

State appeals court: Eviction from Yakima airport unlawful

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In what could be a big financial blow to the now city-owned Yakima Air Terminal, the state Court of Appeals has ruled that the airport improperly evicted a former tenant nearly four years ago.

In the decision issued Tuesday, the appeals court agreed that M.A. West Rockies Corp., which operated as Noland Decoto Flying Service, had paid sufficient rent for airfield access when the airport evicted the company in March 2010.

The decision was not a surprise to either side because findings filed earlier this year in the case showed M.A. West Rockies had made rent payments.

The biggest question now is how much M.A. West Rockies could receive in damages. The appeals court recommended that the company receive attorneys fees as well as any financial losses that resulted from the eviction.

Aaron Okrent, attorney for M.A. West Rockies, said the ruling is so recent that he had not had a chance to talk to his client.

“I have not quantified it as of yet,” he said. “These people ... put M.A. West Rockies out of business. If you look at that, (the loss is) a substantial figure.”

The city of Yakima, the sole owner of the airport, is taking a wait-and-see approach.

“We have to get a sense of what the cost exposure is,” said Yakima City Manager Tony O’Rourke. “It could be substantial.”

In addition, city officials have suspended talks to purchase part of the property at 2810 W. Washington Ave.

With the case still pending, the city decided to step away from those talks for now, O’Rourke said. It’s unclear when they would resume.

The appeals court ruling reverses a June 2010 decision by now retired Superior Court Judge James Lust that affirmed the eviction, which M.A. West Rockies appealed two months later.

The appeals court said a \$2,920.56 payment made by M.A. West Rockies on March 26, 2010, covered rent owed. The court also ruled that the airport did not apply a \$3,000 deposit that would have also covered delinquent rent.

The appeals court has sent the case back to Yakima County Superior Court for further proceedings.

The eviction led to a drawn-out legal case that generated more than \$80,000 in legal fees for the airport, a major contributor to its poor financial conditions in the past few years.

The city of Yakima took sole ownership of the airport in February, but a provision in an agreement with former co-owner Yakima County states that both municipalities would be equally responsible for any financial fallout from the appeal by M.A. West Rockies.

Yakima County Commissioner Rand Elliott said he did not know at this time how the county would cover any potential costs.

“We don’t even know what is our exposure,” he said. “It’s premature for me to say where the money will come from.”

Meanwhile, O’Rourke anticipates paying for any expenses related to the case using its risk management funds to prevent adverse impact on airport operations.

“Certainly we have contingencies to deal with it,” O’Rourke said. “At the end of the day, we’ll proceed with our plans with the airport and acquiring property. It’s just a stumbling block.”



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[Comment](#)**Don Padelford** · Top Commenter

I am so proud of our county commissioners for bailing out on that airport. Now it seems Sunnyside is trying to make an international airport out of their cow pasture facilities? Unfortunately when such ventures are ran by a board and they have a good manager; they are quite often to brazen and run good management away! Not sure what happened here. BUT, am guessing they get too many FREE funds from the state and feds to have to MAKE it work! There are way too many airfields between Tacoma and TRi Cities anyhow. All there paid by taxpayers for HOBBY flyers who have learned to fly off other people's monies out of other people's wallets ? Close the airport down and make a drag strip or put in a huge cattle feedlot and get something that will be economically feasible rather than a cash dump !

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Your County Commissioners are one of many reasons the Airport became a financial burden after 27 years of operating in the black. Commissioner Leita was a vocal proponent of this litigation while serving on the Airport Board. It was an ill-advised attempt at a land grab.

Your understanding of basic airport finances is so lacking that your rant is meaningless and foolish. I suggest you educate yourself. You can call the present Airport Manager for information. He is a professional, not a politician.

[Reply](#) · [1](#) · [Like](#) · 7 hours ago**Jerry G. Kilpatrick** · Top Commenter · JM Perry Technical Institute

Some information for you Don. The federal government will NOT fund anything to do with the costs of maintenance and operations of an airport. They only provide funding for certain eligible projects that are listed in the AIP (Airport Improvement Project) manual. The fees come out of the Aviation Trust Fund, set up similiary to the Social Security Trust Fund. This fund is fed from airline ticket taxes, aviation fuel taxes, and taxes placed on many aviaiton products. Basically, it is funded by the USERS of the facility. At Yakima, for 28 consecutive years, maintenance and operations were funded out of airport generated revenues such as land and building leases, airline landing fees, a fuel flowage fee, 10% of the revenue from rental cars, and so on. So basically, unless you used the airport during that time, you paid nothing ... [See More](#)

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James K. Adams Then you are also agreeing that it was a great decision for them to get out of it?

[Reply](#) · [Like](#) · 2 hours ago[View 1 more](#)**James K. Adams** · Top Commenter · University of Washington

A comment by another has been taken down. It was a harsh assessment of the management of the Airport by its appointed Board and it representatives from the City Council and Count Commissioners. The assessment was accurate. It's unfortunate that the YHR which, in my mind, has failed to adequately report on the Airport chose to take the comment down.

The attorney fees are, I believe, greater than \$80,000.00.

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