

**PORT OF OLYMPIA COMMISSION  
RESOLUTION 2008-25**

**A RESOLUTION OF THE PORT OF OLYMPIA COMMISSION replacing  
Resolution 2008-14 and formally establishing a policy in accordance with  
Washington State Law to provide for the impoundment and/or sale of  
aircraft, vessel and other personal property with delinquent accounts.**

WHEREAS, the Washington State Legislature in 1987 enacted a law, Substitute House Bill No. 130, which amended and added sections to RCW 14.08 authorizing the sale of aircraft, vessel and other personal property to recover monies owed; and

WHEREAS, RCW 14.08.122 requires that aircraft owners be given ninety (90) days to pay their account in full before an aircraft may be sold to satisfy Airport charges; and

WHEREAS, Resolution 94--08 provides that aircraft owners have one hundred eighty (180) days to pay their account in full before an aircraft may be sold to satisfy the charges; and

WHEREAS, it is necessary for Port Procedures to be in conformance with Washington State Law; and

WHEREAS, the Commissioners of the Port of Olympia deem that the policies set forth in "Attachment No. 1", attached hereto and incorporated herein and by this reference made a part hereof, should be approved and adopted as part of the Port's regulations affecting the operation of the Olympia Airport, Swantown Marina and other Port of Olympia business centers; and

WHEREAS, the policies set forth in "Attachment No. 1" are necessary for the immediate preservation of the public peace, health, safety, and support of the Port District.

NOW, THEREFORE, BE IT RESOLVED that the policies set forth in "Attachment No. 1" attached hereto, are hereby approved and adopted as part of the Port's regulation comprising the operation of the Olympia Airport, Swantown Marina and other Port of Olympia business centers, the same to become effective November 24, 2008. In the event of any conflict between existing regulations and those provisions contained herein, that which is contained herein shall take precedent.

ADOPTED BY THE PORT OF OLYMPIA COMMISSION this 24th day of November, 2008.

PORT OF OLYMPIA COMMISSION

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President, Bill McGregor

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Vice President, Paul Telford

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Secretary, George L. Barner, Jr.

ATTACHMENT NO. 1 to RESOLUTION 2008-25  
Procedures for Impoundment and Sale  
of  
Aircraft, Vessel and Other Personal Property  
with Delinquent Accounts

- I. The Airport Manager, Swantown Marina Manager or appropriate Port of Olympia business center manager, and/or assigned subordinates, are authorized to take reasonable measures including, but not limited to, the use of chains, ropes and locks to secure aircraft, vessel and other personal property within the airport, marina or appropriate Port of Olympia business center facility so that the aircraft, vessel and other personal property are in the possession and control of the Port and cannot be removed from the Port facility. These procedures may be used if the owner hangaring, parking or mooring an aircraft, vessel and other personal property at the airport, marina or appropriate Port of Olympia business center facility fails to pay the appropriate charges owed and the account is at least sixty (60) days delinquent. At the time of securing the aircraft, vessel and other personal property, an authorized Port employee shall attach to the aircraft, vessel and other personal property a readily visible notice and shall send a copy of such notice to the owner at his/her last known address by registered mail, return receipt requested, and a copy or the notice by first class mail. The notice shall be of reasonable size and shall contain the following information:
  - a. The date and time the notice was attached;
  - b. A reasonable description of the aircraft, vessel and other personal property;
  - c. The identity of the authorized employee;
  - d. The amount of charges owing;
  - e. A statement that, if the account is not paid in full within 90 days from the time the notice was attached, the aircraft, vessel and other personal property may be sold at public auction to satisfy the charges;
  - f. The time and place of sale;
  - g. A statement of the owner's right to commence legal proceedings to contest the charges owing and to have the aircraft, vessel and other personal property released upon posting an adequate cash bond or other security; and
  - h. The address and telephone number where additional information may be obtained concerning the release of the aircraft, vessel and other personal property.
  
- II. The Airport Manager, Swantown Marina Manager or appropriate Port of Olympia business center manager, and/or assigned subordinates, are authorized at his/her discretion to place aircraft, vessel and other personal property in an area within the Port's control or for storage with private persons under the Port's control as bailee. Reasonable cost of any such procedure shall be paid by the owner of the aircraft, vessel and other personal property.
  
- III. If an aircraft, vessel and other personal property is moved under conditions authorized under Attachment No. 1, the owner, hangar or slip tenant, or lessee, whichever is obligated for hangaring, parking or mooring, or other airport, marina or appropriate Port of Olympia business center charges may regain possession of the aircraft, vessel and other personal property by:
  - a. Making arrangements satisfactory with the Port for the immediate removal of the aircraft, vessel and other personal property from the current location of said property, or making arrangement for authorized hangaring, parking or mooring; and
  - b. Making payments to the Port of all charges or by posting with the Port a sufficient cash bond or other security acceptable to the Port, to be held in trust of the amount owing. Or, pending resolution of charges in a civil action in a court of competent jurisdiction, the trust shall terminate and the Port shall receive so much of the bond or other security as is necessary to satisfy any judgement, costs, and interest as may be awarded to the Port. The balance shall be refunded immediately to the owner at the owner's last known address by registered mail, return receipt requested. The Port shall send to the owner by first class mail a notice that the balance of funds was forwarded to him/her by registered mail, return receipt requested.

IV. If the aircraft, vessel and other personal property parked, hangared or moored at a Port facility is abandoned, the Port has the authority to sell said property, at public auction by authorized personnel, to the highest and best bidder for cash as follows:

- a. If an aircraft, vessel and other personal property has been secured by the Port under Section I of this attachment and is not released to the owner under the bonding provisions of Section III (b) within 90 days after notifying the owner under Section I, or in all other cases, for 90 days after the Port secures the aircraft, vessel, and other personal property, the property shall be conclusively presumed to have been abandoned by the owner.
- b. Before the aircraft, vessel and other personal property is sold, the owner of the property shall be given at least 20 days notice of sale by registered mail, return receipt requested, and the notice of sale shall be published at least once, more than ten (10) but less than twenty (20) days before the sale, in a newspaper of general circulation, if any, in the county in which the airport, marina or appropriate Port of Olympia business center is located.

If, in the sole judgment of the Airport Director, Harbor Director or other appropriate Port of Olympia business center manager, and/or assigned subordinate, the market value of the aircraft, vessel and other personal property to be sold is estimated to be five thousand dollars (\$5,000.00) or more, additional notice may be provided to regional organizations, institutions or other entities whose members or associates may have specific interest in bidding on such property. Accompanying notice, in this incidence, should be a request to the respective organizations, institutions or other entities to publish such notice in their newsletter, and/or post on their website, and/or distribute via their e-mail list, which ever may apply. For example, in the case of an experimental aircraft estimated to have a market value of \$5,000.00 or more, additional notice may be provided to Washington Airport Manager's Association (WAMA), Washington Pilots Association (WPA), and regional chapters of the Experimental Aircraft Association (EAA). Further example, in the case of a vessel valued at \$5,0000 or more, additional notice may be provided to the Olympia Yacht Club, regional trade journals or other publications, local business interests or individuals to facilitate the sale of the vessel.

Such notice shall contain the aircraft, vessel and other personal property identifications numbers (if any), the last known owner and address, the time and place of sale, the amount of Port charges that will be owing at the time of sale, a reasonable description of the property to be sold and that the Port may bid all or parts of airport, marina or appropriate Port of Olympia business center charges at the sale and may become a purchaser at the sale.

- c. The proceeds of a sale under this section shall first be applied to payment of Port charges owed. The balance, if any, shall be deposited with the Department of Revenue to be held in trust for the owner or owners and lienholders for a period of one year. If more than one owner appears on the aircraft, vessel and other personal property title, and/or if any liens appear on the title, the Department must, if a claim is made, interplead the balance into a court of competent jurisdiction for distribution. The Department may release the balance to the legal owner provided that the claim is made within one year of sale and only one legal owner and no lienholders appear on the title. If no valid claim is made within one year of the date of sale, the excess funds from the sale shall be deposited in the appropriate Department account in accordance with the then current Washington State Law. If the sale is for a sum less than the applicable Port facility charges, the Port is entitled to assert a claim against the aircraft, vessel and other personal property owner or owners for the deficiency.

V. Nothing hereinbefore contained may be construed as a limitation of any rights, privileges or remedies previously existing under any applicable laws affecting the Port.

