

RESOLUTION NO. 3639

A RESOLUTION of the Port Commission of the Port of Seattle 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.

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 53.08.010, 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, a critical element to the competitiveness of the Port and King County, Washington in general, as well as the region, is the velocity and capacity of facilities and infrastructure for the transfer of cargo to freight trains and its movement to the ultimate customer; and

WHEREAS, as early as 2006, the Port expressed a desire to to acquire and preserve as a rail and transportation corridor the 42-mile rail corridor known as the Woodinville Subdivision located in King and Snohomish counties (Corridor); and

WHEREAS, King County had similarly expressed an interest in developing a recreational trail within the Corridor, a use consistent with federal railbanking provisions for the interim use and preservation of rail corridors; and

WHEREAS, in November 2007, the Port Commission approved a Memorandum of Understanding (MOU) with King County and BNSF Railway Company (BNSF) that would result in the Port's acquisition and receipt by donation of the Corridor; and

WHEREAS, the MOU called for the continuation of freight service between the City of Woodinville (Woodinville) and the City of Snohomish (Snohomish), and the rail banking and interim trail use of the southern portion of the Corridor (Woodinville to City of Renton) for the protection of future rail uses; and

WHEREAS, on May 12, 2008, the Port Commission authorized by motion a set of agreements with BNSF and King County in which: (i) the Port would purchase from BNSF the segments of the Corridor between Woodinville and Snohomish in King and Snohomish counties, and between Woodinville and the City of Redmond in King County; (ii) BNSF would donate to the Port the segment of the Corridor south of Woodinville to the City of 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; and

WHEREAS, the Port acquired the Corridor on December 18, 2009; and

WHEREAS, under RCW 53.08.290 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;

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

that:

Section 1. The Port's acquisition of the portion of the Corridor between the City of Woodinville and the City of Snohomish is reasonably necessary to link the rail services, equipment, and facilities within the port district to an interstate railroad system.

Section 2. Any acts made consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting thereof, 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