

RESOLUTION NO. 3222

A RESOLUTION of the Port Commission of the Port of Seattle Providing for the Acquisition by Purchase and/or Eminent Domain of Certain Real Property Known as West Waterway Property Located within the Port's Comprehensive Scheme of Harbor Improvements and Industrial Development for the Lower Duwamish Industrial Development District and REPEALING Resolution No. 3197.

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, R.C.W. 53.04.010, 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 Legislature of the State of Washington by Chapter 73, Laws of 1955, Chapter 53.25 R.C.W. authorized the Port of Seattle Commission to create industrial development districts within the Port District and to define the boundaries thereof and to establish comprehensive schemes of harbor improvements and industrial developments for such district; and

WHEREAS, the Comprehensive Scheme of Harbor Improvements and Industrial Development for the Lower Duwamish Industrial Development District was heretofore adopted by the Port Commission of the Port of Seattle on September 14, 1962, by Resolution No. 2111, said industrial development district scheme having been subsequently amended in the manner provided by law; and

WHEREAS, the Port of Seattle owns property within an area of land designated Terminal 5 which land is within the Comprehensive Scheme of Harbor Improvements and Industrial Development for the Lower Duwamish Industrial Development District; and

WHEREAS, the Port of Seattle is faced with the need to increase land area in order to accommodate the forecast range of container volume to maintain and enhance the Port's

competitive share of the local and West Coast market for marine container cargo operations, and to meet the needs of the Port's existing long-term lease tenant at Terminal 5; and

WHEREAS, existing terminal facilities at Terminal 5 are not adequate to meet such increased demand and the Port of Seattle must proceed promptly with development of increased capacity to handle container volume to meet said increased demand; and

WHEREAS, the Port's investment in the expansion and development of container terminal facilities will benefit the public by providing new Port-dependent and Port-related jobs; and

WHEREAS, the Port of Seattle has determined that the property described in Exhibit A hereto and presently owned by West Waterway Company and West Waterway Properties is necessary in order to provide the expansion capacity necessary for container terminal operations at Terminal 5; and

WHEREAS, the Port of Seattle has the power to acquire lands for development, improvement, ownership, and operation of marine terminals and related facilities; and

WHEREAS, the Port Commission has allocated funds sufficient in the Port of Seattle's 1994 Capital Improvement Budget of the Marine Division to undertake the acquisition of the property described in Exhibit A hereto;

WHEREAS, Exhibit A of Resolution No. 3197 did not provide the accurate legal description of the real property needed by the Port for the purposes required;

NOW, THEREFORE, BE IT RESOLVED that the Port of Seattle shall acquire by purchase and/or eminent domain proceedings certain real property situated in the City of Seattle, County of King, State of Washington, known as West Waterway Property described in Exhibit A attached hereto and by this reference incorporated herein, said property also being part of the Port of Seattle's Comprehensive Scheme of Harbor Improvements and Industrial Development for the Lower Duwamish Industrial Development District, as established by Port of Seattle Commission Resolution No. 2111, and amendments thereto.

BE IT FURTHER RESOLVED, that the acquisition of said property is for a public use and purpose, to-wit: for expansion of containerized marine terminal facilities necessary and convenient for the full, complete, and economical maintenance and operation of such a marine terminal installation.

BE IT FURTHER RESOLVED, that the acquisition of said property is necessary for the public use and purpose stated herein, and for the economic benefit of the public and the region.

BE IT FURTHER RESOLVED, that funds previously allocated in the 1994 Capital Improvement Budget of the Marine Division shall be made available to carry out the provisions of this Resolution.

BE IT FURTHER RESOLVED, that the Port of Seattle Executive Director is hereby authorized and directed to bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the lands, property, and other property interests to carry out the provisions of this Resolution.

BE IT FURTHER RESOLVED, that Resolution No. 3197 is hereby repealed.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this 24th day of September 1996, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission duly affixed.

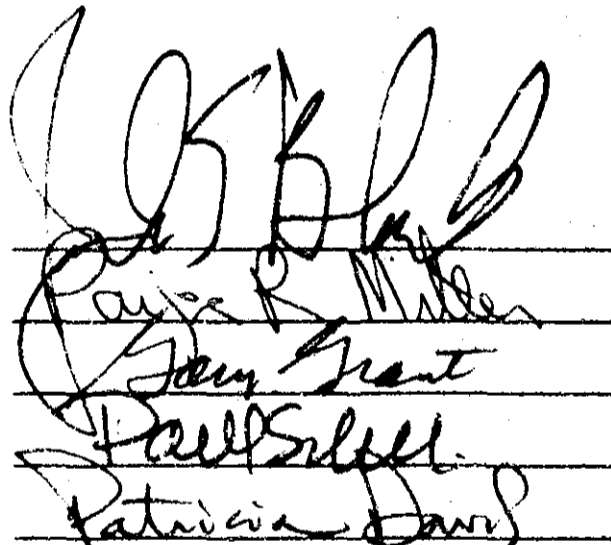

Wayne R. Miller
Gary Grant
Paul Selph
Patricia Davis
Port Commission

EXHIBIT A

TAKE OF WEST WATERWAY COMPANY'S PROPERTY

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 24 NORTH, RANGE 3 EAST, W.M. IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON, LYING IN THE PLAT OF SEATTLE TIDE LANDS, BLOCK 424 DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID BLOCK 424; THENCE SOUTH $67^{\circ} 37' 56''$ EAST ALONG THE SOUTHWESTERLY MARGIN OF SAID BLOCK 424, A DISTANCE OF 240.55 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH $71^{\circ} 36' 02''$ EAST A DISTANCE OF 269.48 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 186.00 FEET, THROUGH A CENTRAL ANGLE OF $04^{\circ} 32' 08''$, A DISTANCE OF 14.72 FEET; THENCE SOUTH $76^{\circ} 08' 10''$ EAST A DISTANCE OF 105.98 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 66.00 FEET, THROUGH A CENTRAL ANGLE $26^{\circ} 51' 42''$, A DISTANCE OF 30.94 FEET; THENCE NORTH $77^{\circ} 00' 08''$ EAST A DISTANCE OF 22.60 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 114.00 FEET, THROUGH A CENTRAL ANGLE OF $08^{\circ} 34' 47''$, A DISTANCE OF 17.07 FEET TO THE SOUTHEASTERLY LINE OF LOT 9, BLOCK 424; THENCE SOUTH $54^{\circ} 55' 35''$ WEST ALONG SAID LOT LINE A DISTANCE OF 82.17 FEET TO THE SOUTHWESTERLY LINE OF SAID BLOCK 424; THENCE NORTH $67^{\circ} 37' 56''$ WEST ALONG SAID MARGIN A DISTANCE OF 405.54 FEET TO THE TRUE POINT OF BEGINNING.

Containing : 7,294 square feet (0.1675 acre)