

RESOLUTION NO. 3665

A RESOLUTION of the Port Commission of the Port of Seattle Amending Unit 20 of the Comprehensive Scheme of Harbor Improvements of the Port of Seattle (Lower Duwamish Industrial Development District) by: (i) declaring certain real property surplus and no longer needed for port district purposes; (ii) authorizing its transfer to BNSF Railway Company; (iii) deleting said property from Unit 20 of the Comprehensive Scheme; and (iv) adding to Unit 20 of the Comprehensive Scheme certain real property transferred by BNSF to the Port.

WHEREAS, the original Comprehensive Scheme of Harbor Improvements of the Port of Seattle was fixed in Resolution No. 17 of the Port Commission and was ratified by the qualified electors of the Port District at a special election held therein on March 5, 1912; and

WHEREAS, Unit 20 of the Comprehensive Scheme – the Lower Duwamish Industrial Development District (“LDIDD”) was initially created by Port Commission adoption of Resolution No. 2769 on May 27, 1980; and

WHEREAS, the boundaries of said Unit 20 were subsequently revised and restated by Port Commission adoption of Resolution No. 2805 on February 10, 1981, as subsequently amended; and

WHEREAS, in 1994 BNSF and the Port entered into agreements that allowed the Port’s use of a portion of BNSF’s Buckley Yard and relocated a portion of BNSF’s operations to Port property, all in order to complete the expansion of Terminal 5; and

WHEREAS, the 1994 agreements obligated BNSF and the Port to a final exchange of the affected properties; and

WHEREAS, an official public hearing was held August 7, 2012, after notice of such hearing was duly published as provided by law, the question as to whether said Unit 20 of the Comprehensive Scheme should be amended to provide for the property legally described on attached Exhibit A to be declared surplus to Port of Seattle needs and no longer needed for Port purposes, authorize its transfer to BNSF Railway Company (“BNSF”), and delete it from Unit 20 of the Comprehensive Scheme; and

WHEREAS, the Port of Seattle Commission has heard from all persons desiring to speak at said public hearing with regard to the proposed amendment and modification to Unit 20; and

WHEREAS, the members of the Port of Seattle Commission at said public hearing viewed maps, plans, and other data regarding the property proposed for sale, which maps, plans, and other data are on file in the office of the Port of Seattle Commission; and

WHEREAS, the members of the Port of Seattle Commission have discussed and considered the proposed amendment to Unit 20 of the Comprehensive Scheme in light of all comments by members of the public at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Seattle as follows:

Section 1. The property legally described on attached Exhibit A, (“Property”) which is part of Unit 20 of the Comprehensive Scheme is hereby declared surplus to Port of Seattle needs and no longer needed for Port purposes and deleted from Unit 20 of the Comprehensive Scheme.

Section 2. In exchange for BNSF’s transfer to the Port of certain real property adjacent to the Property and legally described and depicted on attached Exhibit B (“Exchange Property”), the Chief Executive Officer is authorized to take all necessary steps and execute all documents, including an Exchange Agreement, necessary to accomplish the exchange of properties with BNSF Railway Inc., in accordance with state law. The surplus Property has a market value of \$8,600,000.00.

Section 3. Unit 20 of the Comprehensive Scheme of Harbor Development is amended to include within its boundaries the Exchange Property legally described in Exhibit B.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting 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