Anacortes, Washington October 8, 1964

Meeting of the Port Commission was held October 8, 1964. All commissioners being present, the meeting proceeded to business.

Upon motion, the following resolution, to be known as Resolution No. 336, was proposed, discussed and unanimously adopted, to-wit:

## RESOLUTION NO. 336

A resolution of the Port Commission of the Port of Anacortes, Washington, providing for the issuance of revenue bonds of the Port District in the principal sum of \$60,000 for the purpose of acquiring land in accordance with the comprehensive plan as amended; providing for the date, form, terms and maturities of said bonds; creating a Bond Redemption Bond for the payment thereof and for the payment of interest thereon; providing certain covenants and protective features safeguarding the payment of principal and interest thereon and confirming the sale thereof.

WHEREAS, pursuant to elections and hearings duly held, the original comprehensive scheme of harbor improvements was duly adopted by the Port Commission July 26, 1927, and by subsequent amendments duly and properly adopted, it provides for the placing of certain facilities upon Port property, and

WHEREAS, among said amendments is included the installation of what is designated as a log-loading dock and terminal facility, and

WHEREAS, the same is located on property not now the property of the Port of Anacortes, but is included in the comprehensive scheme, and

WHEREAS, in order to provide funds necessary for the purchase of said land, it is deemed necessary and advisable that the District issue and sell its revenue bonds in the total principal sum of \$60,000, and

WHEREAS, Peoples National Bank of Washington in Seattle has agreed to purchase said revenue bonds at par and accrued interest to date of delivery and under the terms, conditions and covenants thereof as set forth herein,

NOW, THEREFORE, BE IT RESOLVED By the Port Commission of the Port of Anacortes, Washington, as follows:

<u>Section 1</u>. As used in this resolution, the following words shall have the meanings hereinafter set forth;

(a) The word "Bonds" shall mean the \$60,000 of Revenue Bonds of the Port District issued pursuant to and for the purposes provided in this resolution.

Section 2. That as authorized by the comprehensive plan of harbor improvements of the Port District, as amended, the District shall acquire for the purpose of building log-loading dock and terminal facility, as shown in said comprehensive scheme as amended, and for the purpose of making such purchase, the District shall issue its Revenue Bonds in the principal sum of \$60,000. These bonds shall be dated October 15, 1964, and shall be in denominations of \$5,000 each; shall bear interest at the rate of  $3\frac{1}{2}$  per cent per annum payable upon the 15th day of April and the 15th day of October of each year, as evidenced by the coupons to be attached to said bonds and shall be numbered and mature in order of their number as follows:

**BBH403** 

Bond Nos.	Maturity Date	Amount
1	April, 15, 1965	\$5,000.00
2 3	October 15, 1965 April 15, 1966	\$5,000.00 \$5,000.00
4	October 15, 1966	\$5,000.00
5	April 15, 1967	\$5,000.00
6	October 15, 1967	\$5,000.00
7	April 15, 1968	\$5,000.00
8	October 15, 1968	\$5,000.00
9	April 15, 1969	\$5,000.00
10	October 15, 1969	\$5,000.00
11	April 15, 1970	\$5,000.00
12	October 15, 1970	\$5,000.00

Both principal and interest on the bonds shall be payable in lawful money of the United States of America at the office of the Treasurer of Skagit County, Mount Vernon, Washington, and shall be obligations only of the No. 2 1964 Port of Anacortes Unit No. 1 Bond Redemption Fund hereafter created.

Section 3. The Port of Anacortes hereby reserves the right to redeem any or all of the outstanding bonds at par and accrued interest to date of redemption in inverse numerical order anytime upon thirty (30) days written notice of said redemption. Notice of any such intended redemption shall be given by one publication thereof in the official Port of Anacortes newspaper not more than forty (40) nor less than thirty (30) days prior to said redemption date and by mailing a like notice at the same time to the Peoples National Bank of Washington at its main office in Seattle, Washington; interest on any bond or bonds so called for redemption shall cease on such redemption date.

Section 4. The bonds shall be in substantially the following form:

THE UNITED STATE OF AMERICA

No. \_\_\_\_

\$5,000.00

STATE OF WASHINGTON PORT OF ANACORTES REVENUE BOND NO. 2, 1964

KNOW ALL MEN BY THESE PRESENTS:

That the Port of Anacortes, a municipal corporation organized and existing under and by virtue of the laws of the State of Washington, acknowledges itself to owe and for value received promises to pay to bearer on the fifteenth day of \_\_\_\_\_, 196\_\_\_, the principal sum of \$5,000.00, together with interest thereon from the date hereof until paid or payment is duly provided for, at the rate of 3½ per cent per annum payable semi-annually on the fifteenth days of April and October of each year, as evidenced by and upon presentation and surrender of the attached interest coupons as they severally become due. Both principal of and interest on this bond are payable in lawful money of the United States of America at the office of the Treasurer of Skagit County in Mount Vernon, Washington, solely out of the special fund of the Port District known as "No. 2 1964 Port of Anacortes Unit No. 1 Bond Redemption Fund" created by Resolution No. 336 of the District.

The Port of Anacortes has reserved the right to redeem any or all of the outstanding bonds of this issue at par and accrued interest to date of redemption, in inverse numerical order at anytime upon thirty (30) days written notice. Notice of any such intended redemption shall be given by one publication thereof in the official Skagit County newspaper not more than forty (40) nor less than thirty (30) days prior to

said redemption date and by mailing a like notice at the same time to the Peoples National Bank of Washington at its main office in Seattle, Washington, or to the business successor said bank, if any, at its main office.

This bond is one of an issue of twelve (12) revenue bonds of the Port District of like amount, date and tenor, except as to number and maturity date, and is issued pursuant to resolutions of the Port Commission duly adopted for the purpose of providing funds to pay part of the cost of constructing and making certain improvements to the facilities of the Port District as authorized by the comprehensive plan of harbor improvement of the District as amended and added to; all in conformity with the laws of the State of Washington, and is payable solely out of the revenue produced from Unit No. 1 of the Port District supplemented from the gross revenue if necessary, subject however, to prior pledge of revenue as per Resolution No. 225 of the Port of Anacortes and bonds issued in accordance therewith which is known as 1958 Revenue Bonds, and subject also to prior pledge of revenue as per Resolution No. 334 with the Port of Anacortes and bonds issued in accordance therewith, which is known as 1964 Revenue Bonds.

The Port of Anacort& hereby covenants and agrees with the owner and holder of this bond that it will keep and perform all the covenants of this bond and of Resolution No. 336 to be by it kept and performed.

The Port of Anacortes does hereby pledge and bind itself to set aside from its gross revenue, as such revenue is defined in said Resolution No. 336, and to pay into said No. 2 1964 Port of Anacortes Unit No. 1 Bond Redemption Fund the various amounts required by said resolution to be paid into and maintained in said Fund, all within the times provided by said resolution. Said amounts so pledged are hereby declared to be a prior lien and charge upon such gross revenue superior to all other charges of any kind or nature whatsoever with the exception of the sums pledged to secure the payment of the above mentioned 1958 Revenue Bonds and 1964 Revenue Bonds.

The Port of Anacortes has further bound itself to maintain its properties and facilities in good condition and repair; to operate the same in an efficient manner and at a reasonable cost, and to establish, maintain and collect rentals, tariffs, rates and charges for all of its business and operations for as long as any of the bonds of this issue are outstanding, that will be sufficient to pay the principal of and interest on such bonds as the same shall become due.

This bond and the bonds of this issue are hereby declared to be negotiable instruments under the law merchant.

It is hereby certified and declared that this bond and the bonds of this issue are issued pursuant to and in strict compliance with the constitution and laws of the State of Washington and resolutions of the Commission of the Port of Anacortes, and that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed.

IN WITNESS WHEREOF, the Port of Anacortes, Washington, has caused this bond to be signed by the President of its Port Commission, to be attested by the Secretary thereof, its corporate seal to be impressed hereon, and the interest coupons attached hereto to be signed by said officials this day of \_\_\_\_\_\_, 1964.

PORT OF ANACORTES, WASHINGTON President of its Commission

Secretary of its Commission

The interest coupons to be attached to the bonds shall be in substantially the following form:

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\$

PORT OF ANACORTES, WASHINGTON

By President of its Commission

ATTEST:

Secretary of its Commission

Section 5. The Bonds shall be signed on behalf of the Port District by the President of the Port Commission, shall be attested by the Secretary thereof and shall have the seal of the District impressed thereon. The interest coupons attached thereto shall be signed by said officials.

Section 6. That there be and is hereby created a special fund of the Port District in the office of the Skagit County Treasurer to be known as the "No. 2 1964 Port of Anacortes Unit No. 1 Bond Redemption Fund", which fund is to be drawn upon for the sole purpose of paying the principal of and interest on the bonds as the same shall become due.

From and after the date of the bonds and so long thereafter as any of the same remain outstanding, the Port of Anacortes hereby obligates and binds itself to set aside and pay into the No. 2 1964 Port of Anacortes Unit No. 1 Bond Redemption Fund, at least thirty (30) days prior to the respective dates on which interest or principal and interest of said bonds shall become due and payable, amounts out of the pledged revenue of the Port sufficient to pay such interest or principal and interest as the case may be. The amounts of such Pledged Revenue so pledged to be paid into such Fund are hereby declared to be a prior lien and charge upon such pledged revenue of the District superior to all other charges of any kind or nature whatsoever, subject, however, to prior pledge as indicated above in regard to the 1958 Revenue Bonds and 1964 Revenue Bonds.

<u>Section 7.</u> The Port of Anacortes hereby covenants and agrees with the owner and holder of each of the bonds for as long as any of the same remain outstanding, as follows:

- (a) That it will at all times fix and collect rentals for equipment; establish, maintain and collect tariffs, rates and charges for handling and storage of goods, wares and merchandise and for wharfage and moorage, and will establish and maintain rates and charges for the use and operations of any part or all of its said facilities thereon, which will produce revenue at least sufficient to pay the principal of and interest on the Bonds as the same shall become due.
- (b) That it will at all times keep and maintain all of its properties and facilities in good repair, working order and condition, and will at all times operate the same and the business in connection therewith in an efficient manner and at a reasonæble cost.

- (c) That it will not sell or otherwise dispose of any of such properties and/or facilities (unless the same are no longer used, useful or necessary in the business operations of the District and in the producing of revenue required to meet all obligations of the District payable out of such revenue) unless provision is made for payment into the No. 2 1964 Port of Anacortes Unit No. 1 Bond Redemption Fund of a sum sufficient to redeem and retire all of the bonds then outstanding in accordance with the terms thereof.
- (d) That it will carry fire and extended coverage insurance on all of its properties, facilities and equipment as is ordinarily carried on similar properties by private companies engaged in the operation of the same to the full insurable value thereof and will also carry adequate public. liability and other kinds of insurance as under good practice are ordinarily carried on similar properties by private companies engaged in the operation of same.
- (e) That it will bond all employees of the District collecting or handling money in the operation of its business in an amount commensurate with the funds they handle and sufficient to protect the district from loss.

<u>Section 8.</u> The sale of the Bonds to the Peoples National Bank of Washington at par and accrued interest to date of delivery and under the terms thereof as set forth in this resolution is hereby inall respects ratified and confirmed.

The proper Port District officials are hereby authorized and directed to do everything necessary for the prompt issuance and execution of the Bonds, for the prompt delivery thereof to said purchaser, and for the proper use and application of the proceeds of their sale.

ADOPTED By the Port Commission of the Port of Anacortes, Washington, at a regular meeting thereof held this 8th day of October, 1964.

President

Commissioner

Commissioner

ATTEST:

K.K. Larsen Construction Co. Ben Driftmier, Jr. Washington State Tax Commission	Web Locker Bldg. Legal Expense Excise Tax	\$ 14,824.00 200.00 325.10
Robert D. Keller	September payroll	716.45
Helene S. Birdondo	ii ii	291.70
Thelma Marani	11 11	304.39
Jack Anderson	THE POST OF THE PO	390.65
Norman Elvebak	u n	404.84
Arnold Olsen	11 99	389.24
George Osborn	11 11	389.24
Joe Hagan	et ir	312.60
Wash. State Empl. Retirement	Port employees share	231.62

Wash. State Empl. Retir Lenas Moen Lenas Moen Jack Anderson Norman Elvebak Arnold Olsen Joe Hagan Anacortes Stevedoring	September payroll  "overtime "overtime "overtime """  """  Stevedoring	\$	386.79 154.20 8.68 238.48 165.87 65.42 38.37
Arnason & Company American Express Co. Anacotes American A&E Garage Bellingham Supply, Inc Breckenridge Plumbing J. W. Copeland Yards Cypress Stationers Coast Sales & Serivce Coast Wide Supply Co. City of Anacortes-Wates	Maintenance Maintenance Office Expense, Maintenance Janitor Supplies Dept. Water-Garbage		450.00 31.90 3.85 14.56 33.61 14.25 11.09 1.41 1.56 23.66 87.05
Curtis Wharf Co. Evergreen Bldg. Maint. Harbor Cafe Robert D. Keller. Marine Digest Maryott's Incidental Expense Morse Hardware Wm. G. McCallum Marine Supply & Hdwe. New England Fish Co. Overall Cleaning & Supp	Travel/Entertainment " 1965 Directory Tools/Supplies Postage Maint. Tools/Supplies Insurance Lift Truck Maint/Tools,et Fish Damage	c.	14.35 39.43 11.25 42.07 55.00 28.34 20.00 106.29 41.62 44.15 72.00 8.56
Puget Sound Power & Lig Paul Scofield Shell Oil Co. Skagit Auto Parts Texaco Inc. Video Electronics West Coast Telephone Co. Whitney & Co. Ulmer Printing Co. U. S. Treasury Dept. Employment Security Dept. Labor & Industric Standard Oil of Calif. Francis Barcott	Power Boathaven signs Car expense Lift Truck Maint. Car expense Maint. Inter-com Advertising/Telephone 5th & K Property Office supplies W.H. Tax FICA		463.17 18.50 32.66 21.42 12.64 8.63 159.50 5,000.00 118.04 571.37 256.33 85.50 67.19 210.00
	TOTAL	\$	38,118.68
Re-submitted for paymen	nt:		
June " July " July "	r & Associates		6,204.18 4,388.36 466.80 5,380.48 240.68
August "	·	ş ·	16,680.50
A&G Construction.	. TOTAL (A&G Con.)	\$	32,380.55 726.00 33,106.55

Upon motion, the following resolution, to be known as Resolution No. 337, was proposed, discussed and unanimously adopted, to-wit:

## RESOLUTION NO. 337

BE IT RESOLVED That the following described property, being property of the PORT OF ANACORTES and not having been acquired by condemnation, by general obligation bonds of the Port, at the inception of the Port District, and not having been acquired by reason of a vote of the electorate of the Port of Anacortes, be and the sameherenow is decreed to be of no use to the Port of Anacortes in the future development of the comprehensive scheme of the Port, and said property is therefore decreed to be surplus property;

BE IT FURTHER RESOLVED That whereas an offer has been obtained therefor adequately compensating the Port for all expenditures in connection therewith, it being made to appear that the same is for the best interest of the  $P_{\rm O}$ rt in all respects,

BE IT NOW, THEREFORE, FURTHER RESOLVED That the Commissioners of this District are authorized and directed to execute option for a period of 180 days from the date of said instrument unto said prospective purchaser for the purchase of the land hereinafter described for the sum of FIVE HUNDRED DOLLARS (\$500.00/acre) Per Acre for said property hereinafter described to be fixed by survey of said property.

BE IT FURTHER RESOLVED That any conveyance given in fulfillment of said option shall contain a condition subsequent reverting the title thereto to the Port of the said purchaser does not commence construction of a manufacturing plant for the product in which purchaser is normally engaged within Twenty-Four Months from the date of the exercise of said option.

BE IT FURTHER RESOLVED That in said option, or conveyance in compliance therewith, shall be further condition to require compliance with right-of-way agreement which this Commission has with the Great Northern Railway Company.

BE IT FURTHER RESOLVED That said option shall require the exercise of similar option on the property known as F. LP property adjoining this property.

BE IT FURTHER RESOLVED That whereas the subject property is imposed with a condition contained in a lease to the Toll Bridge Authority of the State of Washington restricting the disposition of said property that the option to be herein granted shall be conditioned upon approval having been obtained from the said Toll Bridge Authority for the disposition herein contemplated.

BE IT FURTHER RESOLVED That the instrument prepared and submitted to this Commission for its approval in connection therewith is hereby approved and Commissioners are hereby authorized and directed to execute on behalf of this Port and to deliver the same unto said prospective purchaser upon receipt of the sum of One Hundred Dollars (\$100.00), the option price stated thereon.

The description of the property covered by this Resolution is as follows, in the County of Skagit, State of Washington, to-wit:

All of that portion of the West Half of Government Lot 4, Section=4, Section 22, Township 35 north, Range 1 east, W.M., and of the west 660 feet of the north 495 feet of the Southwest Quarter (SW%) of the Southwest Quarter (SW%) of Section 22, Township 35 north, Range 1 east, W.M., lying easterly of a line 10 feet east of the bottom of the fill placed upon said premises in connection with the construction of the ferry terminal situated upon said property.

ADOPTED By the Port Commission of the Port of Anacortes, Washington, at a regular meeting thereof held this 8th day of October, 1964.

President of its Commission

Commissioner

Commissioner

ATTEST:

Secretary of its Commission

Upon motion, the following resolution, to be known as Resolution No. 338, was proposed, discussed and unanimously adopted, to-wit:

## RESOLUTION NO. 338

BE IT RESOLVED That the following described property, being property of the PORT OF ANACORTES and not having been acquired by condemnation, by general obligation bonds of the Port, at the inception of the Port District, and not having been acquired by reason of a vote of the electorate of the Port of Anacortes, be and the same herenow is decreed to be of no use to the Port of Anacortes in the future development of the comprehensive scheme of the Port, and said property is therefore decreed to be surplus property;

BE IT FURTHER RESOLVED That whereas an offer has been obtained therefor adequately compensating the Port for all expenditures in connection therewith, it being made to appear that the same is for the best interests of the Port in all respects,

BE IT NOW, THEREFORE, FURTHER RESOLVED That the Commissioners of this District are authorized and directed to execute option for a period of 180 days from the date of said instrument unto said prospective purchaser for the purchase of land hereinafter described for the sum of SIXTY THOUSAND DOLLARS (\$60,000.00).

BE IT FURTHER RESOLVED That any conveyance given in fulfillment of said Option shall contain a condition subsequent reverting the title thereto to the Port if the said purchaser does not commence construction of a manufacturing plant for the product in which purchaser is normally engaged within Twenty-Four Months from the date of the exercise of said option.

BE IT FURTHER RESOLVED That in said option, or conveyance in compliance therewith, it shall be further conditioned to require compliance with right-of-way agreement which this Commission has with the Great Northern Railway Company.

BE IT FURTHER RESQLVED That the instrument prepared and submitted to this Commission for its approval in connection therewith is hereby approved and Commissioners are hereby authorized and directed to execute on behalf of this Port and to deliver the same into said prospective purchaser upon receipt of the sum of One Hundred Dollars (\$100.00), the option price stated thereon.

The description of the property covered by this Resolution is as follows, in the County of Skagit, State of Washington, to-wit:

- (a) The east half of Government Lot 4, Section 22, Twp. 35 north, range 1 east, W.M., EXCEPT those portions thereof conveyed to the Seattle & Northern Railway Company by deed recorded in Volume 9 of Deeds, page 266, and to the Great Northern Railway Company by deed recorded in Volume 121 of Deeds, page 219.
- (b) That portion of the SEt of the SWt of Section 22, Twp. 35 north, range 1 east, W.M., described as follows:

Beginning at the northwest corner of said southeast quarter of the SWz; thence east 330 feet; thence south 396 feet; thence west 330 feet; thence north 396 feet to the point of beginning, EXCEPT that portion thereof conveyed to the Seattle & Northern Railway Company, by deed recorded in Volume 9 of Deeds, page 266.

(c) That portion of the SWz of the SWz of Section 22, Twp. 35 north, range 1 east, W.M., described as follows:

Commencing at the northeast corner of said SW\(\frac{1}{2}\) of the SW\(\frac{1}{2}\); thence west along the north line of said subdivision 660 feet; thence south 495 feet; thence east 660 feet; thence north 495 feet to the point of beginning, EXCEPT that portion thereof conveyed to the Seattle & Northern Railway Company, by deed recorded in Volume 9 of Deeds, page 266.

(d) That portion of Tract 5, Section 22, Twp. 35 north, Range 1 east, W.M., of "Plate No. 6, Anacortes Tide and Shore Lands", according to the official map thereof, on file in the office of the Board of State Land Commissioners at Olympia, Washington, described as follows:

Commencing at the initial point of Tract 4 of said Plate No. 6, which point is 1397.1 feet south and 1290.8 feet east of the meander corner between sections 21 and 22 of said Twp. 35 north, range 1 east, W.M.; thence north 0°31' east 396 feet; thence north 73°12'30" west 587.3 feet; thence north 36°43'15" west 150.5 feet; thence south 0°45' west 534.4 feet; thence south 34°02' east 10.9 feet; thence south 77°37' east 665.0 feet to the point of beginning.

(e) Tract 4, Section 22, Twp. 35 north, Range 1 east, W. M., "Plate No. 6, Anacortes Tide and Shore Lands", according to the official map thereof, on file in the office of the Board of State Land Commissioners at Olympia, Washington, and more particularly described as follows:

Commencing at the initial point of said Tract 4, which is 1397.1 feet south and 1290.8 feet east of the meander corner between Sections 21 and 22 of said Twp. 35 north, range 1 east, W.M.; thence south 87°24' east 580.0 feet; thence north 80°55' east 347.0 feet; thence north 62°01' east 388.0 feet; thence north 68°21' east 53.0 feet; thence north 0°08' west 226.0 feet; thence south 82°10'30" west 989.6 feet; thence north 73°12'30" west 345.0 feet; thence south 0°31' west 396.0 feet to the point of beginning.

SUBJECT TO any lien or liens that may arise or be created in consequence of or pursuant to an Act of the Legislature of the State of Washington entitled "An Act prescribing the ways in which waterways for the uses of navigation may be excavated by private contract, providing for liens upon lands belonging to the state, granting rights of way across lands belonging to the state", approved March 9, 1893.

SUBJECT TO right granted the Seattle & Northern Railway Company to go upon land adjoining the railway right of way for a distance of 200 feet on each side thereof to cut trees dangerous to operation of said railway, by instrument dated November 23, 1889 and recorded January 10, 1890, in Volume 9 of Deeds, page 266.

SUBJECT TO easement for electric transmission line, together with right of ingress and egress over grantors adjoining property and including covenants against blasting without notice, as granted to Puget Sound Power & Light Co., a Massachusetts corporation, by instrument dated February 2, 1926, recorded February 11, 1926, under auditor's File No. 191508. (affects parcels (b) and (c).)

AND SUBJECT TO easement for a right of way for the construction, maintenance and operation of a spur track railway, granted by The Augusta Land Company, a Maine corporation, to Great Northern Railway Company, a Minnesota corporation, by instrument dated December 23, 1919, recorded January 9, 1920, under auditor's File No. 138277. (affects parcels (d) and (e).)

ADOPTED By the Port Commission of the Port of Anacortes, Washington, at a regular meeting thereof held this 8th day of October, 1964.

resident of its Commission

Commissioner

Commissioner

ATTEST:

Secretary of said Commission

Consideration was given to the question of living aboard vessels in the Unit No. 2 boat basin. It was determined that with the exception of overnight visitors, that each individual situation should be covered by separate application to the Port and that upon such application, the Port Commission would consider such factors as applied to the particular case and in case of a favorable action thereon, would establish rates and conditions in relation to each such individual case.