

ORDINANCE NO. 847

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY BY NEGOTIATED VOLUNTARY PURCHASE, UNDER THREAT OF CONDEMNATION, BY CONDEMNATION, OR BY SETTLING CONDEMNATION LITIGATION, FOR THE PURPOSE OF RETAINING AND/OR OBTAINING FULL FEE TITLE TO PROPERTY FOR PURPOSES OF CURRENT, CONTINUED AND FUTURE PROVISION OF SEWER SERVICE UTILITY IN SNOHOMISH COUNTY, WASHINGTON; FINDING PUBLIC USE AND NECESSITY; AUTHORIZING JUST COMPENSATION FROM THE GENERAL FUND; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on October 15, 2018, the City Council adopted Ordinance No. 844 authorizing the acquisition of real property by condemnation for the purposes of the current, continued, and future provision of sewer service utility in Snohomish County, Washington; and

WHEREAS, since the adoption of Ordinance No. 844, the City has determined that additional adjacent land is necessary to ensure full and complete access to the property addressed in Ordinance No. 844; and

WHEREAS, the City Council finds that the City's acquisition of the ownership of property interests in a certain portion of the property generally depicted in Exhibit A, attached hereto (the "Acquired Property"), and referenced by Snohomish County Tax Parcel No. 27033500300200, is necessary for the protection of continued operations of the Ronald Wastewater District's sewer system, as well as the current and future provision of sewerage services to the entire Ronald corporate boundaries and service area in accordance with the 2002 Interlocal Operating Agreement, the First Amendment to the Operating Agreement, the Services Agreement, the District's Comprehensive Sewer Plan, and the ultimate assumption and provision of sewer services by the City as detailed in Ordinance No. 844, incorporated by reference herein; and

WHEREAS, just compensation for the Acquired Property can be funded through the City's General Fund; and

WHEREAS, there will be sustained and continuous efforts to negotiate with the owner of the Acquired Property for the acquisition and eminent domain action will be taken judiciously after reasonable efforts to reach a negotiated settlement with the owner have been unsuccessful; and

WHEREAS, the property owner of the Acquired Property was given notice according to state statute that this condemnation ordinance was included for discussion by the City Council at the meeting of November 5, 2018, and were afforded an opportunity to comment at that meeting; and

WHEREAS, in the event that negotiated acquisition of the Acquired Property is not fully successful, it is essential that the City be prepared to initiate condemnation proceedings; and

WHEREAS, the City of Shoreline has the power to acquire lands through eminent domain for the purpose of providing utilities; and

WHEREAS, the City has provided notice of the adoption of this Ordinance in the manner set forth in RCW 8.12.005 and 8.25.290; and

WHEREAS, acquisition of the Acquired Property is categorically exempt from SEPA review under WAC 197-11-800(5)(a);

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Condemnation Authorized. The City Manager is hereby authorized to take necessary steps to acquire all necessary property interests in the portion of land located in unincorporated Snohomish County, State of Washington commonly known as Tax Parcel Number 27033500300200 and addresses as 20530 Richmond Beach Drive, Woodway, Washington, as generally depicted in Exhibit A attached hereto and by this reference incorporated herein (the “Acquired Property”) as the property is necessary for the continued public use of the operation of a sewerage system, and is hereby condemned, appropriated and taken for such public use, subject to the making or paying of just compensation to the owner thereof in the manner provided by law.

The City Manager or her designee is hereby authorized and directed to execute all documents for the acquisition of all interests in the Acquired Property and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the Acquired Property described in this ordinance pursuant to the powers granted to the City of Shoreline including RCW 35A.64.200 and Chapters 8.12 and 8.25 RCW. This authorization includes the right to condemn all reversionary interests, easements, and options in said Acquired Property.

The City Attorney is authorized to begin and prosecute legal proceedings in the manner provided by the law to purchase, condemn, take, appropriate, and otherwise acquire the land and all other interests and property rights and privileges necessary to carry out the purposes of this Ordinance. The City Attorney is also authorized to make minor amendments to any property descriptions or maps of property or properties generally depicted on the attached Exhibit A as may become necessary to correct scrivener’s errors or to correctly describe the Property required for the project.

Section 2. Finding of Public Use and Necessity. The Shoreline City Council finds that the acquisition of the Acquired Property is for a public use and purpose, to-wit: to operate and maintain and provide for a system of sewerage. The City Council further finds the property generally depicted in Exhibit A is necessary for the proposed public use and for the benefit of the

public. The Whereas clauses set forth above are hereby incorporated into and made part of the Council's findings.

Section 3. Compensation. Compensation to be paid to the owner of the property identified in Section 1, above, and costs and expenses of litigation authorized by this Ordinance, shall be paid from the City's General Fund.

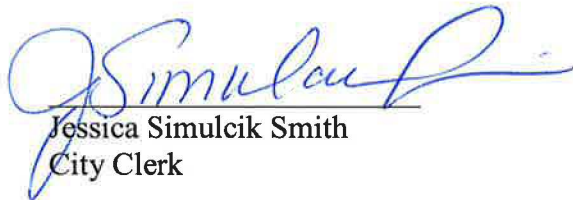
Section 4. Effective Date and Publication. A summary of this Ordinance consisting of the title shall be published in the official newspaper and the Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON NOVEMBER 5, 2018.



Mayor Will Hall

ATTEST:



Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

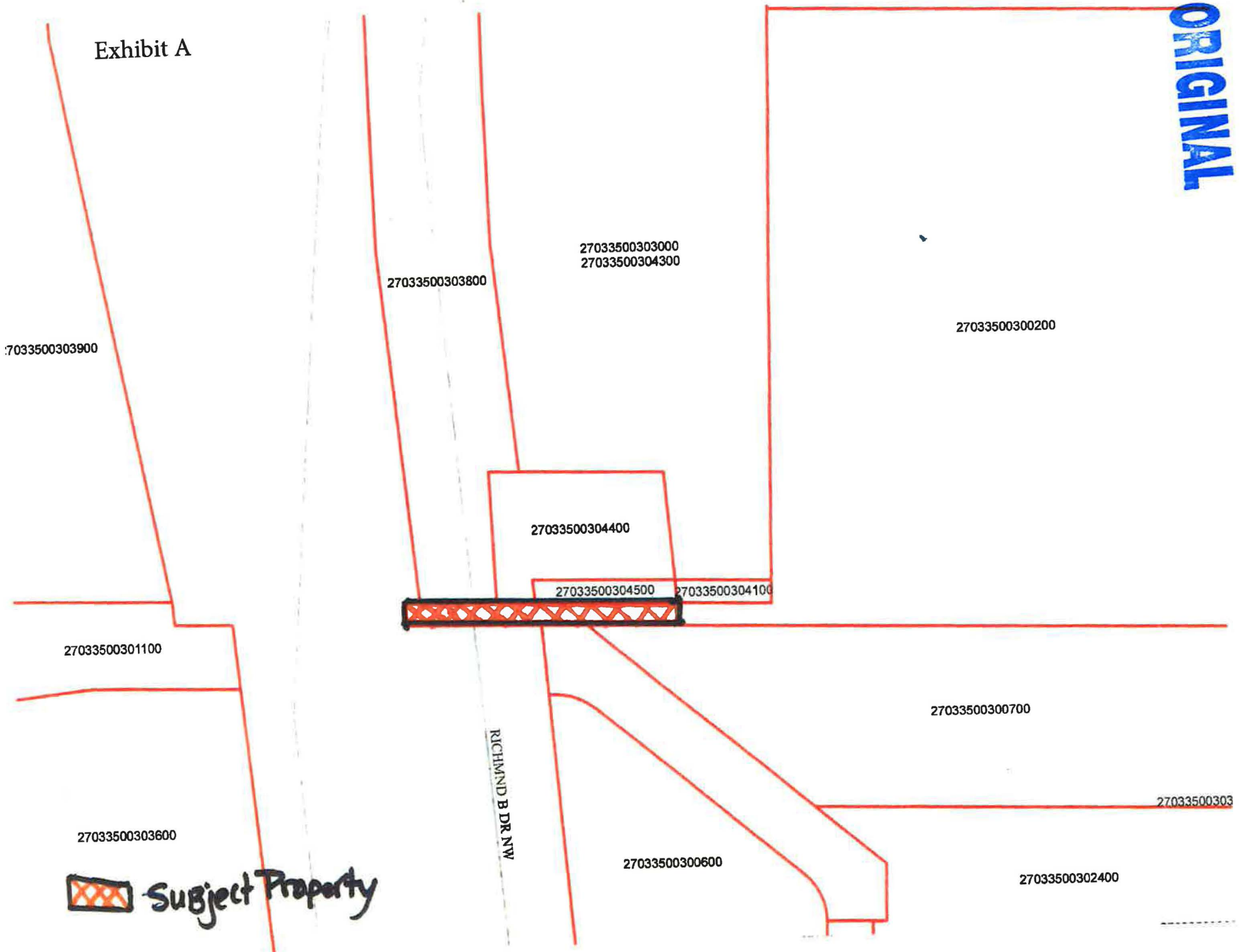


Margaret J. King
City Attorney

Publication Date: November 8, 2018
Effective Date: November 13, 2018

ORIGINAL

Exhibit A



 **Subject Property**