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RESOLUTION NO. 2739

A RESOLUTION of the Port Commission of the Port of Seattle providing for the amendment of Unit 18 of the Comprehensive Scheme of Harbor Improvements of the Port of Seattle applicable to Sea-Tac International Airport to provide for deletion of certain real property incidental to the operation of the Airport.

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 53.040.101, 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 18 of the Comprehensive Scheme of Harbor Improvements on Sea-Tac International Airport ("the Airport") was heretofore adopted by the Port Commission of the Port of Seattle by Resolution No. 1194 and ratified by the qualified electors of the Port District at a special election held therein on November 5, 1946, which unit has been subsequently amended in the manner provided by law; and

WHEREAS, an official public hearing was held on June 27, 1978 after notice of such hearing was duly published as provided by law on the question as to whether Unit 18 of the Port's Comprehensive Scheme applicable to the Airport should be further amended and modified to provide for the foregoing deletion; and

WHEREAS, the Port heard from all persons desiring to speak at said public hearing with regard to the proposed amendments to Unit 18, including without limitation the environmental aspects of the proposed amendment; and

WHEREAS, the members of the Port Commission at said public hearing viewed maps, plans, and other data indicating the property proposed to be deleted from Unit 18 of the Comprehensive Scheme, 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 18 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. There is hereby deleted from Unit 18 of the Comprehensive Scheme and declared surplus the real property shown on Port Drawing No. PM-STIA-117 and attached hereto as Exhibit A. This real property which is no longer required by the Port for Airport purposes is legally described as follows:

That portion of the southwest quarter of the northeast quarter of Section 32, Township 23 North, Range 4 East, W.M., King County, Washington described as follows:

Commencing at the northwest corner of said subdivision proceed south $4^{\circ} 53' 40''$ west along the west line of said subdivision a distance of 413.95 feet to the south line of that certain real property conveyed to Highline High School District No. 401 under Auditor's File No. 6697569, Records of King County and true point of beginning; thence south $88^{\circ} 46' 23''$ east along said south line a distance of 537.23 feet to the westerly margin of State Highway SR-509; thence south $26^{\circ} 40' 17''$ west along said westerly margin of SR-509 a distance of 412.43 feet; thence south $55^{\circ} 02' 08''$ west continuing along said westerly margin, a distance of 80.46 more or less to a point on the northeasterly margin of Des Moines Way South, said point being opposite Highway Engineers Station 25+50; thence north $50^{\circ} 11' 23''$ west along said northeasterly margin a distance of 300.00 feet; thence north $5^{\circ} 11' 23''$ west a distance of 127.28 feet; thence north $50^{\circ} 11' 23''$ west a distance of 60.00 feet to a point, said point being opposite Highway Engineer's Station 21+00 distance 90.00 feet northeasterly, measured at right angles, from the northeasterly margin of Des Moines Way South; thence south $68^{\circ} 51' 54''$ west a distance of 4.31 feet to the west line of said subdivision; thence north $4^{\circ} 53' 40''$ east along said west line a distance of 70.72 feet to the true point of beginning.

In deleting this real property from Unit 18 of the Comprehensive Scheme, the Port requires and hereby expressly reserves in the Comprehensive Scheme and in Port ownership an aviation easement over this real property for the safe and efficient operation of the Airport on the terms set forth on the attached Exhibit A-1.

Section 2. The real property legally described on Exhibit A but subject to the reserved avigation easement set forth on Exhibit A-1 is hereby declared to be no longer needed for Port District purposes.

Section 3. The Port is hereby authorized to sell the above described real property shown on Exhibit A for not less than appraised fair market value as determined by an appraiser qualified by virtue of education and experience.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this 11th day of July, 1978, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

Walter J. Heston
Robert A. Korman
Henry T. Simonson
Jack S. Blund
COMMISSIONERS

EXHIBIT A-1

TO RESOLUTION NO. 2739

AVIGATION EASEMENT

RESERVING TO GRANTOR, however, a permanent and exclusive easement for the free and unobstructed use and passage of all types of aircraft (as hereafter defined) through the airspace above a height of 578 feet, Port of Seattle Datum, over or in the vicinity of the real property conveyed hereby, with such use and passage to be unlimited as to frequency. 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. As used herein, the term "aircraft" shall mean any and all types of aircraft, whether now in existence or hereafter manufactured and developed, and shall include, but not be limited to, jet aircraft, propeller-driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters, and all other types of aircraft or vehicles now

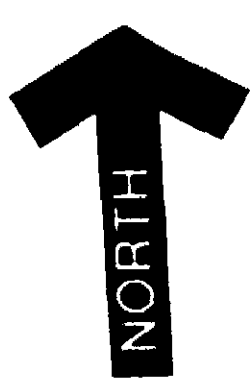
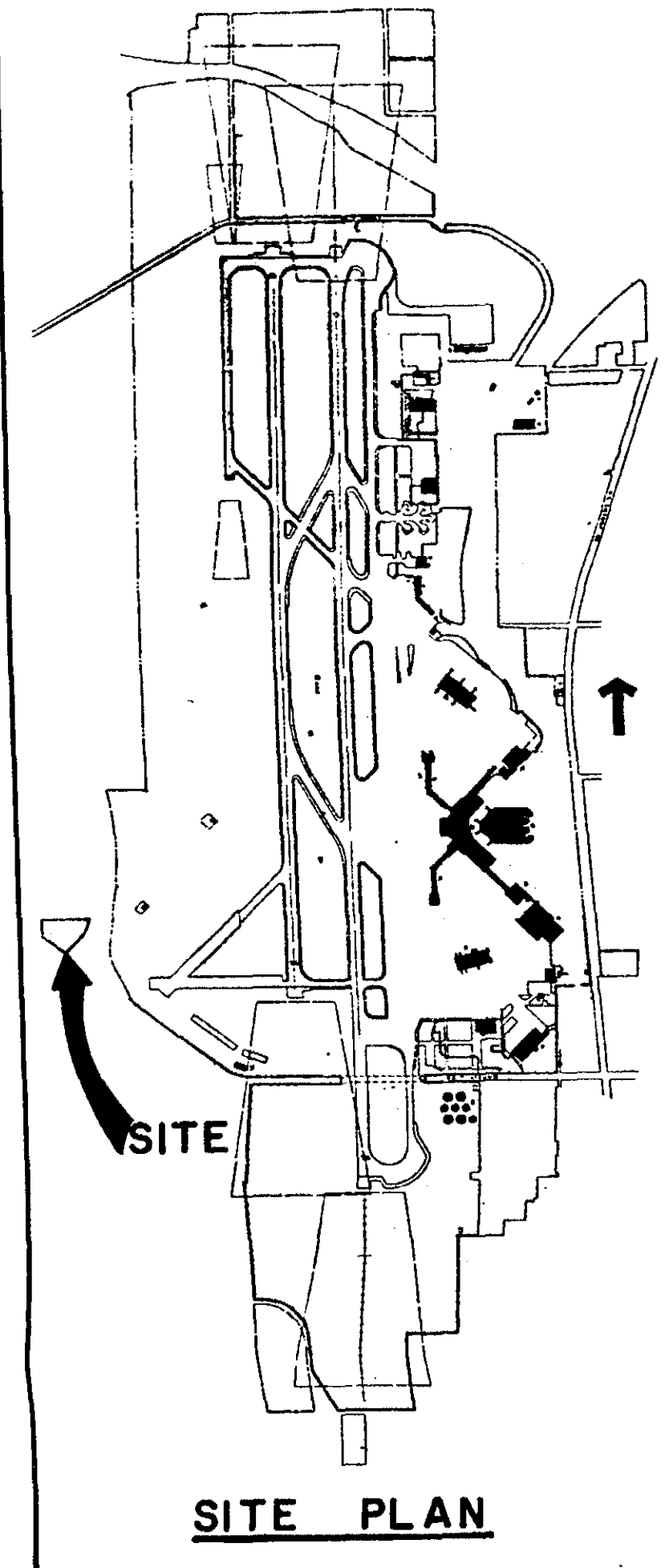
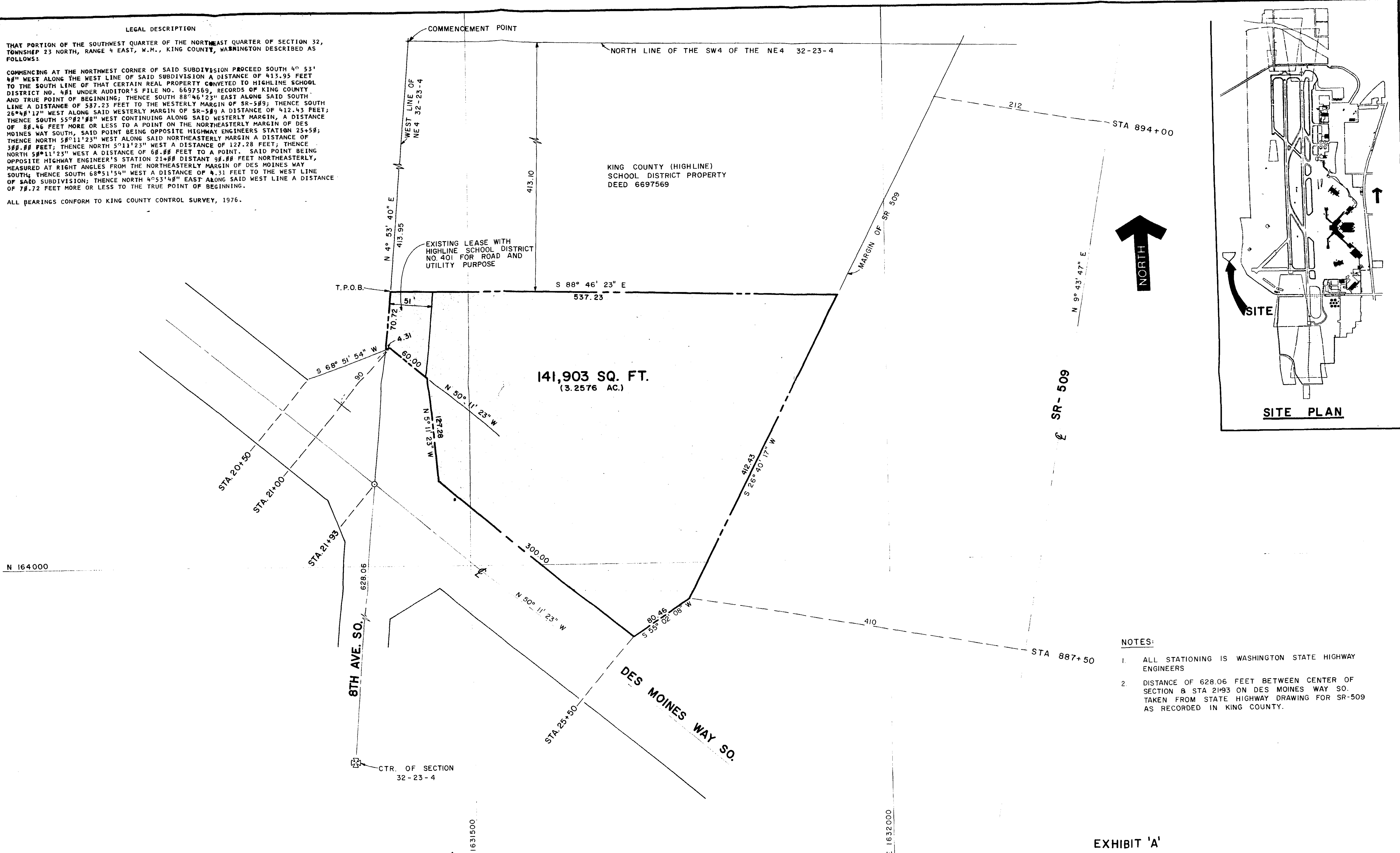
in existence or hereafter developed for the purpose of transporting persons or property through the air.

AND FURTHER RESERVING for Grantor, its successors and assigns, including without limitation the Federal Aviation Agency, a prohibition against Grantee, its successors and assigns in connection with the above-described real estate during the life of this easement that they will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon said real estate any building, structure, tree or other object extending into the aforesaid prohibited air space, a height in excess of 578 feet, Port of Seattle Datum, and that they shall not hereafter use or permit or suffer the use of said real estate in such a manner as to create electrical interference with radio communication between any installation upon said Seattle-Tacoma International Airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and others, or as to impair visibility in the vicinity of the airport or as otherwise to endanger the landing, taking off or maneuvering of aircraft, it being understood and agreed that the aforesaid covenants and agreements shall run with the land.

LEGAL DESCRIPTION
 THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:


COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION PROCEED SOUTH 4° 53' 49" WEST ALONG THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 413.95 FEET TO THE SOUTH LINE OF THAT CERTAIN REAL PROPERTY CONVEYED TO HIGHLINE SCHOOL DISTRICT NO. 491 UNDER AUDITOR'S FILE NO. 6697559, RECORDS OF KING COUNTY AND TRUE POINT OF BEGINNING; THENCE SOUTH 88° 46' 23" EAST ALONG SAID SOUTH LINE A DISTANCE OF 537.23 FEET TO THE WESTERLY MARGIN OF SR-509; THENCE SOUTH 26° 48' 17" WEST ALONG SAID WESTERLY MARGIN OF SR-509 A DISTANCE OF 412.43 FEET; THENCE SOUTH 55° 02' 40" WEST CONTINUING ALONG SAID WESTERLY MARGIN, A DISTANCE OF 88.46 FEET MORE OR LESS TO A POINT ON THE NORTHEASTERLY MARGIN OF DES MOINES WAY SOUTH, SAID POINT BEING OPPOSITE HIGHWAY ENGINEERS STATION 25+58; THENCE NORTH 58° 11' 23" WEST ALONG SAID NORTHEASTERLY MARGIN A DISTANCE OF 388.88 FEET; THENCE NORTH 5° 13' 23" WEST A DISTANCE OF 127.28 FEET; THENCE NORTH 58° 11' 23" WEST A DISTANCE OF 68.88 FEET TO A POINT. SAID POINT BEING OPPOSITE HIGHWAY ENGINEER'S STATION 21+88 DISTANT 98.88 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES FROM THE NORTHEASTERLY MARGIN OF DES MOINES WAY SOUTH; THENCE SOUTH 68° 51' 54" WEST A DISTANCE OF 4.31 FEET TO THE WEST LINE OF SAID SUBDIVISION; THENCE NORTH 4° 53' 48" EAST ALONG SAID WEST LINE A DISTANCE OF 78.72 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

ALL BEARINGS CONFORM TO KING COUNTY CONTROL SURVEY, 1976.



- NOTES:**
1. ALL STATIONING IS WASHINGTON STATE HIGHWAY ENGINEERS
 2. DISTANCE OF 628.06 FEET BETWEEN CENTER OF SECTION 8 STA 21+93 ON DES MOINES WAY SO. TAKEN FROM STATE HIGHWAY DRAWING FOR SR-509 AS RECORDED IN KING COUNTY.

EXHIBIT 'A'

PROJECT ENGR/ARCH: DESIGNER: DRAWN BY: SCALE: DATE: CHECKED BY:		REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> <th>APP'D.</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>				NO.	DATE	BY	DESCRIPTION	APP'D.																												PORT OF SEATTLE PROJECT ENGR ARCH: FISHER DESIGNER: FISHER DATE: JUNE 1978 DRAWN BY: HOFFER CHECKED BY: APPROVED BY:		SCALE: 1" = 50'-0" SEA-TAC INTERNATIONAL AIRPORT RESOLUTION 2739 PROPOSED SALE OF REAL PROPERTY DES MOINES WAY SOUTH AT SR-509		WORK ORDER NO. D-2501 CONSULTANT'S NO. PORT OF SEATTLE NO. PM-STIA-117	
NO.	DATE	BY	DESCRIPTION	APP'D.																																							

