

## **RESOLUTION NO. 3257**

**A RESOLUTION** of the Port Commission of the Port of Seattle implementing Measure M2d -Mobile Homes, of the 1993 amendments to Federal Aviation Regulation (FAR) Part 150 Noise Remedy Program at Seattle-Tacoma International Airport

**WHEREAS**, in January, 1985, the Port of Seattle Commission adopted Resolution No. 2943, as amended, the Noise Remedy Program for Seattle-Tacoma International Airport (Airport), consisting of noise mitigation measures pursuant to Federal Aviation Regulation (FAR) Part 150; and

**WHEREAS**, on July 13, 1993, the Port Commission adopted Resolution No. 3144 amending the Airport's FAR Part 150 Noise Remedy Program; and

**WHEREAS**, the Federal Aviation Administration approved the 1993 amendments effective May 18, 1994; and

**WHEREAS**, Measure M2d of the 1993 amendments, Mobile Homes, "Reduction of Noncompatible Mobile Homes in the Airport Environs by Providing an Incentive to Change Land Use," provides that the Port may assist mobile home park owners wishing to convert their property to Airport compatible land uses, by providing funds to move the mobile homes outside the Noise Remedy Program boundaries subject to the following conditions: (a) the property is converted to an Airport compatible land use, (b) the responsible jurisdiction requires the park owner to develop a relocation plan for the residents of the park, (c) the park owner grants to the Port an aviation easement over the property, agrees to restrict the uses of the property to Airport compatible land uses, and agrees that Port funds will be used for the relocation of the mobile

homes, and (d) the responsible jurisdiction agrees to restrict development of the property to Airport compatible uses; and

**WHEREAS**, Measure M2d further requires that the Port develop procedures for implementing this program; and

**WHEREAS**, the owner of Marine View Mobile Home Park in the City of SeaTac has agreed to convert the park to an Airport compatible land use and closure of the park will require the removal of approximately 38 mobile homes;

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

Section 1. This program shall be known as "The Mobile Home Airport Compatibility Program."

Section 2. All mobile park owners interested in participating in the Port's Mobile Home Compatibility Program shall enter into all necessary agreements with the Port agreeing to: (a) convert use of the property to Airport compatible uses; (b) restrict all uses on the property that are Airport incompatible pursuant to Appendix A, Table 1, "Land Use Compatibility With Yearly Day-Night Average Sound Levels," of FAR Part 150, (c) grant an aviation easement to the Port over the property, substantially in the form of attached Exhibit A, (d) provide a copy of the relocation plan approved by the jurisdiction in which the property is located, (e) provide evidence that the jurisdiction with land use authority over the property has agreed to restrict development on the property to Airport noise compatible uses, and (f) use all funds paid by the

Port pursuant to such agreement solely for the purpose of moving the mobile homes off the property, and (f) reimburse to the Port any funds not used for the removal of the mobile homes.

Section 3. As consideration for the park owner's agreement in accordance with Section 2, the Port shall deposit into an escrow account established under an agreement pursuant to Section 2, a total of Six Thousand Dollars (\$6,000.00) for the removal of each mobile home leasing a lot at the park. Subject to the provisions of Section 5, the Port may increase this amount to a total not to exceed Twelve Thousand Dollars (\$12,000.00) per mobile home.

Section 4. (a) Mobile home owners occupying spaces under a lease or other rental agreement in a park that is the subject of an agreement pursuant to Section 2, must meet the following requirements in order to be eligible for participation in the program and receive reimbursement towards the costs of removing the mobile home from the park: (i) submit proof of ownership of the mobile home, (ii) submit proof of legal occupancy at the park as of May 26, 1999, (iii) certify that the mobile home, decks, awnings, skirting and any associated sheds have been removed from the park, (iii) certify that the mobile home has been moved, in accordance with state and local laws, to an area outside the 1998 baseline noise contour (65 Ldn), and (iv) where the mobile home cannot be moved because of its condition, certify that it has been properly disposed of at a local landfill.

(b) Eligible mobile home owners submitting documentation, reasonably sufficient to the Port, that the actual cost of removing their mobile home exceeded Six Thousand Dollars (\$6,000.00), will be reimbursed for actual costs not to exceed Twelve Thousand Dollars (\$12,000.00).

(c) Mobile home owners may choose to assign their approved claim for costs of removal directly to the company with whom the mobile home owner contracts for removal of the mobile home.

(d) Tenants of mobile home owners leasing lots at the park are not eligible to submit claims or receive payment under this program.

Section 5. The Port shall establish efficient procedures for processing claims for payment of mobile home removal costs to eligible mobile home owners.

Section 6. In the event a mobile home owner abandons the mobile home at the park, or is unable to meet the eligibility requirements of Section 4, the park owner may apply to the Port for approval to withdraw those amounts authorized pursuant to Section 5 for removal of the mobile home. In seeking such approval from the Port, the park owner must demonstrate that (a) there are no liens against the particular mobile home, or (b) holders of liens against the particular mobile home have been given notice and an opportunity to claim the mobile home; provided that such lienholders shall not be eligible to receive Port payments for removal of the mobile homes from the park. The park owner shall, in its agreement with the Port, hold harmless and indemnify the Port against all claims arising from the park owner's removal of mobile homes from the park for which the Port approves payment of moving costs.

Section 7. The Port shall provide advisory services to all residents of mobile home parks subject to an agreement pursuant to Section 2. Such advisory services shall include information about other mobile home parks, area apartments and elderly care facilities. The Port shall coordinate such advisory services with the jurisdiction where the park is located in an effort to avoid duplication where the local jurisdiction also provides advisory services for residents of mobile home parks.

Section 8. This program shall be administered by the Port's Aviation Noise Remedy Office. The Manager, Noise Remedy, is hereby authorized to enter into all agreements required under

this resolution for the implementation of the program, including all agreements with mobile park owners pursuant to Section 2. Monetary authorizations for implementation of the program and agreements authorized thereunder may be approved as part of the Port's budget process or presented to the Port Commission as individual requests for monetary authorization.

**ADOPTED** by the Port Commission of the Port of Seattle at a regular meeting thereof, held this 12th day of October, 199~~8~~<sup>9</sup> and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

*Patricia Dwyer*  
*[Signature]*  
*Paige R. Miller*  
*[Signature]*  
*Gary Grant*

Port Commission