

RESOLUTION NO. 3520

A RESOLUTION of the Port Commission of the Port of Seattle Amending Unit 20 of the Comprehensive Scheme of Harbor Improvements of the Port of Seattle by deleting therefrom certain real property located at 3317 Third Avenue South (formerly 219 South Horton Street); and further authorizing the Manager, Seaport Division to execute all documents necessary to remove the deed restrictions on the property associated with 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, RCW 39.33.010, 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 original Comprehensive Scheme of Harbor Improvements of the Port of Seattle was fixed in Resolution No. 17 of the Port Commission of the Port of Seattle (the "Port Commission") and was ratified by the qualified electors of the Port District at a special election held therein on March 5, 1912 (the "Comprehensive Scheme"); and

WHEREAS, Unit 20 of the Comprehensive Scheme – the Lower Duwamish Industrial Development District (the "LDIDD") was initially created by Port Commission adoption of Resolution No. 2769 on May 27, 1980; and

WHEREAS, the boundaries of said Unit 20 were subsequently revised and restated by Port Commission adoption of Resolution No. 2805 on February 10, 1981, as subsequently amended; and

WHEREAS, pursuant to the Port Commission's adoption of Resolution No. 2789 on May 27, 1980, the real property located at 3317 Third Avenue South (formerly 219 South Horton Street) (the "Property") was declared surplus and no longer needed for Port purposes, and sold on July 8, 1980; and

WHEREAS, as required by Chapter 53.25 of the Revised Code of Washington for properties within the LDIDD, the deed for the Property restricted its use to industrial uses, specifically, commercial food distribution and storage; and

WHEREAS, on November 9, 1982, the Port Commission authorized modification of the restriction to permit: manufacturing, processing, production, assembly, warehousing, transportation, pollution, solid waste or energy as a covenant running with the land; and

WHEREAS, American Life, Inc. acquired the Property in 1999, and intends to use it for phase one of an integrated office, retail and modern industrial campus located on nine contiguous acres along 3rd Avenue South; and

WHEREAS, an official public hearing was held November 25, 2003, after notice of such hearing was duly published as provided by law, the question as to whether said Unit 20 of the Comprehensive Scheme should be amended to delete the Property therefrom; and

WHEREAS, the Port Commission has heard from all persons desiring to speak at said public hearing with regard to the proposed amendment to Unit 20; and

WHEREAS, the members of the Port Commission have discussed and considered the proposed amendment to Unit 20 of the Comprehensive Scheme in light of any and all comments by members of the public at the public hearing;

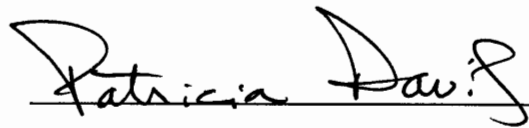
NOW, THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Seattle as follows:

Section 1. The real property legally described as follows is hereby deleted from the Lower Industrial Development District, Unit 20 of the Port of Seattle's Comprehensive Scheme of Harbor Improvements:

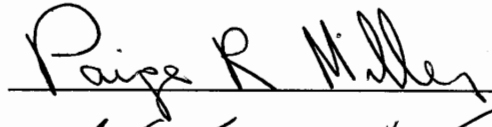
Block 9, Plat of Canal Waterway, as recorded in Volume 21 of Plats, page 71, Records of King County.

Section 2. The Manager, Seaport Division, is authorized to take all necessary steps and to execute all documents necessary to remove the deed restrictions on the Property required under Chapter 53.25 Revised Code of Washington for properties located within the Lower Duwamish Industrial Development District of the Port of Seattle's Comprehensive Scheme for Harbor Improvements.

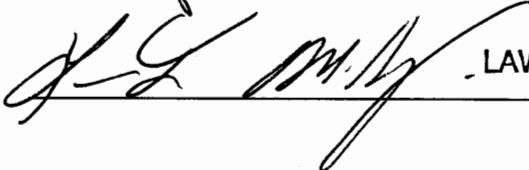
ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this 9th day of December, 2003, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.




PATRICIA DAVIS



PAIGE MILLER



LAWRENCE T. MOLLOY



BOB EDWARDS

Port Commission

STATE OF WASHINGTON – KING COUNTY

--SS.

165177
PORT OF SEATTLE:SEAPORT

No. COMPREHENSIVE SCHEME

Affidavit of Publication

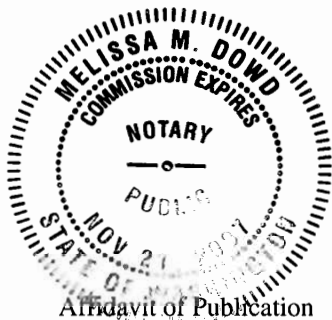
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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

PNPH:HARBOR IMPROVEMENTS

was published on

11/14/03 11/21/03



Jennifer Patzer
Subscribed and sworn to before me on

11/21/2003

Mel Dowd
Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

Port of Seattle

NOTICE OF PUBLIC HEARING

Pursuant to Chapter 53.08 RCW and Chapter 53.25 RCW, notice is hereby given that during the regular meeting of the Port

Commission of the Port of Seattle commencing at approximately 1:00 p.m. on Tuesday, November 25, 2003, in the Port Commission Chambers, 2711 Alaskan Way, 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 by deleting certain real property from Unit 20 of said Comprehensive Scheme.

The subject property is in Unit 20 of the Comprehensive Scheme of Harbor Improvements, is situated at 3317 Third Avenue South (formerly 219 South Harbor Street) in Seattle, King County, and is legally described below:

Block 9 Plat of Canal Waterway as recorded in Volume 21 of Plats, page 71, Records of King County.

The subject property was declared surplus and no longer needed for Port district purposes on May 27, 1980, pursuant to Port Commission Resolution No. 2789, and further authorized its sale on July 8, 1980.

Maps and other data showing the above legally described real property are on file at the Seaport Property Management Department of the Port of Seattle at Pier 69, 2711 Alaskan Way, Seattle, Washington. Such maps and other data will be available at said hearing. The Port Commission will also 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 deleting the above described real property from Unit 20 of said Comprehensive Scheme.

PORT OF SEATTLE

M. R. Dinsmore

Chief Executive Officer

11/21(165177)