

ORIGINAL

ORDINANCE NO. 527

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PORTIONS OF REAL PROPERTY IDENTIFIED AS TAX PARCELS 0726049042, 7286500020, 7285900005, 0726049156, 0726049155, 0726049154 , 0626049028, 0726049083, 0318100005 AND PROPERTY LOCATED AT 16523, 16549, 16610, 16622, 16707, 16708, 16715, 16716, 16725, 16723, 16731, 16737, 16743, 16748, 16755, 17001, 17010, 17012, 17020, 17030, 17037, 17202, 17203, 17209, 17219, 17244, 17255, 17504, 17505, 17545, 17550, 17560, 17935, 18005, 18207, 18325, 18217, 18405, 18413, 18510, 18528, 18551 AURORA AVENUE NORTH, 1111 NORTH 175th STREET, 1130 NORTH 185th STREET, 18400 MIDVALE AVENUE NORTH AND 18502 AND 18514 FIRLANDS WAY NORTH, SHORELINE WASHINGTON

WHEREAS, on January 14, 2008, the Shoreline City Council adopted the final design for the Aurora Corridor Project N. 165th - N. 205th ("Project") which has been identified in the 2009-2014 Capital Improvement Plan ("CIP"); 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 165th Street to North 205th 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, the CIP calls for the right-of-way acquisition in 2008 for Aurora Avenue N. 165th – N. 185th with construction of Aurora Avenue N. 165th – N. 185th to begin in 2009; and

WHEREAS, the Shoreline City Council has determined that the properties depicted in Exhibit A and described in Exhibit B attached hereto are affected by this Project and that portions of those properties, as described and depicted in Exhibit B, are necessary to complete the Project including the construction of BAT lanes, medians, 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

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WHEREAS, sustained effort to contact property owners and interested parties has been made and will continue, and eminent domain action will be taken judiciously after reasonable efforts such as offering possession and use agreements; 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, portions of the real properties situated in the City of Shoreline, County of King, and State of Washington depicted in Exhibit A and legally described in Exhibit B attached hereto and by this reference incorporated herein. Those portions of the properties to be acquired by negotiation or by condemnation are legally described and depicted in Exhibit B.

The City Manager or his designee shall adhere to the City of Shoreline Right of Way Procedures and Resolution No. 270, 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. 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 interests to be acquired for the Project.

The City Attorney is also authorized to make minor amendments to the legal descriptions or maps of properties described in the attached Exhibit B 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. Finding of Public Use and Necessity. The Shoreline City Council finds that the acquisition of the property described and depicted in Exhibit B is for a public use and purpose, to-wit: to provide road and sidewalk improvement and underground utilities on Aurora Ave. N. from N. 165th to N. 185th. The Council further finds the properties described and depicted in Exhibit B 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 2009-2014 Capital Improvement Plan for the Aurora Corridor Project N. 165th to N. 185th 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 NOVEMBER 17, 2008.

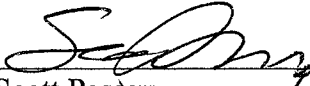
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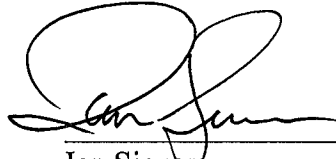
Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:



Scott Passey
City Clerk



Ian Sievers
City Attorney

Date of Publication: November 20, 2008
Effective Date: November 25, 2008