

RESOLUTION NO. 3646

A RESOLUTION of the Port Commission of the Port of Seattle declaring surplus and no longer needed for Port District purposes 2.84 acres of Port-owned real property located in the City of Des Moines, Washington, and authorizing the Chief Executive Officer to execute all documents necessary to transfer title of the property to the City of Des Moines and amend the Comprehensive Scheme to reflect that the property is surplus to the Airport's needs and is hereby deleted from Unit No. 18.

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 operator of Seattle-Tacoma International Airport ("Airport"); and

WHEREAS, the Port of Seattle's Comprehensive Scheme was established in 1912 through Resolution No. 17 of the Port Commission, which established seven units defined according to their geographic region; and

WHEREAS, in 1946, the Comprehensive Scheme was amended significantly to include the Airport, designated as Unit No. 18; and

WHEREAS, over the years, property acquisitions and sales have caused the need to amend the Comprehensive Scheme from time to time; and

WHEREAS, the Port owns the real property described on attached Exhibit A (the “Property”); and

WHEREAS, the Port-owned Property includes 2.84 acres of land, more or less, that the City of Des Moines needs for improvements to S. 216th Street and 24th Avenue S., the southern and eastern boundaries of the Des Moines Creek Business Park (“DMCBP”) site; and

WHEREAS, from 1989 to 1993, the Port acquired approximately 77 acres of residential lots in the City of Des Moines as part of the Airport’s Federal Aviation Administration (FAA)-approved noise mitigation program (together these lots are now referred to as the DMCBP site); and

WHEREAS, the conveyance to the City of Des Moines will allow the improvement of those roadways which are required to fully develop the DMCBP site and will improve the City’s ability to secure federal and state funding for the planned improvements; and

WHEREAS, conveyance of the Property to the City of Des Moines will be pursuant to appraisal and the Second Addendum to the First Development Agreement Regarding Compensation for Dedicated and Deeded Rights-of-Way and Purchase of Right-of-Way Frontage (the “Second Addendum”) between the City and the Port regarding the DMCBP site; and

WHEREAS, the price paid by the City of Des Moines will offset the cost of the Port’s acquisition of 11.43 acres of City-of-Des Moines-owned streets surrounding the DMCBP site which the Des Moines City Council voted to vacate and surplus at its September 30, 2010 meeting; and

WHEREAS, the Property was acquired with Federal Aviation Administration noise funds, but recent guidance from the FAA eliminates the requirement that property acquired with noise funds require FAA approval prior to sale; and

WHEREAS, Chapter 39.33 of the Revised Code of Washington provides that the Port may “sell, transfer, exchange, lease or otherwise dispose of any property ... to the state of any municipality of any political subdivision thereof ... on such terms and conditions as may be mutually agreed upon ...”; and

WHEREAS, the maps and other data regarding the property proposed for conveyance to the City of Des Moines are on file at the Port offices; and

WHEREAS, the Port of Seattle Commission has heard from all persons desiring to speak at said public hearing with regard to the proposed property transfer; and

WHEREAS, the members of the Port of Seattle Commission have discussed and considered the proposed property transfer in light of all comments by members of the public at the public hearing; and

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 is no longer needed for Port purposes and is declared surplus to Port needs.

Section 2. The CEO is authorized to take all steps and execute all documents necessary to transfer title of the Property to the City of Des Moines pursuant to the Second Addendum. The Port-owned Property has an appraised fair market value of \$743,334.

Section 3. The Comprehensive Scheme is hereby amended to reflect that the Property is surplus to the Airport's needs and is hereby deleted from Unit No. 18.

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 Commissioners

EXHIBIT “A” to Resolution No. _____

Legal Description of Port-owned Property to be conveyed to City of Des Moines

PORT OF SEATTLE

**Tax Parcel No.: 232380-0085, 515360-0225, 515360-0165, 092204-9262,
092204-9263, 092204-9009, 232380-0075, 432520-0005, 092204 -9108,
525120-0010**

RIGHT OF WAY TAKE

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 4 AND THE NORTHWEST QUARTER OF SECTION 9, ALL IN TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A MONUMENT IN CASE AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER, ALSO BEING THE INTERSECTION OF 24TH AVENUE SOUTH AND SOUTH 208TH STREET;

THENCE NORTH 88° 26' 01" WEST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 30.00 FEET TO THE NORTHERLY EXTENSION OF A LINE THAT IS 30.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER (SAID EAST LINE ALSO BEING THE CENTERLINE OF 24TH AVENUE SOUTH), AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 01° 06' 35" EAST ALONG SAID NORTHERLY EXTENSION, 30.00 FEET TO A LINE THAT IS 30.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER;

THENCE NORTH 88° 26' 01" WEST ALONG SAID PARALLEL LINE, 37.50 FEET TO THE NORTHERLY EXTENSION OF A LINE THAT IS 67.50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER (SAID EAST LINE ALSO BEING THE CENTERLINE OF 24TH AVENUE SOUTH);

THENCE SOUTH 01° 06' 35" WEST ALONG SAID NORTHERLY EXTENSION AND ALONG SAID PARALLEL LINE, 1751.88 FEET;

THENCE SOUTHERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS SOUTH 88° 53' 25" EAST, 6049.50 FEET, AN ARC DISTANCE OF 226.75 FEET;

THENCE SOUTH 01° 02' 16" EAST, 255.41 FEET;

THENCE SOUTHERLY ON A CURVE TO THE RIGHT WHOSE CENTER BEARS SOUTH 88° 57' 44" WEST, 5950.50 FEET, AN ARC DISTANCE OF 223.04 FEET TO A LINE THAT IS 49.50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER (SAID EAST LINE ALSO BEING THE CENTERLINE OF 24TH AVENUE SOUTH);

THENCE SOUTH 01° 06' 35" WEST ALONG SAID PARALLEL LINE, 119.10 FEET;

THENCE SOUTH 46° 25' 19" WEST, 42.84 FEET TO A LINE THAT IS 63.50 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (SAID SOUTH LINE ALSO BEING THE CENTERLINE OF SOUTH 216TH STREET);

THENCE NORTH 88° 15' 56" WEST ALONG SAID PARALLEL LINE, 1172.31 FEET;

THENCE NORTH 01° 18' 27" EAST, 2.00 FEET TO A LINE THAT IS 65.50 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (SAID SOUTH LINE ALSO BEING THE CENTERLINE OF SOUTH 216TH STREET);

THENCE NORTH 88° 15' 56" WEST ALONG SAID PARALLEL LINE, 1.00 FEET;

THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 01° 44' 04" EAST, 19.50 FEET, AN ARC DISTANCE OF 30.49 FEET;

THENCE NORTH 01° 18' 27" EAST, 17.04 FEET;

THENCE NORTH 88° 41' 33" WEST, 39.36 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER;

THENCE SOUTH 01° 06' 10" WEST ALONG SAID WEST LINE, 71.60 FEET TO POINT "A", SAID POINT "A" ON A LINE THAT IS 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (SAID SOUTH LINE ALSO BEING THE CENTERLINE OF SOUTH 216TH STREET);

THENCE SOUTH 88° 15' 56" EAST ALONG SAID PARALLEL LINE, 1281.85 FEET TO A LINE THAT IS 30.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER (SAID EAST LINE ALSO BEING THE CENTERLINE OF 24TH AVENUE SOUTH);

THENCE NORTH 01° 06' 35" EAST ALONG SAID PARALLEL LINE, 2609.79 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 133,743 SQUARE FEET, MORE OR LESS.

TOGETHER WITH THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT SAID POINT "A";

THENCE NORTH 88° 15' 56" WEST ALONG A LINE THAT IS 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (SAID SOUTH LINE ALSO BEING THE CENTERLINE OF SOUTH 216TH STREET), 30.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 83° 48' 36" WEST ALONG THAT CERTAIN LINE AS DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBER 7201180290, RECORDS OF KING COUNTY, WASHINGTON AND ALONG THAT CERTAIN LINE AS DESCRIBED IN EXHIBIT "A" OF STIPULATED JUDGMENT AND DECREE OF APPROPRIATION AS TO ITEM NO. 3, KING COUNTY SUPERIOR COURT CAUSE NUMBER 753046, A DISTANCE OF 257.45 FEET TO AN ANGLE POINT IN SAID LINE AS DESCRIBED IN SAID EXHIBIT "A";

THENCE NORTH 10° 57' 47" WEST ALONG SAID LINE AS DESCRIBED IN SAID EXHIBIT "A", A DISTANCE OF 1.54 FEET TO A LINE THAT IS 51.50 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (SAID SOUTH LINE ALSO BEING THE CENTERLINE OF SOUTH 216TH STREET);

THENCE SOUTH 88° 15' 56" EAST ALONG SAID PARALLEL LINE, 241.31 FEET;

THENCE NORTH 01° 18' 27" EAST, 2.00 FEET TO A LINE THAT IS 53.50 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (SAID SOUTH LINE ALSO BEING THE CENTERLINE OF SOUTH 216TH STREET);

THENCE SOUTH 88° 15' 56" EAST ALONG SAID PARALLEL LINE, 1.00 FEET;

THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS NORTH 01° 44' 04" EAST, 19.50 FEET, AN ARC DISTANCE OF 16.18 FEET TO A LINE THAT IS 30.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER;

THENCE SOUTH 01° 06' 10" WEST ALONG SAID PARALLEL LINE, 29.84 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 3,009 SQUARE FEET, MORE OR LESS.

EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER, SECTION 4, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., KING COUNTY, INCLUDED WITHIN A STRIP OF LAND DESCRIBED AS FOLLOWS:

ALL THAT 30 FOOT WIDE RIGHT OF WAY FOR THE NORTH HALF OF SOUTH 208TH STREET, LYING WEST OF A LINE THAT IS 30.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M. AND ITS NORTHERLY EXTENSION (SAID EAST LINE ALSO BEING THE CENTERLINE OF 24TH AVENUE SOUTH) AND LYING EAST OF THE NORTH-SOUTH CENTERLINE OF SAID SOUTHWEST QUARTER.

CONTAINING 1,125 SQUARE FEET, MORE OR LESS.

AND EXCEPT THAT PORTION OF THE NORTHWEST QUARTER, SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., KING COUNTY, WASHINGTON, INCLUDED WITHIN STRIPS OF LAND DESCRIBED AS FOLLOWS:

ALL THAT 30 FOOT WIDE RIGHT OF WAY FOR THE SOUTH HALF OF SOUTH 208TH STREET, LYING WEST OF A LINE THAT IS 30.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER AND ITS NORTHERLY EXTENSION (SAID EAST LINE ALSO BEING THE CENTERLINE OF 24TH AVENUE SOUTH) AND LYING EAST OF THE NORTH-SOUTH CENTERLINE OF SAID NORTHWEST QUARTER.

CONTAINING 1,125 SQUARE FEET, MORE OR LESS.

ALL THAT 60 FOOT WIDE RIGHT OF WAY FOR SOUTH 210TH STREET, LYING WEST OF THE WESTERLY RIGHT OF WAY MARGIN OF 24TH AVENUE SOUTH AND LYING EAST OF THE NORTH-SOUTH CENTERLINE OF SAID NORTHWEST QUARTER.

CONTAINING 2,250 SQUARE FEET, MORE OR LESS.

ALL THAT 60 FOOT WIDE RIGHT OF WAY FOR SOUTH 212TH STREET, LYING WEST OF THE WESTERLY RIGHT OF WAY MARGIN OF 24TH AVENUE SOUTH AND LYING EAST OF THE NORTH-SOUTH CENTERLINE OF SAID NORTHWEST QUARTER.

CONTAINING 2,250 SQUARE FEET, MORE OR LESS.

ALL THAT 30 FOOT WIDE RIGHT OF WAY FOR SOUTH 214TH STREET, LYING EAST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 7, PLAT OF LINDA LOU AS RECORDED IN VOLUME 57 OF PLATS, PAGE 54, RECORDS OF SAID COUNTY AND LYING WEST OF THE WESTERLY RIGHT OF WAY MARGIN OF 24TH AVENUE SOUTH.

CONTAINING 946 SQUARE FEET, MORE OR LESS.

ALL THAT 30 FOOT WIDE RIGHT OF WAY FOR 22ND AVENUE SOUTH, LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY MARGIN OF SOUTH 214TH STREET AND LYING NORTH OF THE NORTHERLY RIGHT OF WAY MARGIN OF SOUTH 216TH STREET.

CONTAINING 1,005 SQUARE FEET, MORE OR LESS.

ALL THAT 60 FOOT WIDE RIGHT OF WAY FOR 21ST AVENUE SOUTH, LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY MARGIN OF SOUTH 212TH STREET AND LYING NORTH OF THE NORTHERLY RIGHT OF WAY MARGIN OF SOUTH 216TH STREET, EXCEPT ALL THAT 60 FOOT WIDE RIGHT OF WAY FOR SOUTH 214TH STREET.

CONTAINING 2,010 SQUARE FEET, MORE OR LESS.

ALL THAT 30 FOOT WIDE RIGHT OF WAY FOR 20TH AVENUE SOUTH, LYING SOUTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF KING COUNTY SHORT PLAT NO. 978039, AS RECORDED UNDER RECORDING NO. 8008270718, RECORDS OF SAID COUNTY AND LYING NORTH OF THE NORTHERLY RIGHT OF WAY MARGIN OF SOUTH 216TH STREET.

CONTAINING 2,152 SQUARE FEET, MORE OR LESS.

TOTAL RIGHT OF WAY TAKE CONTAINING 123,889 SQUARE FEET, MORE OR LESS.