

## **RESOLUTION NO. 3771**

**A RESOLUTION** of the Port of Seattle Commission relating to the Flight Corridor Safety Program 2019 at Seattle-Tacoma International Airport; providing for the acquisition of certain easement and access interests in real property located in King County, Washington, for the program; authorizing negotiation or condemnation; and directing other actions consistent with the program and aviation safety.

**WHEREAS**, the Port of Seattle maintains a Flight Corridor Safety Program for the Seattle-Tacoma International Airport (Airport) and is implementing the Flight Corridor Safety Program 2019 to remove tree obstructions at and around the Airport (Project); and

**WHEREAS**, the port has reasonably described in the attached Exhibit A certain properties identified by the port as sources of trees that currently obstruct the airspace required for the flight of aircraft in landing or taking-off at the airport, or are projected to obstruct within five years; and

**WHEREAS**, airport hazards, which are defined in RCW 14.12.010 to include trees (and any structure or use of land) that obstruct the airspace required for the flight of aircraft in landing or taking-off at an airport, are declared to be a public nuisance under RCW 14.12.020; and

**WHEREAS**, the port is authorized by state law, including but not limited to RCW 14.12.020, to raise and spend public funds and acquire property interests to prevent the creation or establishment of airport hazards and to eliminate, remove, alter, mitigate, or mark and light existing airport hazards; and

**WHEREAS**, the Project and related port efforts are necessary to ensure safe and secure aircraft operations by removing and preventing obstructions to navigable airspace to satisfy federal and state statutory and regulatory requirements, comply with grant assurances made to the Federal Aviation Administration (FAA), continue operating a world class airport by ensuring safe and secure operations, and protect the public health, public safety, and general welfare; and

**WHEREAS**, the port is authorized by state law to acquire and to condemn property interests pursuant to Ch. 14.07 RCW, Ch. 14.08 RCW, Ch. 14.12 RCW, Title 53 RCW (and other authority) for the purposes enumerated therein, including but not limited to, acquisition or

condemnation of easements, other property interests, or any other airport protection privileges necessary to ensure safe and efficient operation of airports; and

**WHEREAS**, acquisition of property interests is reasonably necessary for the Project in order to address, as authorized by RCW 14.12.020 and other authority, airport hazards (including, but not limited to, tree obstructions) located on and/or extending from non-port property, and to prevent the future creation or establishment of airport hazards; and

**WHEREAS**, the port has provided notice of the intent of the Port Commission to consider this resolution, by mailed and published notice conforming to the requirements of RCW 8.25.290; and

**WHEREAS**, the authority granted by this resolution, and the exercise of eminent domain authority, shall not foreclose current and future negotiations with the owners of the property rights subject to condemnation;

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

Section 1. The above recitals are incorporated and made a part of this resolution.

Section 2. The Port Commission finds and declares that the public use, safety, health, welfare, convenience, and necessity demand and require that the port acquire—including by condemnation if voluntary negotiations fail—such easements, access rights, property interests, or other airport protection privileges as may be necessary for the Project, aviation safety, and to prevent the creation or establishment of future tree obstructions or other airport hazards. The properties subject to potential condemnation of property rights under this resolution are reasonably described in the attached Exhibit A, which is incorporated herein by reference.

Section 3. The Port Commission directs that all reasonable efforts be undertaken by the port to acquire property interests through good faith negotiations with the affected property owners. If reasonable efforts at voluntary acquisition are unsuccessful, the port's Executive Director or designee is hereby authorized and directed to commence those proceedings required by law that are necessary to condemn, take, damage, and appropriate the property interests necessary to carry out this resolution, or such other legal proceedings as may be necessary to carry out this resolution. Such other legal proceedings may include quiet title or other actions to establish port rights with respect to the properties subject to this resolution. The port shall condemn property interests only upon completion of all steps and procedures required by applicable law and payment of just compensation as may be required by and in the manner prescribed by law. The port shall commission appraisals to determine the fair market value of the property interests acquired or condemned.

Section 4. In conducting any condemnation or related proceedings, the port's attorneys upon direction from the Executive Director are hereby authorized to enter into settlements, stipulations, or agreements, for the purpose of minimizing damages and costs to the port.

These settlements, stipulations, or agreements may include, but are not limited to, the amount of just compensation to be paid, the scope of the property interests to be acquired or condemned, the acquisition of temporary easements or other property interests as may be necessary or convenient, and to make amendments to the legal descriptions of the properties described in Exhibit A as may become necessary to correct scrivener’s errors and/or to conform the legal description to the precise property rights required for the Project.

Section 5. Nothing in this resolution limits the port in its identification and acquisition of property and property interests necessary for the Project, including for purposes of settlement. The port reserves the right to acquire by condemnation other or different properties or property interests for such purposes by subsequent resolution.

Section 6. The funds necessary to acquire or condemn the property interests provided for by this resolution shall be paid from the Airport Development Fund, or such other funds of the port as may be available and authorized by law.

Section 7. If any one or more section, subsection, or sentence of this resolution is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this resolution and the same shall remain in full force and effect.

Section 8. This resolution shall be in full force and effect from and after its passage.

**ADOPTED** by the Port of Seattle Commission at a duly noticed public meeting thereof held this 24<sup>th</sup> day of March 2020, and duly authenticated in open session by the signatures of the commissioners voting in favor thereof and the seal of the commission.

Stephanie Bowman

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Ryan Calkins

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Sam Cho

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Fred Felleman

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Peter Steinbrueck

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Port of Seattle Commission

**EXHIBIT A**

<b>Tax Parcel No.</b>	<b>Address</b>	<b>Owner of Record</b>
024150-0010	2415 South 144th Street SeaTac, WA 98168	Scott A. Johnston

**Legal Description:**

LOT 2, BLOCK 1, ANITA ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN [VOLUME 59 OF PLATS, PAGE 100](#), RECORDS OF KING COUNTY, WASHINGTON.

<b>Tax Parcel No.</b>	<b>Address</b>	<b>Owner of Record</b>
024150-0020	14418 24th Avenue South SeaTac, WA 98168	Roberto Santillan Hernandez and Alma Azucena Garcia Acero

**Legal Description:**

LOT 4, BLOCK 1, ANITA ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN [VOLUME 59 OF PLATS, PAGE\(S\) 100](#), IN KING COUNTY, WASHINGTON.

<b>Tax Parcel No.</b>	<b>Address</b>	<b>Owner of Record</b>
024150-0070	14419 25th Avenue South SeaTac, WA 98168	Zhibin Chen and Liu Jierong Ayumi Matsumoto

**Legal Description:**

LOT 14, BLOCK 1, ANITA ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 59 OF PLATS, PAGE(S) 100, IN KING COUNTY, WASHINGTON.

<b>Tax Parcel No.</b>	<b>Address</b>	<b>Owner of Record</b>
024600-0044	1016 South 193rd Place SE SeaTac, WA 98148	Beyene T. Reda and Tessaye Gebresilassie

**Legal Description:**

PARCEL A:

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 5;  
THENCE NORTH 0°13'48" EAST ALONG THE WEST LINE THEREOF, A DISTANCE OF 745.48 FEET;  
THENCE SOUTH 87°25'32" EAST PARALLEL WITH THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER, 853.34 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 0°13'48" EAST, 127.00 FEET;  
THENCE SOUTH 87°25'32" EAST, 66.66 FEET;  
THENCE SOUTH 0°13'48" WEST, 147.00 FEET;  
THENCE NORTH 87°25'32" WEST, 95.00 FEET;  
THENCE NORTH 0°13'48" EAST, 20.00 FEET;  
THENCE SOUTH 87°25'32" EAST, 28.34 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL B:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AND ACROSS AND UNDER THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 5;

THENCE NORTH 0°13'48" EAST ALONG THE WEST LINE THEREOF, A DISTANCE OF 592.50 FEET;

THENCE SOUTH 87°25'32" EAST, PARALLEL WITH THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER, 795.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 0°13'48" EAST, 113.78 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 20 FEET, A DISTANCE OF 30.60 FEET;

THENCE NORTH 87°25'32" WEST, 9.13 FEET;

THENCE NORTH 0°13'48" EAST, 20.00 FEET;

THENCE SOUTH 87°25'32" EAST, 86.67 FEET;

THENCE SOUTH 0°13'48" WEST, 20.00 FEET;

THENCE NORTH 87°25'32" WEST, 28.34 FEET;

THENCE SOUTH 0°13'48" WEST, 132.98 FEET;

THENCE NORTH 87°25'32" WEST, 30.00 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION OF SAID EASEMENT LYING WITHIN THE ABOVE DESCRIBED MAIN TRACT.

Tax Parcel No.	Address	Owner of Record
042204-9025	Hillgrove Cemetery SeaTac, WA	Tanya Engeset, Treasurer, Hill Grove Cemetery Association

Legal Description:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON;

THENCE EAST 210 FEET;

THENCE SOUTH 210 FEET;

THENCE WEST 210 FEET;

THENCE NORTH 210 FEET TO THE PLACE OF BEGINNING;

EXCEPT THE NORTH 20 FEET FOR SOUTH 200TH STREET.

Tax Parcel No.	Address	Owner of Record
052204-9134	19910 8th Avenue South Des Moines, WA 98148	Layne E. Anderson-Lard and Eric W. Lard

Legal Description:

THAT PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SUBDIVISION NORTH 0° 13' 48" EAST 243.59 FEET FROM THE SOUTHWEST CORNER THEREOF;  
 THENCE CONTINUING NORTH 0° 13' 48" EAST 80 FEET;  
 THENCE SOUTH 89° 46' 12" EAST 132 FEET;  
 THENCE NORTH 0° 13' 48" EAST 36.66 FEET;  
 THENCE SOUTH 89° 46' 12" EAST 80 FEET;  
 THENCE SOUTH 0° 13' 48" WEST 141.66 FEET;  
 THENCE NORTH 89° 46' 12" WEST 42 FEET;  
 THENCE NORTH 0° 13' 48" EAST 25 FEET;  
 THENCE NORTH 89° 46' 12" WEST 170 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THE WEST 30 FEET THEREOF CONVEYED TO KING COUNTY FOR ROAD BY DEEDS RECORDED UNDER RECORDING NUMBERS [1427829](#) AND [4769643](#), IN KING COUNTY, WASHINGTON.

Tax Parcel No.	Address	Owner of Record
172304-9150	14230 8th Avenue South Burien, WA 98168	Darshan Singh

Legal Description:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING NORTH OF THE SOUTH 256 FEET AND SOUTH OF THE NORTH 256 FEET;

EXCEPT THE WEST 30 FEET FOR ROAD.

Tax Parcel No.	Address	Owner of Record
322304-9022 322304-9117 322304-9293	18429 Des Moines Memorial Dr. S. 18435 Des Moines Memorial Dr. S. 18441 Des Moines Memorial Dr. S. SeaTac, WA 98148	John Chu

Legal Description:

PARCEL A:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
 THENCE NORTH 5°00'20" EAST ALONG THE WEST LINE THEREOF 122.00 FEET;  
 THENCE NORTH 89°38'53" EAST 337.11 FEET TO THE TRUE POINT OF BEGINNING;  
 THENCE NORTH 5°08'10" EAST 308.93 FEET TO THE SOUTHERLY LINE OF DES MOINES WAY (HEREINAFTER CALLED "SAID ROAD LINE") AS ESTABLISHED BY DEED RECORDED IN [VOLUME 4198, PAGE 27](#) ON OCTOBER 3, 1961;  
 THENCE SOUTH 5°08'10" WEST 150.68 FEET;  
 THENCE NORTH 89°52'38" EAST 130.00 FEET;  
 THENCE NORTH 39°49'29" EAST AT RIGHT ANGLES TO SAID ROAD LINE 40.43 FEET TO SAID ROAD LINE;  
 THENCE SOUTH 50°10'31" EAST ALONG SAID ROAD LINE 132.34 FEET TO A POINT ON A CURVE IN SAID ROAD LINE;  
 THENCE SOUTHERLY ALONG SAID ROAD LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 256.48 FEET AND WHOSE TANGENT AT THIS POINT BEARS SOUTH 27°32'36" EAST AN ARC DISTANCE OF 107.03 FEET TO A POINT FROM WHICH THE TRUE POINT OF BEGINNING BEARS SOUTH 89°38'53" WEST;  
 THENCE SOUTH 89°38'53" WEST 300.25 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONDEMNED BY THE STATE OF WASHINGTON FOR RIGHT-OF-WAY UNDER KING COUNTY S.C. NO. [745193](#) (SR 509); AND

EXCEPT THAT PORTION CONVEYED TO KING COUNTY FOR DES MOINES WAY BY DEED RECORDED UNDER RECORDING NUMBER [5336601](#).

PARCEL B:

THE EAST 132 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON; ALSO THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32;  
THENCE SOUTH 89°48'54" EAST ALONG THE NORTH LINE OF SAID SUBDIVISION 110.17 FEET TO THE SOUTHWESTERLY MARGIN OF DES MOINES WAY SOUTH;  
THENCE SOUTH 51°39'30" EAST ALONG SAID SOUTHWESTERLY MARGIN 275.97 FEET;  
THENCE SOUTH 3°33'30" WEST 337.54 FEET;  
THENCE SOUTH 88°22'58" WEST A DISTANCE OF 336.98 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER WHICH IS 122 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 3°28'42" EAST A DISTANCE OF 519 FEET TO THE POINT OF BEGINNING;

EXCEPT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 5281705;

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON RECORDED AUGUST 05, 1971 UNDER RECORDING NUMBER [7108050269](#);

EXCEPT THAT PORTION CONDEMNED BY THE STATE OF WASHINGTON FOR RIGHT-OF-WAY UNDER KING COUNTY S.C. NO. [745193](#) (SR 509).

PARCEL C:

THAT PORTION OF LAND BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON;  
THENCE SOUTH 89°48'54" EAST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 110.17 FEET TO THE WEST MARGIN OF DES MOINES HIGHWAY;  
THENCE SOUTH 51°39'30" EAST ALONG SAID WEST MARGIN A DISTANCE OF 275.97 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 3°38'30" WEST A DISTANCE OF 337.54 FEET;  
THENCE NORTH 88°22'58" EAST A DISTANCE OF 299.39 FEET TO A POINT ON THE WEST MARGIN OF SAID DES MOINES HIGHWAY 142.0 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER;  
THENCE NORTHWESTERLY ALONG SAID WEST MARGIN OF SAID HIGHWAY A DISTANCE OF 213.90 FEET;  
THENCE CONTINUING ALONG SAID WEST MARGIN OF SAID HIGHWAY A DISTANCE OF 231.23 FEET, MORE OR LESS, TO THE SAID TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONVEYED TO KING COUNTY FOR DES MOINES WAY BY DEED RECORDED UNDER RECORDING NUMBER [5336601](#); AND

EXCEPT THE FOLLOWING DESCRIBED TRACT:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 5°00'20" EAST ALONG THE WEST LINE THEREOF 122.00 FEET;  
THENCE NORTH 89°38'53" EAST 337.11 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 5°08'10" EAST 308.93 FEET TO THE SOUTHERLY LINE OF DES MOINES WAY (HEREINAFTER CALLED "SAID ROAD LINE") AS ESTABLISHED BY DEED RECORDED IN [VOLUME 4198, PAGE 27](#) ON OCTOBER 3, 1961;  
THENCE SOUTH 5°08'10" WEST 150.68 FEET;  
THENCE NORTH 89°52'38" EAST 130.00 FEET;  
THENCE NORTH 39°49'29" EAST AT RIGHT ANGLES TO SAID ROAD LINE 40.43 FEET TO SAID ROAD LINE;  
THENCE SOUTH 50°10'31" EAST ALONG SAID ROAD LINE 132.34 FEET TO A POINT ON A CURVE IN SAID ROAD LINE;  
THENCE SOUTHERLY ALONG SAID ROAD LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 256.48 FEET AND WHOSE TANGENT AT THIS POINT BEARS SOUTH 27°32'36" EAST AN ARC DISTANCE OF 107.03 FEET TO A POINT FROM

WHICH THE TRUE POINT OF BEGINNING BEARS SOUTH 89°38'53" WEST;  
 THENCE SOUTH 89°38'53" WEST 300.25 FEET TO THE TRUE POINT OF BEGINNING;

AND EXCEPT THAT PORTION CONDEMNED BY THE STATE OF WASHINGTON FOR RIGHT-OF-WAY UNDER KING COUNTY  
 S.C. NO. [745193](#) (SR 509).

Tax Parcel No.	Address	Owner of Record
768620-0705	Not assigned (Vacant Land) SeaTac, WA 98198	Highline School District No. 401

Legal Description:

THE SOUTH 150 FEET OF VACATED BLOCKS 16, 17, AND 18, SEELEY'S ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN [VOLUME 4 OF PLATS, PAGE 59](#), IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING SAID BLOCKS 17 AND 18 AND THOSE PORTIONS OF VACATED 12TH PLACE SOUTH, 13TH AVENUE SOUTH AND SOUTH 198TH STREET ADJOINING THEREON, WHICH UPON VACATION ATTACHED TO SAID PREMISES BY OPERATION OF LAW.

Tax Parcel No.	Address	Owner of Record
768620-1040	1410 South 200th Street SeaTac, WA 98198	Highline School District No. 401

Legal Description:

ALL OF VACATED BLOCKS 23, 24, 25, 26, 27, 28 AND THOSE PORTIONS OF BLOCKS 33, 34, 35 AND 36 LYING NORTHERLY OF THE NORTH LINE OF SOUTH 200TH STREET, SEELEY'S ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN [VOLUME 4 OF PLATS, PAGE 59](#), IN KING COUNTY, WASHINGTON;

TOGETHER WITH THOSE PORTIONS OF VACATED ALLEYS ADJOINING SAID BLOCKS AND THOSE PORTIONS OF VACATED 12TH PLACE SOUTH, 13TH AVENUE SOUTH, SOUTH 198TH STREET AND SOUTH 199TH STREET ADJOINING THEREON, WHICH UPON VACATION ATTACHED TO SAID PREMISES BY OPERATION OF LAW.

Tax Parcel No.	Address	Owner of Record
768620-0690	Not Assigned (Vacant Land)	Warren L. Farmer

Legal Description:

THE SOUTH 50 FEET OF THE NORTH 100 FEET OF BLOCK 16, SEELEY'S ADDITION TO THE CITY OF DES MOINES (VACATED), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 59, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 20061012000755.