

**PORT OF LONGVIEW COMMISSION
RESOLUTION NO. 2022-05**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT
OF LONGVIEW ESTABLISHING AN APPEALS PROCESS FOR
RELOCATION ASSISTANCE RELATED TO ACQUISITIONS OF REAL
PROPERTY.**

WHEREAS, the Port has the authority under RCW 53.08.010 to acquire by purchase, or by condemnation, or both, all lands, property, property rights, leases, or easements necessary for its purposes.

WHEREAS, under 49 CFR § 24.10 of the federal Uniform Relocation Assistance and Real Property Acquisition Act, for federal or federally assisted programs, the Port may adopt a policy setting a reasonable time limit for a person to file an appeal related to relocation assistance.

WHEREAS, under Washington law, RCW 8.26.010, the Port is authorized to establish a uniform policy for the fair and equitable treatment of persons displaced as a direct result of public works programs of the Port in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons.

WHEREAS, the Port desires to establish an appeals process to allow any displaced person or potential displaced person as a result of the Port's acquisition of real property to appeal any determination made regarding their eligibility, benefits, or comparable sites selected under relocation laws; and

WHEREAS, the Port desires to delegate to the Chief Executive Officer, or their designee, the authority to conduct and decide appeals.

NOW THEREFORE, BE IT RESOLVED that the Port Commission adopts the appeals process for relocation assistance related to real property acquisitions according to the procedures set forth in **Attachment A** to this resolution.

ADOPTED by the Port of Longview Board of Commissioners this 23rd day of March, 2022.

(Signatures on Page 2)

**PORT OF LONGVIEW
BOARD OF COMMISSIONERS**

By: 
Allan Erickson, President

By: 
Jeff Wilson, Vice President

By: 
Doug Averett, Secretary

ATTACHMENT A

Relocation Benefits

Any potentially displaced person as a result of a Port of Longview project is entitled to appeal any determination made regarding their eligibility, benefits, or comparable sites selected.

Review proceedings are initiated upon receipt by the Executive Department at the Port of Longview of a statement or letter from the potentially displaced person, their agent or attorney.

The appeal must be submitted in writing within 60 days following a written determination of relocation benefits provided by the Port of Longview.

- The reconsideration must be made in writing to the Port of Longview's Chief Executive Officer.

- Mail or hand deliver a written appeal to:

Dan Stahl, Chief Executive Officer
Port of Longview
10 International Way
Longview, WA 98632

- No specific form or format is required; however at a minimum, any written statement or letter should include the following:

Date of statement or letter;
Name of the potential displaced person(s);
Project title;
Assessor's parcel number; and
Explanation of claim.

The explanation of claim should include: (1) the facts, reasons and supporting evidence justifying why the potential displaced person believes the denied claim(s) should be paid; (2) why the potential displaced person is otherwise aggrieved; and (3) the address, telephone number, and signature of the potential displaced person, or their representative or attorney.

- The Port of Longview's Chief Executive Officer, or their designee, makes a determination and responds in writing via certified mail within 30 days of receipt of a written appeal, which will include an explanation of the basis on which the decision was made.

- Consistent with 49 CFR § 24.10(g), if the full relief requested is not granted, the person has a right to seek judicial review of the Port's decision.

During the appeal process, the potential displaced person, their agent, or attorney has the right to review non-confidential agency files.

If the potential displaced person, their agent, or attorney who is appealing their relocation benefits fails to file an appeal within the allotted time frame, the appeal claim is closed, provided all payments have been made and other relocation services offered by the Port have been provided.