

It never stops .. Here is story from the times.

SeaTac venture is not a public use

The Seattle Times editorial board opposes the use of eminent domain to take the Cassan family's Park 'N Fly next to Sea-Tac airport.

The SeaTac City Council meets Tuesday night to decide whether to repeal an ordinance authorizing the taking of private property. It is the sort of taking that probably would be banned under bills in the Legislature proposed by Attorney General Rob McKenna. This page supports those bills and urges SeaTac's council to de-authorize the taking.

At stake is the 2.2-acre Park 'N Fly surface parking lot directly across International Boulevard from the main airport parking garage. On the Park 'N Fly property, now owned by James and Doris Cassan, the city wants to build a town center, which would include a city-owned parking garage and private restaurants, night clubs and shops.

Probably the Park 'N Fly property is one of the best spots in the state to build a parking garage, because it is next to the airport. The city is proposing, however, to manage its garage so that airport patrons won't use it, saving it for local people coming for an evening's entertainment.

City governments have the power to force the sale of property to build things for public use, including municipal parking garages. A private restaurant or night club is a private use - and the state Constitution says, "Private property shall not be taken for private use ... " The courts have erased this part of the Constitution by letting cities claim their projects as public uses.

There is good reason not to allow this. When a city acts as a commercial developer, it has special advantages. It can write a zoning code. It can issue a building permit to itself. It can sell tax-exempt bonds. Add to this the power to force owners to sell their property, and it becomes too easy for a city to play developer, often without a developer's knowledge of what the market will bear.

Here, if the project works, it pays for itself and all is well. If it fails, city taxpayers would be on the hook for a 1 percent utility tax and a \$20 annual car-tab fee to pay for a \$25 million parking garage. The people of SeaTac can take this risk if they want it, but the proposed garage is clearly in support of a private use. It does not justify the use of eminent domain.