

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

**COMMISSION AGENDA**

**Item No.** 5c

**Date of Meeting** August 2, 2011

**DATE:** July 25, 2011

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

**FROM:** Michael Burke, Director, Leasing and Asset Management  
Mike Kriston, Seaport Real Estate Specialist

**SUBJECT:** Terminal 105 Public Access Site Easement Agreement and Bill of Sale

**ACTION REQUESTED:**

Request Commission authorization for the Chief Executive Officer (“CEO”) to execute an Easement Agreement with the City of Seattle (“City”) that is needed to partially meet conditions imposed by the City for the vacation of streets at the Port of Seattle’s (“Port’s”) former Terminal 105 property.

**SYNOPSIS:**

Port staff is in the process of finalizing a number of pending street vacations with the City dating from terminal developments in the 1990s. Petitions are pending with the City to vacate various streets at Terminal 5, Terminal 18, the Port’s former Terminal 105, and Terminal 25. Additionally, public shoreline access issues need to be resolved at Terminal 108.

This memo requests Commission authorization for the CEO to execute an Easement Agreement and a Bill of Sale which are two of the agreements needed to vacate streets at the Port’s former Terminal 105 property.

In the coming months, Port staff expects to return to the Commission to seek approval of 10 to 12 additional street vacation-related agreements.

**EASEMENT AGREEMENT AND BILL OF SALE:**

The Easement Agreement is a nonexclusive permanent easement between the Port and the City that will provide the City access to and across portions of the Port’s Terminal 105 Public Access site for the operation and maintenance of a 30-inch storm water pipe. The easement area is 16 feet wide and contains approximately 729 square feet.

The Easement Agreement includes only such rights as shall be necessary for the inspection, construction, reconstruction, alteration, operation, improvement, maintenance, repair and

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replacement of the 30-inch sewer pipe together with the right of reasonable ingress and egress from West Marginal Way Southwest across Port property to the easement area if necessary.

The Bill of Sale will convey to the City approximately 50 lineal feet of 30-inch reinforced concrete pipe that is located in the easement area. The pipe has an approximate value of \$2,000. Pursuant to Resolution No. 3605, as amended, Section 18, the CEO has the authority to surplus and convey personal property with a value of \$10,000 or less. This authority was renewed by the Port Commission on January 25, 2011.

## **LEGAL REVIEW AND APPROVAL**

The Easement Agreement and Bill of Sale have been reviewed and approved as to form by Port legal counsel.

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

- Map Showing Locations of Easement Agreement area at T-105 Public Access Site
- Easement Agreement with Exhibits A–D (includes Bill of Sale)

## **PREVIOUS COMMISSION ACTIONS OR BRIEFINGS:**

- February 9, 2010 – Staff briefed the Commission on background and status of street vacations at various facilities.
- June 1, 2010 – Commission authorized Chief Executive to execute consultant services contracts or service directives, to advertise and award small works contracts, and to employ Port staff for a total of up to \$1,500,000 for street vacations at Terminals 5, 18 and 105.
- October 5, 2010 – Commission authorized Chief Executive to execute three perpetual nonexclusive easements with the City of Seattle to meet certain conditions imposed by the City of Seattle for the vacation of submerged South Forest Street at Terminal 25.
- May 3, 2011 – Commission authorized Chief Executive to execute a Public Access Easement Agreement with the City of Seattle to partially meet conditions imposed by the City for the vacation of streets on Harbor Island related to the expansion of Terminal 18.