

RESOLUTION NO. 3642

A RESOLUTION of the Port Commission of the Port of Seattle, amending Unit 20 of the Comprehensive Scheme of Harbor Improvements of the Port of Seattle by declaring certain real property surplus and no longer needed for Port of Seattle district purposes, deleting it from the Comprehensive Scheme, and authorizing the Chief Executive Officer to execute all documents necessary to transfer title of the property to the State of Washington Department of Transportation.

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 39.33.010, 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 (Port); and

WHEREAS, the Port 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 original Comprehensive Scheme of Harbor Improvements of the Port of Seattle was fixed in Resolution No. 17 of the Port Commission and was ratified by the qualified electors of the Port district at a special election held therein on March 5, 1912; and

WHEREAS, Port owned real property consisting of a portion of Terminal 46 is required by the State of Washington Department of Transportation (WSDOT) for the S. Holgate Street to S. King Street Project associated with replacement of the Alaskan Way Viaduct and critical to public safety because the viaduct is at risk of failure from earthquakes; and

WHEREAS, WSDOT is acquiring said property under threat of condemnation; and

WHEREAS, on February 10, 2009, the Port Commission granted approval to the Chief Executive Officer to execute a Possession and Use (P&U) Agreement between WSDOT, the Port and Total Terminals International (the tenant at Terminal 46), granting WSDOT possession and use rights to the property.

WHEREAS, an official public hearing was held August 10, 2010, after notice of such hearing was duly published as provided by law, on the question as to whether said Unit 20 should be amended and modified to provide for certain portion thereof to be declared surplus to Port needs and deleted from the Comprehensive Scheme; and

WHEREAS, at said public hearing the Port Commission heard from all persons desiring to speak upon such matters, and considered other data pertaining to the property proposed for transfer ;

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

Section 1. The real property legally described on attached Exhibit A, which is part of Unit 20 of the Comprehensive Scheme is hereby declared surplus to Port of Seattle needs and no longer needed for Port purposes. Said property is hereby deleted from Unit 20 of the Port of Seattle Comprehensive Scheme.

Section 2. The Chief Executive Officer is authorized to take all necessary steps to arrange for the transfer of said real property to WSDOT, and to execute all documents necessary to accomplish transfer of the property under the threat of condemnation and in exchange for receiving just compensation from WSDOT, in accordance with state law. .

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this _____ day of _____, 2010, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

Port Commission