

RESOLUTION NO. 3452

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 Gentra Corporation 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 and Construction Easement on the Gentra Corporation 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 401/404 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.

LEGAL DESCRIPTION OF THE EASEMENT AREA

An easement, 60 feet in width, located within the George E. King Donation Land Claim number 40 within Section 31, Township 22 North, Range 5 East of the Willamette Meridian, in the City of Auburn, King County, Washington, the centerline of which is described as follows:

Commencing at a 6" x 6" sandstone monument marking the southwest corner of the R.H. Beatty Donation Land Claim Numbers 37 and 44; thence South 89°00'01" East along the south line of said R.H. Beatty Donation Claim and the north line of the W. A. Cox Donation Land Claim Number 38, a distance of 2,643.18 feet to a 2" diameter concrete-filled iron pipe marking the southeast corner of said Beatty Donation Land Claim and the northeast corner of said W.A. Cox Donation Land Claim; thence South 01°48'09" West along the east line of said W.A. Cox Donation Land Claim and the west line of said George E. King Donation Land Claim, a distance of 868.20 feet to the True Point of Beginning; thence South 65°37'05" East 138.13; thence South 52°58'11" East 625.35 feet to the west line of that parcel of land granted to the Port of Seattle by Trustee's Deed recorded under Number 9601241194 and also the terminus of said centerline.

LEGAL DESCRIPTION OF THE GENTRA PROPERTY

Parcel A:

Lot 4, City of Auburn Short Plat Number SPL-0002-89, recorded under Recording Number 8911220903, in King County, Washington, said Short Plat being a portion of the W. A. Cox Donation Land Claim Number 38, in Section 31, Township 22 North, Range 5 East, Willamette Meridian, in King County, Washington, and of the George E. King Donation Lane Claim Number 40, in Section 31, Township 22 North, Range 5 East, Willamette Meridian, in King County, Washington.

Parcel B:

Lot 2, City of Auburn Lot Line Adjustment Number LLA-0028-89, recorded under Recording Number 8908110446, in King County, Washington, said Lot Line Adjustment being a portion of the W. A. Cox Donation Land Claim Number 38, in Section 31, Township 22 North, Range 5 East, Willamette Meridian, in King County, Washington, and of the George E. King Donation Land Claim Number 40, in Section 31, Township 22 North, Range 5 East, Willamette Meridian, in King County, Washington.


Parcel C:

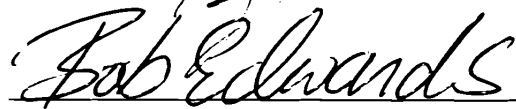
Lot 3, City of Auburn Short Plat Number SPL-0002-89, recorded under Recording Number 8911220903, in King County, Washington, said Short Plat being a portion of the W. A. Cox Donation Land Claim Number 38, in Section 31, Township 22 North, Range 5 East, Willamette Meridian, in King County, Washington, and of the George E. King Donation Land Claim Number 40, in Section 31, Township 22 North, Range 5 East, Willamette Meridian, in King County, Washington.

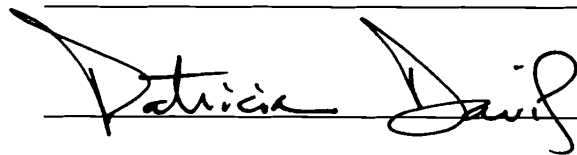
BE IT FURTHER RESOLVED, that funds previously allocated in the Port's 10 year Capital Improvement Program, CIP #1138, shall be made available to carry out the provisions of this Resolution.

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.







Port Commission