

**PORT OF SEATTLE**  
**MEMORANDUM**

**COMMISSION AGENDA**

**Item No.** 6c

**Date of Meeting** August 3, 2010

**DATE:** July 28, 2010

**TO:** Tay Yoshitani, Chief Executive Officer

**FROM:** Craig R. Watson, General Counsel

**SUBJECT:** Resolution No. 3639, First Reading, Second Reading and Final Passage relating to the Purchase of the "Woodinville Subdivision" by the Port of Seattle.

**ACTION REQUESTED:**

First Reading, Second Reading and Final Passage of Resolution No.3639. Authorizing and ratifying acquisition of that portion of the Woodinville Corridor located in Snohomish County that is reasonably necessary to link the rail services, equipment, and facilities within the port district to an interstate railroad system.

**BACKGROUND:**

On May 12, 2008, the Port Commission authorized by motion a set of agreements with BNSF Railway Company (BNSF) and King County in which: (i) the Port of Seattle (Port) would purchase from BNSF the segments of the Woodinville Corridor (Corridor) between the City of Woodinville (Woodinville) and the City of Snohomish (Snohomish) in King and Snohomish counties, and between Woodinville and the City of Redmond (Redmond) in King County; (ii) BNSF would donate to the Port the segment of the Corridor south of Woodinville to the City of Renton (Renton) in King County, and grant a third party operator an easement to conduct freight service between Woodinville and Snohomish; and (iii) the Port would grant King County an easement for public trail and other transportation purposes over the segments of the Corridor south of Woodinville to Renton and Woodinville to Redmond in King County, said trail to be developed only after the completion of a regional process that would determine the desirability and/or appropriateness of transportation and/or trail uses along the Corridor. The Port acquired the Corridor on December 18, 2009.

This request is a procedural step for completing the transaction under Washington law, RCW 53.08.290, providing that the Port Commission may make a finding by resolution that the acquisition of intermodal facilities outside of King County is reasonably necessary to link the rail services, equipment, and facilities within the port district to an interstate railroad system.

## **COMMISSION AGENDA**

T. Yoshitani, Chief Executive Officer

July 29, 2010

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### **OTHER DOCUMENTS ASSOCIATED WITH THIS REQUEST:**

- Resolution No. 3639.

### **PREVIOUS COMMISSION ACTIONS:**

- On November 2, 2007, the Port Commission authorized the Chief Executive Officer to execute a Memorandum of Understanding with King County and BNSF that would result in the Port's acquisition and receipt by donation of the Corridor, including a lease with King County for development of a recreational trail.
- On December 11, 2007, the Port Commission authorized the Chief Executive Officer to continue negotiations with BNSF and execute all documents necessary for the acquisition of the Corridor and operation of the northern freight segment of the Corridor at an estimated cost, including professional services, administration and overhead, of \$107,000,000.
- On May 12, 2008, the Port Commission authorized the Chief Executive Officer to execute a final set of agreements to complete the Corridor rail-banking and acquisition, including an Interlocal Agreement and Public Multipurpose Easement with King County.