

**PORT OF SEATTLE**  
**MEMORANDUM**

**COMMISSION AGENDA**

**Item No.** 5e

**Date of Meeting** June 9, 2009

**DATE:** May 6, 2009

**TO:** Tay Yoshitani, Chief Executive Officer

**FROM:** Diane Summerhays, Director, Aviation Community Development  
Craig R. Watson, General Counsel

**SUBJECT:** Request for Port Commission authorization for the General Counsel to enter into a Stipulation for Immediate Use and Possession of Port property being condemned by the City of Des Moines for a proposed misdemeanor correctional facility.

**SYNOPSIS**

This request is for authorization for the General Counsel to enter into a Stipulation for Immediate Use and Possession of Port property being condemned by the City of Des Moines.

**BACKGROUND**

The Port of Seattle property depicted on the attached map was identified by SCORE (South Correctional Entity), an interagency coalition comprised of the cities of Auburn, Des Moines, Federal Way, Renton, Burien, Tukwila and SeaTac, as the location for a new misdemeanor correctional facility. In April 2009, the City of Des Moines (City) moved to acquire the property from the Port through a condemnation action.

The property was acquired by the Port primarily for noise mitigation. It is in a remote area south of SeaTac International Airport, adjacent to the SR509 old right of way and 208<sup>th</sup> Street. No aviation-related use has been identified for the parcel. Consistent with Federal Aviation Administration requirements, restrictions will be incorporated into the agreement with the City to ensure the property will be used in a manner compatible with an airport environment.

SCORE's plans call for commencing construction of the facility by August 2009. However, the Port and the City have not reached agreement on the fair market value of the property. In addition, road access to the facility is under negotiation. To meet its construction goal pending resolution of these issues, SCORE is requesting possession of the property effective August 1, 2009 through a Stipulation for Immediate Use and Possession. As required under condemnation law, SCORE will pay the Port its appraised value for the property at the time it takes possession.

## **COMMISSION AGENDA**

T. Yoshitani, Chief Executive Officer

May 6, 2009

Page 2 of 2

### **STRATEGIC OBJECTIVES**

Since condemnation of this property is a legal action, it is not directly linked to a strategic objective. However, providing immediate use and possession of the property supports the Port's strategy to "Enhance Public Understanding and Support of the Port's Role in the Region" by cooperating with our local governments for a multi-jurisdictional, governmental purpose.

### **ALTERNATIVES CONSIDERED/RECOMMENDED ACTION**

**Take no action.** While the City could request that the court expedite the condemnation action, a delay in possession of the property after August 2009 could seriously impact SCORE's schedule to construct the correctional facility. This is not a recommended alternative.

**Enter into a Stipulation for Immediate Use and Possession:** This will allow the condemnation process to continue for a facility that will benefit multiple cities. **This is the recommended alternative.**

### **FINANCIAL IMPLICATIONS**

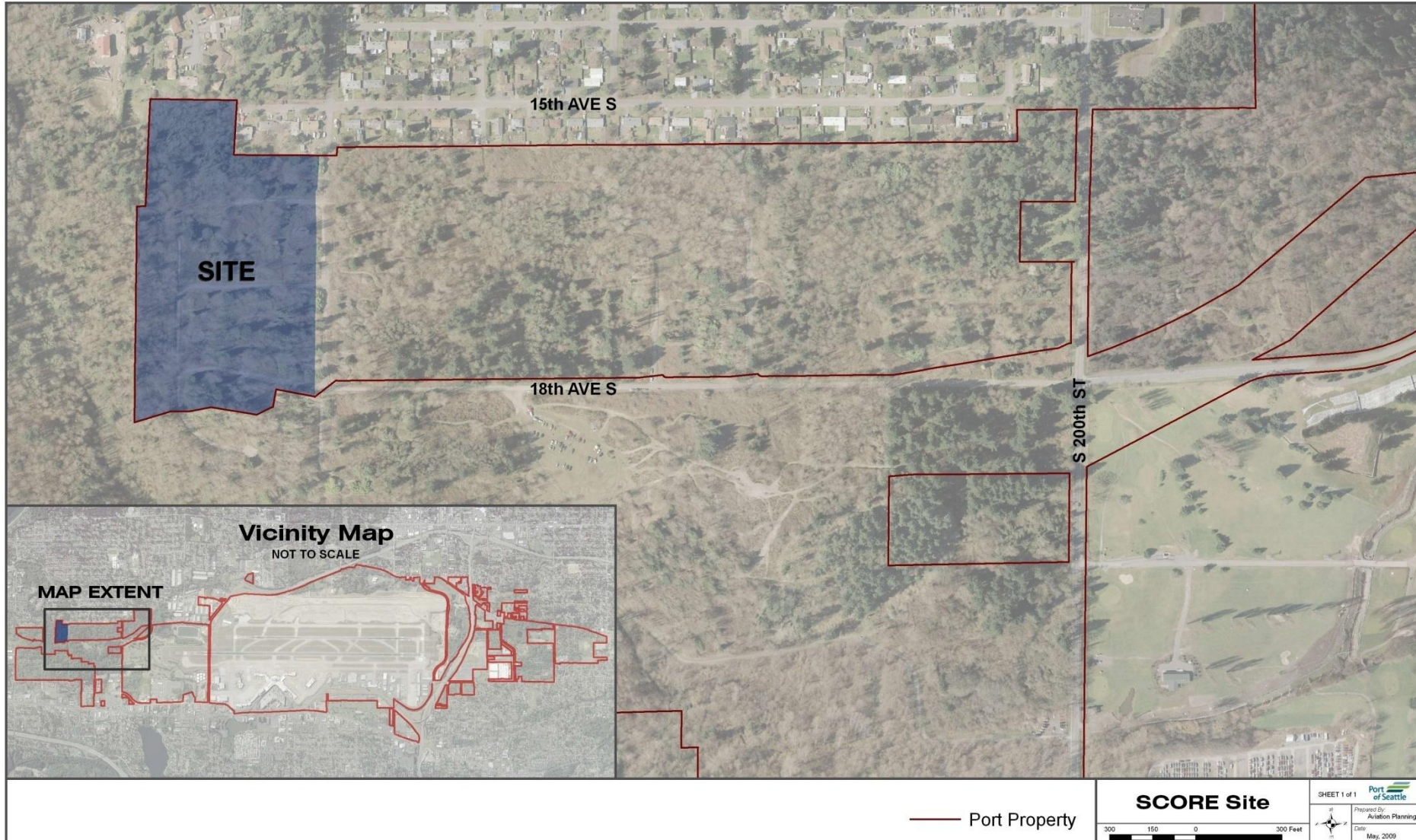
Washington law requires that the Port receive fair market value for the property. This value has not yet been agreed to by the parties, but will be determined in accordance with the requirements for condemnation actions. The City is required to pay the Port \$2,490,000.00, its current appraised value for the property, at the time it takes possession under the Stipulation for Immediate Use and Possession.

### **ECONOMIC IMPACTS**

The granting of Immediate Use and Possession to the City will bring a one time, short-term financial benefit to the Port. Additional economic benefits will accrue to the local community from the construction and operation of the correctional facility.

### **PREVIOUS COMMISSION ACTION**

There has been no previous Commission action associated with this request.



— Port Property

**SCORE Site**

300 150 0 300 Feet