

RESOLUTION NO. 3450

A RESOLUTION of the Port Commission of the Port of Seattle providing for the acquisition by condemnation of temporary access and construction easement rights over certain real property in Auburn, known as the Auburn Properties Incorporated property.

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 operator of Seattle-Tacoma International Airport (STIA); and

WHEREAS, the number of passengers and aircraft operations served by STIA have grown substantially in the last several decades and are projected to continue to increase significantly in the future; and

WHEREAS, the Port of Seattle is faced with a need to increase land area to the west of STIA for the present and reasonably foreseeable future needs of STIA; and

WHEREAS, on May 27, 1997, the Port Commission of the Port of Seattle adopted Resolution No. 3245 authorizing the construction and development of a new dependent air carrier runway and the acquisition of necessary property interests to accomplish said construction and development; and

WHEREAS, wetland replacement is a requirement to obtain a 404 Permit for the Master Plan projects, which include the Third Runway project, from the Corps of Engineers; wetlands can be a source of wildlife habitats; and Federal Aviation Administration (FAA) Circular 150-5200-33, Hazardous *Wildlife* Attractants On or Near Airports, provides that wildlife habitats should not be established within 10,000 feet of an airport such as STIA; and

WHEREAS, the Port of Seattle purchased a 69-acre site in Auburn ("Auburn Wetland Mitigation Site") for the development and improvement of wetlands as part of the 404 Permit environmental mitigation for the Third Runway and other Master Plan Projects, and said site meets both Corps of Engineers and FAA requirements;

WHEREAS, on March 18, 1998, pursuant to Port Commission Resolution No. 3259, the Port of Seattle and the City of Auburn entered into an Interlocal Agreement Regarding Wetlands Construction, Infrastructure Improvements, and Property Transfer ("Interlocal"); and

WHEREAS, use of a temporary access and construction easement as a haul route during construction of the Auburn Wetland Mitigation Site will best accommodate haul truck width and haul truck access to City of Auburn arterials, without interfering with nearby residential uses; and

WHEREAS, in 1999 the Port of Seattle executed a Temporary Access Easement on the Auburn Properties Incorporated Property for a haul route between the Auburn Wetland Mitigation Site and local streets; and

WHEREAS, the temporary easement period ends on April 30,2001, and development of the Auburn Wetland Mitigation Site cannot be completed prior to April 30,2001 due to delays in the 4011404 permitting process; and

WHEREAS, the Port of Seattle has the power to acquire easements and other property rights necessary for its purposes; and

WHEREAS, the Port Commission has authorized the expenditure of funds allocated in the Port of Seattle's 10 year Capital Improvement Program, CIP #1138, sufficient to undertake the acquisition of properties and property interests required for the construction of the Third Runway, including the temporary access and construction easement described in Exhibit A, hereto;

NOW, THEREFORE, BE IT RESOLVED, that the Port of Seattle shall acquire by condemnation the following temporary easement rights:

Temporary Access and Construction Easement

situated in the City of Auburn, County of King, State of Washington and legally described in Exhibit A, attached hereto and by this reference incorporated herein ("Easement Area"). Real property burdened thereby is legally described in Exhibit B, attached hereto and by this reference incorporated herein.

BE IT FURTHER RESOLVED, that the acquisition of said Temporary Access and Construction Easement is for a public use and purpose, to-wit: for legal access of vehicles to the Easement Area and the right to construct, maintain, and repair any roadway improvements required for access within the Easement area for a haul route to construct the Auburn Wetland Mitigation Site, said wetland replacement being a requirement to obtain a 404 Permit for the Master Plan projects, which include the Third Runway project, from the Corps of Engineers.

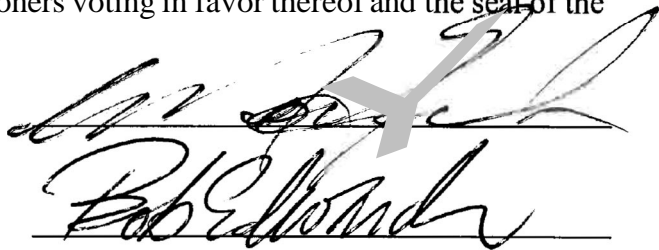
BE IT FURTHER RESOLVED, that there is a public necessity for the construction of the Auburn Wetland Mitigation Site to obtain a 404 Permit for the construction of a new dependent air carrier runway and expansion of facilities incidental for airport operations and facilities related to the supply, maintenance, and servicing of aircraft and/or airport operations.

BE IT FURTHER RESOLVED, that the acquisition of said Temporary Access and Construction Easement is necessary for the proposed public use, and for the benefit of the public and the region.

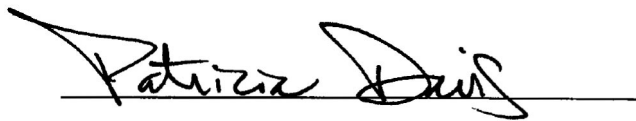
BE IT FURTHER RESOLVED, that funds previously allocated in the Port's 10 year Capital Improvement Program, CIP #1138, shall be made available to carry out the provisions of this Resolution.

BE IT FURTHER RESOLVED, that the Port of Seattle Chief Executive Officer, Aviation Director, Senior Acquisition Specialist or designee are hereby authorized and directed to execute all documents for the acquisition of said temporary access and construction easement rights and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate said property interests pursuant to the powers granted to the Port of Seattle including, but not limited to, those powers granted in RCW Chapters 53.04, 53.08, 8.12, 14.07 and 14.08, to carry out the provisions of this Resolution.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this 27th day of March, 2001, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.



Bob Ellwood



Patricia Davis

Port Commission

LEGAL DESCRIPTION OF THE EASEMENT AREA

An easement 60 feet in width, located within W.A. Cox Donation Claim No. 38 within Section 31, Township 22 North, Range 5 East of the Willamette Meridian in the City of Auburn, King County, Washington, described as follows:

That portion of 49th St. N.E. (**a.k.a. S.280th St.**) lying east of the east margin of "D" St. N.E. (**a.k.a. 86th Ave. S.**) and west of the east line of said W.A. Cox Donation Claim No. 38, as deeded to King County by Deeds recorded under Deed 544796, Deed 5869551 and Deed 7103110262 , and as vacated by Vacation Ordinance 2627 RN 7301120384, Vacation Ordinance 3594 RN 8102090641 and Vacation Ordinance 3614 RN 8104220744.



LEGAL DESCRIPTION OF THE API PROPERTY

Parcel A:

That portion of the W. A. Cox Donation Land Claim No. 38, being a part of the second addition to White River Valley Home Tracts Unrecorded in Section 31, Township 22 North, Range 5 East W.M., described as follows:

Beginning at the Northeast corner of said Donation Land Claim; thence South $00^{\circ}07'40''$ East, along the East line of said Donation Land Claim, a distance of 898.20 feet to the South line of 49^{th} St. N.E. (S. 280^{th} St.) as established by deed to King County under Recording No. 5869551 and the true point of beginning;

thence continue South $00^{\circ}07'40''$ East, along said East line a distance of 859.86 feet;

thence South $53^{\circ}59'54''$ West a distance of **203.43** feet;

thence South $88^{\circ}41'17''$ West a distance of **485.03** feet;

thence North $00^{\circ}07'40''$ West a distance of **285.00** feet;

thence South $88^{\circ}11'20''$ West a distance of **350.00** feet;

thence North $00^{\circ}07'40''$ West a distance of 166.01 feet to a point which is **1000** feet West of, as measured at right angles to, the East line of said Donation Land Claim;

thence South $89^{\circ}52'20''$ West a distance of 494.23 feet to the Northeasterly right-of-way line of Auburn Way North as established by deeds to King County recorded under Recording Nos. **761006** and **761007**;

thence North $37^{\circ}18'01''$ West, along said Northeasterly right-of-way line, a distance of 20.92 feet to the intersection with the Southeasterly right-of-way line of "D" St. N.E. (86 Ave. S.E.);

thence North $52^{\circ}41'59''$ East, along said Southeasterly right-of-way line, a distance of 16.52 feet to the beginning of a curve to the **left**;

thence along said curve to the left, having a radius of 170.00 feet through a central angle of $31^{\circ}44'25''$, an arc distance of 94.18 feet;

thence North $89^{\circ}52'20''$ East, a distance of **395.06** feet;

thence North $00^{\circ}07'40''$ West a distance of 117.60 feet;

thence South $89^{\circ}25'52''$ East a distance of **42.40** feet;

thence North $00^{\circ}07'40''$ West a distance of 322.64 feet;

thence South $88^{\circ}51'30''$ West a distance of 425.42 feet to the East right-of-way line of "D" St. N.E.;

thence North $00^{\circ}07'07''$ West, along said East right-of-way line, a distance of 878.74 feet to the beginning of a curve to the right;

thence along said curve to the right, having a radius of 15.00 feet, through a central angle of $89^{\circ}11'28''$, an arc distance of **23.35** feet to the North line of the W. A. Cox Donation Land Claim No. 38 and the South right-of-way line of 52^{nd} St. N.E. (S. 277^{th} St.);

thence North $89^{\circ}04'21''$ East, along said line, a distance of 945.16 feet to the beginning of a curve to the right;

thence along said curve to the right; having a radius of 15.00 feet; through a central angle of 90°48'32", an arc distance of 23.77 feet, to the West right-of-way line of "G" St. N.E. (90' Ave. S.);

thence South 00°07'07" East, along said West right-of-way line, a distance of 874.68 feet to the South right-of-way line of 49th St. N.E. (S. 280' St.);

thence North 88°51'30" East, along said South right-of-way line a distance of 30.00 feet;

thence South 00°07'40" East, along said right-of-way line, a distance of 10.00 feet;

thence North 88°51'30" East, along said South right-of-way line, a distance of 420.31 feet to the true point of beginning;

(ALSO BEING KNOWN AS a portion of Tracts 34, 35, 36 and 37, TOGETHER WITH ALL of Tracts 38, 39, 42, 43, 44 and 45 in Second Addition to White River Valley Home Tracts, according to the unrecorded plat thereof, TOGETHER WITH portions of vacated streets adjoining);'

Situate in the City of Auburn, County of King, State of Washington.

Parcel B:

That portion of the W. A. Cox Donation Land Claim No. 38 in Section 31, Township 22 North, Range 5 East W.M. described as follows:

Beginning at an intersection in the curve of the Easterly margin of the Kent-Auburn Road as acquired by King County by Superior Court Cause No. 85322 (ALSO KNOWN AS Road #76) and the Northeasterly margin of Auburn Way North;

thence South 35°14'08" East, along the Easterly margin of Auburn Way North, 65.00 feet to the point of beginning;

thence continuing South 35°14'08" East 248.49 feet;

thence North 49°55'00" East 126.88 feet;

thence North 34°44'00" West 146.85 feet;

thence North 89°47'15" West 156.77 feet to the true point of beginning;

(ALSO BEING KNOWN AS a portion of Tracts 34 and 35 in Second Addition to White River Valley Home Tracts, according to the unrecorded plat thereof);

Situate in the City of Auburn, County of King, State of Washington.