



November 2, 2017

## Herald article generated some more questions about Eminent Domain

*It's a complicated answer, but we hope this will be helpful for you.*

### What is **eminent domain** (<http://bit.ly/2ze9iBM>)?

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.* Sometimes, *eminent domain* for properties is called *condemnation* of properties.

### Why is the district considering eminent domain for property?

Everett Public Schools is growing. Overall, 1,600 more students will be attending schools in the district in the next 10 years. Most of that growth will be in the southern portion of the district where a new high school is needed – **and where the district already owns some land intended for future schools.**

In 2015, southern region property owners next door to that land approached the district about their properties. The district and those land owners began negotiations for purchase to make the site large enough for a high school and future elementary school.

- Everett Public Schools is growing and will need new schools in the future, ***it's fiscally responsible*** to save taxpayer money by purchasing land now
- District ***already owns land next to property*** under discussion
- District ***saves taxpayers nearly \$9 million*** a year by starting process now
- District is ***bound by law*** to pay fair market value based on the highest and best legal use
- Land under discussion is ***outside*** of the Urban Growth Boundary where law prohibits dense development
- District ***may not use taxpayer funds*** for speculative prices that "might" be paid in the future for property that "might" increase in value

Last month the *Daily Herald* (<http://bit.ly/2AdbffN>) wrote a well-balanced story about three remaining property owners who were reluctant to sell. On Tuesday, Oct. 31, the *Daily Herald* (<http://bit.ly/2yqu8yu>) reported that Snohomish Superior Court Judge Janice Ellis ruled on Oct. 25 that the district showed adequate legal grounds for using eminent domain.

### What happens next?

Public agencies are **bound by law** to pay *fair market value based on the highest and best legal use* – **but the district may not use taxpayer funds for speculative prices that "might" be paid in the future for property that "might" increase in value.**

The district **must** pay "***full, fair and just compensation***" to the owners. The property owners are entitled to contest the district's appraisal and in these proceedings, the appraisals may reach different conclusions. A jury will determine what the district must pay as just compensation, if a settlement is not reached. The district plans to continue to work with the property owners to seek a voluntary settlement and avoid the need for a trial.

### How does the Urban Growth Boundary (UGB) figure into this situation?

Land *inside* the UGB sells at a higher per acre price because developers can build and sell

more homes on land inside the UGB. **The land under discussion is *outside* of the Urban Growth Boundary where law prohibits dense development.**

### **Why is the district doing this now?**

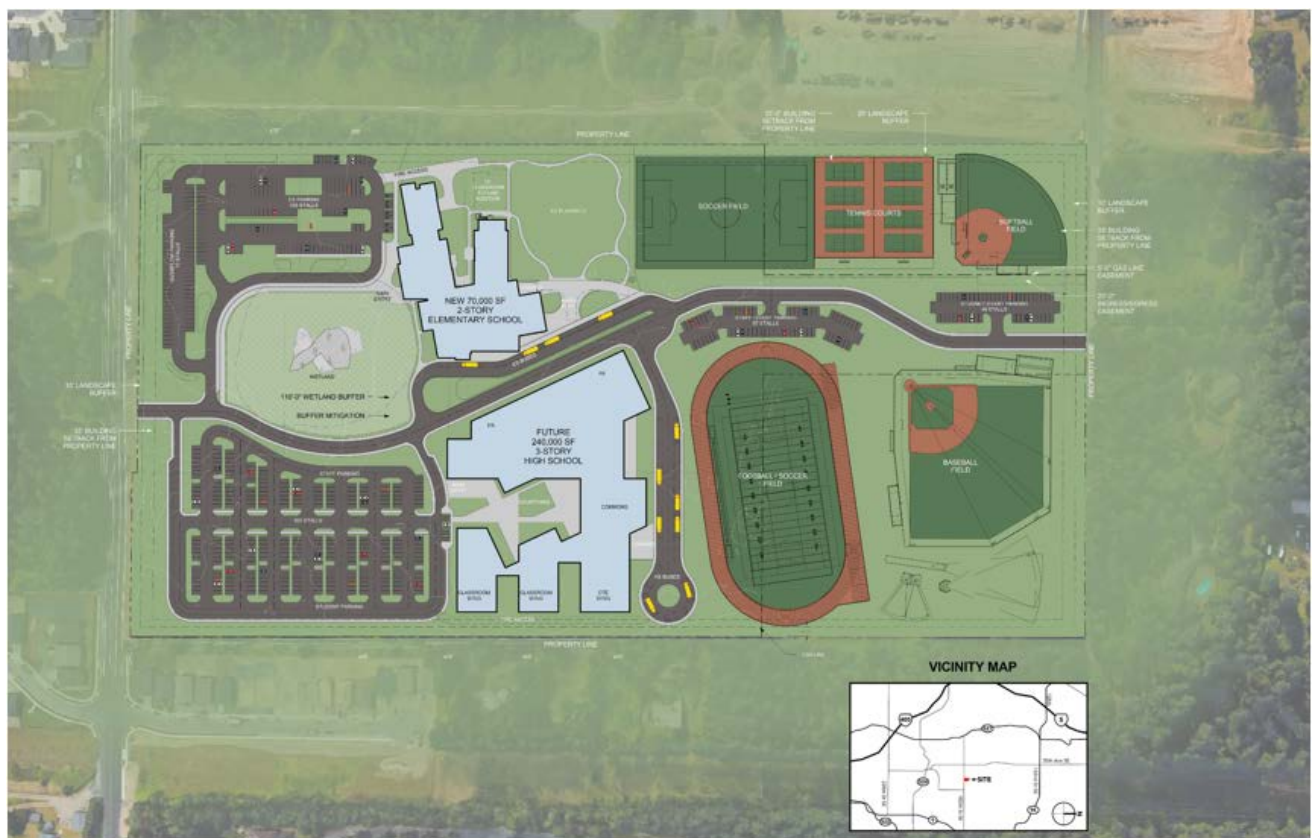
Jackson High School now has 17 portables and will have another **eight** before a new school can be built, if approved by voters in the future.

**The district has capital funds now from the sale of the Colby property (the old Educational Service Center) to buy the land at a *price established by certified, qualified appraisers* and approved in court.**

This means the district can be prepared to begin construction more quickly after voters approve a capital bond to build a high school and other facilities. The annual cost increases are very high right now, meaning the district **saves taxpayers nearly \$9 million** a year by starting the process earlier.

(You can review the history of district's studies of school facility needs and a video about [Jackson High's overcrowded situation](http://bit.ly/2ypnoBe) online at <http://bit.ly/2ypnoBe>.)

Below is a concept drawing from facilities and planning. It depicts how the site in question might look with both new schools in place.



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**For more information:**

**[Leanna Albrecht](#), Director of Communications, 425-385-4040**