

RESOLUTION NO. 1205

A RESOLUTION OF THE COMMISSION OF THE PORT OF BELLINGHAM, AMENDING THE COMPREHENSIVE SCHEME OF HARBOR IMPROVEMENTS FOR THE SQUALICUM HARBOR DISTRICT BY THE INCLUSION OF ADDITIONAL AREA WITHIN ITS BOUNDARIES AND PROVIDING A DETAILED DEVELOPMENT PLAN TO BE PREPARED DURING 2005.

WHEREAS, the Commission of the Port of Bellingham (the "Port") approved Resolution No. 1191 on May 4, 2004, which expanded the physical boundaries of the Squalicum Harbor District for purposes of anticipated acquisition of the aeration stabilization basin (the "ASB") owned by Georgia-Pacific Corporation, its wholly owned subsidiary, Georgia-Pacific West, Inc. (collectively "Georgia-Pacific"), and others for the purpose of the construction and operation of a public marina; and,

WHEREAS, on June 7, 2004, the Port commenced an eminent domain action against Georgia-Pacific entitled *Port of Bellingham v. Georgia-Pacific Corporation, et al.*, (the "Lawsuit") to acquire the property that was included in Resolution No. 1191; and,

WHEREAS, after the Lawsuit was commenced, the Port was approached by Georgia-Pacific with an offer to settle the Lawsuit by having the Port purchase all of Georgia-Pacific's Bellingham waterfront property as a package sale; and,

WHEREAS, the Port and Georgia-Pacific are both potentially liable parties for the remediation of the following Department of Ecology designated sites: (i) the Cornwall Avenue Landfill Site, (ii) the Whatcom Waterway Site, and (iii) the Central Waterfront Site; and,

WHEREAS, Port staff has reached a tentative agreement, subject to Port Commission approval, to acquire Georgia-Pacific's Bellingham waterfront property, pursuant to the terms and conditions of a purchase and sale agreement (the "Purchase and Sale Agreement"); and,

WHEREAS, pursuant to the Purchase and Sale Agreement, the Port will take responsibility for certain environmental remedial actions at the sites noted above; and,

WHEREAS, the Port anticipates that while certain areas within the expanded area will be essential for Port operations and industrial development, other areas may be tangential to its operations and, therefore, may be later declared surplus to its needs; and,

WHEREAS, a public hearing on the proposed expansion of the Squalicum Harbor District boundary was duly advertised and conducted on January 11, 2005, at 3:00 p.m. in the Harbor Center Building at 1801 Roeder Avenue, Bellingham, Washington, and all those present were given another opportunity to be heard; and,

WHEREAS, following public testimony, the Port Commission deems it necessary and advisable to amend the Squalicum Harbor Comprehensive Scheme of Harbor Improvements, as set forth in Resolution No. 792 and amended by Resolution Nos. 1093 and 1191,

NOW, THEREFORE, BE IT RESOLVED by the Commission of the Port of Bellingham that the Squalicum Harbor Comprehensive Scheme of Harbor Improvements is hereby amended by:

1. The expansion of the physical boundary of the district by the inclusion of all property lying southwesterly of the I and J waterway to the “foot of Cornwall Avenue,” as shown on the attached Exhibit A.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Commission of the Port of Bellingham that, during calendar year 2005, the Executive Director and his staff shall, in conjunction with the City of Bellingham, develop a detailed plan of harbor improvements. When completed, this plan shall be submitted to the Port Commission for consideration of incorporation into the comprehensive scheme of harbor improvements for the area.

ADOPTED in open session at a regular meeting of the Commission of the Port of Bellingham on the 18th day of January, 2005, and duly authenticated by the signatures of the Commissioners and the seal of the Commission affixed hereto.

Commission President

Commission Vice President

Commission Secretary

POB/EXECUTIVE/ACQUISITION PROJECT/FINAL DOCUMENTS – JANUARY 10, 2005/RESOLUTIONS/COMP SCHEME RESOLUTION – FINAL(RSV)