

RESOLUTION NO. 2753

A RESOLUTION of the Port Commission of the Port of Seattle amending Resolution No. 2111 which established a Comprehensive Scheme of Harbor Improvements and Industrial Developments within the Port's Lower Duwamish Industrial Development District, and amending Resolution No. 2681 by removing certain Terminal 1 and Terminal 118 areas from Unit 20 of said Comprehensive Scheme, declaring said areas surplus, and providing for their sale pursuant to RCW 53.08.090 - .091.

WHEREAS, the Port Commission of the Port of Seattle by its Resolution No. 2111 pursuant to RCW Chapter 53.25 created an industrial development district within the Port of Seattle District (herein called the "Port") known as the Lower Duwamish Industrial Development District and adopted a Comprehensive Scheme of Harbor Improvements and Industrial Developments for said District; and

WHEREAS, said Resolution No. 2111 has since been amended from time to time in a manner provided by law including by Resolution No. 2681. Resolution 2681 recited that the Port was in possession of all of the property originally sought to be acquired for the development of Terminal 1 and Terminal 118 as part of Unit 20 of the Lower Duwamish Industrial Development District Comprehensive Scheme of Harbor Improvements and Industrial Developments and that the Port Commission determined as of the June 28, 1977 adoption of Resolution No. 2681 that certain areas of Terminals 1 and 118 legally described in the Resolution would have greater or more beneficial use in the private sector for waterborne commerce and/or industrial use and would better serve the interests of the Port District and the people thereof; and

WHEREAS, in directing, at its meeting on June 14, 1977, the statutory public hearing on Resolution No. 2681, the Port Commission indicated as an additional consideration that the sale of the Terminals 1 and 118 areas would free cash for other harbor and industrial improvements needed by the Port; and

WHEREAS, pursuant to Resolution No. 2681 the Port Commission posted and advertised for competitive bids for the purchase of the Terminals 1 and 118 areas together with all improvements thereon legally described on attached Exhibit A hereto subject to the use and other restrictions imposed by RCW Chapter 53.25; and

WHEREAS, the Port Commission at its meeting on August 23, 1977 rejected the only two bids received for the purchase of the Terminals 1 and 118 areas because all bid prices were less than the prices paid by the Port for the areas and considerably below the present appraisals then possessed by the Port; and

WHEREAS, by Order and Notice of Competitive Bidding issued as of September 5, 1978 and thereafter duly posted and advertised in accordance with law, the Port made a second attempt to obtain a satisfactory bid price for the Terminal 118 area under the authority and restrictions of Resolution No. 2681 and RCW Chapter 53.25, but no bids were received by the bid opening deadline of 12:00 noon on September 26, 1978; and

WHEREAS, as authorized by the Port Commission on October 10, 1978 and following due publication and posting of notice in accordance with RCW 53.20.010 and RCW 53.25.120, a public hearing has been held by the Port Commission on October 31, 1978 on the question as to whether the Terminals 1 and 118 areas legally described in Exhibit A should be deleted from the Comprehensive Scheme and sold without legal restrictions pursuant to RCW 53.08.090 inasmuch as the areas could not be sold satisfactorily pursuant to RCW 53.25.110 et seq.; and

WHEREAS, after discussion and consideration of the aforesaid questions at said hearing, at which time the Port Commission presented and considered maps, plans, and other data indicating the properties to be sold, all of which maps, plans, and other data were and now are on file in the office of the Port Commission; and

WHEREAS, the Port Commission considered at said hearing the implication of all local, state, and federal statutes, rules, and regulations pertaining to, among other things, the environment; and

WHEREAS, after having heard from all persons desiring to speak upon the aforesaid questions at the said hearing, the Port Commission decided that its existing Comprehensive Scheme of Harbor Improvements and Industrial Developments for the Lower Duwamish Industrial Development District as established in said Resolution No. 2111 and subsequently amended including by Resolution No. 2681 should be further amended as hereinafter provided;

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

Section 1. The Port Commission of the Port of Seattle does hereby find that certain of the Terminal 118 real property, together with all improvements thereon, legally described on Exhibit "A", located within Unit 20 of the Port's existing Comprehensive Scheme of Harbor Improvements and Industrial Developments for the Lower Duwamish Industrial Development District should be and hereby are deleted from said District and from said Unit 20 by amendment to Resolutions No. 2111 and 2681. This deletion and amendment are made pursuant to RCW 53.20.020 and 53.25.040. The Port Commission defers action on the Terminal 1 real property, together with all improvements thereon, also legally described on Exhibit "A".

Section 2. The Port Commission hereby determines that the parcel of real property legally described on Exhibit "A" under the heading Terminal 118, together with all improvements thereon, is surplus to Port needs and no longer needed for Port purposes, but the proceeds of a sale of this real property at a fair and reasonable price are needed for Port purposes.

Section 3. Port staff is authorized and directed to obtain offers for purchase of the parcel of real property, together with all improvements thereon legally described on Exhibit "A" under the designation Terminal 118 for future Port Commission consideration and action pursuant to RCW 53.08.090 - .091.

Section 4. Except as expressly amended herein, Resolution No. 2111 as subsequently amended including by Resolution No. 2681 prior to this date shall remain in full force and effect. This Resolution No. 2753 hereby supersedes Resolution No. 2681 to the extent inconsistent therewith.

As amended on Second Reading and  
Final Passage on November 14, 1978

WHEREAS, after having heard from all persons desiring to speak upon the aforesaid questions at the said hearing, the Port Commission decided that its existing Comprehensive Scheme of Harbor Improvements and Industrial Developments for the Lower Duwamish Industrial Development District as established in said Resolution No. 2111 and subsequently amended including by Resolution No. 2681 should be further amended as hereinafter provided;

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

Section 1. The Port Commission of the Port of Seattle does hereby find that certain of the Terminals 1 and 118 real property together with all improvements thereon legally described on Exhibit A located within Unit 20 of the Port's existing Comprehensive Scheme of Harbor Improvements and Industrial Developments for the Lower Duwamish Industrial Development District should be and hereby are deleted from said District and from said Unit 20 by amendment to Resolutions No. 2111 and 2681. This deletion and amendment are made pursuant to RCW 53.20.020 and 53.25.040.

Section 2. The Port Commission hereby determines that the two parcels of real property legally described on Exhibit A, together with all improvements thereon, are surplus to Port needs and no longer needed for Port purposes, but the proceeds of a sale of this real property at a fair and reasonable price are needed for Port purposes.

Section 3. Port staff is authorized and directed to obtain offers for purchase of the two parcels of real property together with all improvements thereon legally described on Exhibit A for future Port Commission consideration and action pursuant to RCW 53.08.090 - .091.

Section 4. Except as expressly amended herein, Resolution No. 2111 as subsequently amended including by Resolution No. 2681 prior to this date shall remain in full force and effect. This Resolution No. 2753 hereby supersedes Resolution No. 2681 to the extent inconsistent therewith.

ADOPTED by the Port Commission of the Port of Seattle at a meeting thereof held this 14th day of November, 1978 and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

Paul H. Redmond

Mark D. Bell

Jack B. Blum

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Port Commissioners

EXHIBIT A  
to  
RESOLUTION NO. 2753

TERMINAL 1

All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 in Block 431 of Seattle Tidelands, together with all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 in Block 431-A of Seattle Tidelands, Extension No. 1, all as shown upon the official maps of said tidelands on file in the office of the Commissioner of Public Lands at Olympia, Washington;

Also that portion of vacated Railroad Avenue lying east of the easterly margin of Harbor Avenue Southwest referred to as Fauntleroy Avenue in deed recorded under Auditor's File No. 7511240069, records of King County, Washington, and between the north and south lines of Lot 3, in Block 431 of Seattle Tidelands, in King County, Washington, produced southwesterly;

Also that portion of vacated Railroad Avenue lying adjacent to the southwesterly lines of Lots 19, 20, and 21, Block 431, Seattle Tidelands, described as follows:

Beginning at the most southerly corner of said Lot 21, said corner being the true point of beginning, proceed S.  $46^{\circ}20'17''$  W. along the southeasterly line of said Lot 21, produced southwesterly a distance of 47.57 feet; thence N.  $33^{\circ}1'51''$  W. a distance of 132.21 feet; thence N.  $46^{\circ}20'17''$  E. a distance of 23.18 feet to the southwesterly line of said Lot 19; thence S.  $43^{\circ}39'43''$  E. a distance of 129.24 feet to the true point of beginning.

Being a portion of that property conveyed under Auditor's File No. 7610250393, records of King County, Washington.

Together with an easement for roadway purposes to use only that portion of the unplatted area adjacent to Lot 4 in Block 431 of Seattle Tidelands, lying between the westerly and easterly line of said Lot 4 produced southerly to the easterly line of Harbor Avenue Southwest.

TERMINAL 118

Those portions of Lots 1, 2, 3, 4, 5, 9, 10, 11, and "D" in Block 6; and

Tracts 5, 6, 7, 8, 9, and 10; and

Vacated South Webster Street and vacated South Fontanelle Street;

All in Duwamish Industrial Addition to the City of Seattle, according to the plat recorded in Volume 21 of Plats, page 65, in King County, Washington; and

That portion of Slip No. 4 of the abandoned bed of the Duwamish River;

All lying within the following description:

Beginning at the intersection of South Fontanelle Street and 8th Avenue South; thence north  $0^{\circ}08'57''$  west along the centerline of 8th Avenue South a distance of 125.00 feet; thence south  $89^{\circ}58'57''$  east a distance of 50.00 feet to the true point of beginning at a point in the west line of Lot 9 in said Block 6, said point being in the east margin of 8th Avenue South, a distance of 150.00 feet south of the centerline of South Othello Street, measured at right angles from said centerline; thence south  $89^{\circ}58'57''$  east a distance of 859.97 feet to the median line of Slip No. 4, as said median line is described in instrument recorded under Auditor's File No. 4477307; thence south  $12^{\circ}43'13''$  west along said median line a distance of 399.37 feet; thence continuing along said median line south  $42^{\circ}00'00''$  west a distance of 436.00 feet; thence continuing along said median line south  $55^{\circ}21'36''$  west a distance of 290.27 feet to the northeasterly right-of-way line of the Duwamish Waterway; thence north  $49^{\circ}00'00''$  west along said northeasterly line a distance of 317.64 feet to the east margin of 8th Avenue South, formerly Carleton Avenue, as shown on said Duwamish Industrial Addition Plat; thence north  $0^{\circ}08'57''$  west along said east margin a distance of 670.44 feet to the point of beginning.