

RESOLUTION NO. 3642, AS AMENDED AND RESTATED

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 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 (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 (Comprehensive Scheme) 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 located in Unit 20 of the Comprehensive Scheme and described in attached Exhibit A 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; and

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; and

WHEREAS, at said hearing the Port Commission amended Resolution No. 3642 to add the proceeds of the sale of said property to the Port's Transportation and Infrastructure Reserve; and

WHEREAS, Port bond covenants provide that the net proceeds of the sale or condemnation of any Port real or personal property that contributes to the Port's gross revenues must be applied to capital expenditures upon or for the property which will contribute in some measure to the Port's gross revenues or to the retirement of bonds then outstanding.

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 (Property), 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 the 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.

Section 3. The net proceeds from the sale of the Property shall be applied in a manner consistent with Port bond covenants.

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

EXHIBIT A TO RESOLUTION NO.

PORT OF SEATTLE – Terminal 46

Partial Fee Acquisition

All that portion of the hereinafter described Parcel G lying easterly of the following described line:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 171+46.23 on the SR 99 line survey of SR 99, S. Atlantic St. Vic. to S. Dearborn St. and 69.91 feet northwesterly therefrom;
Thence northwesterly to a point opposite HES 171+72.50 on said line survey and 102.27 feet northwesterly therefrom;
Thence northeasterly to a point opposite HES 172+55.94 on said line survey and 107.61 feet northwesterly therefrom;
Thence northeasterly to a point opposite HES 172+82.31 on said line survey and 92.77 feet northwesterly therefrom;
Thence northeasterly to a point opposite HES 173+64.42 on said line survey and 101.47 feet northwesterly therefrom;
Thence northeasterly, to a point opposite HES 173+72.22 on said line survey and 102.30 feet northwesterly therefrom;
Thence northeasterly to a point opposite HES 173+94.82 on said line survey and 101.76 feet northwesterly therefrom;
Thence northeasterly to a point opposite HES 176+24.24 on said line survey and 96.28 feet northwesterly therefrom;
Thence northeasterly, to a point opposite HES 176+51.56 on said line survey and 90.23 feet northwesterly therefrom;
Thence northeasterly to a point opposite HES 176+96.64 on said line survey and 90.22 feet northwesterly therefrom;
Thence northeasterly to a point opposite HES 177+16 on said line survey and 83 feet northwesterly therefrom;
Thence northerly to a point opposite HES 177+27.46 on said line survey and 86.56 feet northwesterly therefrom;
Thence northeasterly, to a point opposite HES 177+47.48, on said line survey and 76 feet northwesterly therefrom;
Thence northeasterly to a point opposite HES 177+80.61 on said line survey and 86.28 feet northwesterly therefrom;
Thence northerly to a point opposite HES 177+95.24 on said line survey and 90.82 feet northwesterly therefrom;
Thence northeasterly to a point opposite HES 178+35 on said line survey and 81.85 feet northwesterly therefrom;
Thence northeasterly to a point opposite HES 179+07.32 on said line survey and 65.56 feet northwesterly therefrom;

Thence northeasterly to a point opposite HES 180+20.82 on said line survey and 69.24 feet northwesterly therefrom;
Thence northerly to a point opposite HES 180+37.39 on said line survey and 71.44 feet westerly therefrom;
Thence northerly to a point opposite HES 180+52.39 on said line survey and 73.44 feet northwesterly therefrom;
Thence northerly, to a point opposite HES 182+19.08 on said line survey and 95.61 feet northwesterly therefrom;
Thence northerly to a point opposite HES 184+49.82 on said line survey and 93.18 feet northwesterly therefrom;
Thence northerly to a point opposite HES 186+49.82 on said line survey and 87.84 feet westerly therefrom;
Thence northerly to a point opposite HES 189+67 on said line survey and 89.33 feet westerly therefrom;
Thence northerly to a point opposite HES 192+00 on said line survey and 82.66 feet westerly therefrom;
Thence northerly, to a point opposite HES 192+80.62 on the SR 99 line survey of SR 99, S. Dearborn St. to Pine St. and 80.36 feet westerly therefrom;
Thence northerly, to a point opposite HES 193+80.68 on said line survey and 78.42 feet westerly therefrom;
Thence northerly to a point opposite HES 199+83± on said line survey and 83.21 feet westerly therefrom; said point being on the southerly boundary of a tract of land conveyed in deed recorded under King County Recording Number 6437099;
Thence easterly along said southerly boundary to a point opposite said HES and 55 feet westerly therefrom, said point also being the southeasterly corner of that tract of land conveyed in deed under King County Recording No. 6437099;
Thence northerly, parallel with said line survey, to a point opposite HES 202+30 thereon and the end of this line description.

PARCEL G

Lots 1 through 18, inclusive, Block 367, Lots 1 through 19, inclusive, Block 368, and Lots 1 through 9, inclusive, Block 369, Seattle Tide Lands, as shown on the official maps on file in the Office of the Commissioner of Public Lands at Olympia, Washington;

TOGETHER WITH that portion of South Jackson Street adjoining, vacated by Ordinance Number 92426 of the City of Seattle, and attaching thereto by operation of law;

AND TOGETHER WITH that portion of South Dearborn Street as vacated in City of Seattle Ordinance Number 9122;

AND TOGETHER WITH that portion of vacated South Connecticut Street as vacated by Ordinances 72934 and 100285 as recorded under Recording Number 7110060503, which attaches by operation of law;

AND TOGETHER WITH that portion of vacated Mill Street which attaches by operation of law and was vacated by Ordinance 37911;

AND TOGETHER WITH all that portion lying within Black's Replat of Portions of Lots 18 and 19, Block 368, Seattle Tide Lands, according to the plat thereof recorded in Volume 11 of Plats, page 10, in King County, Washington;

AND TOGETHER WITH that portion of vacated South Connecticut Street as vacated by Ordinances 72934 and 100285 as recorded under Recording Number 7110060503, which attaches by operation of law;

EXCEPTING THEREFROM that portion of Lot 4 and 5, Block 367, conveyed to the municipality of Metropolitan Seattle, a municipal corporation, by Quit Claim Deed recorded under Recording Number 6437099 and subsequently conveyed to King County by Recording Number 9312282785.

AND EXCEPTING THEREFROM that portion of Lot 1, Block 369 described as follows:

Beginning on the north line of said Lot 1 at a point distant 75 feet westerly along said north line from the northeast corner of said Lot 1;

Thence southerly at right angles to said north line a distance of 28 feet;

Thence easterly at right angles to said last described line a distance of 37 feet;

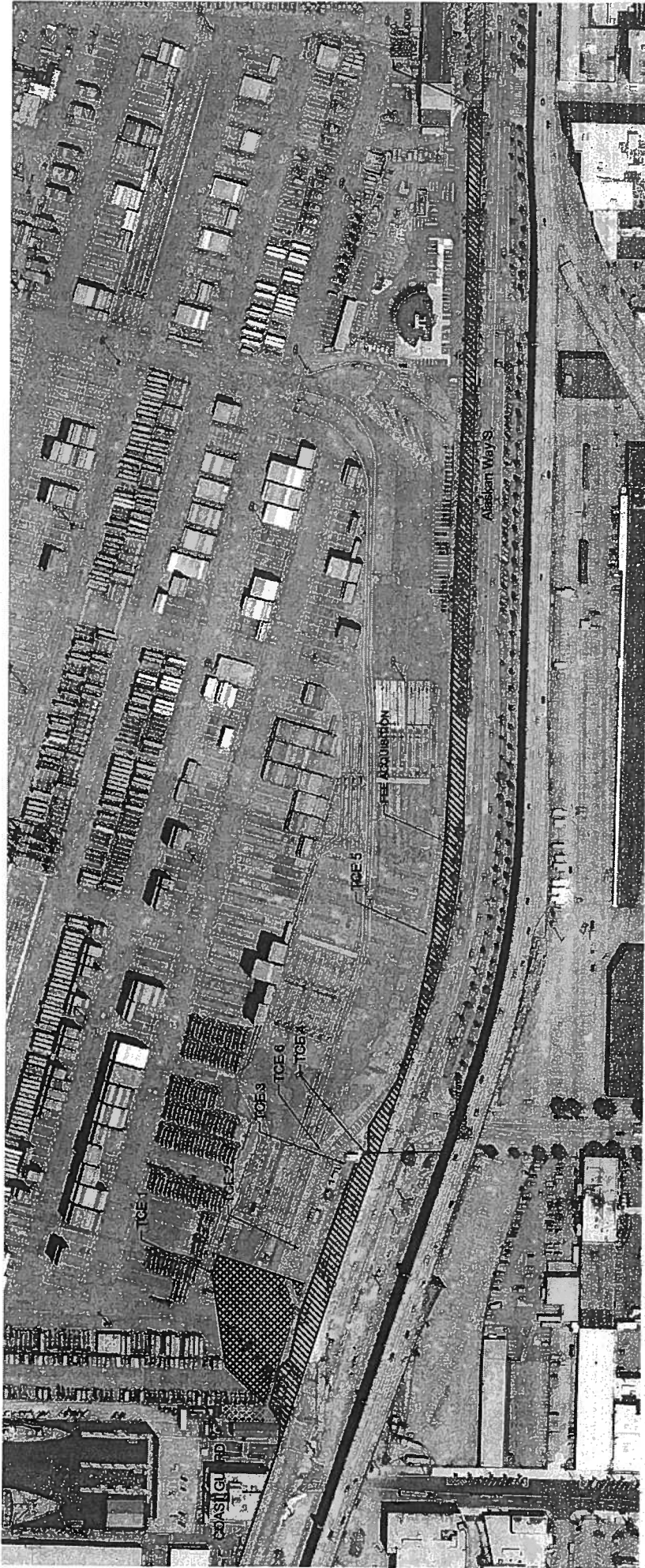
Thence northeasterly at right angles to said last-described line a distance of 12 feet;

Thence northeasterly a distance of 22.62 feet to an intersection with the north line of said Lot 1 at a point distant 22 feet westerly from the northeast corner of said Lot 1;

Thence westerly along said north line to a point of beginning.

The lands herein described contain an area of 87,159 square feet, more or less, the specific details concerning all of which are to be found on sheets 2-5, inclusive of that certain plan entitled SR 99, S. Atlantic St. Vic. to S. Dearborn St., bearing date of approval August 21, 2008, revised May 14, 2009 as to Sheets 2, 3, 4 and 5 AND on sheets 2-5, inclusive of that plan entitled S. SR 99, Dearborn St. to Pine St. bearing date of approval February 17, 2006, revised August 21, 2008 as to sheets 3 and 4, revised May 14, 2009 as to sheets 2 and 5 all now of record and on file in the office of the Secretary of Transportation at Olympia.

Port of Seattle - Terminal 46



TCE - Temporary Construction Easement