

## **RESOLUTION NO. 3662**

**A RESOLUTION** of the Port Commission of the Port of Seattle declaring certain real property located in King County (portions of the Woodinville Subdivision) and any improvements located thereon surplus and no longer needed for Port purposes, authorizing its transfer to King County and authorizing the Chief Executive Officer to execute all documents related to such transfer; and further authorizing the Chief Executive Officer to execute a permanent easement granting King County easement rights over a portion of the Port's freight section of the Woodinville Subdivision for future recreational trail uses.

**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

**WHEREAS**, the Port owns the real property described on attached Exhibit A (the "Property") and all improvements thereon, consisting primarily of railroad tracks and ties (the "Improvements"); and

**WHEREAS**, on November 5, 2009, the Port entered into a Memorandum of Understanding (the "MOU") with King County, Sound Transit, Cascade Water Alliance, Puget Sound Energy and the City of Redmond setting forth the mutual understanding of the parties for the completion of future transactions where the Regional Partners would purchase from the Port interests in the Woodinville Subdivision and thus share in the cost of acquiring it; and

**WHEREAS**, on June 30, 2010, the City of Redmond acquired the portion of the Woodinville Subdivision located in the City of Redmond; and

**WHEREAS**, on December 20, 2010, Puget Sound Energy acquired an easement over both the freight and railbanked portions of the Woodinville Subdivision; and

**WHEREAS**, on April 11, 2012, Sound Transit acquired (i) a portion of the Woodinville Subdivision located within the City of Bellevue and (ii) a permanent high capacity transportation easement over the railbanked portion of the Woodinville Subdivision; and

**WHEREAS**, on April 13, 2012, the City of Kirkland acquired (i) the portion of the Woodinville Subdivision located in the City of Kirkland and (ii) a portion of the Woodinville Subdivision located within the City of Bellevue; and

**WHEREAS**, King County wants to acquire the Property and the Improvements for regional recreational trail and other public uses and transportation uses; and

**WHEREAS**, together with the proposed acquisition, King County wants to acquire a permanent easement over the freight portion of the Woodinville Subdivision for recreational trail uses; and

**WHEREAS**, pursuant to Chapter 39.33 of the Revised Code of Washington (Intergovernmental Disposition of Property Act) the Port may sell, transfer, exchange, lease or otherwise dispose of real and personal property to the state, any municipality or any political subdivision thereof on such terms and conditions as may be mutually agreed upon by the governing authorities of the participating entities; and

**WHEREAS**, the maps and other data regarding the Property proposed for transfer to King County are on file at the offices of the Port's Real Estate Division; and

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

**WHEREAS**, the members of the Port of Seattle Commission have considered the proposed property sale and any comments by members of the public attending the public hearing;

**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, and Improvements thereon are no longer needed for Port purposes and are declared surplus to Port needs.

Section 2. The Chief Executive Officer is authorized to take all steps and execute all documents necessary to sell the Property and Improvements to King County for a purchase price of Fifteen Million Dollars (\$15,000,000).

Section 3. The Chief Executive Officer is further authorized to execute a permanent easement with King County for future recreational trail uses over a portion of the freight section of the Woodinville Subdivision. A copy of the permanent easement shall be attached as Exhibit B to this Resolution, prior to Commission adoption of this Resolution.

**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.

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Port Commissioners