

RESOLUTION 2024-08-PT

CORRECTING THE LEGAL DESCRIPTION OF PROPERTY PREVIOUSLY SOLD AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CORRECTION DEED

A **RESOLUTION** of the Port of Tacoma Commission correcting the legal description of real property sold pursuant to Port of Tacoma Resolution 89-25 and authorizing the Executive Director to execute a correction deed.

WHEREAS, on June 8, 1989, the Port of Tacoma Commission held a public hearing as required by law and approved Resolution 89-25 authorizing the sale of certain real property then owned by the Port and legally described in said resolution; and

WHEREAS, on July 27, 1989, the Port of Tacoma executed a Statutory Warranty Deed, recorded under Pierce County Auditor's File No. ("AFN") 8909070177, conveying the real property which had been authorized for sale to Occidental Chemical Corporation ("Occidental"); and

WHEREAS, the legal description of the property found in Resolution 89-25 was also used as the legal description for the conveyance deed; and

WHEREAS, Occidental has recently completed an environmental cleanup under the Model Toxics Control Act of a site designated by Ecology as the "Petarcik Site," which includes the real property the Port sold to Occidental in 1989; and

WHEREAS, in conjunction with Occidental's preparation of environmental covenants for the Petarcik Site, an error in the original 1989 legal description was identified, which resulted in a very small portion of the property being omitted from the conveyance deed, title to which remains vested in the Port; and

WHEREAS, Port real estate staff and legal counsel have researched the matter and determined that the omission of this property from Resolution 89-25 and the conveyance deed to Occidental was a scrivener's error; and

WHEREAS, Occidental requires title to the omitted property to properly record its environmental covenants, and the Port desires to correct the erroneous conveyance to transfer title to Occidental as the parties originally intended.

NOW, THEREFORE, be it resolved:

1. The legal description of the property found in Resolution 89-25 is hereby corrected to include the previously omitted property, as follows:

THAT PORTION OF BLOCKS 8 AND 9 AND VACATED STREETS, LAWLER AND MILLER TIDE LANDS AS RECORDED IN VOLUME 8 OF PLATS AT PAGE 42, RECORDS OF THE PIERCE COUNTY AUDITOR, AND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF LOT 16, SAID BLOCK 8;
THENCE NORTH 88°01'24" WEST, 60 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF LOT 7 OF BLOCK 7, OF SAID PLAT;
THENCE NORTH 02°12'55" EAST, 200.00 FEET ALONG THE EAST LINE OF SAID BLOCK 7;
THENCE SOUTH 88°01'24" EAST, 245.00 FEET;
THENCE SOUTH 33°48'32" EAST, 246.54 FEET TO THE NORTH LINE OF THE SOUTH HALF OF LOT 16 OF SAID BLOCK 9;
THENCE SOUTH 88°01'24" EAST, 130.00 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF LOT 7 OF SAID BLOCK 9;
THENCE SOUTH 02°12'55" WEST, 25.25 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7 OF BLOCK 9;
THENCE NORTH 88°00'22" WEST, ALONG THE SOUTH LINE OF SAID LOT 7 AND LOT 16 , OF BLOCK 9 EXTENDED WESTERLY, 230.00 FEET TO THE CENTERLINE OF VACATED 29TH AVENUE EAST, ALSO KNOWN AS THADDEUS STREET;
THENCE NORTH 02°12'55" EAST, ALONG SAID CENTERLINE, 25.18 FEET TO SOUTH LINE OF THE NORTH HALF OF LOT 7 OF BLOCK 8 EXTENDED EASTERLY;
THENCE NORTH 88°01'24" WEST, 230.00 FEET TO THE POINT OF BEGINNING.

2. The Executive Director is authorized to execute and record a Correction Deed to correct the legal description in the previously recorded deed at AFN 8909070177,

ADOPTED by a majority of the members of the Port of Tacoma Commission at a regular meeting held on **the 19th day of November 2024**, a majority of the members being present and voting on this resolution and signed by the Commission Officers in authentication of its passage this **19th day of November 2024**.

Kristin Ang, President
Port of Tacoma Commission

Dick Marzano, Secretary
Port of Tacoma Commission