

## RESOLUTION NO. 3433

**A RESOLUTION** of the Port Commission of the Port of Seattle Amending Unit 1 of the Comprehensive Scheme of Harbor Improvements of the Port of Seattle Declaring Certain Real Property Located Inland From the Seattle Waterfront Surplus and No Longer Needed for Port Purposes and Authorizing Its Transfer to the City of Seattle Pursuant to Chapter 39.33 RCW; and further authorizing the grant of a Permanent Easement and a Temporary Easement to the City of Seattle, for the construction, maintenance and operation of the Galer Street Flyover.

**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 Title 53, 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 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 1 of the Comprehensive Scheme of Harbor Improvements has been most recently amended by Port Commission Resolution No. 3173; and

**WHEREAS**, Chapter 39.33 of the Revised Code of Washington provides that the Port may sell, transfer, exchange, lease or otherwise dispose of any property, real or personal, or property rights, including but not limited to the title to real property, to the state or any municipality or any political subdivision thereof. . . on such terms and conditions as may be mutually agreed upon . . . ; and

WHEREAS, on December 7, 1999, the Port Commission adopted Resolution No. 3268 authorizing the Executive Director to execute a Transportation Access Improvement Interlocal Cooperation Agreement ("Agreement") between the Port, the City of Seattle ("City") and King County for grade separation improvements at West Galer Street in the vicinity of Terminal 88 ("Galer Street Flyover"), and said Agreement included a commitment by the Port to allow the City's use of rights-of-way or other property rights required for construction, operation and maintenance of the Galer Street Flyover; and

WHEREAS, an official public hearing was held June 27, 2000, after notice of such hearing was duly published as provided by law, the question as to whether said Unit 1 should be further amended and modified to provide for certain portions thereof to be declared surplus to Port needs; and

WHEREAS, the Port has heard from all persons desiring to speak at said public hearing with regard to the proposed amendment and modification to Unit 1; and

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

WHEREAS, the members of the Port Commission have discussed and considered the proposed amendment to Unit 1 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 real property shown on the Drawing attached as Exhibit A and legally described as follows and which is part of Unit 1 of the Comprehensive Scheme is hereby declared surplus to Port needs and is no longer needed for Port purposes:

TERMINAL 91

THAT PORTION OF Terminal 91 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 4, BLOCK 135, PLAT OF SEATTLE TIDE LANDS, KING COUNTY, WASHINGTON, BEING ALSO THE INTERSECTION OF THE SOUTHWESTERLY MARGIN OF ALASKAN WAY W. WITH THE NORTHERLY MARGIN OF W. GALER ST.;

THENCE S49°58'18"W ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4, AND NORTHERLY MARGIN OF W. GALER ST., A DISTANCE OF 39.99 FEET TO AN EXISTING ANGLE POINT OF SAID NORTHERLY MARGIN AS ESTABLISHED BY DEED TO THE CITY OF SEATTLE RECORDED UNDER AUDITOR'S FILE NUMBER 5928394;

THENCE N88°40'44"W ALONG SAID NORTHERLY MARGIN A DISTANCE OF 163.74 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 170.00 FEET AND A LONG CHORD OF N22°40'57"W 220.46 FEET;

THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 80°50'42" AN ARC DISTANCE OF 239.87 FEET;

THENCE N17°44'24"E A DISTANCE OF 67.60 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 73.00 FEET;

THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 57°04'05" AN ARC DISTANCE OF 73.60 FEET TO A POINT OF TANGENT ON A LINE THAT IS PARALLEL WITH AND 5.92 FEET OFFSET (AS MEASURED AT RIGHT ANGLES) FROM THE SOUTHWESTERLY MARGIN OF ALASKAN WAY W.

THENCE N40°01'42"W, PARALLEL WITH SAID SOUTHWESTERLY MARGIN A DISTANCE OF 319.07 FEET TO THE CENTERLINE OF 17<sup>TH</sup> AVE. W. AS VACATED UNDER ORDINANCE NUMBER 31791 OF THE CITY OF SEATTLE;

THENCE N00°56'20"E ALONG THE CENTERLINE OF SAID VACATED 17<sup>TH</sup> AVE. W. A DISTANCE OF 9.03 FEET TO THE SOUTHWESTERLY MARGIN OF ALASKAN WAY W.;

THENCE S40°01'42"E ALONG SAID SOUTHWESTERLY MARGIN A DISTANCE OF 742.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 49,828 SQUARE FEET OR 1.14 ACRES, MORE OR LESS.

THAT PORTION OF TERMINAL 91 DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 4, BLOCK 135, PLAT OF SEATTLE TIDE LANDS, KING COUNTY, WASHINGTON, BEING ALSO THE INTERSECTION OF THE SOUTHWESTERLY MARGIN OF ALASKAN WAY W. WITH THE NORTHERLY MARGIN OF W. GALER ST.;

THENCE S49°58'18"W ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4, AND NORTHERLY MARGIN OF W. GALER ST., A DISTANCE OF 39.99 FEET TO AN EXISTING ANGLE POINT OF SAID NORTHERLY MARGIN AS ESTABLISHED BY

DEED TO THE CITY OF SEATTLE RECORDED UNDER AUDITOR'S FILE NUMBER 5928394;

THENCE N88°40'44"W ALONG SAID NORTHERLY MARGIN A DISTANCE OF 163.74 FEET TO THE TRUE POINT OF BEGINNING, BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 170.00 FEET AND A LONG CHORD OF N22°40'57"W, 220.46 FEET;

THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 80°50'42" AN ARC DISTANCE OF 239.87 FEET;

THENCE N17°44'24"E A DISTANCE OF 67.60 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 73.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°56'38", AN ARC DISTANCE OF 13.94 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 14.00 FEET AND A LONG CHORD OF S58°59'23"W 18.46 FEET;

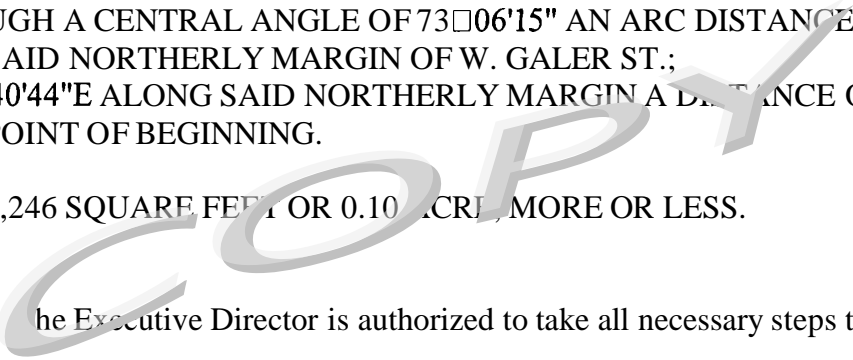
THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 82°28'57", AN ARC DISTANCE OF 20.15 FEET;

THENCE S17°44'24"W, A DISTANCE OF 67.60 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 183.50 FEET;

THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 73°06'15" AN ARC DISTANCE OF 234.13 FEET TO THE SAID NORTHERLY MARGIN OF W. GALER ST.;

THENCE S88°40'44"E ALONG SAID NORTHERLY MARGIN A DISTANCE OF 27.40 FEET TO THE POINT OF BEGINNING.

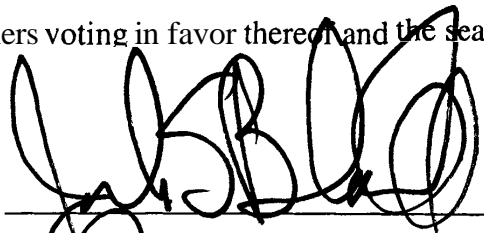
CONTAINING 4,246 SQUARE FEET OR 0.10 ACRES, MORE OR LESS.



Section 2. The Executive Director is authorized to take all necessary steps to arrange for the transfer of said real property to the City of Seattle and to execute all documents necessary to accomplish said transfer in accordance with Chapter 39.33 RCW. The Property described above has an estimated value of \$1,677,930.00.

Section 3. The Executive Director is authorized to execute a Permanent Easement and a Temporary Easement granting the City the use of additional property rights for the construction, maintenance and operation of the Galer Street Flyover.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this 27th day of June, 2000, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.



Paige Miller



Bob Edwards



Port Commission

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