

RESOLUTION NO. 3762

A RESOLUTION of the Port Commission of the Port of Seattle declaring surplus and no longer needed for port district purposes approximately 417,963 square feet (9.6 acres) of Port-owned real property located in the City of SeaTac, King County; and further authorizing the Executive Director, or his designee, to finalize negotiation, prepare and execute all necessary documents to transfer said real property to WSDOT for use in the extension of SR 509 in connection with WSDOT’s SeaTac to I-5 Freeway Extension / SR 509 Corridor Completion Program Phase I Project.

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 (the “Port”) 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 Port owns certain real property consisting of approximately 417,963 square feet (9.6 acres) located in the City of SeaTac, King County, Washington with the legal description as set forth on attached Exhibit A together with the improvements thereon (collectively, the “Property”); and

WHEREAS, the State of Washington Department of Transportation (“WSDOT”) by letter dated August 7, 2018 has offered to purchase the Property from the Port, under threat of condemnation, for the purchase price of \$7,410,000 (the “WSDOT Purchase Offer”), said offer price being determined based on a market value appraisal prepared by Philip L. Brodt, Washington State Certified General Real Estate Appraiser (License No. 1101898) (the “WSDOT Appraisal”); and

WHEREAS, WSDOT intends to utilize the Property as part of the right-of-way for the extension of SR 509 in connection with its SeaTac to I-5 Freeway Extension / SR 509 Corridor Completion Program Phase I project; and

WHEREAS, the Port has reviewed the WSDOT Purchase Offer and the WSDOT Appraisal, including review of a third-party validity assessment of the WSDOT Appraisal prepared by Kidder Mathews, the Port’s Member Appraisal Institute (MAI) appraiser; and

WHEREAS, pursuant to Chapter 39.33 of the Revised Code of Washington (Intergovernmental Disposition of Property Act) the Port may sell, transfer, exchange, lease or otherwise dispose of real and personal property to the state, any municipality or any political subdivision thereof on such terms and conditions as may be mutually agreed upon by the governing authorities of the participating entities; and

WHEREAS, a resolution declaring the Property surplus to port district needs and no longer needed for port district purposes is a prerequisite to sale of the Property; and

WHEREAS, an official public hearing was held October 8, 2019, after notice of such hearing was duly published as provided by law, to consider whether the Property should be declared surplus to port district needs and no longer needed for port district purposes, and authorization for its sale to WSDOT; and

WHEREAS, the maps and other data regarding the Property proposed for transfer to WSDOT are on file at the offices of the Port's Airport Properties Division; and

WHEREAS, the Port of Seattle Commission has heard from all persons desiring to speak at the public hearing regarding the proposed transfer of the Property; and

WHEREAS, the members of the Port of Seattle Commission have considered the proposed sale of the Property to WSDOT and any comments by members of the public attending the public hearing;

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

Section 1. The Property, described on Exhibit A attached to this Resolution, is no longer needed for Port purposes and is hereby declared surplus to Port needs.

Section 2. The Executive Director is authorized authorizing the Executive Director, or his designee, to finalize negotiation, prepare and execute all necessary documents to sell the Property to WSDOT for a purchase price of Seven Million Four Hundred Ten Thousand and 00/100 Dollars (\$7,410.000).

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting thereof, held this ____ day of _____, 2019, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

Port Commissioners

**EXHIBIT A
TO
RESOLUTION NO. 3762**

Legal Description

Parcel A:

The South 140 feet of Tract 19, Homestead Park Five Acre Tracts, according to the plat thereof recorded in Volume 7 of Plats, page 88, records of King County, Washington; EXCEPT the East 5 feet thereof conveyed to King County, Washington for 28th Avenue South in Volume 8 of Deeds, page 123;

TOGETHER WITH that portion of 26th Avenue South as vacated by Ordinance No. 4010, recorded under Recording No. 7901181063;

Parcel B:

That portion of Tracts 20 and 21, Homestead Park Five Acre Tracts, according to the plat thereof recorded in Volume 7 of Plats, page 88, records of King County, Washington, lying East of a line described as follows:

Beginning at the Southwest corner of said Tract 21; thence East along the South line thereof 330.32 feet; thence North 02°44'00" West 645.88 feet, more or less, to the North line of said Tract 20 and the terminus of said line; EXCEPT the North 15 feet thereof conveyed to King County for road purposes by deed recorded under Recording No. 7110050386; AND EXCEPT that portion conveyed to the City of SeaTac by deed recorded under Recording No. 20151029001453; TOGETHER WITH that portion of 26th Avenue South as vacated by Ordinance No. 4010, recorded under Recording No. 7901181063;

Parcel C:

That portion of Tracts 20 and 21, Homestead Park Five Acre Tracts, according to the plat thereof recorded in Volume 7 of Plats, page 88, records of King County, Washington, described as follows:

Beginning at the Southwest corner of said Tract 21; thence East along the South line thereof, 330.32 feet; thence North 02°44'00" West 645.88 feet, more or less, to the North line of said Tract 20; thence West along said North line thereof 332.665 feet, more or less, to the Northwest corner thereof; thence South along the West line of said Tracts 20 and 21, 646.08, more or less, to the point of beginning; EXCEPT the South 200 feet of the West 200 feet of Tract 21; AND EXCEPT the North 225 feet of said Tract 20; AND EXCEPT that portion conveyed to the City of SeaTac by deed recorded under Recording No. 20151029001453;

Parcel D:

The South 200 feet of the West 200 feet of Tract 21, Homestead Park Five Acre Tracts, according to the plat thereof recorded in Volume 7 of Plats, page 88, records of King County, Washington; EXCEPT that portion conveyed to the City of SeaTac by deed recorded under Recording No.20151029001453;

Parcel E:

Tract 22, Homestead Park Five Acre Tracts, according to the plat thereof recorded in Volume 7 of Plats, page 88, records of King County, Washington; EXCEPT the East 5 feet thereof conveyed to King County, Washington for 28th Avenue South in Volume 8 of Deeds, page 123; TOGETHER WITH that portion of 26th Avenue South as vacated by Ordinance No. 4010, recorded under Recording No. 7901181063;

Situate in the County of King, State of Washington.