



**COMMISSION  
AGENDA MEMORANDUM**

**Item No.** 8f

**ACTION ITEM**

**Date of Meeting** April 12, 2022

**DATE :** March 25, 2022

**TO:** Stephen P. Metruck, Executive Director

**FROM:** Pete Ramels, General Counsel  
Marie Quasius, Senior Port Counsel

**SUBJECT: Authorization for the Executive Director to Execute a Settlement Agreement to Resolve Easement Dispute and Claims for Damages**

**Amount of this request:** \$1,290,000

**ACTION REQUESTED**

Request Commission authorization for the Executive Director to execute a settlement agreement with Wesley Homes Des Moines, LLC and Wesley Homes Corporation (“Wesley”) to resolve a dispute related to the Port’s avigation easement over Wesley’s property and a claim for damages.

**EXECUTIVE SUMMARY**

In acknowledgment of and in exchange for actions described in the Settlement Agreement, Wesley will release its claims against the Port and clarify the terms of the easement.

1. The Port will conduct acoustical testing at Wesley’s “Terrace Building” (a 1960’s era multi-story building) to determine interior noise levels from aircraft operations.
2. The Port and Wesley will work cooperatively to seek FAA funding for noise mitigation improvements at the Terrace Building when/if it meets specified exterior noise levels.
3. The Port is committing to engage a consultant to conduct a full Part 150 update for SEA Airport which will include noise contours for the airport and to make a budget commitment in 2023 for funding commencement of the update.
4. The Port will reimburse Wesley for up to \$250,000 in documented attorney and expert fees that Wesley has incurred in connection with this dispute.
5. Wesley is going to provide the Port with a revised avigation easement that clarifies the metric for measuring the burden, among other revisions to the easement.

The Port denies Wesley’s claims. However, considering the costs of litigation that would be needed to take this matter to trial, the settlement is recommended.

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This matter was discussed in privileged attorney-client communications.

There are no attachments to this memo.