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To: [EPS.Maillist](#)
Subject: What is "Eminent Domain" Anyway?
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Good morning! I hope you are enjoying this beautiful Friday and have great plans for the weekend.

If you've been reading the *Daily Herald* the past several days, you may have asked yourself the question, what is "["eminent domain"](#)" anyway? It's a good question, and one you may want to be able to answer in conversations with friends, neighbors, parents or anyone else for that matter. I think you may get the question, and I want you to know the facts.

Fundamentally, it's the legal authority to acquire private property for public use by a government or other entity authorized to exercise functions of public character, *following the payment of just compensation to the owner of that property*. Why is that important?

Everett Public Schools is growing, and with that comes growing pains. You've likely experience some of those growing pains – especially if you work or live in the fastest growing areas of the district. Overall, we expect 1,600 more students in our schools in the next decade, and the majority of that growth will be in the southern portion of the district. We need a new high school in the south region. Of this I am completely convinced.

Two years ago, in 2015, we were approached by representatives of property owners bordering existing district land we purchased to build a new elementary school and new high school. We began negotiating the purchase of these properties. This week, the conversations with the three remaining owners is front page news in the [Daily Herald](#). The story is fair and balanced, and I thank Noah Haglund for his journalistic treatment.

As you might imagine, some of the resulting comments and speculations attached to the article are not accurate. You can find online the [factual information](#) we presented to the board on Sept. 12. There are several big questions that you may be asked. Here are the questions and how I might answer them:

Why isn't the district paying what the owners ask for the properties? Public agencies are bound by law to pay *fair market value* – we may not use taxpayer funds for speculative prices that "might" be paid in the future for property that might increase in value. That would be an illegal "gift of public funds." We must pay "*full, fair and just compensation*" to the owners. The final amount to be paid will be determined in a court process, *IF* a court decides the district's need for the land is warranted. The school board's action on Tuesday is the legally required step to begin the court process. Our goal in this process has always been fair-minded negotiations in order to meet very real needs for our communities' students today and tomorrow.

Why is the district doing this now? We began conversations with the property owners two years ago. Some owners have agreed to sell; others have not. Jackson High School now has 17 portables and will have another eight before a new school can be built, if approved by voters in the future. We

have the capital funds now from the sale of the Colby property (our old Educational Service Center) to buy the land at a *price established by certified, qualified appraisers*. This means we can be prepared to begin construction more quickly after voters approve a capital bond to construct a high school and other facilities. The annual cost escalations are very high right now, meaning we save nearly \$9 million a year if we start the process earlier. (You can review the history of our work studying school facility needs and a video about [Jackson High's overcrowded situation](#) online.)

What happens next? We go to court. The court will decide whether the district's need for the property is warranted. If not, the process stops. If the court decides the need is justified, then a judge or jury will determine the purchase amount to be paid.

As one who works in a people-centric organization, I'm sure you share my angst and that of our school board members about this difficult decision. Nobody likes this part of our responsibilities. This is a topic we've weighed, wrestled and discussed for years. Leadership often involves very difficult decisions that are not always agreeable to everyone. I'm sharing this information with you and ask that you look at it as carefully as our board has and be prepared to respond to wrong information when you are confronted by it.

If you have questions about this process or need help to answer the questions of others, please contact Facilities & Planning at 425-385-4190, and please do feel free to share your thoughts with me. Thank you, and have a great weekend!



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