

## RESOLUTION NO. 3659

**A RESOLUTION** of the Port Commission of the Port of Seattle declaring certain real property located in the City of Kirkland and the City of Bellevue (a portion of the Woodinville Subdivision) and any improvements located thereon surplus and no longer needed for Port purposes, authorizing its transfer to the City of Kirkland and authorizing the Chief Executive Officer to execute all documents related to such transfer.

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 August 18, 2011, the Port and Sound Transit entered into a Purchase and Sale Agreement for acquisition of (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, the City of Kirkland wants to acquire the Property and the Improvements for trail and transportation 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 the City of Kirkland 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 the City of Kirkland for a purchase price of Five Million Dollars (\$5,000,000).

**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