

**RESOLUTION 2020-08**

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF PORT DISTRICT NO. 3 OF GRANT COUNTY  
APPROVING PORT DISTRICT NO. 3 OF GRANT  
COUNTY / MATTAWA TIRE LLC LEASE AND WAIVING  
RENT SECURITY THEREFOR AND AUTHORIZING  
THE GRANT OF AN OPTION TO PURCHASE TO  
MATTAWA TIRE 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, pursuant to RCW 53.08.080, the Port is authorized to lease all real property owned or controlled by the Port for such purposes and upon such terms as the Port Commission deems proper; and

WHEREAS, pursuant to RCW 53.08.085, upon the lease of real property for a term longer than one (1) year, the Port must have the rent secured by rental insurance, bond or other security satisfactory to the Port Commission unless the Port Commission, in its discretion, waives the rent security requirement; and

WHEREAS, the Property lies within one (1) of the Port’s industrial development districts formed pursuant to RCW 53.25.040, *et seq.*, namely Wahluke Industrial Park; 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 interest of the Port and in furtherance of the Port’s general plan of industrial improvement; 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 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, Mattawa Tire LLC, desires to lease the Property with an option to purchase for the purpose of operating an automotive business and other uses associated therewith;

WHEREAS, Mattawa Tire LLC previously leased and is in possession of the Property pursuant to a Lease Agreement dated \_\_\_\_\_, 20\_\_\_\_, under which it made valuable

improvements to the Property and in which by its terms the Port waived a rental bond or other rent security; and

WHEREAS, Mattawa Tire LLC has made valuable improvements to the Property, has an extensive history of timely payment of rent and by reason thereof there exists little reason to require rent security; and

WHEREAS, the Port Commission finds that the execution of the Port District No. 3 of Grant County / Mattawa Tire LLC attached hereto as Exhibit "B" (the "Lease") is in the best interests of the Port and that it is advisable to waive rent security; and

WHEREAS, notice of a public hearing scheduled for \_\_\_\_\_, 2020, at \_\_\_\_\_ 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 *Mattawa Area News*, a newspaper of general circulation in Grant County, on \_\_\_\_\_, 2020, and such notice was posted in three (3) public places within the Port District on \_\_\_\_\_, 2020; and

WHEREAS, the Port Commission met at \_\_\_\_\_ p.m. on \_\_\_\_\_, 2020, 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 negotiated with Mattawa Tire LLC an Option to Purchase under which Mattawa Tire LLC is granted the option to purchase the Property at a price equivalent to the average of two (2) independent appraisals of the Property performed within forty-five (45) days following the exercise by Mattawa Tire LLC of the Option to Purchase by a professionally designated real estate appraisers; and

WHEREAS, the Port has reviewed Mattawa Tire LLC's plans and specifications for the development of the Property as an automotive business and other uses associated therewith; and

WHEREAS, the Port has statutory authority to sell the Property to Mattawa Tire LLC pursuant to the terms and conditions of the Option to Purchase attached hereto as Exhibit "C" (the "Option to Purchase"); and

WHEREAS, the Port Commission finds that the execution of the Option to Purchase attached hereto as Exhibit "C" is in the best interests 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 the Lease, a copy of which is attached as Exhibit "B" and authorizes Port's Director, Lars Leland, to execute the Lease on behalf of the Port

2. The Board of Commissioners of Port District No. 3 of Grant County hereby waives the rent security requirement of RCW 53.08.085 as it applies to the Lease, a copy of which is attached hereto as Exhibit “B”.

3. The Board of Commissioners of Port District No. 3 of Grant County hereby approves Mattawa Tire LLC’s plans and specifications for the development of the Property as an automotive business and other uses associated therewith pursuant to RCW 53.25.120.

4. The Port, by and through its Commissioners, is authorized and approved to sell the Property to Mattawa Tire LLC pursuant to the terms and conditions of the Option to Purchase, a copy of which is attached hereto as Exhibit “C.”

5. The Port’s Director, Lars Leland, for and on behalf of the Port, is directed to execute the Option to Purchase, a copy of which is attached hereto as Exhibit “C” and to perform any and all other acts necessary to complete the conveyance of the Property to Mattawa Tire LLC under the terms of the Option to Purchase including, but not limited to, acquisition of appraisals and the execution of deeds, closing statements, certifications of non-foreign status, closing certificates and excise tax affidavits.

6. This Resolution shall be effective immediately upon passage and signatures hereon.

PASSED and DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Glenn Leland, Commissioner

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Lauri Dayton, Commissioner

\_\_\_\_\_  
Verlyn Coulson, Commissioner

**EXHIBIT "A"**  
**Legal Description**

Lot 3, Plat of Wahluke Industrial Park Phase 1, as per the plat thereof, recorded in Volume 30 of Short Plats, pages 1 through 4, under Recording No. 1348094, records of Grant County, Washington.

Parcel No.: 153769000