

RESOLUTION NO. 2020-7

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF LONGVIEW, WASHINGTON, CONCERNING THE ACQUISITION THROUGH VOLUNTARY PURCHASE OR BY EMINENT DOMAIN OF PROPERTY NECESSARY FOR CONSTRUCTION OF THE INDUSTRIAL RAIL CORRIDOR EXPANSION AND ITS OPERATIONS AND MAINTENANCE**

WHEREAS, from approximately 2002-2005, the Port of Longview (Port) developed the Industrial Rail Corridor, a 1.5 mile rail corridor which connects the Port property to the BNSF main line with no at-grade crossings, and which was designed to prevent delays to Port rail traffic and to avoid interruption of vehicle traffic in the vicinity of the Port; and

WHEREAS, the success of the Industrial Rail Corridor and the continued development of the Port property since 2005 has created the public necessity of expanding this corridor with additional right-of-way in order to handle expanded rail traffic (Project); and

WHEREAS, the needed property rights for the Project (Right-of-Way) crosses a number of parcels (the "Property") owned by Pacific Fibre Products, Inc.; and

WHEREAS, the Port commenced the condemnation process in 2014 with respect to the Property, which process was memorialized in Port Resolution No. 2014-7, but which process has not yet been completed while the dimensions and scope of the needed taking have been evaluated; and

WHEREAS, while the Port prefers to purchase the Right-of-Way through active negotiations with the owner of the Property, the Port recognizes that time is of the essence, and that the Port may not always be able to acquire the Right-of-Way through negotiations; and

WHEREAS, in order to use the Right-of-Way determined to be necessary for the construction, operation, and permanent location of the Project, it is necessary for the Port to acquire by either negotiated purchase or to condemn the Right-of-Way for public purposes, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and/or tenants; and

WHEREAS, the Port has commissioned or will commission appraisals to determine the fair market value of the Right-of-Way, and will negotiate in good faith with the owner of the Property authorized to be acquired by negotiated purchase or eminent domain, with the intent of reaching agreements for the voluntary acquisition of the Right-of-Way for fair market value.

**NOW, THEREFORE, IT IS HEREBY resolved as follows:**

**Section 1. Legal Description.** The legal description of the Property containing the Right-of-Way to be acquired by the Port from Pacific Fibre Products, Inc. is set forth in **Exhibit A**. The Port will obtain legal descriptions of the precise Right-of-Way prior to final acquisition of the Right-of-Way through voluntary purchase or by eminent domain.

**Section 2. Industrial Rail Corridor Expansion.** A map of the Industrial Rail Corridor Expansion is attached in **Exhibit B.**

**Section 3. Public Use and Necessity.** The Right-of-Way is necessary for the construction of the expanded Industrial Rail Corridor and its operation and maintenance of the Project for economic support and development and further deems that acquisition of the Right-of-Way to be a public use for a public purpose.

**Section 4. Voluntary Acquisition or Condemnation of Property.** The Port Commission hereby declares that the Right-of-Way is necessary for a vital public purpose to sustain and improve economic vitality at the Port and authorizes the acquisition of the Right-of-Way through acquisition or condemnation, with just compensation in the amount of fair market value paid to the owner.

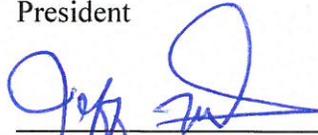
**Section 5. Directions to Chief Executive Officer, his Designee or his Successor.** The Interim Chief Executive Officer, his designee or his successor, is directed to continue to exhaust reasonable efforts through direct negotiations to acquire the Right-of-Way. In the event these negotiations are not successful, the Interim Chief Executive Officer, his designee or his successor, is authorized to commence actions and proceedings in a manner provided by law to condemn, take, damage, and appropriate the Right-of-Way necessary to carry out the provisions of this resolution. The Interim Chief Executive Officer, his designee or his successor, are also authorized to make amendments to the legal descriptions of the Property and Right-of-Way as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the Right-of-Way required for the Project.

**Section 6. Effective Date.** The effective date of this resolution is this 8<sup>th</sup> day of July, 2020.

ADOPTED by the Board of Commissioners of the Port of Longview, this 8<sup>th</sup> day of July, 2020.



Allan Erickson, Commissioner  
President



Jeff Wilson, Commissioner  
Vice-President



Doug Averett, Commissioner  
Secretary

**EXHIBIT A**

**OWNER: Pacific Fibre Products Inc.**

**PARCELS: 101230200, 101230300, 101240200, 101250100, and 101240300 plus Additional Properties**

THE FOLLOWING DESCRIBED PROEPRTY SITUATED IN COWLITZ COUNTY, WASHINGTON:

THAT PORTION OF THE JONATHAN BURBEE DONATION LAND CLAIM, THE ROYAL C. SMITH DONATION LAND CLAIM, AND THE HENRY HUNTINGTON DONATION LAND CLAIM IN SECTIONS 2, 3, 4, 9, 10 AND 11, TOWNSHIP 7 NORTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1028.65 FEET SOUTH AND 421.34 FEET WEST OF THE SECTION CORNER COMMON TO SECTIONS 2, 3, 10 AND 11, TOWNSHIP 7 NORTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, SAID POINT BEING THE NORTHWEST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED FROM INTERNATIONAL PAPER COMPANY TO COWLITZ COUNTY RECORDED UNDER AUDITOR'S FILE NO. 841022008, RECORDS OF SAID COUNTY;  
THENCE SOUTH 07° 17' 09" EAST ALONG THE WEST LINE OF SAID TRACT A DISTANCE OF 1408.51 FEET TO AN IRON ROD AND THE SOUTHWEST CORNER OF SAID TRACT, SAID IRON ROD ALSO BEING THE NORTHWEST CORNER OF A TRACT OF LAND AS DESCRIBED IN A DEED FROM INTERNATIONAL PAPER COMPANY TO LONGVIEW BOOMING COMPANY RECORDED UNDER AUDITOR'S FILE NO. 851224009, RECORDS OF COWLITZ COUNTY; THENCE SOUTH 21° 37' 11" WEST ALONG THE WESTERLY LINE OF SAID TRACT A DISTANCE OF 347.28 FEET TO THE SOUTHEAST CORNER OF THE OUTSIDE LOCK (SAID LOCK BEING THE MOST SOUTHERLY LOCK OF THE PAIR OF LOCKS GIVING ACCESS TO THE INTERNATIONAL PAPER LOG POND IN SAID SECTION 10), SAID POINT ALSO BEING AT THE EXISTING NORTHERLY BANK LINE OF THE COLUMBIA RIVER;  
THENCE WESTERLY ALONG THE EXISTING NORTHERLY BANK LINE OF THE COLUMBIA RIVER TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO LONGVIEW FIBRE CO. AS PARCEL "2" UNDER AUDITOR'S FILE NO. 870305022;  
THENCE NORTH 43° 15' 43" WEST ALONG THE EAST LINE OF SAID TRACT TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO LONGVIEW FIBRE CO. AS PARCEL "1" UNDER AUDITOR'S FILE NO. 870305022;  
THENCE NORTH 07° 00' 00" WEST ALONG THE EAST LINE OF SAID PARCEL "1" AS CONVEYED TO LONGVIEW FIBRE CO. UNDER AUDITOR'S FILE NO. 840531047 AND RE-RECORDED UNDER AUDITOR'S FILE NO. 870305022, 752.54 FEET TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 85° 22' 27" WEST ALONG THE NORTH LINE OF SAID TRACT 46.02 FEET TO THE NORTHWEST CORNER THEREOF, SAID POINT BEING ON THE EAST LINE OF A TRACT OF LAND CONVEYED TO COWLITZ COUNTY UNDER AUDITOR'S FILE NO. 742645;

THENCE NORTH 07° 00' 00" WEST ALONG THE EAST LINE OF SAID COWLITZ COUNTY TRACT UNDER AUDITOR'S FILE NO. 742645, 1196.13 FEET TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 83° 00' 00" WEST ALONG THE NORTH LINE OF SAID COWLITZ COUNTY TRACT 760.12 FEET TO THE NORTHWEST CORNER THEREOF, SAID POINT ALSO BEING ON THE EAST LINE OF PARCEL "3" IN DEED TO LONGVIEW FIBRE CO. UNDER AUDITOR'S FILE NO. 870305022;

THENCE NORTH 07° 00' 00" WEST ALONG THE EAST LINE OF SAID LONGVIEW FIBRE CO. TRACT 159.20 FEET;

THENCE NORTH 40° 03' 58" WEST 410.36 FEET ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE INFLUENT LINE TO THE COWLITZ COUNTY SEWAGE TREATMENT PLANT AS DESCRIBED IN VOLUME 790 AT PAGE 1468;

THENCE SOUTH 82° 12' 59" WEST ALONG THE NORTH LINE OF SAID LONGVIEW FIBRE CO. TRACT 815.21 FEET;

THENCE SOUTH 18° 18' 07" WEST ALONG THE WEST LINE OF SAID LONGVIEW FIBRE CO. TRACT 655.54 FEET;

THENCE SOUTH 37° 34' 29" EAST ALONG THE SOUTHWESTERLY LINE OF SAID LONGVIEW FIBRE CO. TRACT A DISTANCE OF 481.22 FEET TO THE NORTH LINE OF FIBRE WAY AS CONVEYED TO COWLITZ COUNTY UNDER AUDITOR'S FILE NO. 850010;

THENCE WESTERLY ALONG THE NORTH LINE OF FIBRE WAY EXTENSION AS CONVEYED TO COWLITZ COUNTY UNDER AUDITOR'S FILE NO. 850010 TO THE INTERSECTION WITH THE NORTH LINE OF FIBRE WAY AS CONVEYED TO COWLITZ COUNTY UNDER AUDITOR'S FILE NO. 760799;

THENCE NORTHWESTERLY ALONG THE NORTH LINE OF FIBRE WAY AS DESCRIBED IN DEED UNDER AUDITOR'S FILE NO. 760799 AND UNDER AUDITOR'S FILE NO. 804176 TO THE MOST SOUTHERLY CORNER OF A TRACT OF LAND CONVEYED TO PACIFIC FIBRE PRODUCTS, INC., IN PARCEL "1" OF TRACT "A" UNDER AUDITOR'S FILE NO. 851003020 AND RE-RECORDED UNDER AUDITOR'S FILE NO. 860127005, SAID POINT BEING ON THE NORTHWESTERLY LINE OF THE INTERNATIONAL PAPER COMPANY LOG POND;

THENCE ALONG SAID LOG POND AND THE SOUTH LINE OF SAID PACIFIC FIBRE PRODUCTS, INC. TRACT THE FOLLOWING COURSES AND DISTANCES:

THENCE NORTH 20° 29' 30" WEST A DISTANCE OF 5.78 FEET;

THENCE NORTH 34° 23' 52" EAST A DISTANCE OF 64.55 FEET;

THENCE NORTH 35° 09' 49" EAST A DISTANCE OF 92.72 FEET;

THENCE NORTH 40° 35' 22" EAST A DISTANCE OF 149.31 FEET;

THENCE NORTH 47° 50' 43" EAST A DISTANCE OF 270.01 FEET;

THENCE NORTH 55° 15' 11" EAST A DISTANCE OF 191.39 FEET;

THENCE NORTH 63° 23' 51" EAST A DISTANCE OF 163.25 FEET;

THENCE NORTH 61° 17' 02" EAST A DISTANCE OF 113.43 FEET;

THENCE NORTH 69° 07' 16" EAST A DISTANCE OF 164.85 FEET;

THENCE NORTH 83° 26' 20" EAST A DISTANCE OF 238.06 FEET;  
THENCE NORTH 89° 38' 14" EAST A DISTANCE OF 603.97 FEET;  
THENCE NORTH 89° 05' 54" EAST A DISTANCE OF 844.64 FEET;  
THENCE SOUTH 88° 34' 30" EAST A DISTANCE OF 182.15 FEET;  
THENCE NORTH 01° 25' 30" EAST A DISTANCE OF 60.00 FEET;  
THENCE SOUTH 88° 07' 09" EAST A DISTANCE OF 380.47 FEET;  
THENCE SOUTH 82° 20' 51" EAST A DISTANCE OF 337.49 FEET;  
THENCE SOUTH 81° 26' 42" EAST A DISTANCE OF 262.09 FEET;  
THENCE SOUTH 81° 26' 42" EAST A DISTANCE OF 24.57 FEET;  
THENCE SOUTH 78° 01' 01" EAST A DISTANCE OF 253.11 FEET;  
THENCE NORTH 67° 27' 15" EAST A DISTANCE OF 205.00 FEET;  
THENCE NORTH 89° 29' 31" EAST A DISTANCE OF 625.20 FEET;  
THENCE SOUTH 87° 27' 22" EAST A DISTANCE OF 629.69 FEET;  
THENCE SOUTH 66° 40' 38" EAST A DISTANCE OF 371.73 FEET;  
THENCE SOUTH 61° 37' 17" EAST A DISTANCE OF 309.22 FEET;  
THENCE SOUTH 62° 59' 15" EAST A DISTANCE OF 281.79 FEET;  
THENCE SOUTH 44° 44' 41" EAST A DISTANCE OF 678.62 FEET;  
THENCE SOUTH 38° 59' 18" WEST A DISTANCE OF 90.53 FEET;  
THENCE SOUTH 37° 00' 34" WEST A DISTANCE OF 108.14 FEET;  
THENCE SOUTH 76° 13' 26" WEST A DISTANCE OF 76.59 FEET;  
THENCE SOUTH 82° 54' 15" WEST A DISTANCE OF 139.68 FEET;  
THENCE SOUTH 75° 41' 45" WEST A DISTANCE OF 63.58 FEET;  
THENCE SOUTH 73° 36' 52" WEST A DISTANCE OF 107.09 FEET;  
THENCE SOUTH 67° 35' 51" WEST A DISTANCE OF 85.21 FEET;  
THENCE SOUTH 53° 19' 16" WEST A DISTANCE OF 66.29 FEET;  
THENCE SOUTH 32° 00' 00" WEST A DISTANCE OF 200.00 FEET;  
THENCE SOUTH 40° 29' 01" EAST A DISTANCE OF 132.18 FEET;  
THENCE SOUTH 40° 29' 01" EAST A DISTANCE OF 10.30 FEET;  
THENCE NORTH 74° 41' 49" EAST ALONG SAID TRACT A DISTANCE OF 107.81 FEET  
TO THE POINT OF BEGINNING OF THIS DESCRIPTION.





Prepared: Oct 31, 2019 - 9:28am  
 In: C:\DATA\2019\PORT OF LONGVIEW\PORT OF LONGVIEW - 2019 Design\113 Cowliiz County Property Acquisition - 10.dwg  
 Revision: 2019  
 Page 7 of 12

**LEGEND**

- APPROXIMATE COWLITZ COUNTY PROPERTY IMPACT  
9.27 ACRES
- SURVEYED LOT AND R/W LINES
- APPROXIMATE LIMITS OF CORRIDOR WORK



**NOTES**

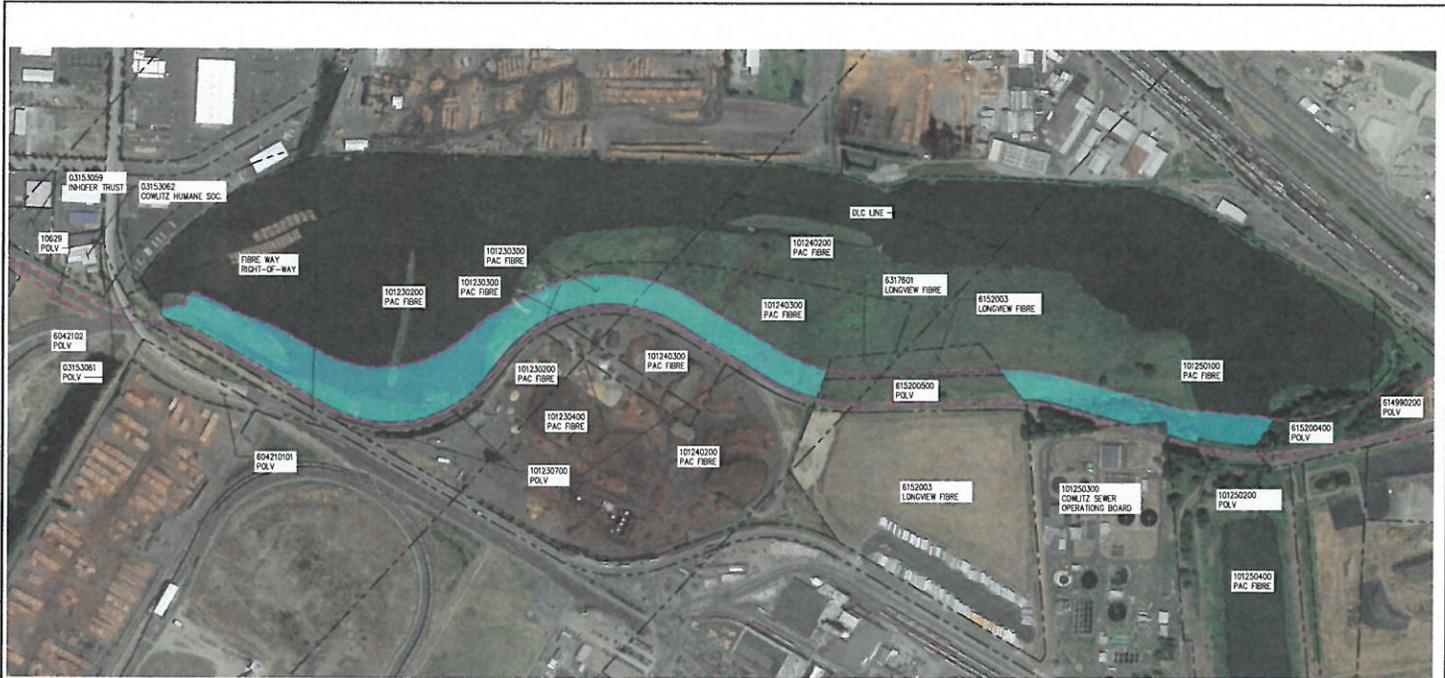
1. SURVEY BOUNDARY LINES BASED ON BOUNDARY SURVEY PERFORMED BY KPFF, DATED 12/27/18.
2. PROPERTY IMPACT APPROXIMATION BASED UPON NORTH AND SOUTH SIDE ACCESS ROADS AND WITHOUT MEET AND PASS LOCATIONS.



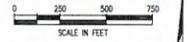
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**PORT OF LONGVIEW**  
**INDUSTRIAL RAIL CORRIDOR EXPANSION**  
**COWLITZ COUNTY PROPERTY IMPACTS**

DRAWN: TJH	PROJECT NO.:
DESIGN: SCALE:	
CHECKED: DATE: 10/28/19	
DRAWING NO.:	
SHEET NO. 1 OF 1	



- LEGEND**
- APPROXIMATE PACIFIC FIBRE PROPERTY IMPACT  
22.83 ACRES
  - SURVEYED LOT AND R/W LINES
  - APPROXIMATE LIMITS OF CORRIDOR WORK



- NOTES**
1. SURVEY BOUNDARY LINES BASED ON BOUNDARY SURVEY PERFORMED BY KPFF, DATED 12/27/18.
  2. PROPERTY IMPACT APPROXIMATION BASED UPON NORTH AND SOUTH SIDE ACCESS ROADS AND WITHOUT MEET AND PASS LOCATIONS.

Prepared: Oct 31, 2019 - 9:28am  
 101250400 POLY (PART 3) - PORT OF LONGVIEW PROPERTY ACQUISITION - 05.001



NO.	DATE	BY	REVISION

**PORT OF LONGVIEW**  
**INDUSTRIAL RAIL CORRIDOR EXPANSION**  
**PACIFIC FIBRE PROPERTY IMPACTS**

DRAWN: T.J.H.	PROJECT NO.:
DESIGN: T.J.H.	SCALE:
CHECKED: DATE: 10/28/19	
DRAWING NO.:	
SHEET NO. 1	OF 1

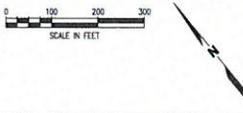


**LEGEND**

 APPROXIMATE COWLITZ PUD PROPERTY IMPACTS  
1.56 ACRES

 SURVEYED LOT AND R/W LINES

 APPROXIMATE LIMITS OF CORRIDOR WORK



**NOTES**

1. SURVEY BOUNDARY LINES BASED ON BOUNDARY SURVEY PERFORMED BY KPFF, DATED 12/27/18.
2. PROPERTY IMPACT APPROXIMATION BASED UPON NORTH AND SOUTH SIDE ACCESS ROADS AND WITHOUT MEET AND PASS LOCATIONS.

Prepared: Oct 31, 2019 - 4:30pm  
 Author: Joseph R. Haggerty  
 Designer: Joseph R. Haggerty  
 Checker: Joseph R. Haggerty  
 Project: PORT OF LONGVIEW INDUSTRIAL RAIL CORRIDOR EXPANSION - COWLITZ COUNTY PROPERTY IMPACTS - 18-0007



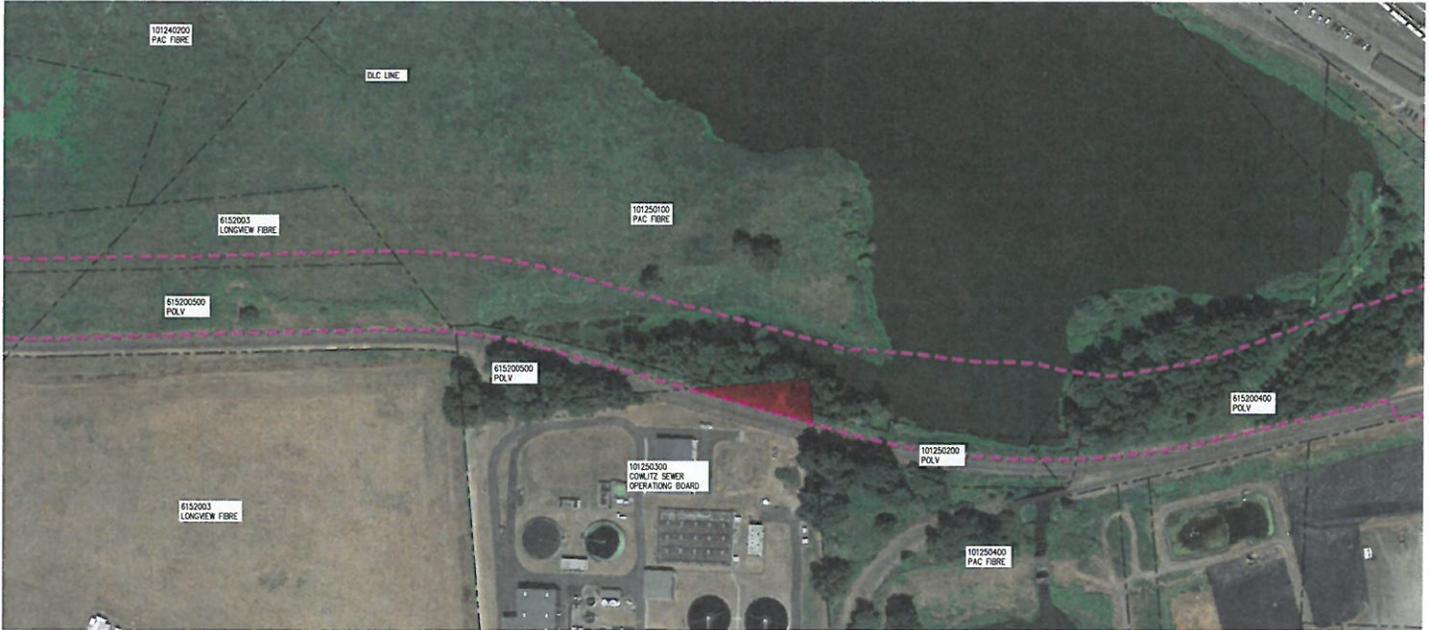
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**PORT OF LONGVIEW**  
**INDUSTRIAL RAIL CORRIDOR EXPANSION**  
**COWLITZ COUNTY PUD PROPERTY IMPACTS**

DRAWN: T.J.H.	PROJECT NO.:
DESIGNED: J.R.H.	SCALE:
CHECKED: J.R.H.	DATE: 10/28/19
DRAWING NO.:	
SHEET NO. 1	OF 1







**LEGEND**

- APPROXIMATE COWLITZ SEWER OPERATING BOARD PROPERTY IMPACTS 0.30 ACRES
- SURVEYED LOT AND R/W LINES
- APPROXIMATE LIMITS OF CORRIDOR WORK

0 100 200 300  
SCALE IN FEET

N

- NOTES**
1. SURVEY BOUNDARY LINES BASED ON BOUNDARY SURVEY PERFORMED BY KPFF, DATED 12/27/18
  2. PROPERTY IMPACT APPROXIMATION BASED UPON NORTH AND SOUTH SIDE ACCESS ROADS AND WITHOUT MEET AND PASS LOCATIONS.

Prepared: Oct. 31, 2019 - 9:36am  
 In: 2019\WORK\PORT OF LONGVIEW\1 - PORT OF LONGVIEW\113 - Cowlitz Sewer Operating Board Acquisition - 10.dwg  
 Revision: 2019  
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NO.	DATE	BY	REVISION

**PORT OF LONGVIEW**  
INDUSTRIAL RAIL CORRIDOR EXPANSION

**COWLITZ SEWER OPERATING BOARD**  
PROPERTY IMPACTS

DRAWN: TJH	PROJECT NO.:
DESIGN: SCALE:	
CHECKED: DATE: 10/28/19	
DRAWING NO.:	
SHEET NO. 1 OF 1	