Plaintiffs may seek specific performance in a new lawsuit. The City agrees not to seek dismissal of any such lawsuit on standing, procedural, or jurisdictional grounds, and, by this Agreement, the court shall award Plaintiffs their associated, reasonable attorney’s fees and costs if Plaintiffs prevail in such lawsuit.

Signed	_____	_____
	, Plaintiff	Date
Signed	_____	_____
	Plaintiff	Date
Signed	_____	_____
	Plaintiff	Date
Signed	_____, City of Seattle	_____
		Date



THIS IS A PRELIMINARY CONCEPT. FIELD VERIFICATION, SITE CONDITION ASSESSMENTS, ENGINEERING ANALYSIS AND DESIGN ARE NECESSARY PRIOR TO IMPLEMENTING ANY OF THE RECOMMENDATIONS CONTAINED HEREIN.

DRAWING 1

BALLARD BIKE RAIL CROSSING



PRELIMINARY CONCEPT - NOT FOR CONSTRUCTION

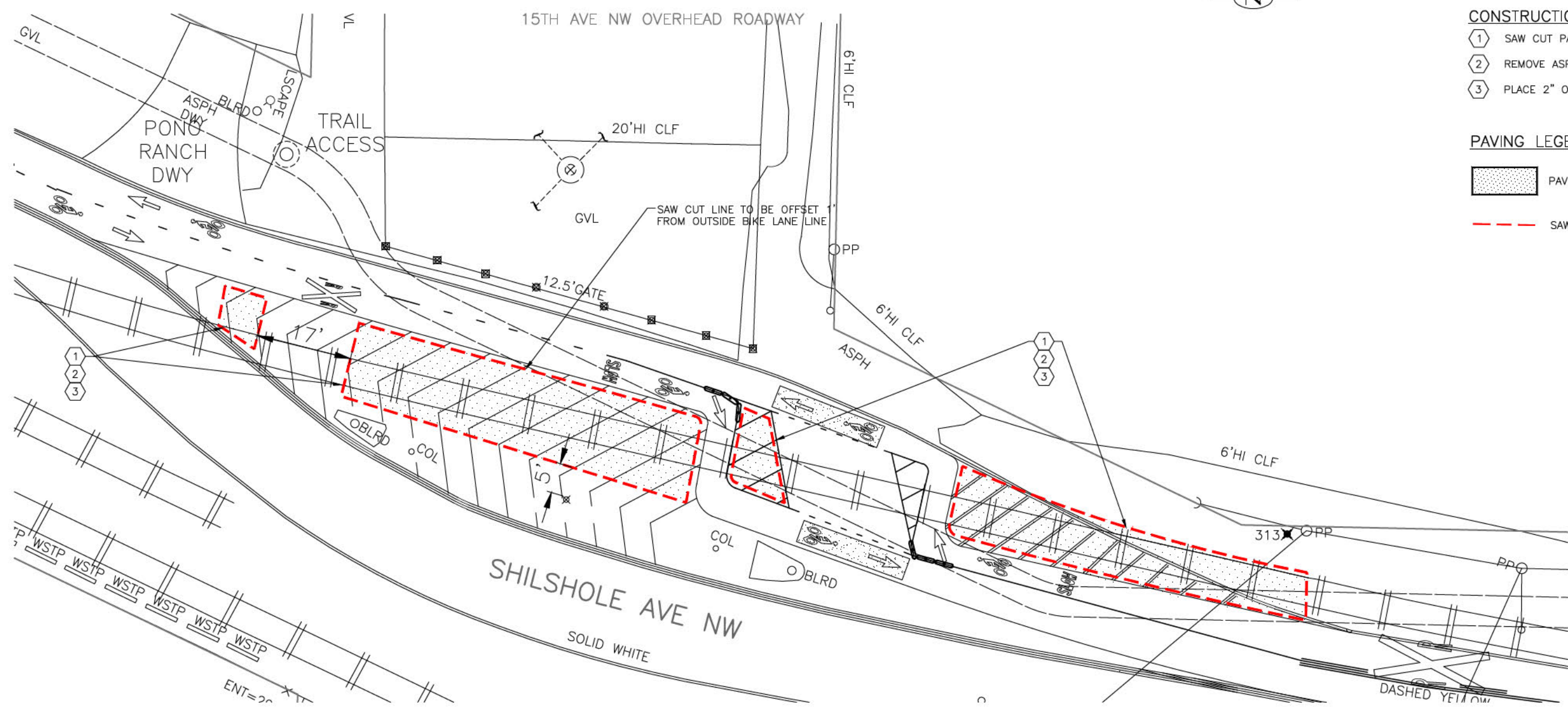


CONSTRUCTION NOTES

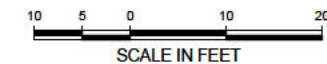
- ① SAW CUT PAVEMENT BOUNDARY
- ② REMOVE ASPHALT
- ③ PLACE 2" OF MNRL AGG TYPE 2

PAVING LEGEND

-  PAVEMENT AREA TO BE REMOVED
-  SAW CUT LINE



SDOT-PROJECT DEVELOPMENT CONCURRENCE PRIOR TO CONSTRUCTION		
ROUTING	DATE	INITIAL



DRAWING 2

TRC1359-U3275
 ASPHALT REMOVAL WO: 1005482

APPROVED FOR ADVERTISING
 LIZ ALZEER
 DEPARTMENT OF FINANCE & ADMINISTRATIVE SERVICES
 SEATTLE, WASHINGTON 20

INITIALS AND DATE		INITIALS AND DATE	
DESIGNED	ARV 11/25/2022	REVIEWED:	
CHECKED		DES.	CONST.
		SDOT	PROJ. MGR.
DRAWN		RECEIVED	
CHECKED		REVISED AS BUILT	

 **Seattle Department of Transportation**
 ORDINANCE NO. PW NO.
 SCALE: #####

**SHILSHOLE AVE NW AT
 NW 45TH ST**

JOB	PC
CO	
VPI #	
SHEET	1 OF 1

VAULT SERIAL NO.	DATE	MARK	NATURE	REVISIONS	MADE BY	CHKD	REV'D

C:\Users\lindag\OneDrive - City of Seattle\NW - Shilshole Ave NW near NW 45 ST - asphalt signs markings fencing - UTR\Design - City of Seattle\one drive\lindag\ - City of Seattle\NW - Shilshole Ave NW near NW 45 ST - asphalt signs markings fencing - UTR\Design - City of Seattle\one drive\lindag\

