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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

SEATAC CENTER COMMUNITY
COALITION; BAKARO MALL;
ABDULHAKIM HASHI; SHONKI
RAM; ANU HEERA; and SAHRA
ABDULLE

NO. 18-2-56796-3 KNT

FIRST AMENDED COMPLAINT
AND PETITION FOR REVIEW

Plaintiffs,

v.

CITY OF SEATAC, a municipal
corporation and CAP ACQUISITIONS,
LLC, a Washington limited liability
company

Defendants.

I. PARTIES

1. Plaintiff SeaTac Center Community Coalition is an ad hoc organization comprised of the small, retail businesses at the SeaTac Center Property in the City of SeaTac. Offering a wide range of services and products, to an equally wide range of communities (Somali, Indian, Ethiopian, Latinx, West African, and more), these immigrant businesses have created an

1 “international market.” The majority of businesses are owned by women. These businesses will
2 be evicted as a result of the City of SeaTac actions described below.

3 2. Plaintiffs Bakaro Mall, Abdulhakim Hashi, Shonki Ram, Anu Heera, and Sahra
4 Abdulle are some of the tenants who are members of the SeaTac Center Community Coalition.

5 3. The defendant is the City of SeaTac. The city owns the SeaTac Center Property.

6 4. CAP Acquisitions, LLC is a Washington limited liability company.

7 **II. JURISDICTION AND VENUE**

8 5. This Court has jurisdiction over this action pursuant to RCW 7.24.010, *et seq.*
9 (Declaratory Judgment).

10 6. Venue in King County is proper pursuant to RCW 4.12.025.

11 **III. FACTUAL ALLEGATIONS**

12 7. The SeaTac Center Property is about 4.22 acres and is located at 15245 International
13 Boulevard South, SeaTac, Washington, between South 154th Street and South 152nd Street. The
14 property is currently built out with an approximately 65,000 square foot commercial building and
15 a structured parking garage.

16 8. The SeaTac Center Property is home to an international market. The range of
17 businesses includes two ethnic grocery stores, a furniture store, Mexican, East African and Pizza
18 restaurants, a bonded and licensed money transfer company, multiple clothing stores unique to the
19 Northwest, a hair salon, a cell phone store, and other retail services. The commercial center thrives
20 because the immigrant owned businesses are co-located and synergistic.

21 9. SeaTac is a vibrant and diverse city with 29,000 residents, speaking 70 different
22 languages and is, according to the City, is “one of the most diverse cities in the United States.” Its
23 central location and the SeaTac International Airport have attracted thousands of immigrants and
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1 refugees, many of whom have gotten off the ground by getting jobs at the airport or starting their
2 own businesses. A large cluster of such businesses has organically developed over the last 20 years
3 in both SeaTac and Tukwila along International Boulevard. These businesses have remained
4 remarkably stable. This group of businesses serves not only SeaTac residents, but thousands of
5 customers from around King County and from as far as Portland and Vancouver B.C. to purchase
6 the goods and services available at this unique collection of immigrant businesses.
7

8 10. The City purchased the SeaTac Center Property in 2009.

9 11. The City purchased the SeaTac Center Property with the intent to redevelop the
10 property.

11 12. The City purchased the SeaTac Center Property with the intent to evict the
12 businesses located there, including the businesses owned and operated by the SeaTac Center
13 Community Coalition's members.
14

15 13. The City is negotiating a sale of the property to CAP Acquisitions, LLC, doing
16 business as The Inland Group.

17 14. The City selected CAP Acquisitions as the buyer of the SeaTac Center Property
18 after a "request for proposal" (RFP) process that solicited potential buyers for the SeaTac Center
19 Property.
20

21 15. The RFP was issued on June 25, 2018.

22 16. The RFP sought proposals for the purchase, demolition and redevelopment of the
23 entire SeaTac Center Property.

24 17. The RFP does not require that the redevelopment include retention of the existing
25 businesses that occupy the site.
26

1 22. For purposes of the duty to pay moving and related expenses as required by RCW
2 8.26.035 (1) and (2), the term "displaced person" includes "any person who moves from real
3 property, or moves his or her personal property from real property . . . [a]s a direct result of
4 rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, of
5 other real property on which the person conducts a business or a farm operation, under a program
6 or project undertaken by a displacing agency where the displacing agency determines that the
7 displacement is permanent." RCW 8.26.020.

9 23. The small businesses at the SeaTac Center Property are entitled to the benefits
10 afforded by the Washington Relocation Assistance Act, chapter 8.26 RCW.

11 24. The City refuses to provide the small businesses at the SeaTac Center Property the
12 benefits afforded to them by the Washington Relocation Assistance Act, chapter 8.26 RCW.

13
14 **V. VIOLATION OF SUBSTANTIVE DUE PROCESS**

15 25. Plaintiff's members have a property interest in the relocation benefits secured to
16 them by chapter 8.26 RCW.

17 26. The City of SeaTac has deprived the plaintiff's members of their statutorily
18 guaranteed relocation benefits without due process of law, in an arbitrary and capricious manner,
19 amounting to an abuse of power lacking any reasonable justification in furtherance of a legitimate
20 government objective and shocks the conscience of the community.

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22 **VI. PETITION FOR CONSTITUTIONAL WRIT OF REVIEW**

23 27. The City's actions and failure to act as alleged herein constitutes arbitrary and
24 capricious conduct reviewable by the court through the mechanism of a constitutional writ of
25 review.

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VII. REVIEW PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT

28. The City’s determination not to provide relocation benefits is reviewable under the Administrative Procedures Act, pursuant to RCW 8.26.010(2). Pursuant to the APA, RCW 34.05.570(4)(c), the City’s determination not to provide benefits pursuant to chapter 8.26 RCW should be found to be arbitrary and capricious and the City should be ordered to comply with the requirements of chapter 8.26 RCW. In the alternative, pursuant to the APA, RCW 34.05.570(4)(b), the court should find that the City has failed to perform a duty required by law and enter an order requiring the City to perform the duties imposed on it by chapter 8.26 RCW.

VIII. REQUEST FOR DECLARATORY RELIEF

29. The Coalition, on behalf of its members, is entitled to a declaratory judgment that establishes that its member businesses at the SeaTac Center Property are entitled to the benefits afforded by the Washington Relocation Assistance Act, chapter 8.26 RCW.

IX. REQUEST FOR RELIEF

Plaintiff requests the following relief:

1. A declaration that the small businesses at the SeaTac Center Property are entitled to the benefits afforded by the Washington Relocation Assistance Act, chapter 8.26 RCW;
2. An injunction directing the City to comply with its obligations under the Washington Relocation Assistance Act as to small businesses at the SeaTac Center Property that are being evicted as a direct result of the City’s plans to demolish and redevelop the SeaTac Center Property prior to entering into a purchase and sale agreement for the property;


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3. For such other and further relief as is just and equitable.

Dated this 11th day of February, 2019.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP

By: 
David A. Bricklin, WSBA No. 7583
Attorneys for Plaintiffs