

RESOLUTION NO. 3664

A RESOLUTION of the Port Commission of the Port of Seattle approving the First Amendment of the Interlocal Agreement between the City of Auburn and the Port of Seattle to transfer approximately 55 acre feet of surplus floodplain storage credit to the City of Auburn and authorizing conveyance of a permanent easement to the City of Auburn.

WHEREAS, on March 18, 1998, the Port of Seattle (“Port”) and the City of Auburn (“City”) entered into an Interlocal Agreement (“ILA”) regarding wetland construction, infrastructure improvements and property transfer on the real property (“Property”) located in the City and purchased by the Port to provide off-site mitigation of wetland impacts for the construction of the third runway at Seattle-Tacoma International Airport; and

WHEREAS, the Property is owned by the Port and described on the attached exhibit “A”; and

WHEREAS, the First Amendment to the ILA is attached as exhibit “B”; and

WHEREAS, the Port and the City anticipated that once the permitting process for the third runway was completed, Port would convey to the City excess flood storage capacity located on the Property that was not needed to mitigate adverse impacts from the construction of the third runway for mitigation of floodplain development and adverse floodplain impacts from other private development located in the City; and

WHEREAS, Chap. 39.33 RCW 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 ... of such terms and conditions as may be mutually agreed upon ...”; and

WHEREAS, RCW 39.33.020 allows the Port to declare real property surplus and no longer needed for port district purposes and to transfer a portion of the floodplain storage capacity credit to the City; and

WHEREAS, on December 28, 2011, a qualified appraiser estimated the value of the excess floodplain credit on the Property that would be conveyed to the City pursuant to the First Amendment to the ILA to be \$1,493,680; and

WHEREAS, the First Amendment to the ILA will transfer approximately 55 acre feet of floodplain storage credit to the City and retain approximately 11.2 acre feet of floodplain storage credit to accommodate future development on the Property; and

WHEREAS, the Port will convey a permanent easement to the City of Auburn on the Property for utilization of the floodplain storage credit; and

WHEREAS, 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 55 acre feet of floodplain storage capacity located on the Property described in exhibit A is no longer needed for Port purposes and is declared surplus to Port needs.

Section 2. The Chief Executive Officer is authorized to take all steps and execute all documents necessary to execute the First Amendment to the ILA, in substantially the same form as shown in exhibit “B,” to transfer excess flood storage capacity located on the Property to the City and to convey a permanent easement to the City to allow the Property to be utilized for flood storage capacity.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting thereof, held this _____ day of _____, 2012, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

Port Commission