

EXHIBIT A

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE STATE OF WASHINGTON, COUNTY OF KING AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOTS 12 THROUGH 15, BLOCK 426, SEATTLE, TIDELANDS, ACCORDING TO THE MAPS ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS IN OLYMPIA, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF WEST SPOKANE STREET 5.3 FEET EAST OF THE WEST LINE OF LOT 12 AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 200 FEET TO THE NORTH LINE OF LOT 15;
THENCE EAST 300 FEET;
THENCE SOUTH TO THE NORTH LINE OF THE SOUTH 10 FEET OF SAID LOT 15;
THENCE WEST 100 FEET;
THENCE SOUTH TO THE NORTH LINE OF THE SOUTH 20 FEET OF LOT 14;
THENCE WEST 135 FEET;
THENCE SOUTH 100 FEET TO THE NORTH LINE OF WEST SPOKANE STREET;
THENCE WEST 65 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

RESOLUTION NO. 3187

A RESOLUTION of the Port Commission of the Port of Seattle providing for the acquisition by purchase and/or eminent domain of certain real property known as Merrill Rutledge Property located within the Port's Comprehensive Scheme of Harbor Improvements and Industrial Development for the Lower Duwamish Industrial Development District.

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, R.C.W. 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 Legislature of the State of Washington by Chapter 73, Laws of 1955, Chapter 53.25 R.C.W. authorized the Port of Seattle Commission to create industrial development districts within the port district and to define the boundaries thereof and to establish comprehensive schemes of harbor improvements and industrial developments for such district; and

WHEREAS, the Comprehensive Scheme of Harbor Improvements and Industrial Development for the Lower Duwamish Industrial Development District was heretofore adopted by the Port Commission of the Port of Seattle on September 14, 1962, by Resolution No. 2111, said industrial development district scheme having been subsequently amended in the manner provided by law; and

WHEREAS, the Port of Seattle owns property within an area of land designated Terminal 5 which land is within the Comprehensive Scheme of Harbor Improvements and Industrial Development for the Lower Duwamish Industrial Development District; and

WHEREAS, the Port of Seattle is faced with the need to increase land area in order to accommodate the forecast range of container volume to maintain and enhance the Port's competitive share of the local and West Coast market for marine container cargo operations, and to meet the needs of the Port's existing long-term lease tenant at Terminal 5; and

WHEREAS, existing terminal facilities at Terminal 5 are not adequate to meet such increased demand and the Port of Seattle must proceed promptly with development of increased capacity to handle container volume to meet said increased demand; and

WHEREAS, the Port's investment in the expansion and development of container terminal facilities will benefit the public by providing new Port-dependent and Port-related jobs; and

WHEREAS, the Port of Seattle has determined that the property described in Exhibit A hereto and presently owned by Merrill Rutledge is one of the land parcels necessary in order to provide the expansion capacity necessary for container terminal operations at Terminal 5; and

WHEREAS, the Port of Seattle has the power to acquire lands for development, improvement, ownership, and operation of marine terminals and related facilities; and

WHEREAS, the Port Commission has allocated funds sufficient in the Port of Seattle's 1994 Capital Improvement Budget of the Marine Division to undertake the acquisition of the property described in Exhibit A hereto;

NOW, THEREFORE, BE IT RESOLVED that the Port of Seattle shall acquire by purchase and/or eminent domain proceedings certain real property situated in the City of Seattle, County of King, State of Washington, known as Merrill Rutledge Property described in Exhibit A attached hereto and by this reference incorporated herein, said property also being part of the Port of Seattle's Comprehensive Scheme of Harbor Improvements and Industrial Development for the Lower Duwamish Industrial Development District, as established by Port of Seattle Commission Resolution No. 2111, and amendments thereto.

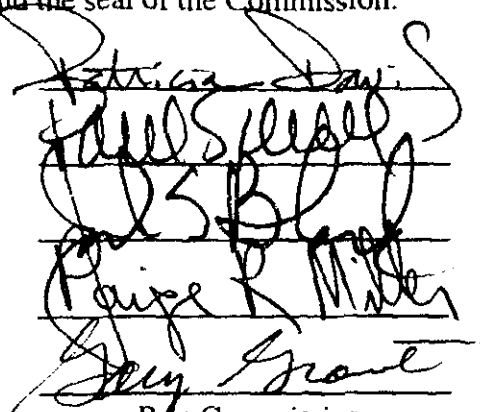
BE IT FURTHER RESOLVED, that the acquisition of said property is for a public use and purpose, to-wit: for expansion of containerized marine terminal facilities necessary and convenient for the full, complete, and economical maintenance and operation of such a marine terminal installation.

BE IT FURTHER RESOLVED, that the acquisition of said property is for the public convenience and necessity, and for the economic benefit of the public and the region.

BE IT FURTHER RESOLVED, that funds previously allocated in the 1994 Capital Improvement Budget of the Marine Division shall be made available to carry out the provisions of this Resolution.

BE IT FURTHER RESOLVED, that the Port of Seattle Executive Director is hereby authorized and directed to bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the lands, property, and other property interests to carry out the provisions of this Resolution.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting thereof held this 13th day of December, 1994, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.


Port Commission