

**RESOLUTION NO. 3122**

**A RESOLUTION** of the Port Commission of the Port of Seattle abandoning the acquisition by eminent domain of certain real property pursuant to the Noise Remedy Program for Seattle-Tacoma International Airport and Environs and deleting said real property from the acquisition area of the Noise Remedy Overall Program Boundaries.

**WHEREAS**, on January 8, 1985, the Port Commission of the Port of Seattle adopted Resolution No. 2943, as amended, and Appendix A thereto, adopting an updated Noise Remedy Program for Seattle-Tacoma International Airport (Airport) to mitigate noise in the neighborhoods immediately surrounding the Airport; and

**WHEREAS**, Resolution No. 2943, as amended, provided for the acquisition, on the basis of qualified appraisals and/or by eminent domain, of property in the acquisition area of the Noise Remedy Overall Program Boundaries as designated in Appendix A to said Resolution; and

**WHEREAS**, one of the key criteria in the updated Noise Remedy Program for the use of acquisition as a primary noise remedy is the acquisition of single family residences in aircraft noise exposure areas of Ldn 75 and over in the year 2000, or Ldn 80 in the year 1980 in accordance with the noise contours developed by the Airport pursuant to the requirements set forth in 14 CFR Pt. 150 App. A and accepted by the Federal Aviation Administration; and

**WHEREAS**, the property described herein is in the 73 Ldn and not within the noise contours for acquisition as a primary noise remedy; and

**WHEREAS**, a proceeding in eminent domain for acquisition of said property is pending in King County Superior Court;

**WHEREAS**, said property is situated in an area originally envisioned as included in the Airport's South Aviation Support Area (SASA); and

**WHEREAS**, recent planning changes at the Airport indicate that the property described herein is no longer needed for airport purposes in the Airport's SASA development;

**NOW, THEREFORE, BE IT RESOLVED** by the Port Commission of the Port of Seattle that:

Section 1: Pursuant to Chapter 8.12 RCW, the Port Commission hereby abandons the pending eminent domain proceeding for the acquisition of the following described real property:

Parcel A: The South 160 feet of that portion of the South 10 acres of the Northwest 1/4 of the Northeast 1/4 of Section 4, Township 22 North, Range 4 East W.M., lying easterly of Rickard Heights, as per plat recorded in Volume 71 of Plats, page 79, records of King County; EXCEPT that portion thereof lying Easterly of the Westerly margin of the John Rasmussen County Road No. 366, (now 28th Avenue South); Situate in the County of King, State of Washington.

Parcel B: The North 110 feet of the East 200 feet of that portion of the South 10 acres of the Northwest 1/4 of the Northeast 1/4 of Section 4, Township 22 North, Range 4 East W.M., lying West of 28th Avenue South; Situate in the County of King, State of Washington.

Section 2: The property described in Section 1 above is hereby deleted from the acquisition area of the Noise Remedy Program Overall Boundaries.

Section 3: As provided in RCW 8.25.075, the Port Commission hereby authorizes the Executive Director to pay the owners of the property described in Section 1 costs, including reasonable attorney fees and reasonable expert fees, incurred in litigating the eminent domain action.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting thereof held this 8th day of Sept., 1992, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

Paige R Miller

Jay Grant

Paul Schell

Patricia Davis

John S. Blair  
Port Commission