

ORDINANCE NO. 19-1008

AN ORDINANCE of the City of SeaTac, Washington, adopting a new Chapter SMC 1.40 related to real property acquisition procedures and appeals authorized by WAC 468-100-010 from decisions made under the Uniform Real Property Acquisition and Relocation Assistance Act.

WHEREAS, the City Council intends to memorialize the current practice of delegating submittal of the City's of right-of-way acquisition procedures to the Washington State Department of Transportation ("WSDOT") for approval, as required by the WSDOT Local Agency Guidelines Manual, Chapter 25, to the City Manager; and

WHEREAS, the Uniform Real Property Acquisition and Relocation Assistance Act, Chapter 8.26 RCW, requires that all local governments pay relocation benefits to residents and businesses that are displaced by the acquisition of land for public projects; and

WHEREAS, WAC 468-100-010 requires displacing agencies to review appeals of decisions made under Chapter 8.26 RCW regarding relocation benefits and other expenses; and

WHEREAS, the City Council has determined that the most appropriate tribunal to consider such appeals is the SeaTac Hearing Examiner;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 1.40 of the SeaTac Municipal Code is hereby amended to read as follows:

Chapter 1.40

Right-of Way Acquisition Procedures and Relocation Assistance Appeals

1.40.010 Right-of-Way Procedures.

A. The City Manager is delegated with the responsibility of submitting the City's of right-of-way acquisition procedures, including updates, to the WSDOT for approval as required by the WSDOT Local Agency Guidelines Manual, Chapter 25.

1.40.020 Relocation Assistance Appeals.

A. Any person who believes that the City has failed to properly determine the person's eligibility for, or the amount of, a payment required under WAC 468-100-105 or RCW 8.26.200, or a relocation payment under Chapter 8.26 RCW or Chapter 468-100 WAC may appeal the determination to the City's Hearing Examiner.

B. An appeal under this Section shall be filed with the City Clerk within sixty (60) calendar days after the person receives written notification of the City's final determination on the person's claim. Failure to file an appeal in a timely manner shall be a bar to consideration of the appeal by the Hearing Examiner.

C. All appeals under this section shall be in writing, but no specific form of appeal is required and the appeal shall be considered regardless of form. The appeal notice or letter should state what issues are being claimed, the reasons why the aggrieved person believes the claim should be allowed, and how the person believes he or she is otherwise aggrieved. The letter or notice should clearly identify the City project and parcel of real property involved and should bear the signature and address of the aggrieved person or the person's authorized representative. The Hearing Examiner may refuse to schedule any hearing on an appeal until these requirements have been complied with or may issue an order providing for dismissal of such appeal upon failure of the appellant to meet these requirements within fourteen (14) calendar days of a request by the City for the required information.

D. The City shall permit a person to inspect and copy all materials pertinent to the person's appeal, except materials which are classified as confidential by the City and that are exempt from disclosure under the Public Records Act, Chapter 42.56 RCW. The City may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

E. Discovery will be available in relocation appeals as follows: Any party to a relocation appeal may obtain discovery from any party by written interrogatories, written admissions, oral depositions, subpoena duces tecums, and written requests for production of documents. The procedures regarding these methods of discovery are found at King County Superior Court Civil Rule 28 through 36 and 45(b) as now or hereafter amended and are hereby incorporated in this section.

F. Appeals under this Section shall be conducted pursuant to the Hearing Examiner System established under SMC 1.20. In addition to the Hearing Examiner Rules of Procedure established pursuant to SMC 1.20.110, the Hearing Examiner is authorized to utilize applicable provisions of Chapter 468-10 WAC and 10-08 WAC as applicable. The decision of the Hearing Examiner is final.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such as invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED this 9th day of April, 2019, and signed in authentication thereof on this 9th day of April, 2019.

CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

APPROVED AS TO FORM:


Mary E. Mirante Bartolo, City Attorney

Effective Date: 4/20/19

[Right-of-Way Procedures and Relocation Appeals—V2]