

RESOLUTION 2020-____

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF PORT DISTRICT NO. 3 OF GRANT COUNTY
MAKING FINDINGS ON THE ADVISABILITY
OF SALE OF REAL PROPERTY WITHIN AN INDUSTRIAL
DEVELOPMENT DISTRICT AND AUTHORIZING THE
SALE OF REAL PROPERTY TO LOVE IN AN ELEVATOR LLC**

WHEREAS, Port District No. 3 of Grant County (the “Port”) owns the real property described in Exhibit “A” attached hereto (the “Property”); and

WHEREAS, Love In An Elevator LLC desires to purchase the Property; and

WHEREAS, the Property lies within one of the Port’s Industrial Development Districts formed pursuant to RCW 53.25.040, *et seq.*; and

WHEREAS, pursuant to RCW 53.25.110, the Port may sell the Property when the Port Commission deems it to be in the best interests of the Port and in furtherance of the Port’s general plan of industrial development; and

WHEREAS, pursuant to RCW 53.25.120, prior to selling the Property, the Port must give notice of the proposed sale by publication in a newspaper of general circulation in the County and by posting in three (3) public places in the Port District at least ten (10) days before the date fixed for the hearing; and

WHEREAS, pursuant to RCW 53.25.140, the Port may sell the Property by negotiated sale provided that the purchase price must not be less than the fair market value of the Property which shall be determined by an average of at least two (2) independent appraisals performed by licensed real estate brokers or professionally designated real estate appraisers; and

WHEREAS, Love In An Elevator LLC desires to acquire the Property for the purpose of operating a restaurant and other uses associated therewith; and

WHEREAS, notice of a public hearing scheduled for August 20, 2018, at 12:00 p.m. at the office of Port District No. 3 of Grant County to hear and determine the advisability of selling the Property was published in the *Columbia Basin Herald*, a newspaper of general circulation in Grant County, on August 8, 2018, and such notice was posted in three (3) public places within the Port District on August 8, 2018; and

WHEREAS, the Port Commission met at 12:00 p.m. on August 20, 2018, to hear and determine the advisability of the sale of the Property; and

WHEREAS, no person appeared in opposition to the sale of the Property; and

WHEREAS, the Port has obtained two (2) independent appraisals of the Property, the average of which is not greater than \$294,000; and

WHEREAS, the Port has negotiated with Love In An Elevator LLC a Purchase and Sale Agreement under which Love In An Elevator LLC is to purchase the Property at a price \$294,000; and

WHEREAS, the Port has reviewed Love In An Elevator's plans and specifications for the development of the Property as a restaurant and other uses associated therewith; and

WHEREAS, the Port has statutory authority to sell the Property to Love In An Elevator LLC; and

WHEREAS, the Port Commission finds that the execution of the Port District No. 3 of Grant County / Love In An Elevator LLC Purchase and Sale Agreement attached hereto as Exhibit "B" is in the best interest of the District and in furtherance of the Port's general plan of industrial development; **NOW THEREFORE**

BE IT RESOLVED by the Board of Commissioners of Port District No. 3 of Grant County as follows:

1. The Board of Commissioners of Port District No. 3 of Grant County hereby approves Love In An Elevator LLC's plans and specifications for the development of the Property pursuant to RCW 53.25.120.
2. The Port, by and through its Executive Director, Lars Leland, is authorized and approved to sell the Property to Love In An Elevator LLC pursuant to the terms and conditions of the Purchase and Sale Agreement, a copy of which is attached hereto as Exhibit "B."
3. The Port's Executive Director, Lars Leland, for and on behalf of the Port is directed to execute the Purchase and Sale Agreement, a copy of which is attached hereto as Exhibit "B," and to perform any and all acts necessary to complete the conveyance of the Property to Love In An Elevator LLC under the terms of the Purchase and Sale Agreement including, but not limited to, the execution of deeds, closing statements, certifications of non-foreign status, closing certificates and excise tax affidavits.
4. This Resolution shall be effective immediately upon passage and signatures hereon.

PASSED and DATED this _____ day of _____, 2020.

Verlyn Coulson, Commissioner

Glenn Leland, Commissioner

Lauri Dayton, Commissioner

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 10, Plat of Wahluke Industrial Park Phase 2, according to the plat thereof, recorded under Recording No. 1406543, in Volume 31 of Plats, Pages 38 through 41, records of Grant County, Washington.

APN: 153780000

EXHIBIT "B"

**PORT DISTRICT NO. 3 OF GRANT COUNTY /
LOVE IN AN ELEVATOR LLC**

PURCHASE AND SALE AGREEMENT