

RESOLUTION NO. 3223

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 Hardware Specialty Company, Inc., Property located within the Port's Comprehensive Scheme of Harbor Improvements and Industrial Development for the Lower Duwamish 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 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 1995, 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 Harbor Island which land is within the Comprehensive Scheme of Harbor Improvements and Industrial Development for the Lower Duwamish Industrial Development District; and

WHEREAS, the Port Commission approved the Harbor Development Strategy in 1986 and subsequently amended it in 1991 as a result of its adoption of a Container Terminal Development Plan (CTDP);

WHEREAS, the Port's 1991 CTDP envisioned that growing container traffic volumes at Terminal 18 on Harbor Island would necessitate a phased-in expansion of the container yard westward, with completion of the last of three phases anticipated during the years 1995-2000 (Terminal 18 expansion);

WHEREAS, the large growth in container cargo volumes outstripped forecasts, and a trend has emerged where container shipping lines are combining into larger partnerships using larger vessels, all resulting in a demand for larger terminals;

WHEREAS, on December 13, 1994, the Port Commission authorized Phase II of the Terminal 18 expansion and that project was not implemented due to the emergence of a proposal from the Port's existing long-term tenant at Terminal 18 to carry out full Terminal 18 expansion as one project; 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 tenant at Terminal 18; and

WHEREAS, existing terminal facilities at Terminal 18 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 Hardware Specialty Company, Inc., is one of the land parcels necessary in order to provide the expansion capacity necessary for container terminal operations at Terminal 18; 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 1996 Capital Improvement Budget of the Marine Division to undertake the acquisition of the property described in Exhibit A hereto;

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 Hardware Specialty Company, Inc., 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 the 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 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 proposed public use, and for the economic benefit of the public and the region.

BE IT FURTHER RESOLVED, that funds previously allocated in the 1996 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 execute all documents and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the lands, property, and other property interests necessary to carry out the provisions of this Resolution.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this 22nd day of October, 1996, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

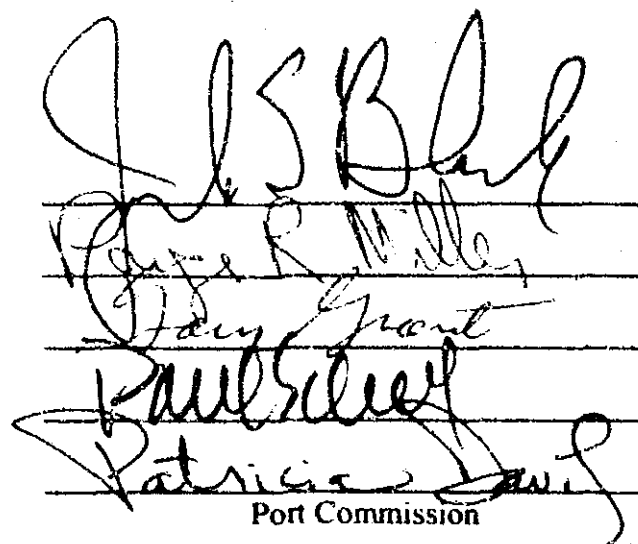

Port Commission

EXHIBIT A TO RESOLUTION NO. 3223

LEGAL DESCRIPTION

The subject Properties referred to in this agreement is situated in the State of Washington, County of King and is described as follows:

Lots 18, Block 401 and Lots 37 and 38, Block 402, Seattle Tide Lands, Extension No. 1, according to the maps on file in the office of the Commission of Public Lands in Olympia, Washington.

Situate in the County of King, State of Washington.