

RESOLUTION NO. 3630

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 14431 Des Moines Memorial Drive South (King County Tax Number 202304-9177), referenced as the Williams 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;
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 has authorized the expenditure of funds for the North Burien Phase 2 Project (CIP # C200015);

WHEREAS, in accordance with Chapter 8.12 RCW, the Port of Seattle timely caused a mailing of the Statutory Notice of a Meeting scheduled for October 6, 2009, and October 13, 2009, of the Port Commission of the Port of Seattle to consider the commencement of an action to acquire the subject Property by eminent domain (the “Statutory Notice”) to be delivered to the tax payer of record for the subject Property: RICHARD J WILLIAMS, & CHARLOTTE F WILLIAMS; and

WHEREAS, in accordance with Chapter 8.12 RCW, the Port of Seattle further caused such Statutory Notice to be published once a week for two consecutive weeks on September 23, 2009, and September 30, 2009, in a newspaper with the largest circulation in the jurisdiction where the subject Property is located, *The Highline Times*; and

WHEREAS, in accordance with Chapter 8.12 RCW, the Port of Seattle further caused such required Statutory Notice to be published once a week for two consecutive weeks on September 23, 2009, and September 30, 2009, in a newspaper routinely used by the Port of Seattle, where such newspaper does not also have the largest circulation in the jurisdiction where the subject Property is located, *Seattle Daily Journal of Commerce*; and

WHEREAS, on October 6 and October 13, 2009, the Port Commission of the Port of Seattle held a General Meeting to consider the commencement of an eminent domain action to acquire the subject 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 North Burien Phase 2 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. 3630**

King County Tax ID Number 202304-9177:

THAT PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20 IN TOWNSHIP 23 NORTH OF RANGE 4 EAST W.M., DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID SUBDIVISION;
THENCE NORTH 89°28'14" WEST, ALONG THE NORTH LINE OF SAID SUBDIVISION, 945 FEET, MORE OR LESS, TO A POINT WHICH IS 375 FEET EAST OF THE NORTHWEST CORNER THEREOF;
THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION, 175 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTHERLY, ALONG SAID PARALLEL LINE, 400 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED UNDER KING COUNTY RECORDING NO. 769308;
THENCE SOUTH 89°28'14" EAST, PARALLEL WITH SAID NORTH LINE, 83.35 FEET, MORE OR LESS, TO THE NORTHWESTERLY RIGHT-OF-WAY MARGIN OF THE SEATTLE-DES MOINES HIGHWAY COUNTY ROAD (ALSO KNOWN AS DES MOINES WAY SOUTH AND AS DES MOINES MEMORIAL DRIVE);
THENCE NORTHEASTERLY, ALONG SAID MARGIN, 442.47 FEET, MORE OR LESS, TO A POINT WHICH IS 175 FEET SOUTH OF SAID NORTH LINE;
THENCE WESTERLY, PARALLEL WITH SAID NORTH LINE, 266.53 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.
