

ORIGINAL

ORDINANCE NO. 412

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING ORDINANCE NO. 385, AUTHORIZING THE
ACQUISITION AND CONDEMNATION OF CERTAIN REAL
PROPERTY AT 15565 AURORA AVENUE NORTH, SHORELINE,
WASHINGTON TO ADD AN ADDITIONAL TEMPORARY
CONSTRUCTION EASEMENT AND A FEE ACQUISITION**

WHEREAS, in December 2002 the Shoreline City Council adopted the Aurora Corridor Project Modified Alternative A as a final design for the Aurora Corridor Project N 145th- N. 165th ("Project") identified in the 2004-2009 Capital Improvement Plan; and

WHEREAS, the purpose of the Project is to improve the safety and mobility of pedestrians, transit users, people with disabilities, and drivers along Aurora Avenue from North 145th Street to North 165th Street; and

WHEREAS, this Project will improve the economic development potential of the corridor, enhance the livability of adjacent communities, and support the City's Comprehensive Plan; and

WHEREAS, Shoreline City Council determined that the property described in Ordinance No. 385 was necessary to complete the Project including the construction of BAT lanes, medians, sidewalks and underground utilities; and;

WHEREAS, Ordinance No. 385 authorizes the condemnation of the property located at 15565 Aurora Avenue North but did not describe the property;

WHEREAS, the property described in Exhibit A-1 and B-2 attached hereto is necessary to complete the Project;

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:**

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Section 1. Amendment. Section 1 of Ordinance No. 385 is amended to read as follows:

The City of Shoreline shall acquire by negotiation or by condemnation, the real properties situated in the City of Shoreline, County of King, and State of Washington and legally described in Exhibits A, A-1, B, B-1, B-2 and C attached hereto and by this reference incorporated herein.

The City Manager or his designee, shall adhere to acquisition guidelines of the Aurora Corridor Real Property Acquisition and Relocation Policy, Procedures and Guidelines ("Guidelines"), 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. Notwithstanding the general applicability of Guidelines 3.1 for temporary construction easements the easements listed in Exhibit B are necessary for the construction of the project and shall be compensated to the extent the value exceeds special benefit to the property owner. In conducting said condemnation proceedings, the City Attorney, and any Special Counsel designated by the City Attorney, is hereby authorized to enter into stipulations for the purpose of minimizing damages, including the reduction in area of land or modification of property interest to be acquired by the Project.

The City Attorney is also authorized to make minor amendments to the legal description or maps of properties described in the attached Exhibits A, A-1, B, B-1, B-2 and C as may become necessary to correct scrivener's errors or to conform the legal description to the precise boundaries of the property required for the project.

Section 2. Amendment. Section 2 of Ordinance No. 385 is amended to read as follows:

The Shoreline City Council finds that the acquisition of the property listed in Exhibits A, A-1, B, B-1, B-2 and C is for a public use and purpose, to-wit: to provide road and sidewalk improvement and underground utilities on Aurora Ave. N. from N. 145th to N. 165th. The Council further finds the properties listed in Exhibits A, A-1, B, B-1, B-2 and C are necessary for the proposed public use and for the benefit of the public.

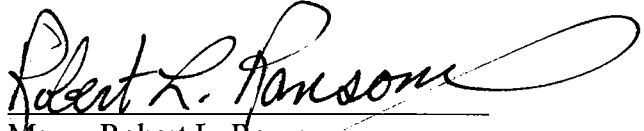
Section 3. Amendment. Exhibit A setting forth the fee acquisition legal description and the property legal description is amended to include Exhibit A-1 attached hereto and incorporated by reference herein.

Section 4. Amendment. Exhibit B depicting the temporary construction easements is amended to include Exhibit B-2 attached hereto and incorporated by reference herein.

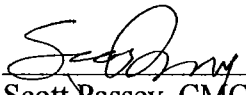
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Section 5. Effective Date and Publication. A summary of this Ordinance consisting of the title shall be published in the official newspaper and the Ordinance shall take effect five days after publication.


PASSED BY THE CITY COUNCIL ON MARCH 20, 2006


Mayor Robert L. Ransom

ATTEST:


Scott Rassey, CMC
City Clerk

APPROVED AS TO FORM:


Ian Sievers
City Attorney

Date of Publication: March 23, 2006
Effective Date: March 28, 2006