



Item No.: 6A

Date of Meeting: June 8, 2021

# Unlawful Detainer Litigation Request for Premises at 3502 Lincoln Avenue, Tacoma, WA

Presenter:

Scott Francis  
Director, Real Estate  
Port of Tacoma

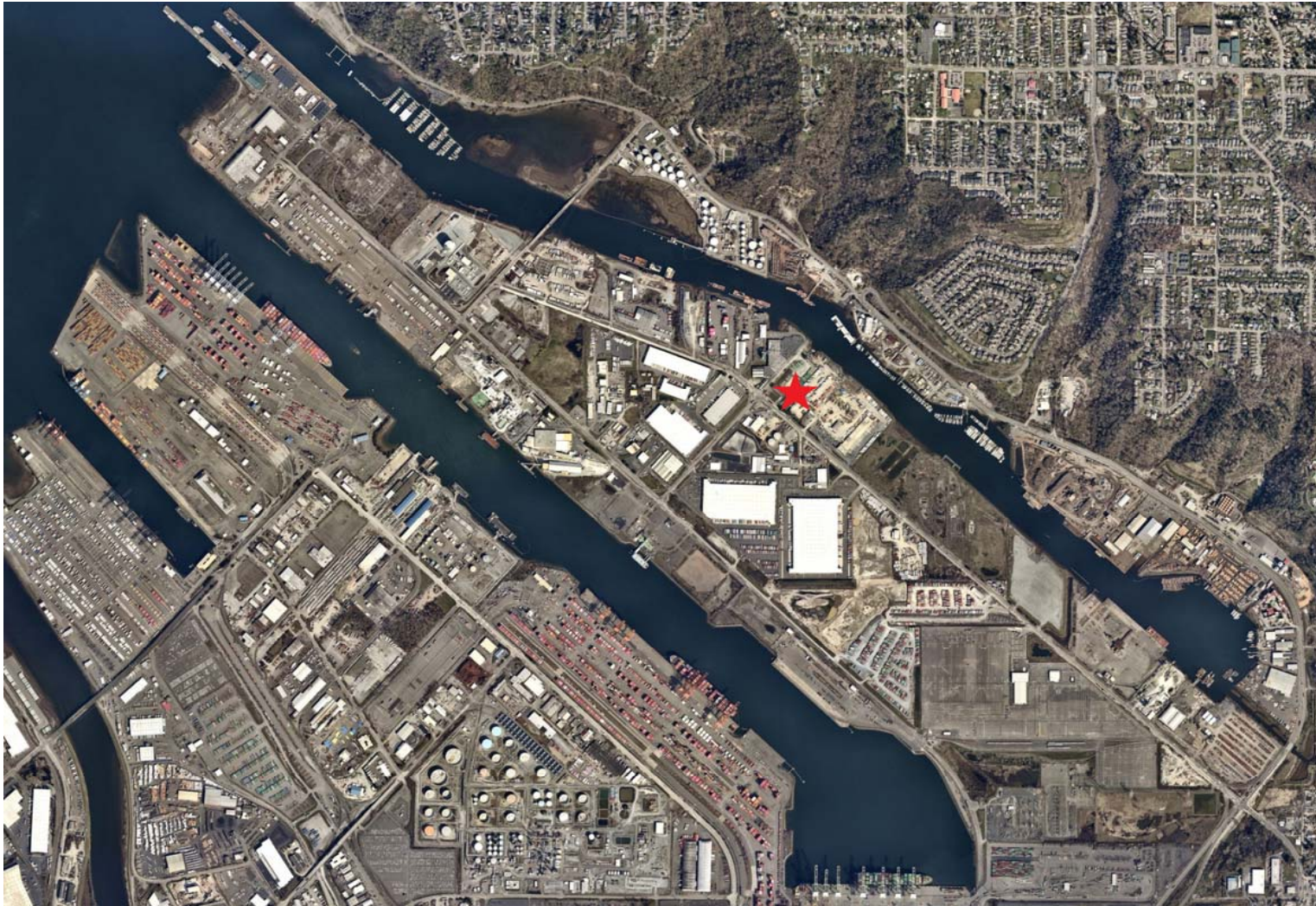


# Action Request



Request Commission approval for the Port to file litigation where the Port is the party plaintiff to allow the Port to pursue unlawful detainer relief in response to Port month-to-month tenant's non-payment of rent for a term of nine months, with past due amount of \$28,717.01 as of June 1, 2021.

# Lease Location





# Lease Location



# Background



- The Port of Tacoma entered into a month-to-month Lease dated July 21, 2020 with Exquisite Mobile Detail LLC for the premises located at 3502 Lincoln Ave, Tacoma, WA.
- Lease terms require monthly payments due on the first day of each month in the amount of \$3,427.63 including rent, leasehold excise tax, and surface water fees.
- Lack of payment is cause for termination pursuant to Section 17(a) of the lease, which states in part:

“Lessee fails to pay any installment of rent or any other amount due under this Lease and such failure is not cured within ten (10) days after Lessee’s receipt of written notice thereof from Lessor.”

# Background Continued



- The Port issued the following notices to Lessee:
  - 30-day past due notice sent on or about October 20th, 2020.
  - 60-day past due notice sent on or about November 20th, 2020.
  - 90-day past due notice sent on or about December 28th, 2020.
  - Subsequent past due notices sent on about the 20th of each month.
- Port staff met with the Lessee and offered a Payment Plan that was approved by Lessee on March 23, 2021. The Payment Plan required regular monthly rent payments plus catch up payments of \$2,993.39 with interest to bring the account current by September 15, 2021.
- Since the Payment plan was executed, Exquisite Mobile Detail has not made any payments, nor have they responded to Port communications.
- On May 14, 2021, the Port issued a ten-day notice to pay rent or vacate. The Lessee has not responded, made a payment or vacated the property.

## Next Steps



Upon Commission authorization, the Port will pursue unlawful detainer relief to remove the tenant, seek recoupment of account past due currently in the amount of \$28,717.01 and re-let the Premises.

The Port will also remain open to a resolution short of litigation if that opportunity presents itself.

# Action Request



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