

RESOLUTION NO. 3679, as amended

A RESOLUTION of the Port Commission of the Port of Seattle declaring surplus and no longer needed for port district purposes approximately 5.39 acres of Port-owned real property located in the City of Seattle, commonly known as the T-91 West Yard; amending the Comprehensive Scheme to reflect that the property is surplus to the needs of the Port and is deleted from Unit No. 1; and further authorizing the sale of said real property to the City of Seattle and King County.

WHEREAS, the voters of King County, pursuant to the provisions of enabling legislation adopted by the Legislature of the State of Washington, Chapter 92, Laws of 1911, RCW 53.04.010, authorized and approved at a special election held in King County on the 5th day of September 1911, the formation of a Port District coextensive with King County to be known as the Port of Seattle; and

WHEREAS, the Port of Seattle was thereupon established as a port district and has since been and now is a duly authorized and acting port district of the State of Washington; and

WHEREAS, the Port of Seattle's Comprehensive Scheme was established in 1912 through Resolution No. 17 of the Port Commission, which established seven units defined according to their geographic region; and

WHEREAS, over the years, property acquisitions and sales have caused the need to amend the Comprehensive Scheme from time to time; and

WHEREAS, the Port owns the real property described on attached Exhibit A (the "Property"); and

WHEREAS, the Port-owned Property includes 5.39 acres of land, more or less, a portion of which King County needs for construction of its South Magnolia combined sewer overflow project (“CSO project”) and a portion of which the City of Seattle desires for expansion of park facilities; and

WHEREAS, the conveyance to the King County enables the construction of the CSO project, a necessary public facility, without additional delay and averts a condemnation action filed by the County to obtain the interests in the Property needed for the CSO project; and

WHEREAS, the conveyance to the City of Seattle facilitates the City’s and community’s interest in an expanded Smith Cove park on a portion of the Property; and

WHEREAS, Chapter 39.33 of the Revised Code of Washington provides that the Port may “sell, transfer, exchange, lease or otherwise dispose of any property ... to the state or any municipality or any political subdivision thereof ... on such terms and conditions as may be mutually agreed upon ...”; and

WHEREAS, the maps and other data regarding the Property proposed for conveyance to King County and the City of Seattle are on available at the Port offices; and

WHEREAS, the Port Commission will publish notice of an official public hearing to be held on April 23, 2013, as required pursuant to Chapter 53.08 and Chapter 39.33 of the Revised Code of Washington; and

WHEREAS, the Port of Seattle Commission has heard from all persons desiring to speak at said public hearing with regard to the proposed Property transfer; and

WHEREAS, the members of the Port of Seattle Commission have discussed and considered the proposed Property transfer in light of all comments by members of the public at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Seattle that:

Section 1. The Property described on Exhibit A attached to this Resolution which is part of Unit 1 of the Comprehensive Scheme is no longer needed for Port purposes and is declared surplus to Port needs.

Section 2. The CEO is authorized to take all steps and execute all documents necessary to transfer title of the Property to King County and the City of Seattle in accordance with Chapter 39.33 of the Revised Code of Washington

Section 3. The Comprehensive Scheme is hereby amended to reflect that the Property is hereby deleted from Unit No. 1.

ADOPTED by the Port Commission of the Port of Seattle at a duly noticed meeting thereof, held this 23rd day of April, 2013, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

Port Commissioners

EXHIBIT "A" to Resolution No. 3679, as amended

**Legal Description of Port-owned Property to be conveyed to King County
and the City of Seattle**

To be conveyed to King County:

TANK AREA PROPERTY

THAT PORTION OF PARCEL "A" OF THE PORT OF SEATTLE MAGNOLIA BASIN PROPERTY LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26 ALL IN TOWNSHIP 25 NORTH, RANGE 3 EAST, W.M., IN KING COUNTY WASHINGTON, CONSISTING OF:

ALL OF BLOCK 117 OF THE PLAT OF SEATTLE TIDE LANDS, VOLUME 1, PAGES 19 AND 20; TOGETHER

WITH ROADS AND ALLEYWAYS CONTAINED THEREIN VACATED BY COURT ORDER, APRIL 21, 1943, RECORDING NO. 3305751;

EXCEPT LOTS 8, 9, 10 AND 11, AND PORTIONS OF LOTS 7 AND LOTS 12 THROUGH 18 OF SAID BLOCK 117;

AND EXCEPT THAT PORTION OF SAID BLOCK 117 LYING WESTERLY OF THE EAST MARGIN OF 23RD AVENUE W AS DESCRIBED IN THE DEED FOR ROAD PURPOSES, AUDITOR'S NO. 9201060605, RECORDS OF KING COUNTY, WASHINGTON;

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 117; THENCE N89°00'43"W ALONG THE NORTH LINE OF SAID BLOCK 117 A DISTANCE OF 218.52 FEET; THENCE DEPARTING FROM SAID NORTH LINE S05°45'51"E A DISTANCE OF 6.83 FEET; THENCE S16°44'09"W A DISTANCE OF 16.76 FEET; THENCE S79°09'47"W A DISTANCE OF 66.99 FEET; THENCE S52°49'35"W A DISTANCE OF 82.62 FEET TO THE TRUE POINT OF BEGINNING; THENCE S01°04'22"W A DISTANCE OF 148.60 FEET; THENCE N88°56'14"W A DISTANCE OF 215.96 FEET TO A POINT ON THE EAST MARGIN OF 23RD AVENUE W; THENCE N00°57'50"E ALONG SAID EAST MARGIN A DISTANCE OF 158.50 FEET; THENCE DEPARTING FROM SAID EAST MARGIN S88°56'14"E A DISTANCE OF 216.26 FEET; THENCE S01°04'22"W A DISTANCE OF 9.90 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING AND THE TERMINUS OF THIS LINE.

CONTAINING 34,254 SQUARE FEET (0.79 ACRES), MORE OR LESS.

To be conveyed to the City of Seattle

THAT PORTION OF PARCEL "A" OF THE PORT OF SEATTLE MAGNOLIA BASIN PROPERTY LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26 ALL IN TOWNSHIP 25 NORTH, RANGE 3 EAST, W.M., IN KING COUNTY WASHINGTON, CONSISTING OF:

ALL OF BLOCK 117 OF THE PLAT OF SEATTLE TIDE LANDS, VOLUME 1, PAGES 19 AND 20; TOGETHER

WITH ROADS AND ALLEYWAYS CONTAINED THEREIN VACATED BY COURT ORDER, APRIL 21, 1943, RECORDING NO. 3305751;

EXCEPT LOTS 8, 9, 10 AND 11, AND PORTIONS OF LOTS 7 AND LOTS 12 THROUGH 18 OF SAID BLOCK 117;

AND EXCEPT THAT PORTION OF SAID BLOCK 117 LYING WESTERLY OF THE EAST MARGIN OF 23RD AVENUE W AS DESCRIBED IN THE DEED FOR ROAD PURPOSES, AUDITOR'S NO. 9201060605, RECORDS OF KING COUNTY, WASHINGTON;

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 117; THENCE S00°59'17"W ALONG THE EAST LINE OF SAID BLOCK 117 A DISTANCE OF 44.47 FEET; THENCE DEPARTING FROM SAID EAST LINE S71°00'58"W A DISTANCE OF 248.76 FEET; THENCE S01°33'29"E A DISTANCE OF 74.99 FEET; THENCE S00°12'30"W A DISTANCE OF 120.99 FEET; THENCE S01°04'32"W A DISTANCE OF 150.97 FEET; THENCE S01°36'09"E A DISTANCE OF 162.34 FEET; THENCE S19°43'20"W A DISTANCE OF 13.67 FEET; THENCE S59°00'29"W A DISTANCE OF 28.49 FEET; THENCE N87°52'59"W A DISTANCE OF 36.39 FEET; THENCE N72°34'50"W A DISTANCE OF 45.20 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF LOT 12 OF SAID BLOCK 117; THENCE N00°59'17"E ALONG SAID WEST LINE OF LOT 12 A DISTANCE OF 6.80 FEET; THENCE DEPARTING SAID WEST LINE N89°52'21"W A DISTANCE OF 212.82 FEET, MORE OR LESS, TO A POINT ON THE EAST MARGIN OF 23RD AVENUE W.; THENCE N00°57'50"W ALONG SAID EAST MARGIN A DISTANCE OF 94.40 FEET; THENCE CONTINUING ALONG SAID EAST MARGIN N44°02'38"W A DISTANCE OF 14.14 FEET; THENCE CONTINUING ALONG SAID EAST MARGIN N00°57'50"E A DISTANCE OF 262.00 FEET; THENCE CONTINUING ALONG SAID EAST MARGIN N32°09'42"W A DISTANCE OF 29.28 FEET; THENCE CONTINUING ALONG SAID EAST MARGIN N00°57'50"E A DISTANCE OF 22.47 FEET; THENCE DEPARTING SAID EAST MARGIN S88°56'14"E A DISTANCE OF 215.96 FEET; THENCE N01°04'19"E A DISTANCE OF 158.50 FEET; THENCE N88°56'14"W A DISTANCE OF 216.26 FEET, MORE OR LESS, TO A POINT ON THE EAST MARGIN OF 23RD AVENUE W.; THENCE ALONG SAID EAST MARGIN N00°57'50"E A DISTANCE OF 66.21 FEET; THENCE N69°01'01"E A DISTANCE OF 30.21 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 117 (ALSO THE SOUTH MARGIN OF W. GARFIELD STREET); THENCE S89°00'43"E ALONG SAID NORTH LINE A DISTANCE OF 541.05 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING, AND THE TERMINUS OF THIS LINE.

CONTAINING 200,275 SQUARE FEET (4.60 ACRES), MORE OR LESS.