

RESOLUTION NO. 3693

A RESOLUTION of the Port Commission of the Port of Seattle declaring surplus and no longer needed for Port District purposes one parcel of Port-owned real property located in Seattle, Washington, consisting of approximately 5,743 square feet of unimproved land that has its western edge submerged in the Duwamish West Waterway, its northern edge abutting the Klickitat Avenue SW right-of-way, and its southern edge abutting the BNSF Railroad right-of-way.

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 operator of Seattle-Tacoma International Airport (“Airport”); and

WHEREAS, the Port owns the real property described on attached Exhibit A (the “Property” or “Parcel # 7666703100”); and

WHEREAS, the Property, also referred to as Parcel #7666703100, is a 5,743 square-foot triangular-shaped parcel of unimproved land that is approximately seventy percent submerged, lies at the boundary between the Lower Duwamish Waterway, the West Waterway and Harbor Island but is disconnected from access to Terminal 102; and

WHEREAS, when the Port district established the Lower Duwamish Industrial Development District, Number Two and acquired Block 409 Tideland, Lots 1 through 15 in 1966, the acquisition included the Property which lies in Lots 1 through 6 of Block 409 Tideland. Because portions of Lots 4, 5, and 6 were deeded to the Northern Pacific Railway Company for

right-of-way to accommodate a bascule bridge, the Property was severed from access to the rest of the land that was later developed into Terminal 102 and Terminal 104 and thus was never developed; and

WHEREAS, the upland portion of the Property is level and protected by shoreline armoring and the western edge of the Property is submerged in the West Waterway; and

WHEREAS, the southern edge of the Property abuts right-of-way owned by Burlington Northern Santa Fe Railroad (successor to Northern Pacific Railway Company) which connects Harbor Island to the industrial area businesses along West Marginal Way via the bascule bridge; and

WHEREAS, the bascule bridge to the south of the Property restricts opportunity for moorage due to height limitations and need to protect bridge use; and

WHEREAS, the Klickitat Avenue SW right-of-way abuts the northern edge of the Property; and

WHEREAS, the Property's 1,700 square feet of dry land area is isolated by right-of-way and the West Waterway; and

WHEREAS, the Property is subject to the terms and conditions of the "Notice of Consent Decree and Right of Access" recorded August 21, 1996. The Property lies within the boundary of the Harbor Island Superfund Site, but no cleanup action has been required in the area of the Property; and

WHEREAS, according to an appraisal of the Property, the highest and best use would likely be storage, water access, or fish/wildlife habitat mitigation, all of which would require combining the Property with adjacent properties to achieve viable scale; and

WHEREAS, the Property's limited size, limited shoreline access, lack of connection to Terminal 102 and distance to Terminal 18 makes it less than useful to those terminals; and

WHEREAS, the Property is not included in a comprehensive plan of improvement and has not been included in Port planning for industrial or maritime uses as an independent site nor as part of an aggregated site; and

WHEREAS, the Port's 2009 Lower Duwamish River Habitat Restoration Plan does not identify this Property for potential as a Port-constructed habitat restoration or enhancement site; and

WHEREAS, the City of Seattle, as owner of Parcel number 766703000, the parcel to the north of the Property, has leased that parcel to Bluefield Holdings, Inc. to build a habitat restoration project on the site and establish "credits" that can be sold to entities that need to resolve Natural Resource Damage ("NRD") liability related to the Lower Duwamish Superfund site; and

WHEREAS, Bluefield Holdings, Inc. has expressed interest in acquiring the adjacent Parcel #7666703100 (the Property) as part of its habitat restoration project because Parcel #7666703100 would provide an improved configuration for water access; and

WHEREAS, the Port is interested in negotiating an agreement to sell the Property to Bluefield Holdings, Inc. so that the Property can become part of Bluefield's habitat restoration project and a resolution declaring the Property surplus is a prerequisite to sale of the Property; and

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

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

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, is no longer needed for Port purposes and is declared surplus to Port needs.

ADOPTED by the Port Commission of the Port of Seattle at a duly noticed meeting thereof, held this ____ day of _____, 2014, 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. 3693

Legal Description of Property

King County Tax Parcel #7666703100

PARCEL I:

A portion of Lot 4, Block 408, Seattle Title Lands in the Northwest quarter of Section 18, Township 24 North, Range 4 East of the Willamette Meridian, in King County, Washington described as follows:

Beginning at the Northeasterly corner of said Block 409; thence South 42°15' East 0296.223 feet, along the Northeasterly line of said Block 409, to the true point of beginning, said point begin the most Northerly corner of a right of way deeded to the Northern Pacific Railway Company by Deed recorded January 30, 1929 as Recording No. 2515025; thence along a curve to the left having a uniform radius of 623.805 feet, along said right of way, the center of which curve bears South 23°30'26" East 623.805 feet from said true point of beginning a distance of 47.811 feet to an intersection with the South line of said Lot 4, from which point of intersection the center of said curve bears South 27°53'55" East 623.805 feet; thence West, along the South line of said Lot 4, 140.745 feet to the Southwesterly corner of said lot; thence North 42°15' West 40.528 feet to the Northwesterly corner of the South half of said Lot 4; thence East 202.643 feet, along the North boundary line of the South half of said Lot 4, to the Northeasterly line of said Lot 4; thence South 42°15' East 22.523 feet to the true point of beginning.

EXCEPTING THEREFROM that potion conveyed to the City of Seattle by Special Warranty Deed recorded December 18, 1980 as Recording No. 8012180731.

PARCEL II:

A portion of Lot 5, Block 408, Seattle Title Lands in the Northwest quarter of Section 18, Township 24 North, Range 4 East of the Willamette Meridian, in King County, Washington, described as follows:

Beginning at the Northwesterly corner of said Lot 5; thence East 140.745 feet, along the North line of said Lot 5, to an intersection with a curve on the Northerly line of a right of way deeded to the Northern Pacific Railway Company by Deed recorded January 30, 1929 as Recording No. 2515025, from which point of intersection the center of which bears South 27°53'55" East 623.805 feet, thence in a Southwesterly direction along said curve to the left, having a uniform radius of 623.805 feet, a distance of 105.755 feet to an intersection with the Southwesterly margin of said Lot 5, from which point of intersection the center of said curve bears South 37°36'43.5" East 623.804 feet; thence North 42°15' West 77.2089 feet, along the Southwesterly margin of said Lot 5, to the point of beginning.