EMINENT DOMAIN

Presentation to:
The APPA Economic Development Committee

Julie Collins, Director of Economic Development & Governmental Affairs

Jay Stewart, Manager of Real Estate

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Chapter 1 of a very long book

- Port of Tacoma
- Politics
- Process
- People
- Press
EMINENT DOMAIN

“All Politics Are Local”

- Tacoma Convention Center
- Sound Transit
- Washington State Legislature
- Property Rights
A port district may construct, condemn, purchase, acquire, add to, maintain, conduct, and operate sea walls, jetties, piers, wharves, docks, boat landings, and other harbor improvements, warehouses, storehouses, elevators, grain-bins, cold storage plants, terminal icing plants, bunkers, oil tanks, ferries, canals, locks, tidal basins, bridges, subways, tramways, cableways, conveyors, administration buildings, fishing terminals, together with modern appliances and buildings for the economical handling, packaging, storing, and transporting of freight and handling of passenger traffic, rail and motor vehicle transfer and terminal facilities, water transfer and terminal facilities, air transfer and terminal facilities.
EMINENT DOMAIN

RCW 53.08.202

and any combination of such transfer and terminal facilities, commercial transportation, transfer, handling, storage and terminal facilities, and improvements relating to industrial and manufacturing activities within the district, and in connection with the operation of the facilities and improvements of the district, it may perform all customary services including the handling, weighing, measuring and reconditioning of all commodities received. A port district may also construct, condemn, purchase, acquire, add to and maintain facilities for the freezing or processing of goods, agricultural products, meats or perishable commodities. A port district may also construct, purchase and operate belt line railways, but shall not acquire the same by condemnation.
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Stepped Acquisition Process

- I.D. Properties for Assembly
- Meet with Landowners
- Seek LOIs / PSAs
- Deliver Notice Letter after extended efforts
- Keep partners informed
- Offer relocation options
- File eminent domain action if no engagement
Resolution no. 2007-04

Background

Properties are needed to support future maritime development including terminal facilities, road and rail infrastructure, and public transportation needs.
Background
The Port of Tacoma will seek to acquire the property by direct negotiation based on fair market value. If direct negotiations are unsuccessful, this action will authorize the Executive Director and legal staff to take necessary steps to file condemnation proceedings and acquire the property.
PRESS

• Establishing “public need & necessity”
• Logical step in ongoing briefings to newspaper about Port’s anticipated growth
• Partners underscored the message
• Lack of outcry from property owners
• Story “heads-up” provided informed reporting
**Port of Tacoma plans big land acquisition**

By Paul Schrag  
Business Examiner Staff

Flooding of cargo from Asia have encouraged recently unveiled expansion plans at the The Port of Tacoma, with more than 20 business owners on the east side of the Blair Waterway receiving notice that the port plans to build where they currently operate.

Port officials will vote at their May 29 meeting whether to use the power of eminent domain as a last resort in their attempts to acquire land needed for future expansions.

Businesses, meanwhile, are just now beginning to consider the impacts, said Tacoma-Pierce County Economic Development Board President and CEO Bruce Kendall, whose agency offers assistance to businesses affected by coming changes.

"The most common question we get is 'Is this See Plastics, Page 28."
Port of Tacoma needs a real plan for land deals

Everything the Port of Tacoma does to boost its capacity as a competitive, world-class container-handling operation trumps any other business that gets steamrolled along the way, if you believe the port’s hype.

Want proof? When the Port Commission voted last month to buy 140 acres on the Tidelands for a marine terminal, the commissioners didn’t know what businesses or even how many businesses its action would displace, nor exactly how many jobs its action would displace.

Nor does the Port of Tacoma have any written policy about how to help relocate businesses that stand in its growth path or which businesses get paid by the port to relocate and which ones don’t.

It should.

Because guess how many jobs the port’s expansion will affect? About 720, according to figures compiled Friday by the Economic Development Board of Tacoma-Pierce County.

And not all of those jobs will stay in Tacoma — or even Pierce County.

“Our goal is always to keep companies in the jurisdiction that they are presently in,” said Bruce Kendall, executive director of the development board. “But there will be companies coming out of this that just won’t be able to stay in the City of Tacoma.”

I don’t want to imply that port officials don’t care about the businesses their actions will affect. They do, absolutely. Their purchase plans came with verbal commitments to place in con-

South Sound

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Port’s eminent domain OK’d

22 property owners on Tidelflats must yield to expansion

The Port of Tacoma Commission unanimously approves the use of condemnation powers to acquire 140 acres of Tidelflats property.

BY KELLY KEARSLEY
The News Tribune

In a unanimous vote, the Port of Tacoma Commission on Tuesday authorized the use of the port’s powers of eminent domain to force the sale of 140 acres of privately owned property on Tacoma’s Tidelflats. The port wants the property so it can develop marine cargo terminals on the east side of the Blair Waterway. The action affects 22 property owners — many of whom lease their land to other businesses. Those businesses generate an estimated 680 jobs.

Bob Emerson, the port’s senior director of real estate, told the commission.

Most of the affected businesses will need to relocate, though some might be able to reconfigure operations at their current locations.

Commission President Connie Bacon said the port would condemn property only as a last resort and plans to continue to negotiate purchases with property owners.

“This is not something we do lightly,” Bacon said. “This is not a hammer, it’s something that’s a last-ditch effort.”

Though the port won’t need any of the properties for at least a year, Emerson said he wanted to secure the rights to the property in the upcoming weeks and months to facilitate development.

The meeting attracted a crowd, with most of the 63 chairs at the Port Business Center meeting room taken and several people standing in the back. Many of the affected property and business owners attended, but only one chose to voice his concern to the commission.

Gary Keeler, vice president of Graymont Limited, a Canadian company that makes products from limestone, said the port’s action has an immediate effect on business — especially customers considering long-term contracts with the company — even if the port doesn’t need the property for years.

The port wants a small corner of the

Please see PORT, page B5
THE NEWS TRIBUNE
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OUR VIEWS

Port of Tacoma expansion
a move to the future

Buying 130 acres on the Blair Waterway would help position the port to capitalize on an anticipated jump in container shipping volume.

The power of eminent domain exists for just these kinds of situations.

Comming off a year when the Port of Tacoma’s container traffic grew just 1 percent, the port’s plan to acquire more land for marine cargo terminals could seem timely. But Asian-consuming experts will continue to need a way to get to market, and it’s only a matter of time before the Southern California ports receiving much of the increased traffic now will hit their capacity. When they do, shippers will start looking up the coast. The Northwest ports well prepared for growth could reap a windfall.

Port officials figure that diversion of cargo could be five years off. The time to prepare is now.

That’s the idea behind the Port of Tacoma’s announced plan to buy 130 acres along the Blair Waterway. Port officials have long intended to develop the waterway for marine terminals. They have the projected boon in container shipping traffic on the horizon as an impetus to act.

But they are not alone. The Puyallup Tribe of Indians recently consummated a deal with SSA Marine to develop a 160-acre container terminal on the waterway’s eastern shore. With the proposed port expansion, nearly the entire peninsula would be secured for marine commerce.

Unfortunately, the proposed port expansion also poses upheaval for 22 Tidelands property owners, who face no choice but to sell their land to the port. Port commissioners are set to vote Tuesday to give port staff the authority to condemn the properties if purchase negotiations don’t suc-
TO BE CONTINUED...