

RESOLUTION 2865

A RESOLUTION of the Port Commission of the Port of Seattle providing for the modification of Unit 18 of the existing Comprehensive Scheme of Harbor Improvements of the Port of Seattle applicable to Sea-Tac International Airport to delete therefrom and to declare surplus to Port needs certain real property no longer necessary and related to the operation of Sea-Tac International Airport.

A. 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 Title 53, 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 (the "Port"); and

B. 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

C. WHEREAS, the original Comprehensive Scheme of Harbor Improvements of the Port was fixed in Resolution No. 17 of the Port Commission and was ratified by the qualified electors of the Port District at a special election held therein on March 5, 1912; and

D. WHEREAS, Unit 18 of the Comprehensive Scheme of Harbor Improvements at Sea-Tac International Airport (the "Airport") was heretofore adopted by the Port Commission of the Port of Seattle by Resolution No. 1194 and ratified by the qualified electors of the Port District at a special election held therein on November 5, 1946, which unit has been subsequently amended in the manner provided by law; and

E. WHEREAS, on February 28, 1974, the Port Commission adopted Resolution No. 2516 which provided that said Unit 18 of the Comprehensive Scheme be enlarged by the acquisition of certain parcels of real property lying north and south of the Airport for the purpose in part of commencing the acquisition portion of the noise remedy program of the Sea-Tac/Communities Plan (the

"Plan") which was first adopted by Port Commission Resolution No. 2626 (June 8, 1976) and King County Ordinance No. 2883 (September 27, 1976) as part of the King County Comprehensive Plan (King County Code Section 20.12); and

F. WHEREAS, in accordance with Plan, Section 6.2.3, page 2, and Section 6.6.3, page 1, all incompatible single family residences have been acquired and removed from this portion of the aircraft noise impacted residential area; Reference Sea-Tac Communities Plan (the "Plan"), and

G. WHEREAS, in order to provide for a stable population and enhance and protect the remainder of the adjoining permanent residential neighborhood, it is necessary to encourage a variety of retail, trade, service and commercial activities to establish and remain within a neighborhood in accordance with Plan, Section 6.6.1, pages 3 and 4; and

H. WHEREAS, certain commercial properties and businesses exist in this neighborhood along Des Moines Way South near S.R. 518 and are not to be included in the airport acquisition in accordance with Plan, Section 6.6.3, page 10; and

I. WHEREAS, the Port should assume an active, positive role in planning for and stimulating local community and economic development in accordance with Plan, Section 6.6.1, page 5; and

J. WHEREAS, an official Public Hearing was held on August 24, 1982, after notice of Public Hearing was duly published as provided by law, on the question as to whether Unit 18 of the Port's Comprehensive Scheme of Harbor Improvements applicable to Sea-Tac International Airport should be further amended and modified to delete therefrom certain real property legally described and shown on Port drawing No. PM-STIA-148 dated August 11, 1982, attached hereto as Exhibit A and by this reference made a part hereof; and

K. WHEREAS, the Port heard from all persons desiring to speak at said Public Hearing with regard to the Proposed Amendment to Unit 18, including without limitation the environmental aspects of said Proposed Amendment; and

L. WHEREAS, evidence was presented at the Public Hearing that two parcels of Port-owned real property described and shown on attached Exhibit A are important and appropriate to the continued operation of one of these business

enterprises referenced in recital H above for the purpose of enhancing and promoting the orderly physical and economic growth of the existing retail business center; and

M. WHEREAS, on disposition of these parcels the Port can and should retain those permanent property rights necessary to ensure the safe operation of the Airport and provide compatible land uses adjacent to the Airport; and

N. WHEREAS, the members of the Port Commission at said Public Hearing viewed maps, plans, and other data indicating the parcels shown and legally described on Exhibit A proposed to be deleted from Unit 18 of the Comprehensive Scheme, which maps, plans, and other data were and are now on file in the office of the Port Commission; and

O. WHEREAS, modification of Unit 18 of the Port's Comprehensive Scheme of Harbor Improvements applicable to Sea-Tac International Airport by deletion of the parcel described in Exhibit A is in general conformity with the Sea-Tac Communities Plan; and

P. WHEREAS, the members of the Port Commission have discussed and considered the Proposed Amendment to Unit 18 of the Comprehensive Scheme in light of all comments by members of the public at the Public Hearing, and have decided that Unit 18 should be amended and modified to delete the parcels of real property legally described and shown in Exhibit A as hereinafter provided;

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

Section 1. The two parcels of real property legally described and shown in Exhibit A are hereby determined and declared to be no longer needed for Port purposes and surplus to Port needs.

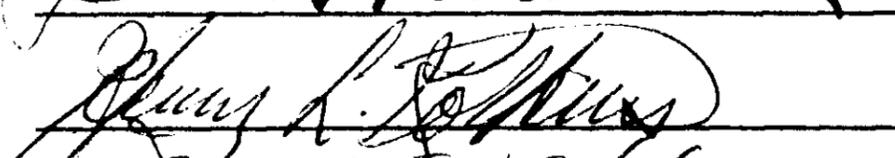
Section 2. Unit 18 of the Comprehensive Scheme of Harbor Improvements applicable to Sea-Tac International Airport, as previously amended by Resolution No. 2516 adopted February 28, 1974, is hereby further amended and modified to delete therefrom and to declare surplus to Port needs the real property legally described and shown in Exhibit A, subject to the reservations and restrictions set forth in Section 3 and Exhibit B, which reservations and restrictions are hereby expressly retained as part of said Unit 18.

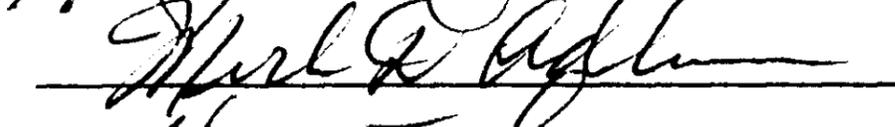
Section 3. Port staff is hereby authorized to negotiate a sale of the real property legally described and shown in Exhibit A and to recommend to the Port Commission for its approval the terms and conditions of a proposed sale which it considers to be in the best interests of the Port. These terms and conditions shall include as deed restrictions running with the land compliance with all applicable zoning and building codes in effect from time to time, compliance with the Sea-Tac/Communities Plan as amended from time to time, and a reserved avigation easement in favor of the Port, its successors and assigns in substantially the form attached as Exhibit B hereto.

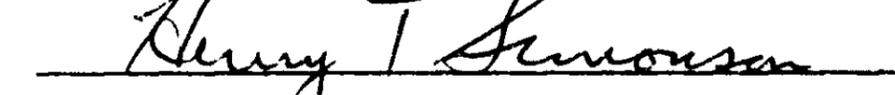
Section 4. Except as expressly amended herein with regard to the two real property parcels described and shown in Exhibit A hereto, Port of Seattle Comprehensive Scheme, Unit 18, as amended by Resolution No. 2516, shall remain in full force and effect, and the authorization and direction therein that certain other parcels of real property located elsewhere be acquired for Port purposes are hereby confirmed and ratified.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this 24th day of August, 1982, and duly authenticated in open session by the signatures of the Commissioners voting and the seal of the Commission.



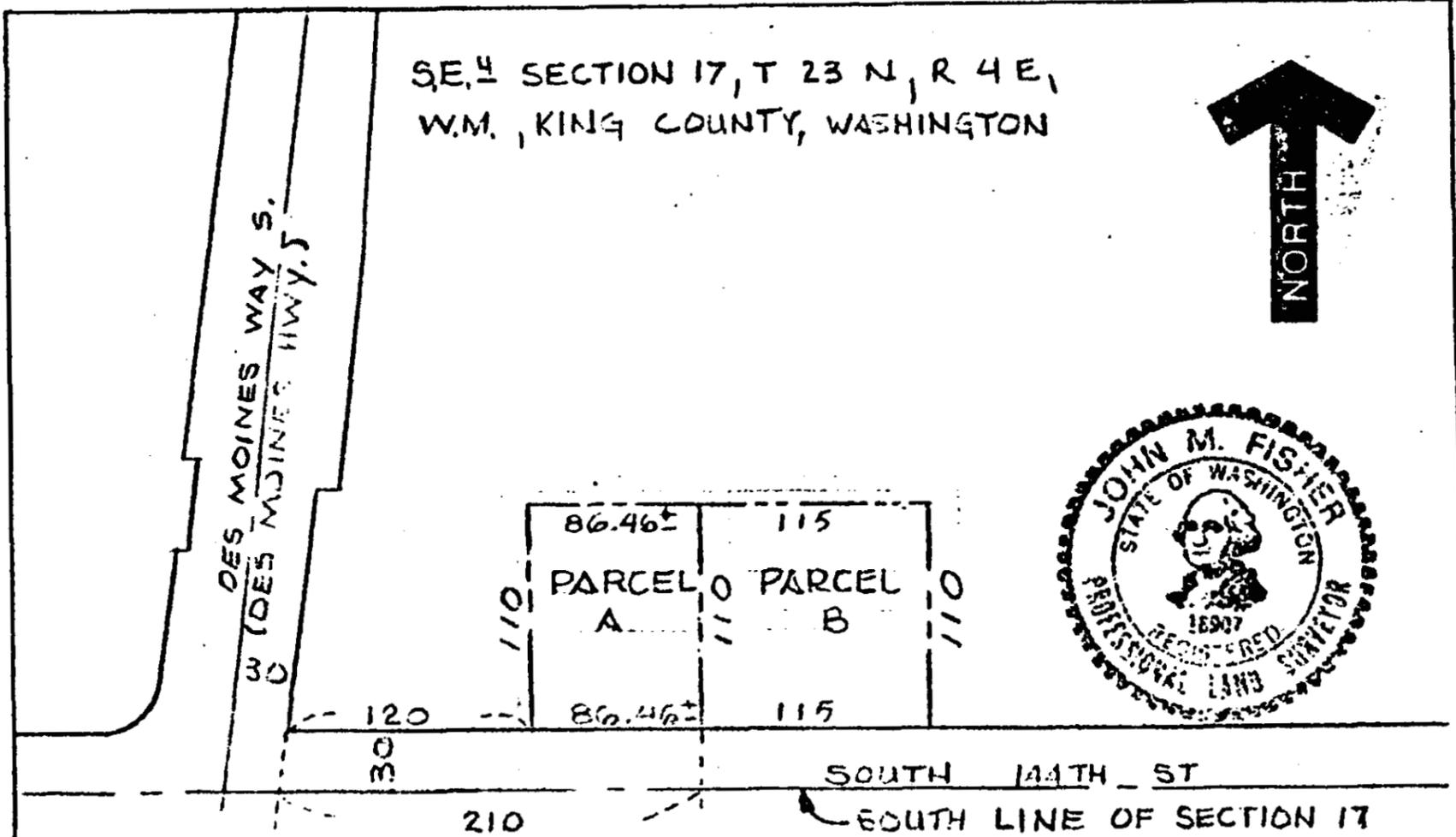






Port Commissioners

SE 1/4 SECTION 17, T 23 N, R 4 E,
W.M., KING COUNTY, WASHINGTON



THAT PORTION OF THE NORTH 236 FEET OF THE SOUTH 266 FEET OF THE SOUTH-EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING EAST OF DES MOINES HIGHWAY DESCRIBED AS FOLLOWS:

PARCEL A

BEGINNING AT A POINT ON A LINE 30 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION AND 120 FEET EAST OF THE EAST MARGIN OF SAID DES MOINES HIGHWAY; THENCE EAST, ALONG SAID PARALLEL LINE 86.46 FEET MORE OR LESS, TO A POINT 30 FEET NORTH AND 210 FEET EAST OF THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION WITH THE EAST MARGIN OF DES MOINES HIGHWAY; THENCE NORTH 110 FEET; THENCE WEST 86.46 FEET MORE OR LESS, TO A POINT NORTH OF THE POINT OF BEGINNING; THENCE SOUTH 110 FEET TO THE POINT OF BEGINNING.

PARCEL B

BEGINNING AT A POINT 210 FEET EAST OF THE INTERSECTION OF THE EASTERLY LINE OF DES MOINES HIGHWAY WITH THE SOUTH LINE OF SECTION 17 AND RUNNING THENCE NORTH TO A POINT 30 FEET NORTH OF THE SOUTH LINE OF SAID SECTION, WHICH POINT IS THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; RUNNING THENCE NORTH 110 FEET; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SECTION 115 FEET; THENCE SOUTH 110 FEET; THENCE WEST 115 FEET ALONG THE NORTH LINE OF SOUTH 144TH STREET TO THE POINT OF BEGINNING.

EXHIBIT-A

PORT OF SEATTLE		DESIGN NO. D-2960
PROJECT	SEA-TAC INTERNATIONAL AIRPORT	
TITLE	RESOLUTION NO. 2365	
DRAWN BY	HUFFEK	DATE 8/11/52 APPROVED <i>John M. Fisher</i>
		DRAWING NO. PM-STIA-148

DEED RESTRICTIONS

RESERVING, however, for the benefit of seller Port of Seattle, its successors and assigns, a permanent and exclusive easement for the free and unobstructed use and passage of all types of aircraft (as hereafter defined) through the airspace over or in the vicinity of the real property conveyed hereby, with such use and passage to be unlimited as to frequency, above a height of 484 feet Port of Seattle Datum. Said easement shall be appurtenant to and for the benefit of the real property now commonly known as the Seattle-Tacoma International Airport, including any additions thereto hereafter made by Grantor or its successors, and for the benefit of Grantor, its successors, assigns, guests and invitees, including any and all persons, firms or corporations operating aircraft to or from the Seattle-Tacoma International Airport. Said easement and the burden thereof, together with all things which may be alleged to be incident to or to result from the use and enjoyment of said easement, including noise, vibrations, fumes, deposits of dust, fear, interference with sleep and any and all other things which may be alleged to be incident to or to result from flights of aircraft over or in the vicinity of the real property conveyed hereby or in landing at or taking off from the Seattle-Tacoma International Airport, shall constitute permanent burdens and servient tenements on the real property conveyed hereby, and such burdens and tenements shall run with the land and be binding upon and enforceable against all successors in right, title or interest to said real property. As used herein, the term "aircraft" shall mean any and all types of aircraft, whether

now in existence or hereafter manufactured and developed, and shall include, but not be limited to, jet aircraft, propeller-driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters, and all other types of aircraft or vehicles now in existence or hereafter developed for the purpose of transporting persons or property through the air.

ALSO RESERVING, however, for the benefit of the Port of Seattle, its successors and assigns, as operator of Seattle-Tacoma International Airport, a perpetual restriction on the above-conveyed real property running with the land that purchaser, its successors and assigns, will not permit any growth or permit any other condition or construct any facility which is or may become a bird attractant which would interfere with the safe operation of aircraft landing or taking off from Sea-Tac International Airport. Grantor further reserves the right of ingress or egress to eliminate any bird attractant which may develop and is not adequately alleviated by grantee upon notification of grantor.

ALSO RESERVING, however, for the benefit of the Port of Seattle, its successors and assigns, as operator of Seattle-Tacoma International Airport, a perpetual restriction on the above-conveyed real property running with the land that purchaser, its successors and assigns will not use the property conveyed for residential purposes. Residence use of the premises by an owner, lessee, or licensee thereof might be impacted by noise, vibrations, fumes, deposits of dust, fear, or interference with sleep which may be alleged to be incident to or to result from flights of aircraft over or in the vicinity of the real property conveyed hereby in accordance with the easement reserved in paragraph 1 above.