

## RESOLUTION 3047

A RESOLUTION of the Port Commission of the Port of Seattle declaring certain real property to be no longer needed for Port purposes and modifying Unit 18 (Seattle-Tacoma International Airport) of the existing Comprehensive Scheme of Harbor Improvements of the Port of Seattle to declare the same real property surplus to Port needs.

A. 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, (the "Port"); and

B. 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

C. WHEREAS, the original Comprehensive Scheme of Harbor Improvements of the Port 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 on March 5, 1912; and

D. WHEREAS, Unit 18 of the Port's Comprehensive Scheme of Harbor Improvements, including Seattle-Tacoma International Airport (the "Airport"), was added to the Port's Comprehensive Scheme of Harbor Improvements by Resolution No. 1194 and ratified by the qualified electors of the Port District at a special election held on November 5, 1946, and has been subsequently amended in the manner provided by law; and

E. WHEREAS, in January 1985, the Port of Seattle commenced legal action to condemn certain real property located adjacent to the Airport, in King County Superior Court Cause No. 85-2-00055-2 (the "Litigation"); and

F. WHEREAS, the parties to the Litigation have reached an amicable settlement which includes an exchange of properties by which the Port would become the owner of the real property which was the object of the Litigation, in

partial exchange for certain real property legally described and shown on Port Drawing PM-STIA-192, dated 5-12-89, attached hereto as Exhibit "A" and by this reference made a part hereof and which lies within Unit 18; and

G. WHEREAS, the Commission on September 22, 1988, in Executive Session, previously approved the terms and conditions of the settlement of the Litigation; and

H. WHEREAS, in order to convey the real property described in Exhibit "A", the Port Commission must first determine whether said real property is surplus to Port needs and no longer needed for Port purposes; and

I. WHEREAS, an official Public Hearing was held after notice to the public, duly published as provided by RCW 53.20.010, on the question of whether the Port's Comprehensive Scheme of Harbor Improvements should be further amended and modified to find the real property described on Exhibit "A" surplus to Port needs and no longer needed for Airport operations or other Port purposes; and

J. WHEREAS, the Port heard from all persons desiring to speak at said Public Hearing with regard to the proposed modification to the Port's Comprehensive Scheme; and

K. WHEREAS, the members of the Port Commission at said Public Hearing considered Exhibit "A" and data describing the current use and need for Port purposes of the real property described in Exhibit "A"; and

L. WHEREAS, the members of the Port Commission have considered the proposed modification of the Comprehensive Scheme in light of all comments by members of the public at the Public Hearing, and have decided that the Port's Comprehensive Scheme should be modified as hereinafter provided;

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

Section 1. The real property described in Exhibit "A" is hereby determined and declared to be no longer needed for Port purposes.

Section 2. The Commission hereby finds that the real property described in Exhibit "A" is surplus to Port needs. Unit 18 of the Comprehensive Scheme of Harbor Improvements is hereby amended and modified to declare surplus to Port needs the real property described in Exhibit "A", subject to the reservation set forth in Section 3 and Exhibit "B", which reservation is hereby expressly retained as part of said Unit 18.

Section 3. Port staff is hereby authorized to convey the real property described in Exhibit "A" on terms and conditions substantially similar to those approved by the Commission on September 22, 1988, which the Commission finds to be in the best interests of the Port.

Section 4. Except as expressly amended herein with regard to the real property described in Exhibit "A" hereto, Unit 18 of the Port's Comprehensive Scheme of Harbor Improvements, including all previous amendments thereto, shall remain in full force and effect.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this 13<sup>th</sup> day of June, 1989, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

*Patricia Davis*  
*Jack B. [unclear]*  
*Raige R. Miller*

Port Commissioners

EXHIBIT "A"

(PARCEL B)  
DESCRIPTION

PORTION OF TRACT 20 (FROM PORT OF SEATTLE)

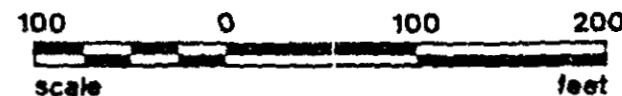
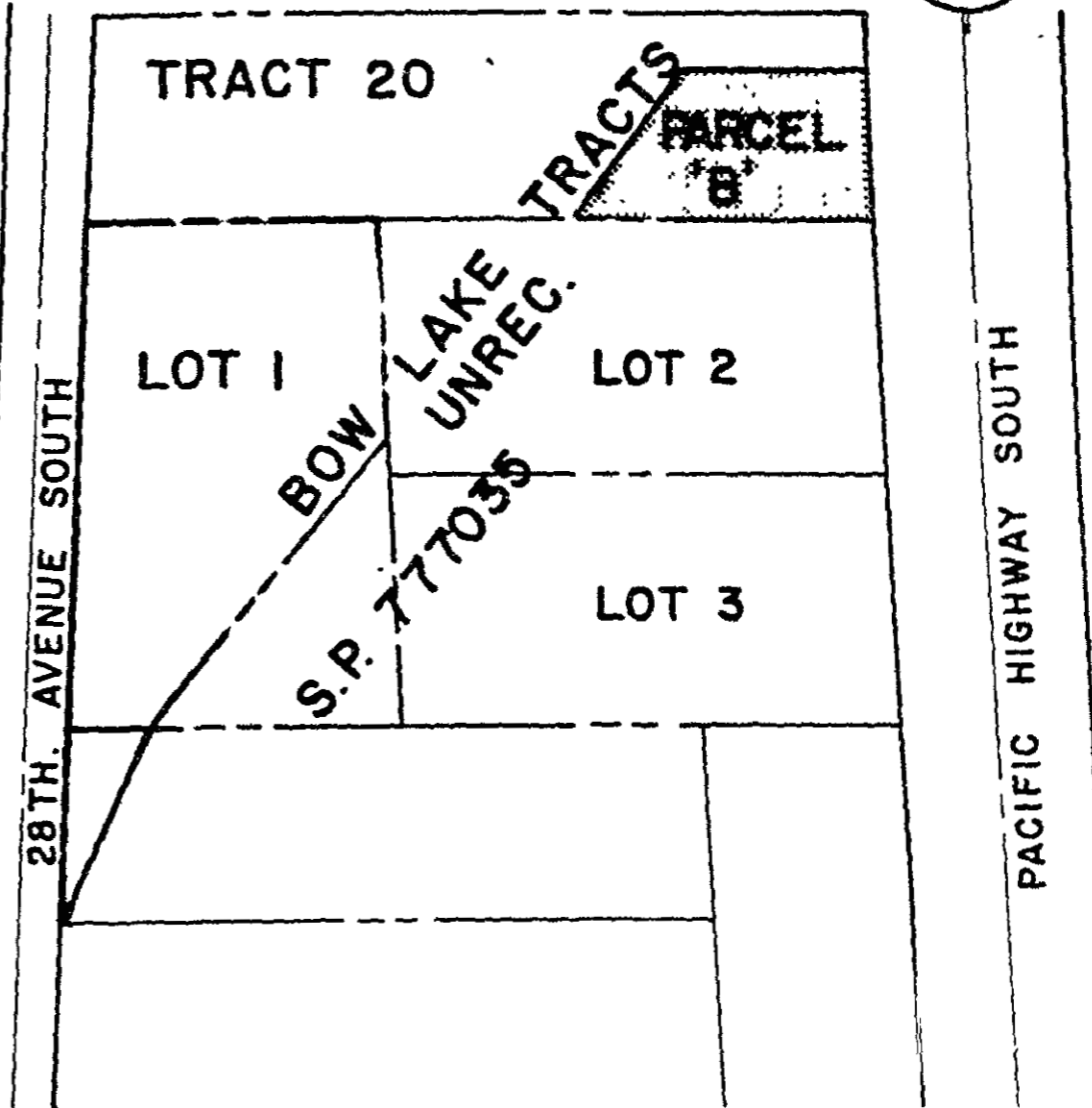
THAT PORTION OF TRACT 20, BOW LAKE TRACTS, ACCORDING TO THE UNRECORDED PLAT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID TRACT 20 (ALSO KNOWN AS THE NORTH LINE OF LOT 2, KING COUNTY SHORT PLAT NO. 777035 AS RECORDED UNDER AUDITOR'S FILE NO. 7807270794) SAID POINT LYING SOUTH 88°10'06" EAST 98.03 FEET FROM THE NORTHWEST CORNER OF SAID LOT 2 OF SHORT PLAT; THENCE NORTH 40°44'36" EAST 92.76 FEET; THENCE NORTH 87°58'45" EAST 96.00 FEET TO THE WESTERLY MARGIN OF PACIFIC HIGHWAY SOUTH (STATE ROAD NO. 1); THENCE SOUTH 1°38'36" EAST ALONG SAID WESTERLY MARGIN 78.77 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 OF SHORT PLAT; THENCE NORTH 88°10'06" WEST ALONG THE NORTH LINE OF LOT 2 A DISTANCE OF 158.20 FEET TO THE POINT OF BEGINNING.

THE ABOVE PARCEL CONTAINS 9.512 SQUARE FEET.

SEA/TAC INTERNATIONAL AIRPORT

28TH AVENUE SOUTH



PORT OF SEATTLE

JIM BOYD	T=100'	SEATTLE TACOMA INTERNATIONAL AIRPORT	WORK ORDER NO D-4020
JIM BOYD	DATE 5-12-89	RESOLUTION 3047	CONSULTANTS NO
M. MARSHALL	CHECKED BY	PARCEL 'B'	PORT OF SEATTLE NO

**DEED RESTRICTIONS**

RESERVING, however, for the benefit of the Port of Seattle, its successors and assigns, a permanent and exclusive easement for the free and unobstructed use and passage of all types of aircraft, whether now in existence or hereafter manufactured and developed, through the airspace over or in the vicinity of the real property conveyed hereby, with such use and passage to be unlimited as to frequency, above a height of 484 feet Port of Seattle Datum. Said easement shall be appurtenant to and for the benefit of the real property now commonly known as the Seattle-Tacoma International Airport, including any additions thereto hereafter made by Grantor or its successors, and for the benefit of Grantor, its successors, assigns, guests and invitees, including any and all persons, firms or corporations operating aircraft to or from the Seattle-Tacoma International Airport. Said easement and the burden thereof, together with all things which may be alleged to be incident to or to result from the use and enjoyment of said easement, including noise, vibrations, fumes, deposits of dust, fear, interference with sleep and any and all other things which may be alleged to be incident to or to result from flights of aircraft over or in the vicinity of the real property conveyed hereby or in landing at or taking off from the Seattle-Tacoma International Airport, shall constitute permanent burdens and servient tenements on the real property conveyed hereby, and such burdens and tenements shall run with the land and be binding upon and enforceable against all successors in right, title or interest to said real property.

STATE OF WASHINGTON - KING COUNTY

15189  
Port of Seattle

-SS

No

Port of Seattle

NOTICE OF  
PUBLIC HEARING  
PUBLIC NOTICE

Pursuant to RCW 53 20 010, NOTICE IS HEREBY GIVEN that during the regular public meeting of the Port Commission of the Port of Seattle commencing at approximately 1 00 p m on Tuesday, May 23, 1989, at the public meeting room in the Port Offices at the Pier 66 Bell Street Terminal, 2201 Alaskan Way S, Seattle Washington, there will be a public hearing for the purpose of considering whether to modify the Comprehensive Scheme of Harbor Improvements of the Port of Seattle to find that certain property is surplus to Port needs, to declare such property to be no longer needed for Port purposes, and to authorize the conveyance of such property. The property is in Unit 18 of the Comprehensive Scheme of Harbor Improvements containing 9,512 square feet being legally described as follows

THAT PORTION OF TRACT 20, BOW LAKE TRACTS, ACCORDING TO THE UNRECORDED PLAT, DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID TRACT 20 (ALSO KNOWN AS THE NORTH LINE OF LOT 2, KING COUNTY SHORT PLAT NO 777035 AS RECORDED UNDER AUDITOR'S FILE NO 7807270794) SAID POINT LYING SOUTH 88° 10' 06" EAST 98 03 FEET FROM THE NORTHWEST CORNER OF SAID LOT 2 OF SHORT PLAT, THENCE NORTH 40° 44' 36" EAST 92 76 FEET, THENCE NORTH 87° 58' 45" EAST 96 00 FEET TO THE WESTERLY MARGIN OF PACIFIC HIGHWAY SOUTH (STATE ROAD NO 1), THENCE SOUTH 1° 38' 36" EAST ALONG SAID WESTERLY MARGIN 78 77 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 OF SHORT PLAT, THENCE NORTH 88° 10' 06" WEST ALONG THE NORTH LINE OF LOT 2 A DISTANCE OF 158 20 FEET TO THE POINT OF BEGINNING

Maps, plans and other data showing the real property proposed to be declared surplus and no longer needed for Port district purposes are now on file at the offices of the Real Estate Department of the Port of Seattle at the said Bell Street Terminal. Such maps, plans and other data will be available at said hearing and at said hearing the Port Commission will hear from all persons desiring to speak with regard to the adoption or rejection of an appropriate Resolution modifying the Port's existing Comprehensive Scheme by declaring such above-described real property as surplus and no longer needed for Port district purposes, and authorizing the conveyance thereof

Dated May 10, 1989  
PORT OF SEATTLE  
ZEGER van ASCH van  
WIJCK,

Executive Director  
Dates of publication in the  
Seattle Daily Journal of Commerce,  
May 11 and 18, 1989  
(15189)

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

N/PH Modif. Scheme/Harbor Imprv

was published on  
05/11/89 05/18/89

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

Subscribed and sworn to before me on

5-18-89

*[Signature]*

Notary Public for the State of Washington,  
residing in Seattle

# Affidavit of Publication

STATE OF WASHINGTON,  
COUNTY OF KING,

J. Rivera

\_\_\_\_\_ being duly sworn, says that he/she is the Principal Clerk of Seattle Times Company, publisher of THE SEATTLE TIMES and representing the SEATTLE POST-INTELLIGENCER, separate daily newspapers, printed and published in Seattle, King County, State of Washington; that they are newspapers of general circulation in said County and State; that they have been approved as legal newspapers by order of the Superior Court of King County; that the annexed, being a  classified advertisement  display advertisement, was published in:  The Seattle Times  Seattle Post-Intelligencer  \_\_\_\_\_ and not in a supplement thereof, and is a true copy of the notice as it was printed in the regular and entire issue of said paper or papers on the following day or days \_\_\_\_\_

May 11, 18, 1989

and that said newspaper or newspapers were regularly distributed to its subscribers during all of said period.

PORT OF SEATTLE  
NOTICE OF PUBLIC HEARING

Pursuant to RCW 53.20.010 NOTICE IS HEREBY GIVEN that during the regular public meeting of the Port Commission of the Port of Seattle commencing at approximately 1:00 p.m. on Tuesday, May 23, 1989, at the public meeting room in the Port Offices at the Pier 66 Bell Street Terminal, 2201 Alaskan Way So., Seattle, Washington, there will be a public hearing for the purpose of considering whether to modify the Comprehensive Scheme of Harbor Improvements of the Port of Seattle to find that certain property is surplus to Port needs, to declare such property to be no longer needed for Port purposes and to authorize the conveyance of such property. The property is in Unit 18 of the Comprehensive Scheme of Harbor Improvements containing 9,512 square feet being legally described as follows:

THAT PORTION OF TRACT 20, BOW LAKE TRACTS, ACCORDING TO THE UNRECORDED PLAT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID TRACT 20 (Also known as the North line of Lot 2, King County Short Plat No. 777035 as recorded under Auditor's File No. 7807270794) said point lying South 88° 10' 06" East 98' 03" feet from the Northwest corner of

said lot 2 of short plat thence North 40° 44' 36" East 92' 76" feet thence North 87° 58' 45" East 96' 00" feet to the Westerly margin of Pacific Highway South (State Road No. 1), Thence South 1° 38' 36" East along said Westerly margin 78' 77" feet to the Northeast corner of said Lot 2 of short plat thence North 88° 10' 06" West along the North line of Lot 2 a distance of 158' 20" feet to the Point of Beginning

Maps, plans and other data showing the real property proposed to be declared surplus and no longer needed for Port district purposes are now on file at the offices of the Real Estate Department of the Port of Seattle at the said Bell Street Terminal. Such maps, plans and other data will be available at said hearing and at said hearing the Port Commission will hear from all persons desiring to speak with regard to the adoption or rejection of an appropriate Resolution modifying the Port's existing Comprehensive Scheme by declaring such above described real property as surplus and no longer needed for Port district purposes, and authorizing the conveyance hereof.

Dated this 11th day of May 1989

PORT OF SEATTLE  
ZEGER van ASCH  
van WIJCK  
Executive Director

Dates of Publication in the Seattle Times May 11 and 18, 1989

Subscribed and sworn to before me this twenty-fifth day of May, 1989

Notary Public in and for the State of Washington  
residing at \_\_\_\_\_