

**SECOND AMENDMENT TO LEASE  
BETWEEN  
PORT OF SEATTLE AND CROWLEY MARINE SERVICES  
PIERS 16/17**

Item Number: 5a Attach  
Date of Meeting: May 3, 2011

THIS SECOND AMENDMENT TO LEASE made as of \_\_\_\_\_, 2011, by and between the PORT OF SEATTLE, a Washington municipal corporation, hereinafter called "the Port," and CROWLEY MARINE SERVICES, INC., a Delaware corporation, hereinafter called "Lessee."

**W I T N E S S E T H :**

WHEREAS, the parties entered into a lease agreement dated December 23, 1999, covering certain premises and activities by Lessee at Piers 16/17, Seattle, Washington; and

WHEREAS, the parties entered into a Reforming Amendment dated November 13, 2001, to the December 23, 1999, lease agreement, which lease and Reforming Amendment are collectively referred to as the "Basic Lease;" and

WHEREAS, the parties entered into a First Amendment to the Basic Lease on August 6, 2002, to design and construct a pole cap extension, with a corresponding adjustment to the Premises boundary, adjustment to use of Premises, adjustment to maintenance and repair obligations, and adjustment to improvements; and

WHEREAS, the parties now wish to further revise the Basic Lease as previously amended by reducing the submerged land lease area by 13,100 square feet, effective May 3, 2011, with a corresponding reduction in rent;

NOW THEREFORE, in consideration of their mutual promises, the parties hereby agree as follows:

1. The submerged land lease area referenced in Paragraph 1, LEASED PREMISES, subsection (a), of the Basic Lease is reduced from 544,347 square feet to 531,247 square feet, effective May 3, 2011.

2. The total monthly rental payable by Lessee is reduced from \$41,254.14 to \$40,807.32, effective May 3, 2011, based on the following calculations:

**Effective May 3, 2011:**

531,247	s.f.	Submerged Area	@	\$0.40930/sf/yr	=	\$217,439.40/yr	÷	12	=	\$18,119.95/mo.*
136,097	s.f.	Upland and Pier Area	@	\$2.00040/sf/yr	=	\$272,248.44/yr	÷	12	=	\$22,687.37/mo.*
Total										\$40,807.32/mo.*

\*plus applicable taxes.

3. Exhibit "A-2," LEASED PREMISES, is attached hereto and incorporated herein, superseding Exhibit "A-1."

4. Exhibit "B-2," LEGAL DESCRIPTION, is attached hereto and incorporated herein, superseding Exhibit "B."

5. This lease may be subject to the applicable provisions of the Shipping Act of 1984, the Shipping Act of 1916, the Ocean Shipping Reform Act of 1998 and their respective implementing regulations. If so, no future amendment or modifications to this lease shall become effective until the appropriate procedures, if any, have been completed in accordance with the procedures of the appropriate federal agency that has jurisdiction.

6. Except as expressly amended herein, all provisions of the Basic Lease (as previously amended) shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment as of the day and year first above written.

PORT OF SEATTLE,  
a municipal corporation

CROWLEY MARINE SERVICES, INC.,  
a Delaware Corporation

By \_\_\_\_\_  
Its \_\_\_\_\_  
LESSOR

By   
Its Authorized Agent  
LESSEE

ORIGINAL

Notary to Second Amendment to Lease  
with CROWLEY MARINE SERVICES, INC.  
at Piers 16/17.

STATE OF WASHINGTON )  
  ) ss.  
COUNTY OF KING )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, the undersigned notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Tay Yoshitani, to me known to be the Chief Executive Officer of the PORT OF SEATTLE, a municipal corporation, the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute the same.

WITNESS my hand and official seal hereto the day and year in this Certificate first above written.

\_\_\_\_\_  
Notary Public in and for the State of  
Washington, residing at \_\_\_\_\_.  
My appointment expires \_\_\_\_\_.

(ACKNOWLEDGMENT FOR CORPORATE LESSEE)

STATE OF WASHINGTON )  
  ) ss.  
COUNTY OF KING )

On this 5<sup>th</sup> day of APRIL, 2011, before me, personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me known to be the \_\_\_\_\_ President and the \_\_\_\_\_ Secretary, respectively of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Marlene R. Krivick  
Notary Public in and for the State of  
WASHINGTON, residing at 1102 SW MASSACHUSETTS  
My appointment expires 3/01/13



PORTION OF THE  
SECTION 7 TWN. 24 N., RNG. 4 E., W.M.  
KING COUNTY, WASHINGTON



SCALE: 1" = 300'

LINE TABLE		
LINE	LENGTH	BEARING
L1	1226.58'	N00°00'00"E
L2	548.63'	N76°42'13"E
L3	320.20'	S00°00'00"E
L4	127.80'	S58°03'34"W
L5	205.00'	S31°56'26"E
L6	84.00'	S00°00'00"E
L7	213.21'	S58°03'34"W
L8	449.49'	S00°00'00"E
L9	214.82'	N58°21'37"E
L10	211.44'	S00°07'16"E
L11	209.80'	S25°19'44"W
L12	207.48'	S41°42'26"W
L13	46.00'	N90°00'00"W
L14	75.95'	N00°00'00"E
L15	23.76'	N76°42'12"E
L16	80.00'	N13°17'47"W
L17	186.62'	S76°42'13"W
L18	356.88'	N00°00'00"E

CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
C1	25°27'00"	177.67	400.00
C2	16°22'42"	85.76	300.00



CROWLEY MARINE  
LEASED PREMISES

AMENDED LEASE AREA EXHIBIT A-2

DATE  
3/14/2011

SHEET NO.  
1 OF 1

# Legal Description

Exhibit B-2

## Pier 17 Lease Area

PORTIONS OF BLOCKS A, G AND H OF THE PLAT OF FRANK'S WATERFRONT ADDITION TO THE CITY OF SEATTLE, BLOCK 396, PLAT OF SEATTLE TIDE LANDS, INCLUDING VACATED 11<sup>TH</sup> AVENUE SW, VACATED SW MASSACHUSETTS STREET AND ADJOINING HARBOR AREA LYING IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M. IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

### UPLAND AREA

BEGINNING AT THE SOUTHWEST CORNER OF THE EASTERLY 60.00 FEET, AS MEASURED ALONG THE NORTHERLY LINE OF SW MASSACHUSETTS STREET, OF LOT 2, BLOCK "H" OF THE PLAT OF FRANK'S WATERFRONT ADDITION TO THE CITY OF SEATTLE; THENCE SOUTH 76° 42' 13" WEST ALONG SAID NORTHERLY MARGIN OF SW MASSACHUSETTS STREET, A DISTANCE OF 186.62 FEET TO AN INTERSECTION WITH A LINE WHICH IS PARALLEL TO THE WEST BOUNDARY OF SAID LOT 2, BLOCK "H" AND DISTANT 2.98 FEET THEREFROM, AS MEASURED ALONG SAID MARGIN, THENCE NORTH 00° 00' 00" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 68.58 FEET TO THE LINE OF MEAN HIGH WATER; ALONG SAID LINE OF MEAN HIGH WATER EASTERLY AND NORTHEASTERLY TO IT'S INTERSECTION WITH THE BULKHEAD UNDER THE PIER 17 APRON; THENCE NORTH 00° 00' 00" EAST ALONG SAID BULKHEAD A DISTANCE OF 356.88 FEET; THENCE NORTH 58° 21' 37" EAST A DISTANCE OF 214.82 FEET TO THE EASTERLY SIDE OF A CONCRETE BARRIER; THENCE SOUTH 00° 07' 16" EAST ALONG SAID BARRIER A DISTANCE OF 211.44 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET; THROUGH A CENTRAL ANGLE OF 25° 27' 00", A DISTANCE OF 177.67 FEET; THENCE SOUTH 25° 19' 44" WEST A DISTANCE OF 209.80 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, THROUGH A CENTRAL ANGLE OF 16° 22' 42", A DISTANCE OF 85.76 FEET; THENCE SOUTH 41° 42' 26" WEST A DISTANCE OF 207.48 FEET; THENCE SOUTH 90° 00' 00" WEST A DISTANCE OF 46.00 FEET; THENCE NORTH 00° 00' 00" EAST A DISTANCE OF 75.95 FEET TO THE SOUTHERLY MARGIN OF SW MASSACHUSETTS STREET; THENCE NORTH 76° 42' 12" EAST ALONG SAID MARGIN A DISTANCE OF 23.76 FEET TO THE WESTERLY MARGIN OF THE VACATED PORTION OF SAID STREET; THENCE NORTH 13° 17' 47" WEST ALONG SAID MARGIN A DISTANCE OF 80.00 FEET TO THE NORTHERLY MARGIN OF SAID STREET AND THE POINT OF BEGINNING.

CONTAINING: 140,185 SQUARE FEET (3.22 ACRES)

### SUBMERGED AREA

BEGINNING AT A POINT OF INTERSECTION WITH A LINE WHICH IS PARALLEL TO THE WEST BOUNDARY OF SAID LOT 2, BLOCK "H" AND DISTANT 2.98 FEET THEREFROM, AS MEASURED ALONG SAID MARGIN, AND THE NORTHERLY MARGIN OF SW MASSACHUSETTS STREET; THENCE NORTH 00° 00' 00" EAST ALONG SAID LINE A DISTANCE OF 68.58 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 00' 00" EAST A DISTANCE OF 1226.56 FEET TO THE OUTER HARBOR LINE, AS RELOCATED IN 1969; THENCE NORTH 76° 42' 13" EAST ALONG SAID LINE A DISTANCE OF 548.63 FEET; THENCE SOUTH 00° 00' 00" EAST A DISTANCE OF 645.76

FEET; THENCE SOUTH 58° 03' 34" WEST A DISTANCE OF 213.21 FEET TO THE INTERSECTION WITH THE NORTHERLY PROJECTION OF THE BULKHEAD UNDER THE PIER 17 APRON; THENCE SOUTH 00° 00' 00" EAST ALONG SAID BULKHEAD AND IT'S PROJECTION, A DISTANCE OF 449.49 FEET TO THE LINE OF MEAN HIGH WATER; THENCE ALONG SAID LINE OF MEAN HIGH WATER SOUTHWESTERLY TO THE TRUE POINT OF BEGINNING.

EXCEPT:

THAT PORTION OF SAID SUBMERGED AREA DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF SAID OUTER HARBOR LINE AND THE EASTERLY MARGIN OF SAID SUBMERGED AREA ALSO BEING THE MOST NORTHEASTERLY CORNER OF SAID SUBMERGED AREA; THENCE SOUTH 00° 00' 00" EAST ALONG SAID EASTERLY MARGIN, A DISTANCE OF 320.20 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 58° 03' 34" WEST, A DISTANCE OF 127.80 FEET, THENCE SOUTH 31° 56' 26" EAST, A DISTANCE OF 205.00 FEET TO SAID EASTERLY MARGIN; THENCE NORTH 00° 00' 00" WEST ALONG SAID EASTERLY MARGIN, A DISTANCE OF 241.57 TO THE POINT OF BEGINNING.

CONTAINING: 532,130 SQUARE FEET OR 12.22 ACRES MORE OR LESS