

RESOLUTION NO. 3717

A RESOLUTION of the Port Commission of the Port of Seattle amending Resolution No. 3688 and authorizing the transfer of certain real property located in Snohomish County (portions of the Woodinville Subdivision) and any improvements located thereon, including the Snohomish River Bridge to Snohomish County at a revised sales price, and further authorizing the Chief Executive Officer to execute all documents related to such transfer.

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 owns the real property described on attached Exhibit A (the “Property”) and all improvements thereon, consisting primarily of railroad tracks and ties (the “Improvements”); and

WHEREAS, on November 5, 2009, the Port entered into a Memorandum of Understanding (the “MOU”) with King County, Sound Transit, Cascade Water Alliance, Puget Sound Energy and the City of Redmond setting forth the mutual understanding of the parties for the completion of future transactions where the Regional Partners would purchase from the Port interests in the Woodinville Subdivision and thus share in the cost of acquiring it; and

WHEREAS, on June 30, 2010, the City of Redmond acquired the portion of the Woodinville Subdivision located in the City of Redmond; and

WHEREAS, on December 20, 2010, Puget Sound Energy acquired an easement over both the freight and railbanked portions of the Woodinville Subdivision; and

WHEREAS, on April 11, 2012, Sound Transit acquired (i) a portion of the Woodinville Subdivision located within the City of Bellevue and (ii) a permanent high capacity transportation easement over the railbanked portion of the Woodinville Subdivision; and

WHEREAS, on April 13, 2012, the City of Kirkland acquired (i) the portion of the Woodinville Subdivision located in the City of Kirkland and (ii) a portion of the Woodinville Subdivision located within the City of Bellevue; and

WHEREAS, on February 12, 2013, King County acquired (i) a portion of the Woodinville Subdivision located between the City of Woodinville and the City of Renton and between the City of Woodinville and the City of Redmond and (ii) a permanent easement over the freight portion of the Woodinville Subdivision for recreational trail uses; and

WHEREAS, on January 14, 2014, the Port of Seattle Commission adopted Resolution No. 3688 (i) declaring the property described in Exhibit A (“Property”) of said Resolution and improvements (“Improvements”) thereon surplus to Port needs, and (ii) authorizing its transfer to Snohomish County (“County”) for a purchase price of \$5,000,000, pursuant to Chapter 39.33 of the Revised Code of Washington (Intergovernmental Disposition of Property Act); and

WHEREAS, on or about February 15, 2014, the Port and Snohomish County executed a Real Estate Purchase and Sale Agreement in which the Port agreed to sell and the County agreed to purchase the Property and Improvements; and

WHEREAS, on or about April 27, 2015, the County gave notice to the Port that it was terminating the Real Estate Purchase and Sale Agreement dated February 15, 2014.

WHEREAS, the County and the Port now wish to enter into this second agreement for the purchase and sale of the Property and Improvements at a revised purchase price and consistent with the provisions of Chapter 39.33 RCW; said Property to be used by the County for the purposes of developing a regional trail and other public uses and transportation uses.

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, and Improvements thereon, including the Snohomish River Bridge, was declared surplus to Port needs under Resolution No.3688. The Chief Executive Officer is authorized to take all steps and execute all documents necessary to sell the Property and Improvements to Snohomish County for a revised purchase price as agreed to by the parties.

ADOPTED by the Port Commission of the Port of Seattle at a duly noticed meeting thereof, held this ____ day of _____, 2016, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

Port Commissioners