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Peninsula Metropolitan Park District

RESOLUTION NO. R2024-016

AUTHORIZING THE EXECUTIVE DIRECTOR TO ACQUIRE CERTAIN REAL PROPERTY INTERESTS, INCLUDING ACQUISITION BY EMINENT DOMAIN (CONDEMNATION) TO THE EXTENT AUTHORIZED BY LAW, AND TO REIMBURSE ELIGIBLE RELOCATION AND REESTABLISHMENT EXPENSES INCURRED BY AFFECTED OWNERS AS NECESSARY FOR PUBLIC USE OF MADRONA LINKS GOLF COURSE

WHEREAS, the Peninsula Metropolitan Park District, commonly known as PenMet Parks, was formed pursuant to chapter 35.61 of the Revised Code of Washington (RCW) for the purposes of "management, control, improvement, maintenance, and acquisition of parks, parkways, boulevards, and recreational facilities" as provided in RCW 35.61.010; and

WHEREAS, PenMet Parks is authorized to plan, construct, and permanently operate recreational facilities and provide recreational services to meet the needs of its residents; and

WHEREAS, in 1967, the City of Tacoma leased approximately 80 acres of property, commonly known as Pierce County Tax Parcel No. 0221204032, to DenMARK, Inc. for the purpose of constructing, managing, operating and maintaining a golf course (the "Operating Lease"); and

WHEREAS, DenMARK, Inc. assigned its rights to the Operating Lease to Tyson LP ("Tyson") who is the current tenant under the Operating Lease; and

WHEREAS, Tyson purchased approximately 14 acres of adjoining property commonly known as Pierce County Tax Parcel No. 0221201025 and legally described on the attached Exhibit A (the "Subject Property") to provide sufficient land necessary for the construction and subsequent operation of a public golf course; and

WHEREAS, Tyson subsequently constructed the golf course, which is commonly known as the Madrona Links Golf Course, using the entirety of both the Operating Lease property and the Subject Property; and

WHEREAS, PenMet Parks is the current owner of the Operating Lease property and landlord and the Operating Lease expires in or about 2028, unless terminated sooner; and

WHEREAS, Tyson sold the Subject Property to an unrelated private party who is not subject to the lease; and

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WHEREAS, in order to ensure the Madrona Links Golf Course remains intact, available to the general public, and continues to be operated as an 18 hole public golf course, it is necessary for PenMet Parks to acquire by negotiated purchase or to condemn certain rights in the Subject Property for public purposes, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants, if any; and

WHEREAS, PenMet Parks has negotiated in good faith as to the amount of compensation due to the owners of the Subject Property and has based its offer price of $2,490,000 on the opinion of a licensed and qualified MAI appraiser, which was subsequently rejected; and

WHEREAS, though PenMet Parks will continue its negotiations with the Subject Property owners, the Park Board believes it to be prudent to adopt this resolution authorizing eminent domain in the event the negotiations are unsuccessful; and

WHEREAS, the Park Board is exercising its independent discretion to proceed with an eminent domain action to establish the right to take the Subject Property for a public purpose and to settle the amount of compensation owing to the Subject Property owners; and

WHEREAS, staff has provided notice to the Subject Property owners and the public of this final action authorizing eminent domain pursuant to RCW 8.25.290; and

WHEREAS, the funds necessary to acquire the Subject Property by voluntary purchase or to pay just compensation adjudged due after eminent domain and the funds necessary to reimburse eligible relocation and reestablishment expenses shall be paid from PenMet Parks' general fund.

NOW THEREFORE BE IT RESOLVED by the Board of Park Commissioners of the Peninsula Metropolitan Park District that:

SECTION 1. The Subject Property, commonly known as Pierce County Tax Parcel No. 0221201025 and legally described on the attached Exhibit A (the "Subject Property"), is currently used as part of Madrona Links Golf Course, a public golf course, and PenMet Parks' ownership of the Subject Property is necessary to ensure the continued public access, operation and use of the Madrona Links Golf Course.

SECTION 2. The Park Board deems the Subject Property to be a public use for a public purpose. The Board deems it necessary and in the best interests of the residents within PenMet Parks' boundaries to acquire the Subject Property as being necessary for the maintenance, operation, and continued public use of the entire Madrona Links Golf Course.

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SECTION 3. The Park Board finds that the public health, safety, necessity, convenience, and welfare demand and require that interests in the Subject Property be immediately acquired, condemned, appropriated and taken for the maintenance, operation, and continued public use of the entire Madrona Links Golf Course.

SECTION 4. The Subject Property is within PenMet Parks' jurisdictional boundaries and PenMet Parks is authorized to condemn property pursuant to RCW 35.61.130(1).

SECTION 5. The Subject Property is hereby condemned, appropriated and taken for the public use described above, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

SECTION 6. PenMet Parks staff have actively worked in good faith to acquire the Subject Property by negotiated sale, but differences of opinion exist between PenMet Parks and the owners of the Subject Property. The public necessity and convenience requires PenMet Parks to initiate the acquisition of the Subject Property by exercise of the power of eminent domain.

SECTION 7. The Executive Director is hereby authorized to execute such agreements as are customary and necessary for the acquisition of interests in the Subject Property and for the reimbursement of eligible relocation and reestablishment expenses, if any. The acquisition price of the Subject Property shall not be less than its fair market value as determined through the appraisal process by a qualified appraiser; provided that in the event the total of the acquisition, relocation, and reestablishment costs of the Subject Property exceeds $2,500,000.00, then the Executive Director must first obtain approval from the Board before the acquisition of the Subject Property by negotiated sale or by eminent domain and the reimbursement of eligible relocation and reestablishment expenses.

SECTION 8. The Executive Director or her designee is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of the Subject Property. Such settlements shall be made only upon the finding of legal counsel that the settlement is consistent with the law and is reasonable, prudent, and in the public interest. Such settlements may not exceed the established maximum price. For all other settlements proposed, the Executive Director must obtain prior approval of the Board.

SECTION 9. In addition to the authority granted the Executive Director in Section 7 above, condemnation proceedings are hereby authorized to acquire all, or any portion thereof, of the Subject Property to the extent permitted by law, for the purpose of maintaining, operating, and continued public use of the Madrona Links Golf Course. The Executive Director is also authorized to make minor amendments to the legal description

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of the Subject Property in Exhibit A, as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the Subject Property.

SECTION 10. The funds necessary to acquire the Subject Property by purchase or to pay just compensation adjudged due after condemnation shall be paid from PenMet Parks' general fund.

The foregoing resolution was adopted at a regular meeting of the Board of Park Commissioners of the Peninsula Metropolitan Park District held on November 5, 2024.

Maryellen (Missy) Hill
President

Laurel Kingsbury
Clerk

Attest: Ally Bujacich

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EXHIBIT A
Legal Description of the Property

All of Grantor's Entire Parcel, As Described Below:

PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 20, THENCE NORTH 88°22'40" WEST 491.70 FEET (WASHINGTON STATE GRID, SOUTH ZONE, BASIS OF BEARING) ALONG THE SOUTH LINE OF SAID SOUTH HALF OF THE NORTHEAST QUARTER TO THE SOUTHWEST CORNER OF THE EAST 15 ACRES OF SAID SOUTH HALF OF THE NORTHEAST QUARTER; THENCE NORTH 1°46'00" EAST 780 FEET ALONG THE WEST LINE OF SAID 15 ACRES-TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING NORTH 1°40'00" EAST TO THE SOUTHWESTERLY LINE OF WASHINGTON STATE HIGHWAY #16;·THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY HIGHWAY LINE TO AN INTERSECTION WITH THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHEAST QUARTER, THENCE NORTH 88°22'37" WEST ALONG SAID NORTH LINE TO A POINT 1540 FEET WEST OF THE EAST LINE OF SAID SECTION 20, THENCE SOUTH 1°46'00" EAST 1328.87 FEET PARALLEL TO SAID EAST LINE AND EXTENDING TO THE SOUTH LINE OF SAID SOUTH HALF OF THE NORTHEAST QUARTER, THENCE SOUTH 88° 22' 40" EAST 70.04 FEET, THENCE NORTH 1° 42' 53" EAST 780 FEET PARALLEL TO AND 150 FEET DISTANT WEST OF THE WEST LINE OF THE SOUTHEAST QUARTER OF NORTHEAST QUARTER OF SAID SECTION 20, THENCE SOUTH 88° 22' 40" EAST 978.97 FEET TO THE POINT OF BEGINNING.

Situate in the County of Pierce, State of Washington.

Pierce County Tax Parcel No. 0221201025
Taxpayer: ZTM Holdings LLC
Site Address: 3604 22nd Ave. NW, Gig Harbor, WA