

ORIGINAL

ORDINANCE NO. 351

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON PROVIDING FOR THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY AT 17505, 17517, 17541, 17563, 17721, 17727, 17750, AND 17763 15TH AVENUE NE, SHORELINE, WASHINGTON.

WHEREAS, the Shoreline City Council adopted the North City Subarea Plan under provisions of the Growth Management Act, Chapter 36.70A RCW, and adopted a North City Business District special district in Ordinance No. 281 to implement the Subarea Plan; and

WHEREAS, to mitigate impacts, certain environmental elements of the Subarea Plan Ordinance 281 directed, among other measures, improvements to 15th Avenue NE including lighting, street trees, convenient and safe pedestrian crossings, undergrounding of utility lines, and restriping 15th Avenue NE to a two or three-lane roadway, with appropriate transitions, turn-pockets and two-way center left turn lanes; and

WHEREAS, the Shoreline City Council on December 1, 2003 approved design amendments to the right-of-way width to provide for the underground utilities; and

WHEREAS, the Shoreline City Council has determined that the property described in Exhibit A hereto is necessary to complete the North City Business District/ 15th Avenue Improvements including the construction of sidewalks and underground utilities; and

WHEREAS, the City of Shoreline has the power to acquire lands through eminent domain for the establishment, construction, enlargement, improvement, and maintenance of public streets; and

WHEREAS, acquisition of 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 of Shoreline shall acquire by negotiation or by condemnation the real properties situated in the City of Shoreline, County of King, State of Washington, and legally described in Exhibit A, attached hereto and by this reference incorporated herein.

To the extent practicable, the City Manager or his designee shall adhere to acquisition guidelines of RCW Chapter 8.26 and is hereby authorized and directed to execute all documents for the acquisition of said properties and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the lands and property interest described in this section

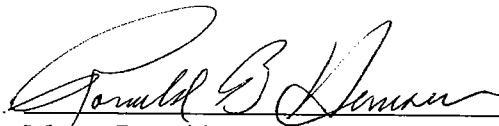
pursuant to the powers granted to the City of Shoreline, including RCW 35A.64.200 and Chapters 8.12 and 8.25 RCW. The properties subject to acquisition listed in Exhibit A are of low value and the city may base its offers on 1) an appraisal completed within six months of the offer or 2) a restricted appraisal report under the Uniform Standards of Professional Appraisal.

Section 2. Finding of Public Use and Necessity. The Shoreline City Council finds that the acquisition of the property listed in Exhibit A is for a public use and purpose, to-wit: to promote economic development in the North City Business District under RCW 35.21.703 through development of a safe and attractive pedestrian shopping district; and RCW 8.12.030 for the widening and extending of the 15th Avenue NE right of way for street, utility, curb and sidewalk improvements. The Council further finds the properties listed in Exhibit A are necessary for the proposed public use and for the benefit of the public.

Section 3. Purchase Funds. Funds allocated in the City of Shoreline 2004-2009 Capital Improvement Plan for the North City Business District/15th Avenue Improvements shall be made available to carry out the provisions of this Ordinance.

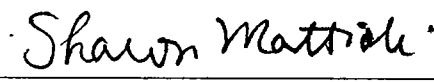
Section 5. Effective Date and Publication. A summary of this Ordinance consisting of the title shall be published in the official newspaper, and the Ordinance shall take effect five days after publication.

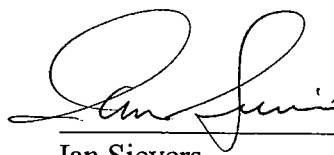
PASSED BY THE CITY COUNCIL ON April 5, 2004.


Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:


Sharon Mattioli, CMC
City Clerk


Ian Sievers
City Attorney

Date of Publication: April 8, 2004
Effective Date: April 13, 2004