

RESOLUTION NO. 2813

A RESOLUTION of the Port Commission of the Port of Seattle amending Unit 4 of the Port's Comprehensive Scheme of Harbor Improvements, as previously amended by Resolution No. 2757, to revise the interests in the Port-owned real property at the parking garage site east of Pier 66 which are to be deleted from the Comprehensive Scheme and to be declared surplus and conveyed to Pier Sixty-Six Corporation.

WHEREAS, Port Commission Resolution No. 2757 duly adopted March 13, 1979 and the Port's Lease and Development Agreement with Pier Sixty-Six Corporation implementing that Resolution as of that date among other things amended the Port's Comprehensive Scheme to provide for construction by Pier Sixty-Six Corporation of a three and one-half story (split level) parking garage on Port-owned land bounded by Wall Street, Elliott Avenue, and Bell Street Viaduct. That Resolution and Agreement provided for the Port to own on a condominium basis the entire first story of the parking garage having at least 200 stalls, together with appropriate ancillary interests in the real property such as vehicle access and elevator access. Accordingly that Resolution deleted from the Comprehensive Scheme and declared surplus all other interests in the real property and the Agreement provided for the conveyance of those other interests to Pier Sixty-Six Corporation. Port Drawing No. 66-7906-C-1 attached as Exhibit A to Resolution No. 2757 showed and legally described the site of the proposed parking garage. Port Drawing No. 66-7905-A-1 attached as Exhibit B to Resolution No. 2757 and also to the Lease and Development Agreement showed in Details 1 and 2 the configuration of the proposed garage occupying the entire site. All five Details on that Exhibit B provided for the construction of a Skybridge running diagonally across Alaskan Way and the railroad tracks between the proposed garage and the Port Office Building and showed the removal of Bell Street Viaduct.

WHEREAS, the City of Seattle subsequently consented to the removal of the Bell Street Viaduct and the Port Commission approved a contract for this removal on October 28, 1980, but the City is not willing at this time to approve necessary permits for the construction of the proposed parking garage on the entire garage site. The City has indicated willingness to approve the necessary permits for the construction of the parking garage on the approximate south half

of the garage site and the construction of outdoor parking and access from the garage to Wall Street on the north half of the garage site, all as shown on Substitute Exhibit B Details 1 and 2 attached hereto; and

WHEREAS, following notice duly published in accordance with law on April 3, 1981, the Port Commission conducted an official public hearing on April 14, 1981 at which all persons present were given an opportunity to speak on all questions, including environmental considerations, as to the adoption or rejection of the amendments provided for below to Unit 4 of the Comprehensive Scheme and to Port Commission Resolution No. 2757; and

WHEREAS, at said public hearing the Port Commissioners viewed and considered attached Substitute Exhibit B Details 1 and 2 and attached Exhibit H which legally describes as the Revised Garage Site the above-mentioned south half of the garage site on which the parking garage can be constructed at this time and indicates the remaining half of the original garage site on which outdoor parking can be constructed at this time, which maps, plans and other data were and are now on file in the office of the Commission; and

WHEREAS, the Port Commission has discussed and considered the proposed amendments in the light of the comments made by the public at the hearing;

NOW, THEREFORE, BE IT RESOLVED the following amendments are hereby adopted to existing Unit 4 of the Comprehensive Scheme of Harbor Improvements of the Port of Seattle as previously amended by Resolution No. 2757:

(1) Attached Substitute Exhibit B Details 1 and 2 are hereby made a part of Exhibit B to Port Commission Resolution No. 2757 replacing and superseding Details 1 and 2 thereon. The remaining Details 3-5 of said Exhibit B shall remain in full force and effect as provided in Resolution No. 2757, including without limitation their reflection of the removal of the Bell Street Viaduct, but excluding their portrayal of the Skybridge running diagonally between the parking garage as shown on now superseded Detail 1 and the Port Office Building. Substitute Exhibit B Detail 1 showing the Skybridge connecting the revised parking garage shown thereon and the Port Office Building running at approximately right angles to each structure shall prevail over the contrary representation in original Details 3-5.

(2) Paragraphs (2) and (3) of Port Commission Resolution No. 2757 is hereby amended to provide the following in their entirety:

"(2) Unit 4 of the Comprehensive Scheme is further amended to include only the following interests in the Revised Garage Site legally described on Exhibit H in Port ownership:

"(a) Condominium ownership of first two split-level stories of garage to be constructed in the configuration generally and substantially as shown on attached Substitute Exhibit B Details 1 and 2, together with perpetual ancillary rights to use elevator and staircase shown on said Substitute Exhibit for access purposes and perpetual ancillary ownership interest in other common areas in garage including the Skybridge connecting to Port Office Building shown in part on Substitute Exhibit B Detail 1;

"(b) Undivided ownership interest in real property underlying garage ancillary to condominium ownership of first two split-level stories and other rights in subparagraphs (a) above and (c) and (d) below;

"(c) Right to use parking stalls on other floors of garage on leasehold or license basis at fair and reasonable rates;

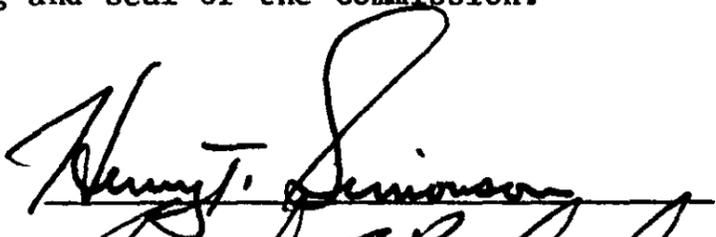
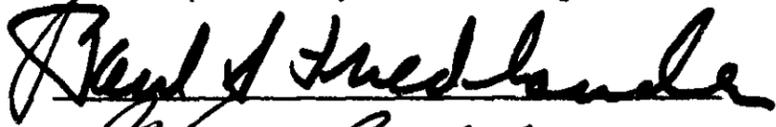
"(d) Option to reacquire ownership of all other floors of garage and interest in Garage Site ancillary thereto pursuant to provisions of future agreement with a prospective third party developer-builder of the garage;

"(e) Easements for ingress and egress running generally as shown on Substitute Exhibit B Detail 1 between the north end of the garage and Wall Street across the portion of the original Garage Site legally described on Resolution No. 2757 Exhibit A and Exhibit H hereto not occupied by the Revised Garage Site described on Exhibit H hereto. These easements and Substitute Exhibit B Detail 1 shall be appropriately modified in the event that a building is constructed in this area (as was originally contemplated) in order to provide the Port comparable access to the first two floors of the Parking Garage.

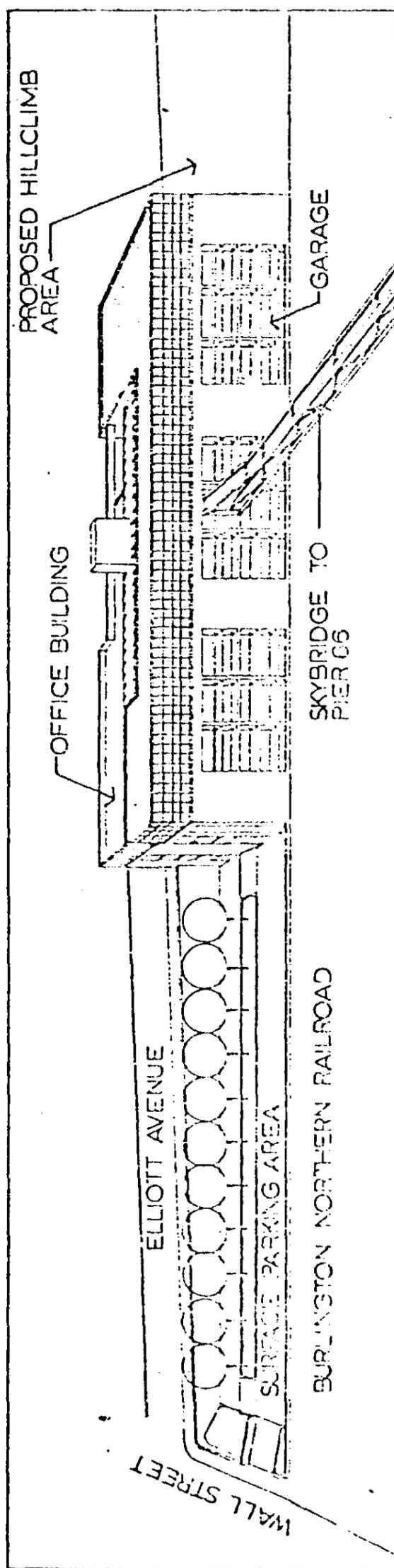
"(3) All ownership interests in said original Garage Site and all other present and future structures erected on said Revised Garage Site other than those enumerated in paragraph (2) above are hereby determined and declared pursuant to RCW 53.08.090 and RCW 53.20.010 - 020 to be surplus to Port needs, and not a part of Unit 4 or of any other unit of the Port's Comprehensive Scheme of Harbor Improvements, and available and appropriate

for sale to a third party willing to develop covered and uncovered parking facilities on the original Garage Site with connecting Skybridge generally and substantially as shown on Substitute Exhibit B Details 1 and 2."

ADOPTED by the Port Commission of the Port of Seattle at regular meeting held April 14, 1981 and duly authenticated in open session by the signatures of the Commissioners voting and seal of the Commission.

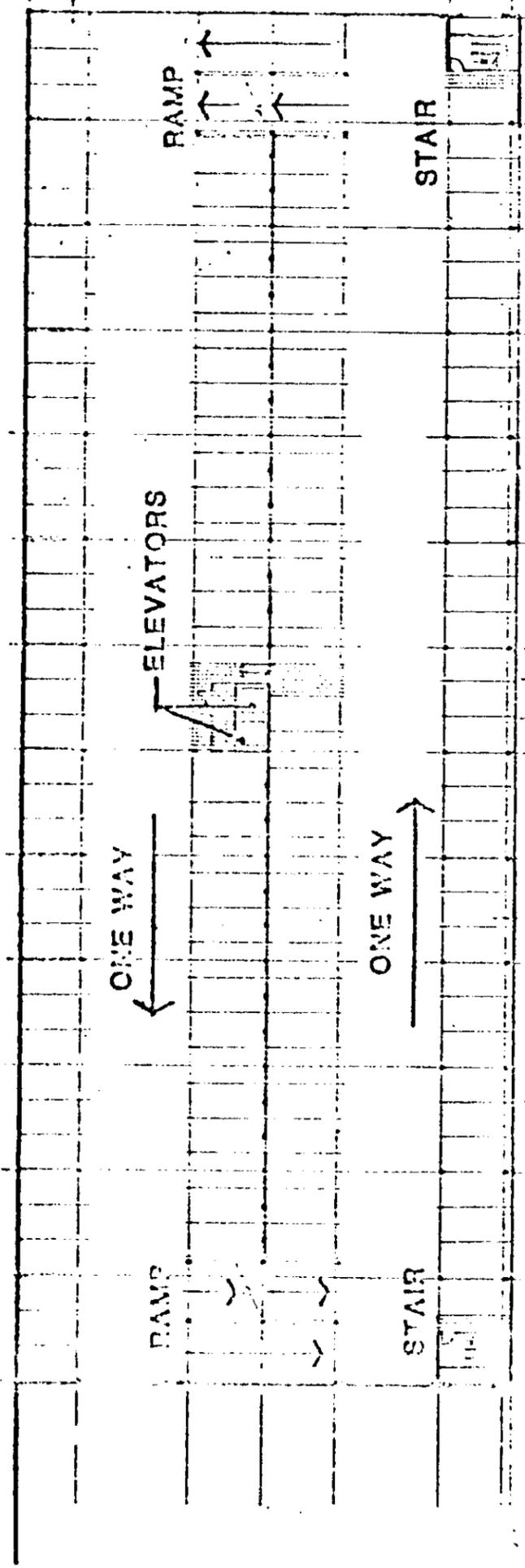
  
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Port Commissioners

Substitute Details 1 and 2 of Exhibit B

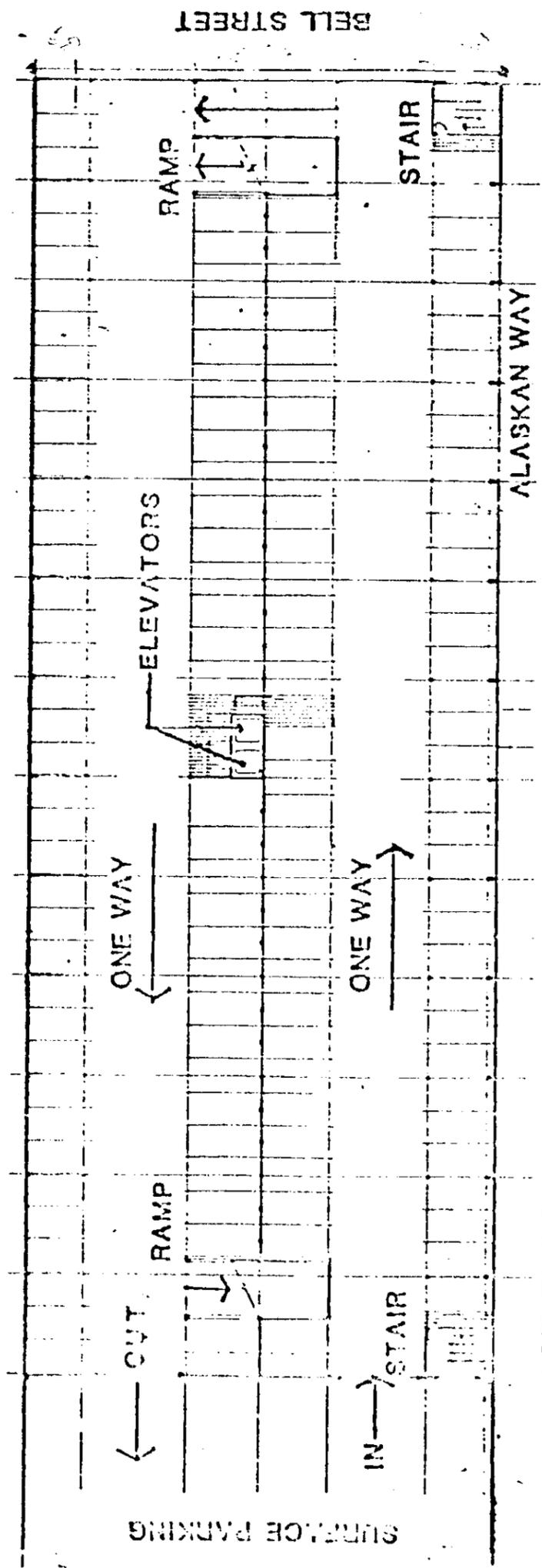


GARAGE AERIAL PERSPECTIVE

DETAIL 1



2ND FLOOR GARAGE FLOOR PLAN  
123 CAR STALLS



1ST FLOOR GARAGE FLOOR PLAN  
123 CAR STALLS

**CONCEPTUAL GARAGE FLOOR PLAN**

2 FLOORS (SPLIT LEVEL) GARAGE CONDOMINIUM WITH STAIRWAYS, ELEVATORS, AND RAMP ACCESS TO BE PURCHASED BY FORT.

**DETAIL 2**

## EXHIBIT H

### Original Garage Site

Lots 1 thru 4, inclusive, Block 170B and Lots 1 thru 6, inclusive, Block 171A, all in plat of Seattle Tide Lands; Lots 5 thru 8, inclusive, Block 1, Bell & Denny's Addition to the City of Seattle; Lots 7 thru 12, inclusive, Block 30, Bell & Denny's 1st Addition to the City of Seattle; and a portion of vacated Battery Street. All described as follows:

Beginning at the most southerly point of Lot 6, Block 171A, Seattle Tide Lands, said point being on the northeasterly margin of Alaskan Way and true point of beginning; proceed north  $48^{\circ}49'51''$  West along said northeasterly margin a distance of 665.66 feet to the southeasterly margin of Wall Street; thence North  $41^{\circ}10'09''$  East along said southeasterly margin a distance of 120.00 feet to the southwesterly margin of Elliott Avenue; thence South  $48^{\circ}49'51''$  East along said southwesterly margin a distance of 665.66 feet to the northwesterly margin of Bell Street; thence South  $41^{\circ}10'09''$  West along said northwesterly margin a distance 120.00 feet to the true point of beginning. Containing 79,879 square feet (1.8338 AC).

### Revised Garage Site

That portion of the northwest quarter of Section 31, Township 25 North, Range 4 East, W.M., in King County, Washington described as follows:

The southeasterly 35.83 feet of Lot 1 and all of Lots 2 through 6, Block 171 A, Seattle Tide Lands; together with the southeasterly 35.83 feet of Lot 7 and all of Lots 8 through 12, Block 30, Bell and Denny's First Addition.

Containing: 40,300 square feet.