

ORIGINAL

ORDINANCE NO. 354

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AUTHORIZING THE ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENTS FROM PROPERTIES AT 17541, 17550 AND 17727 15TH AVENUE NE BY EMINENT DOMAIN; CORRECTING LEGAL DESCRIPTIONS OF PERMANENT EASEMENTS SUBJECT TO CONDEMNATION; AND AMENDING ORDINANCE 351

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 determined that sidewalk and utility easements described in Ordinance No. 351 were necessary to complete the North City Business District/ 15th Avenue NE Improvements ("Improvements") including the construction of sidewalks and underground utilities; and

WHEREAS, temporary construction easements will be needed to make adjustments to certain properties during construction of the Improvements for up to 90 days to provide temporary and permanent access to these properties; and

WHEREAS, legal descriptions for easements included in Ordinance 351 for some properties contain an error in defining which should be corrected; 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. Amendment, Condemnation Authorized. Property interests authorized to be acquired by negotiation or condemnation by Ordinance 351, Section 1 at 17541, 17550 and 17727 15TH AVENUE NE and listed in Exhibit A to Ordinance 351 are amended as set forth in Exhibit A-1 attached to this ordinance and by this reference incorporated herein.

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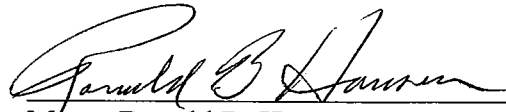
To the extent practicable, the City Manager, or his designee, shall adhere to acquisition guidelines of RCW Chapter 8.26, and is hereby authorized and directed to execute all documents for the acquisition of said properties and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the lands and property interests 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-1 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-1 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-1 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.

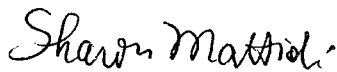
Section 4. Effective Date and Publication. A summary of this Ordinance consisting of the title shall be published in the official newspaper and the Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON June 14, 2004.

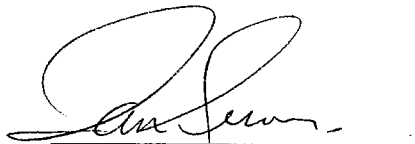

Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:



Sharon Mattioli, CMC
City Clerk


Ian Sievers
City Attorney

Date of Publication: June 17, 2004
Effective Date: June 22, 2004