

RESOLUTION NO. 3622

A RESOLUTION of the Port Commission of the Port of Seattle providing for the acquisition by purchase and/or condemnation of certain real property located at 14635 Des Moines Memorial Drive South (King County Tax Number 202304-9091), referenced as the Property, in the City of Burien, Washington

WHEREAS, the voters of King County, pursuant to the provisions of enabling legislation adopted by the Legislature of the State of Washington, Chapter 92, Laws of 1911, RCW 53.04.010, authorized and approved at a special election held in King County on the 5th day of September 1911, the formation of a port district coextensive with King County to be known as the Port of Seattle; and

WHEREAS, the Port of Seattle was thereupon established as a port district and has since been and now is a duly authorized and acting port district of the State of Washington and operator of Seattle-Tacoma International Airport (Airport); and

WHEREAS, pursuant to RCW 53.08.010 and RCW 14.08.030 the Port of Seattle is authorized by the State Legislature to acquire property by purchase or through condemnation for airport purposes; and

WHEREAS, certain areas around an airport experience airport noise; and

WHEREAS, under federal land use compatibility guidelines, residences are generally not compatible with noise levels measured in day-night sound levels of 65 decibels or greater; and

WHEREAS, to reduce or eliminate incompatible uses, an airport may acquire land that falls within the 65 decibel Day Night Limit in order to convert the use of the land to a use that is compatible with airport operations; and

WHEREAS, under RCW 14.08.030, such acquisition would be for an airport purpose;
and

WHEREAS, the Environmental Impact Statement (EIS) for the Third Runway Master Plan update and the latest Federal Aviation Regulation (FAR) Part 150 Noise and Land Use Compatibility Study called for residential acquisition in the Burien's Northeast Redevelopment Area (NERA) due to airport noise and operational impacts; and

WHEREAS, Port staff, in cooperation with Burien Planning staff and the Federal Aviation Administration (FAA), developed an acquisition boundary for the North Burien Approach Transition Zone (ATZ) buy-out area based on certain acquisition/relocation criteria specified in Port Commission Resolution No. 3443 authorizing implementation of the FAR Part 150 recommendations; and

WHEREAS, the subject Property lies within the boundary of the North Burien Approach Transition Zone and lies in an area within the 65 decibel Day Night Limit for level of airport noise; and

WHEREAS, the Port and the owner of the subject property have been unable to agree on its fair market value; and

WHEREAS, the acquisition of the subject property is a Federal Aviation Regulation Part 150 Noise Compatibility measure; and

WHEREAS, funding for acquisition of the subject property is included in the 2006-2010 Capital Budget and Plan of Finance under CIP number C200015 and in the Third Runway budget. The acquisition is eligible for federal funding by Airport Improvement Program (AIP) grants, reimbursement of 80% of eligible costs (acquisition, relocation and demolition) and includes a combination of grants, Passenger Facility Charges (PFC), and Revenue Bonds.

NOW, THEREFORE, BE IT RESOLVED, that

SECTION 1. The Port of Seattle shall acquire by purchase and/or condemnation the Property situated in the City of Burien, County of King, State of Washington and legally described in Exhibit A, attached hereto and by this reference incorporated herein.

SECTION 2. The acquisition of said Property is for a public use and purpose, to-wit: acquisition of residential property located in an area where the level of airport noise associated with the Third Runway is 65 decibels or greater so that the property may be converted to a use that is compatible with airport operations.

SECTION 3. There is a public necessity for the acquisition of said Property. The need is consistent with the Environmental Impact Statement for the Third Runway Master Plan update, the latest Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Study, and the identification of the Property as lying within the boundary of the North Burien Approach Transit Zone.

SECTION 4. The acquisition of said Property is necessary for the proposed public use, and for the benefit of the public and the region.

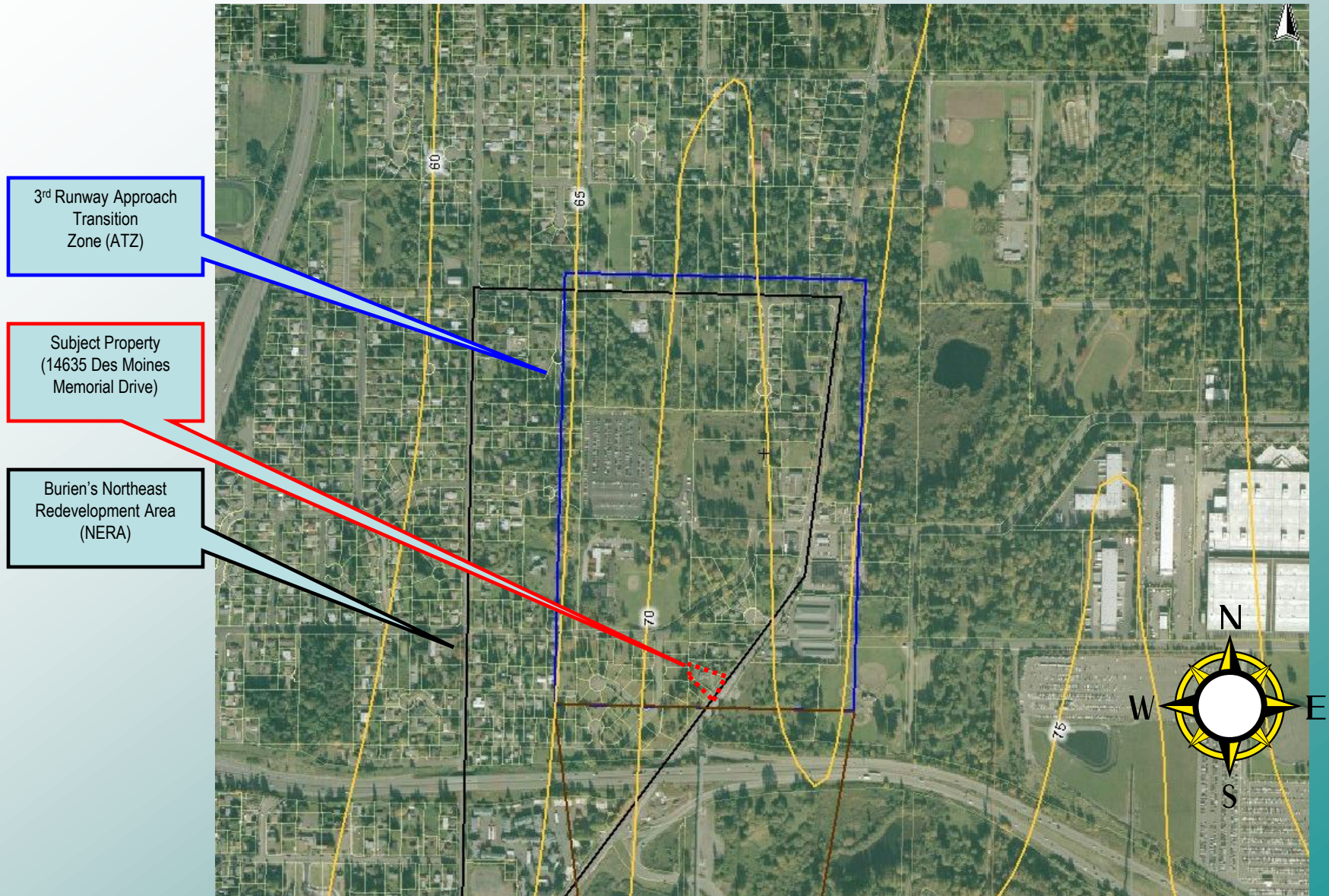
SECTION 5. Funds from CIP # C200015), in combination with Airport Improvement Program grant funds and a combination of grants, Passenger Facility Charges (PFC), and Revenue Bonds, shall be made available to carry out the provisions of this Resolution.

SECTION 6. The Port of Seattle Chief Executive Officer or designee are hereby authorized and directed to execute all documents for the acquisition of said Property by negotiated purchase or condemnation and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the lands, property, and other property interests pursuant to the powers granted to the Port of Seattle including, but not limited to, those powers

granted in RCW Chapters 8.12, 14.08, 53.04, and 53.08 to carry out the provisions of this Resolution.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting held this _____ day of _____, 2009, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

Port Commission



3rd Runway Approach
Transition
Zone (ATZ)

Subject Property
(14635 Des Moines
Memorial Drive)

Burien's Northeast
Redevelopment Area
(NERA)

**EXHIBIT A
TO
RESOLUTION NO. 3622**

King County Tax ID Number 202304-9091:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 23 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 792 FEET SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER;
THENCE SOUTH 89°28'14" EAST 287.26 FEET, MORE OR LESS, TO THE WEST LINE OF DES MOINES WAY;
THENCE SOUTH 34°42'45" WEST ALONG THE WEST MARGIN OF DES MOINES WAY 120 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID WEST MARGIN OF DES MOINES WAY 116.86 FEET;
THENCE NORTH 57°01'41" WEST 174.44 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER;
THENCE NORTH 0°13'50" WEST TO A POINT 805 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER;
THENCE SOUTHEASTERLY ON A STRAIGHT LINE TO THE POINT OF BEGINNING;
EXCEPT THAT PORTION THEREOF CONDEMNED BY THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 709329.
