

RESOLUTION NO. 3623

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 14211 Des Moines Memorial Drive South (King County Tax Number 172304-9219), 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 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;
and

WHEREAS, Seventy-two residential parcels met the acquisition/relocation criteria and were identified as eligible for federal funds; 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 thus eligible for Airport Improvement Program (AIP) grant funds; and

WHEREAS, the Port Commission authorized the expenditure of funds for the Third Runway Overflights Acquisition Project (CIP # C200015) in the 2006-2010 Capital Budget and Plan of Finance; and

WHEREAS, in accordance with Chapter 8.12 RCW, the Port of Seattle timely caused to be delivered to the tax payer of record for the Property a mailing of the Statutory Notice of a Meeting scheduled for June 23, 2009 of the Port Commission to consider the commencement of an action to acquire the Property by eminent domain; and

WHEREAS, in accordance with Chapter 8.12 RCW, the Port of Seattle further caused such Statutory Notice to be published in The Seattle Times, the newspaper with the largest circulation in the jurisdiction where the subject Property is located and in Seattle Daily Journal of Commerce, the newspaper routinely used by the Port for notices; and

WHEREAS, on June 23, 2009 and July 14, 2009, the Port Commission held General Meetings to consider the commencement of an eminent domain action to acquire the Property.

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 can 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 for the Third Runway Overflights Acquisition Project (CIP # C200015), in combination with Airport Improvement Program grant funds, 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

**EXHIBIT A
TO
RESOLUTION NO. 3623**

King County Tax ID Number 172304-9219:

Parcel B:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 23 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, WITH THE WESTERLY LINE OF DES MOINES WAY AND RUNNING THENCE WEST ALONG THE NORTH LINE OF SAID SUBDIVISION 300.00 FEET;
THENCE SOUTH AT RIGHT ANGLES THERETO 95.00 FEET;
THENCE EAST PARALLEL TO SAID NORTH LINE OF SAID SUBDIVISION 289.09 FEET TO
THE WESTLY LINE OF SAID DES MOINES WAY;
THENCE NORTHERLY ALONG SAID WESTERLY LINE 95.63 FEET TO
THE POINT OF BEGINNING.