

RESOLUTION NO. 2850

A RESOLUTION of the Port Commission of the Port of Seattle to provide for the acquisition, by condemnation if necessary, of certain real property owned by Chiyoda Chemical Engineering & Construction Co., Ltd. situated in 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 53.040.101, 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, RCW Chapter 53.25, has authorized the Port Commission to create industrial development districts within the Port District and define the boundaries thereof and to establish comprehensive schemes of harbor improvements; and

WHEREAS, Port Commission Resolution No. 2111, duly adopted September 14, 1962, established the Lower Duwamish Industrial Development District as Unit 20 of the Port's Comprehensive Scheme of Harbor Improvements, and the determinations and findings of fact made by the Port Commission in that 1962 Resolution included the following:

"(6) The acquisition by the Port of the land areas and properties as shown in the aforesaid Comprehensive Scheme will permit the Port to proceed with the construction and development of needed harbor and waterway improvements and will further make available land areas which are required by the Port for reasonable future harbor and waterway improvements and which will be available during an interim period for industrial development and use.

"(7) All land areas within the Industrial Development District which are or may become the property of the Port of Seattle and which are not needed by the Port for harbor and waterway improvements shall be developed, improved, used and put to use by the Port pursuant to the powers granted by Chapter 53.25 of R.C.W. with the object of obtaining maximum industrial development and use from such properties within the District.

"(10) In order to carry out the plans as provided for herein, the Port of Seattle shall use its powers of eminent domain and condemnation as granted to it as and when necessary to acquire property that may be needed to meet present and reasonable future requirements of the Port District for harbor, waterway and related marine terminal developments and improvements within the Industrial Development District provided that the authority of the Port to acquire land or other property by purchase or condemnation shall be limited to the purposes and plans specified in this resolution."

and

WHEREAS, that 1962 Resolution No. 2111 included within the Lower Duwamish Industrial Development District the real property legally described and shown on Port Drawing No. PM-CP-1 attached as Exhibit A hereto (hereinafter "the Chiyoda Property") but the Port did not thereafter acquire the Chiyoda Property because it was then owned by the City of Seattle as part of the Diagonal Avenue South Sewage Treatment Plant; and

WHEREAS, the City of Seattle in 1972 sold the Chiyoda Property pursuant to City Ordinance 100799 (passed by City Council March 13 and approved by the Mayor March 20, 1972) by implementing Warranty Deed signed by the Mayor June 26, 1972 (recorded June 28, 1972 under Receiving No. 7206280419) to Chiyoda Chemical Engineering & Construction Co., Ltd. for \$2,145,000. According to press reports at the time, the Mayor and City Council were motivated by representations on behalf of Chiyoda that it would construct a chemical manufacturing facility served by barge transportation on the Chiyoda Property which would generate payrolls and otherwise contribute to the economy of the region; and

WHEREAS, Chiyoda has not subsequently constructed a chemical manufacturing plant on the Chiyoda Property or otherwise developed it so as to realize its potential to contribute significantly to the economy of the region, and the Port, its current and prospective tenants and customers and others urgently require additional sites for marine-based industries. The promotion of such industries is particularly desirable due to current economic conditions;

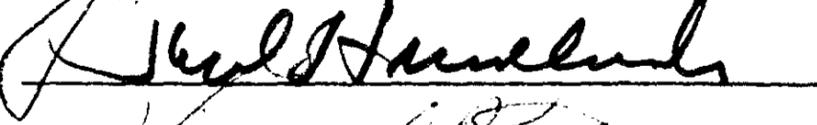
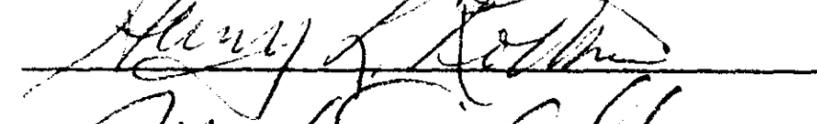
NOW, THEREFORE, BE IT RESOLVED THAT:

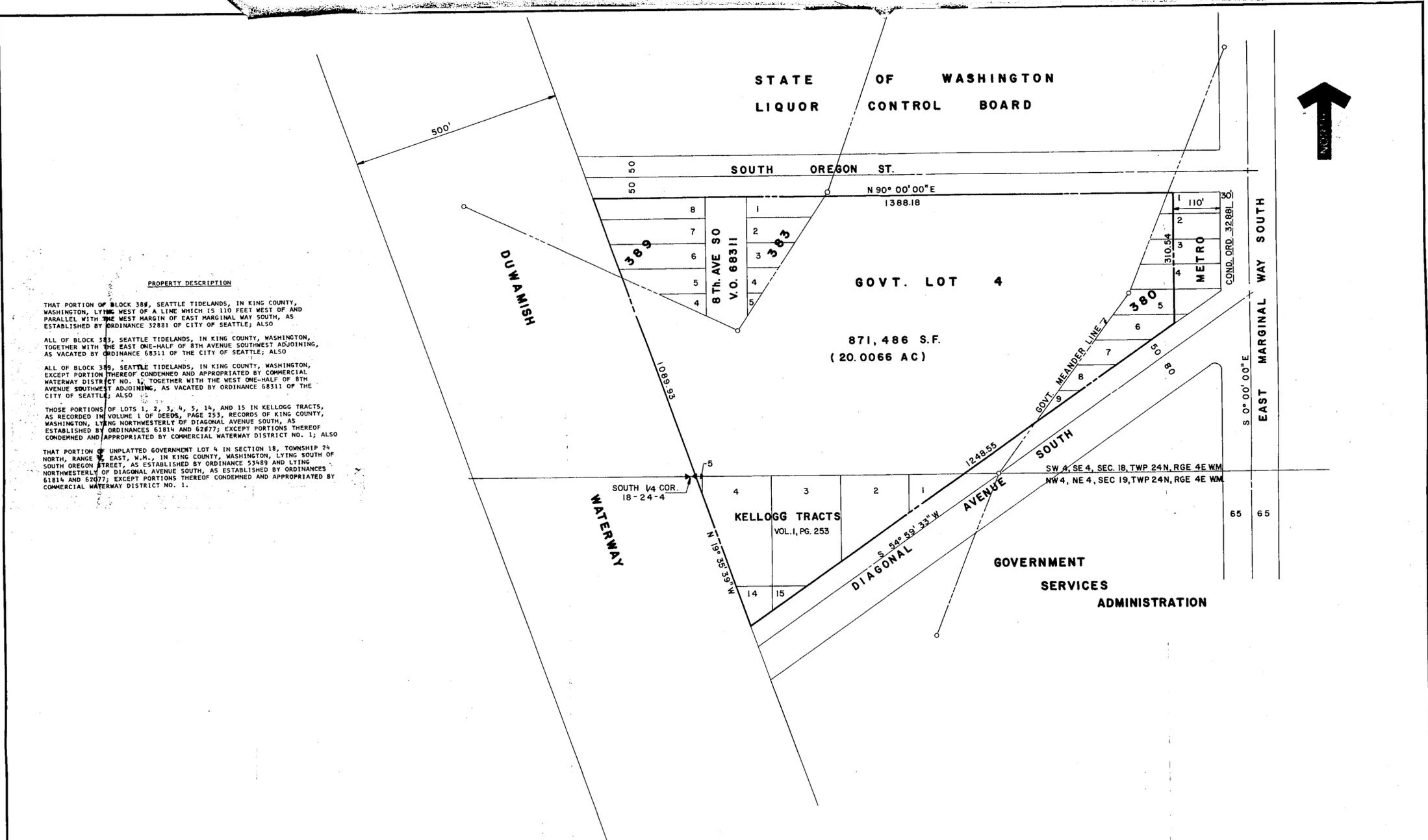
1. The Port of Seattle shall acquire, employing MAI appraisal, fee ownership of the Chiyoda Property legally described and shown on Exhibit A from Chiyoda and from any and all other persons or organizations having an interest therein;

2. The Port's acquisition of the Chiyoda Property is for public use and purpose as follows: for the public convenience and necessity; for the peace, security and safety of the people within the jurisdiction of the Port of Seattle and this state; and for the furtherance of the purposes of the Lower Duwamish Industrial Development District set forth in RCW Ch. 53.25 and Port Commission Resolution No. 2111, including without limitation providing for the Port, its present and prospective tenants and customers, and others sites for marine-oriented industries generating jobs and other contributions to trade and commerce and the economy of King County;

3. Bogle & Gates, as counsel for the Port of Seattle, be and they hereby are authorized and directed to bring and prosecute actions and proceedings in the manner provided for by law to condemn, take, damage, and appropriate the Chiyoda Property described on Exhibit A to the extent necessary for its acquisition by the Port of Seattle pursuant to the powers granted to the Port of Seattle, including but not limited to those powers granted in Washington Constitution Article VIII Section 8 (Amendment 45), RCW Chapters 53.04, 53.08, 53.25, and all other constitutional and statutory provisions referenced therein. In no event shall the Port or its counsel rely on or exercise in implementation of this Resolution the powers granted by Washington Constitution Article XXXII (Amendment 73) and implementing RCW Chapter 39.84, both of which relate to Special Revenue Financing and specify that they are supplemental to, rather than a repeal of or limitation on, the Port's powers referenced in the preceding sentence.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this 13th day of April, 1982, and duly authenticated in open session by the signatures of the Commissioners voting and the seal of the Commission.

**PROPERTY DESCRIPTION**

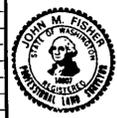
THAT PORTION OF BLOCK 388, SEATTLE TIDELANDS, IN KING COUNTY, WASHINGTON, LYING WEST OF A LINE WHICH IS 110 FEET WEST OF AND PARALLEL WITH THE WEST MARGIN OF EAST MARGINAL WAY SOUTH, AS ESTABLISHED BY ORDINANCE 32881 OF CITY OF SEATTLE; ALSO

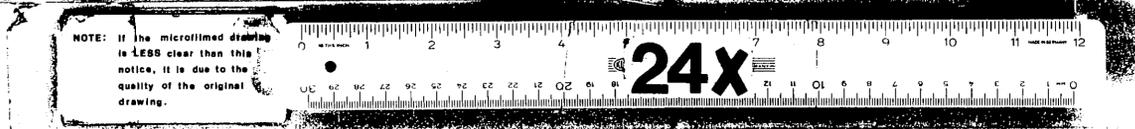
ALL OF BLOCK 383, SEATTLE TIDELANDS, IN KING COUNTY, WASHINGTON, TOGETHER WITH THE EAST ONE-HALF OF 8TH AVENUE SOUTHWEST ADJOINING, AS VACATED BY ORDINANCE 68311 OF THE CITY OF SEATTLE; ALSO

ALL OF BLOCK 389, SEATTLE TIDELANDS, IN KING COUNTY, WASHINGTON, EXCEPT PORTION THEREOF CONDEMNED AND APPROPRIATED BY COMMERCIAL WATERWAY DISTRICT NO. 1, TOGETHER WITH THE WEST ONE-HALF OF 8TH AVENUE SOUTHWEST ADJOINING, AS VACATED BY ORDINANCE 68311 OF THE CITY OF SEATTLE; ALSO

THOSE PORTIONS OF LOTS 1, 2, 3, 4, 5, 14, AND 15 IN KELLOGG TRACTS, AS RECORDED IN VOLUME I OF DEEDS, PAGE 253, RECORDS OF KING COUNTY, WASHINGTON, LYING NORTHWESTERLY OF DIAGONAL AVENUE SOUTH, AS ESTABLISHED BY ORDINANCES 61814 AND 62077; EXCEPT PORTIONS THEREOF CONDEMNED AND APPROPRIATED BY COMMERCIAL WATERWAY DISTRICT NO. 1; ALSO

THAT PORTION OF UNPLATTED GOVERNMENT LOT 4 IN SECTION 18, TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING SOUTH OF SOUTH OREGON STREET, AS ESTABLISHED BY ORDINANCE 53489 AND LYING NORTHWESTERLY OF DIAGONAL AVENUE SOUTH, AS ESTABLISHED BY ORDINANCES 61814 AND 62077; EXCEPT PORTIONS THEREOF CONDEMNED AND APPROPRIATED BY COMMERCIAL WATERWAY DISTRICT NO. 1.

PROJECT ENGR./ARCH. DESIGNER: DRAWN BY: SCALE: DATE: CHECKED BY:	<b>REVISIONS</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> <th>APP'D.</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	BY	DESCRIPTION	APP'D.																						PROJECT ENGINEER <b>JOHN FISHER</b> SCALE: 1" = 100' DATE: 4-7-82 DRAWN BY <b>JOHN FISHER</b> CHECKED BY <b>MARSHALL M.O.</b> APPROVED BY: <i>[Signature]</i>	<b>PORT OF SEATTLE</b> MARINE FACILITIES PROPERTY ACQUISITION RESOLUTION NO. 2850	WORK ORDER NO. 6-2137 CONSULTANT'S NO. PORT OF SEATTLE NO. PM-CP-1
NO.	DATE	BY	DESCRIPTION	APP'D.																										



# PORT OF SEATTLE

P.O. BOX 1209

SEATTLE, WASHINGTON 98111

April 7, 1982

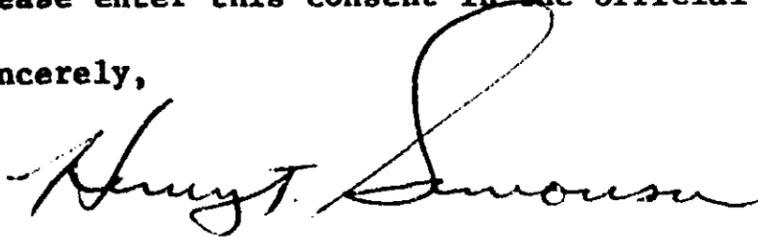
Mr. Jack S. Block, President  
Port of Seattle Commission  
P. O. Box 1209  
Seattle, Washington 98111

Dear Mr. Block:

I will be unable to attend the Port Commission Meeting of April 13, 1982. However, I am familiar with Resolution No. 2850 to provide for the acquisition, by condemnation if necessary, of certain real property owned by Chiyoda Chemical Engineering & Construction Co., Ltd. situated in the Lower Duwamish Industrial Development District. I consent to that Resolution being placed on second reading and final passage.

Please enter this consent in the official minutes of the meeting.

Sincerely,



Henry T. Simonson  
Port Commissioner

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