

RESOLUTION NO. 2741

A RESOLUTION of the Port Commission of the Port of Seattle providing for the amendment of Unit 18 of the existing Comprehensive Scheme of Harbor Improvements applicable to Sea-Tac International Airport by deleting from the Scheme and authorizing the sale of certain real property located on the west side of the Airport, and for amending the Sea-Tac Communities Plan with respect to said real property.

WHEREAS, The Boeing Company has informed the Port of Seattle of its desire to purchase or lease that certain real property (the "Subject Property") situated on the westerly side of the Sea-Tac International Airport (the "Airport"), which is shown and legally described on Port Drawing No. PM-STIA-118 dated June 1978 and attached hereto as Exhibit A, for construction of a corporate headquarters office facility ("the Boeing headquarters facility"); and

WHEREAS, Unit 18 of the Comprehensive Scheme of Harbor Improvements on Sea-Tac International Airport ("the Comprehensive Scheme") 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 Comprehensive Scheme has been subsequently amended in the manner provided by law; and

WHEREAS, the Port of Seattle has established certain planning and developmental policies and guidelines relating to the Airport and its vicinity as developed in the Sea-Tac Communities Plan by Resolution No. 2626; and

WHEREAS, the Sea-Tac Communities Plan has been adopted by King County pursuant to King County Ordinance No. 2883; and

WHEREAS, the Sea-Tac Communities Plan is augmented by the Highline Communities Plan adopted by King County, which is the official land use planning document used by King County in approving development proposals in the Highline area; and

WHEREAS, the Subject Property is currently designated in the Sea-Tac Communities Plan in part as "Open Space" and in part as "Airport Facility"; and

WHEREAS, the Highline Communities Plan designates the Subject Property as "Airport Open Space"; and

WHEREAS, Resolution No. 2626 expresses a concern for the compatible development on the west side of the Airport and requests additional program recommendations from the Port staff toward this objective; and

WHEREAS, a Westside Landscaping Plan has subsequently been prepared, approved, and is in the process of implementation; and

WHEREAS, considerable discussion and dialogue has occurred involving the community, King County, the FAA and the Port, and some concerns and opposing views regarding compatibility appear to remain, especially regarding aviation activity on the west side of the Airport; and

WHEREAS, the issue of aviation activity generally on the west side of the Airport will be the subject of a comprehensive Environmental Impact Statement to be prepared in accordance with the National Environmental Policy Act (NEPA); and

WHEREAS, the Boeing headquarters facility will be a non-aviation land use; and

WHEREAS, a final Environmental Impact Statement (EIS) for the Boeing headquarters facility has been prepared jointly by King County and the Port of Seattle pursuant to the Washington State Environmental Policy Act of 1971 (R.C.W. 43.21c), SEPA Guidelines (W.A.C., Chapter 197-10) and King County Ordinance 1700; and

WHEREAS, such Environmental Impact Statement has been considered by the Port Commission; and

WHEREAS, the sale or lease of the Subject Property to The Boeing Company for the Boeing headquarters facility is contingent upon a zoning reclassification, comprehensive plan amendments, Federal Aviation Administration approval, and miscellaneous permits and construction plans and approvals; and

WHEREAS, an official public hearing was held on July 25, 1978 after notice of such hearing was duly published as provided by law on the question as to whether the Comprehensive Scheme should be further amended and modified to provide for the foregoing additions and deletions; and

WHEREAS, members of the Port Commission heard from all persons desiring to speak at said public hearing with regard to the proposed amendments to the Comprehensive Scheme and the Sea-Tac Communities Plan, including without limitation the environmental aspects of the proposed amendments; 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 the Comprehensive Scheme and relating to the proposed amendment of the Sea-Tac Communities Plan, 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 amendments to the Comprehensive Scheme and to the Sea-Tac Communities Plan in light of all comments by members of the public at the public hearings; and

WHEREAS, after the foregoing review and deliberations, the members of the Port Commission find:

- (a) that the proposed Boeing headquarters facility is consistent with the original and current objectives of the Sea-Tac Communities Plan in that it maintains, and in some respects enhances, the buffer qualities desired in the area;
- (b) that the requirements of the Port of Seattle for "Airport Facilities" can be adequately met utilizing the land south of the Subject Property. Such "Airport Facilities" will consist of Air Carrier Cargo and Maintenance uses south of South 176th Street (extended) and General/Corporate Aviation uses north of South 176th Street (extended); and
- (c) that continuation of "Open Space" use for the land immediately north of the Subject Property should remain as a complement to the proposed Boeing headquarters facility and as a desirable community buffer; and
- (d) that the proposed Boeing headquarters facility will not result in any significant adverse environmental impacts.

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

Section 1. The Sea-Tac Communities Plan shall, upon satisfaction of the conditions stated in Section 6 below, be amended to redesignate the Subject Property from "Open Space" and "Airport Facility" to "Office/Park --Buffer Use Area", and the Port staff shall be authorized to make appropriate revisions to the Plan documents to reflect the aforesaid amendment.

Section 2. The Sea-Tac Communities Plan, while providing for General Aviation/Corporate Aviation uses south of the Subject Property, shall continue to prohibit any "Air Carrier Maintenance and/or Cargo Handling" use north of South 176th Street (extended). "Open Space" use shall remain the sole use of the land north of the Subject Property to South 154th Street, except for The Boeing Company access roadway.

Section 3. The Comprehensive Scheme shall, upon satisfaction of the conditions stated in Section 6 below, be amended to delete the Subject Property therefrom, if it will be sold, rather than leased, to The Boeing Company.

Section 4. The Subject Property shall, upon satisfaction of the conditions set forth in Section 6 below, be sold or leased to The Boeing Company for use in connection with the proposed Boeing headquarters facility, and if the Subject Property will be sold, rather than leased, it shall be declared surplus and no longer needed for Port District purposes.

Section 5. Upon such sale or lease to The Boeing Company, an aviation and air rights easement over the Subject Property shall be reserved on terms the same as, or similar to, those set forth in Exhibit B attached hereto.

Section 6. The actions and authorizations set forth in preceding Sections shall be subject to, and shall automatically become effective without further actions by the Port Commission upon satisfaction of all of the following conditions:

- (a) Rezoning by King County of the Subject Property from RS-7200 to a zoning classification that will permit construction and utilization of the Boeing headquarters facility as generally described in the Environmental Impact Statement heretofore prepared jointly by King County and the Port of Seattle;
and
- (b) Approval by the Federal Aviation Administration of the proposed sale or lease and use of the Subject Property, to the extent such approval may be required; and
- (c) Execution of an agreement between the Port and The Boeing Company providing for the purchase and sale or lease, of the Subject Property upon terms and conditions hereafter to be reviewed and found acceptable by the Port Commission;
and

If all of the foregoing conditions shall not have been satisfied and the Subject Property sold or leased to The Boeing Company by July 1, 1980, this Resolution No. 2741 shall be repealed automatically without further action by the Port Commission of the Port of Seattle.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this 8th day of August, 1978, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.


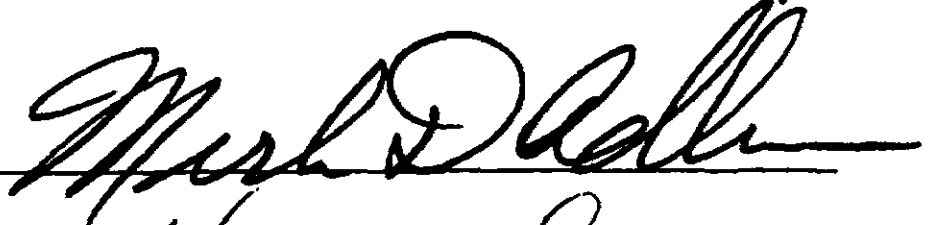
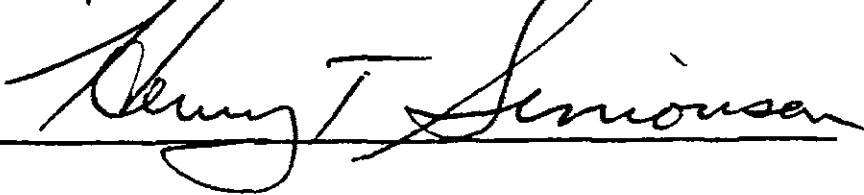




EXHIBIT B
to
RESOLUTION NO. 2741

An aviation and air rights easement shall be reserved on the Subject Property as follows:

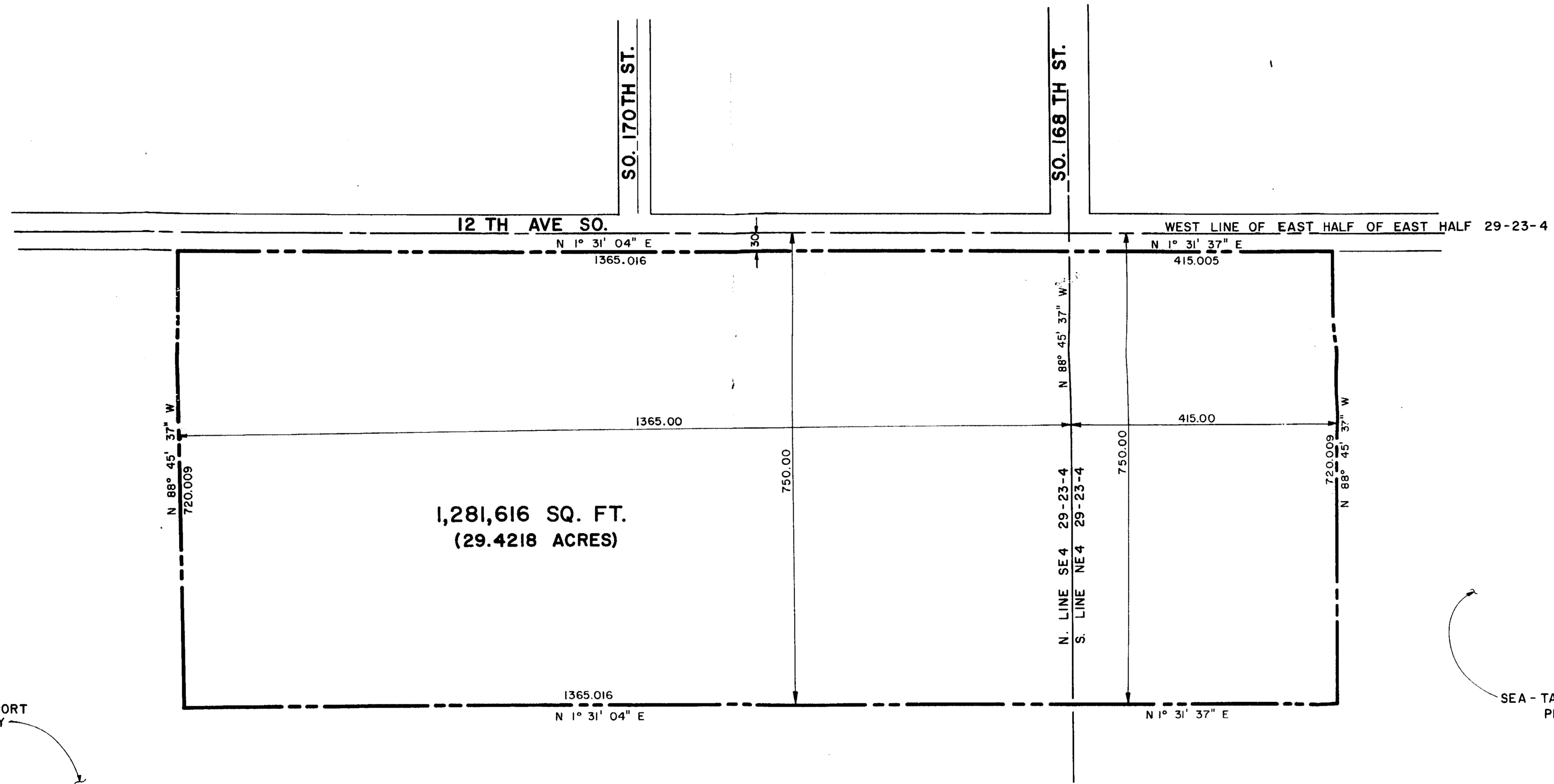
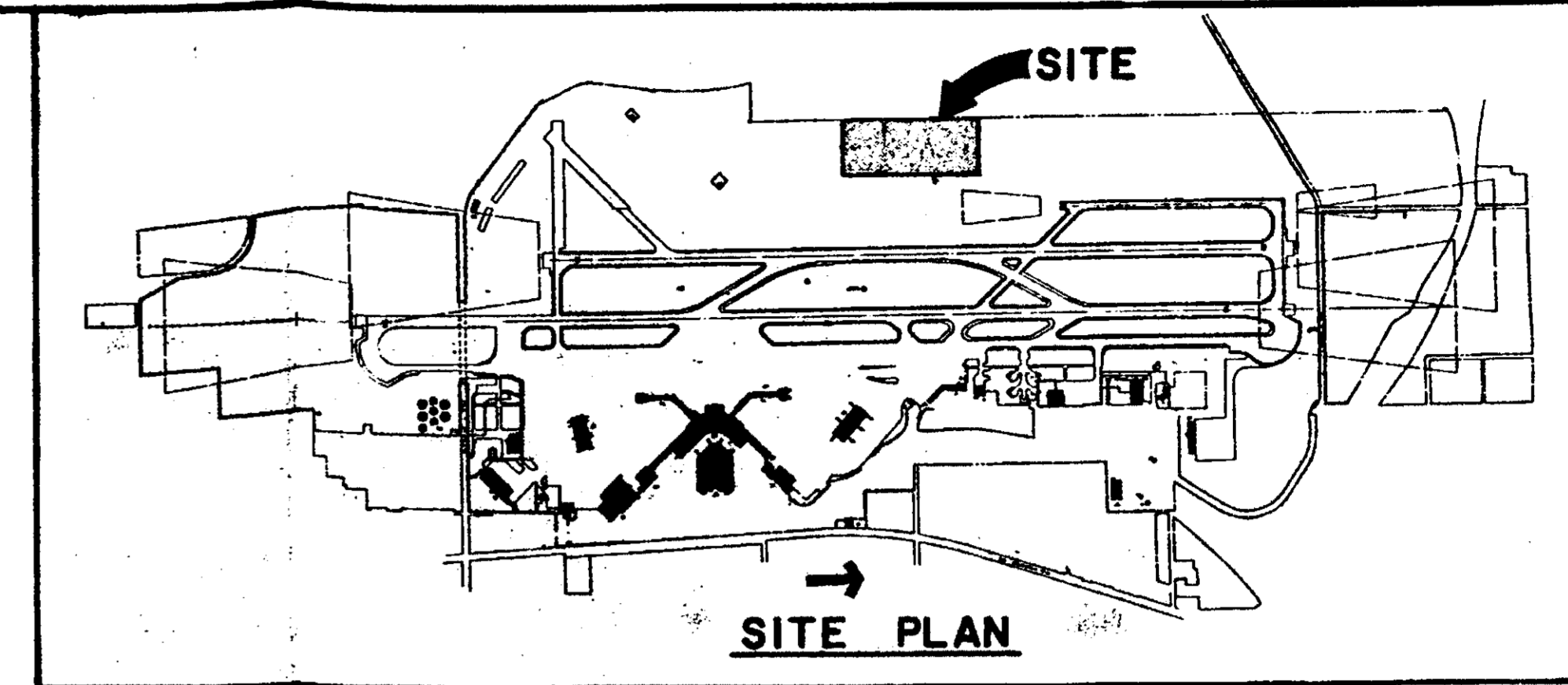
RESERVING TO GRANTOR, however, a permanent and exclusive easement for the free and unobstructed use and passage of all types of aircraft (as hereinafter defined) through the airspace above the height limitation specified below, over or in the vicinity of the real property conveyed hereby, with such use and passage to be unlimited as to frequency;

AND FURTHER RESERVING to Grantor, a permanent prohibition against Grantee, that Grantee shall not erect, permit the erection or growth of, or permit or suffer to remain upon the real property any building, structure, tree or other object extending into the air space over the real property above the height of 443 feet, Port of Seattle Datum, at the Port of Seattle grid coordinate East 17103 (being the approximate easterly boundary line of the real property), said height restriction to rise westerly from said grid coordinate as the height restriction moves westerly across the real property at a slope of one foot vertically for every seven feet horizontally; and that said Grantee shall not hereafter use or permit or suffer the use of the real property in such a manner as to create electrical interference with radio or other electronic communication between any installation upon the Sea-Tac International Airport and aircraft, or as to make it difficult for aircraft crews to distinguish between airport lights and others, or as to impair visibility in the vicinity of the Sea-Tac International Airport or as otherwise to endanger the landing, taking off or maneuvering of aircraft.

The aforesaid conditions, covenants and restrictions and easement rights shall be appurtenant to and for the benefit of the real property now commonly known as the Sea-Tac 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 without limitation, the Federal Aviation Administration and any and all persons, firms or corporations operating aircraft to or from the Sea-Tac International Airport. Said conditions, covenants and restrictions and easements rights and the burden thereof, together with all things which may be alleged to be incident to or to result from the use and enjoyment thereof, 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 Sea-Tac 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 Grantee, and its 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.

THAT PORTION OF SECTION 29, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M. KING COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

THE NORTH 1365 FEET OF THE WEST 750 FEET OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 29; AND ALSO THE SOUTH 415 FEET OF THE WEST 750 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 29; EXCEPTING THEREFROM THE WESTERLY 30 FEET THEREOF FOR COUNTY ROAD.



SEA-TAC AIRPORT PROPERTY

SEA-TAC AIRPORT PROPERTY



EXHIBIT 'A'

PORT OF SEATTLE		SEA-TAC INTERNATIONAL AIRPORT RESOLUTION 2741 PROPOSED SALE OF REAL PROPERTY ADJACENT TO 12TH AVE. SOUTH		WORK ORDER NO. D-2501																														
PROJECT ENGR./ARCH.		DESIGNER	SCALE	NOTED																														
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SCALE:		DRAWN BY: -R	CHECKED BY:																															
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