

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Ordinance No. 956 – Authorizing the Use of Eminent Domain for Acquisition of Certain Real Properties to Construct the N 175th Street, Stone Avenue N to I-5 Project

DEPARTMENT: Public Works

PRESENTED BY: Tricia Juhnke, City Engineer

ACTION: ☒ Ordinance ☐ Resolution ☐ Motion
 ☐ Discussion ☐ Public Hearing

PROBLEM/ISSUE STATEMENT:

The N 175th Street, Stone Avenue N to I-5 Project (N 175th Street Project) has recently entered the early acquisition Right of Way (ROW) phase. Property appraisals are underway, and settlement offers and negotiations with property owners will begin soon. In this phase of property acquisition, the City will purchase four parcels required for construction of the N 175th Street Project. This CIP supports growth and promotes safety by widening the roadway, constructing multi-modal improvements along the full length of the corridor, revising traffic channelization, and providing intersection improvements at N 175th Street and Meridian Avenue N.

Eminent domain is a power granted to political subdivisions, such as the City of Shoreline, through RCW 8.12 to acquire private property for a public use. City staff request that Council consider moving forward with a condemnation ordinance as a precautionary step to keep the project on schedule. City staff have included the acquisition properties in the City of Shoreline as part of the ordinance. In the event a settlement agreement cannot be reached with a property owner, eminent domain is the next step. Passage of this ordinance authorizes the City Manager or designee to proceed with eminent domain in the event the negotiations with any specific property owner reaches an impasse.

The City Council discussed proposed Ordinance No. 956 (Attachment A) at their April 18, 2022 City Council Meeting. Proposed Ordinance No. 956 authorizes the use of eminent domain for the N 175th Street Project. Tonight, Council is scheduled to take action on proposed Ordinance No. 956.

RESOURCE/FINANCIAL IMPACT:

The N 175th Street Project has sufficient funds for property acquisition. Proposed Ordinance No. 956 does not negatively impact the project funding or financial impact.

Proposed Ordinance No. 956 does not in itself affect the settlement amount. If use of eminent domain is authorized under this ordinance, negotiations will continue as normal. Council passing this Ordinance is the first step for moving forward with the use

of eminent domain if negotiations come to an impasse. There are some associated costs for notices and correspondence. A notice of the final action, adoption of Ordinance No. 956, will have been published in the Seattle Times once a week for two successive weeks; and notice sent certified mail to every property owner impacted by the final action at least 15 days prior to final action; all at the City's expense.

A Statutory Evaluation Allowance (SEA) is available to the property owner if an offer is made under the threat of eminent domain to help defray the owner's expenses. Under RCW 8.25.020, when the City is acquiring property by eminent domain or under the threat of it, property owners are entitled to reimbursement of up to \$750 for costs they incurred evaluating the City's offer.

RECOMMENDATION

Staff recommends that Council adopt proposed Ordinance No. 956 authorizing the use of eminent domain for certain properties to construct the N 175th Street, Stone Avenue N to I-5 Project.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

The N 175th Street Project is designated as one of seven growth projects in the City's [Transportation Master Plan](#). The N 175th Street Project will support growth and promote safety by widening the roadway, constructing multi-modal improvements along the full length of the corridor, revising traffic channelization, and providing intersection improvements at N 175th Street and Meridian Avenue N. Planned improvements include reconstruction of the existing street to provide two traffic lanes in each direction; medians and turn pockets; bicycle lanes; a multi-use path; curb, gutter, and sidewalk with planter strip where feasible; illumination; landscaping; retaining walls; and a new signal system at the Meridian Avenue N intersection.

Eminent domain is a power granted to political subdivisions, such as the City of Shoreline, through RCW 8.12 to acquire private property for a public use. City staff would like Council to consider moving forward with a condemnation ordinance as a precautionary step to keep the project on schedule. City staff have included all the acquisition properties in the City of Shoreline as part of the ordinance. In the event a settlement agreement cannot be reached with a property owner, eminent domain is the next step. Passage of this ordinance authorizes the City Manager or designee to proceed with eminent domain in the event the negotiations with any specific property owner reaches an impasse.

DISCUSSION

The City Council discussed proposed Ordinance No. 956 (Attachment A) at their April 18, 2022, Council meeting. The staff report for this Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2022/staffreport041822-8c.pdf>.

Following discussion of the proposed Ordinance, Council provided direction to staff to bring proposed Ordinance No. 956 back for action at tonight's Council meeting.

A notice of final action regarding adoption of proposed Ordinance No. 956 has been published in the Seattle Times once a week for two successive weeks, and the notice was sent by certified mail to every property owner impacted by the final action at least 15 days prior to final action, all at the City's expense. Publication in the Seattle Times was on April 14, 2022, and April 21, 2022, and notice was sent by certified mail on April 11, 2022. Property appraisals are currently being conducted and offers will be prepared over the next few months.

COUNCIL GOAL(S) ADDRESSED

The N 175th Street Project directly supports two of the City Council goals:

- Goal 2 - Continue to deliver highly-valued public services through management of the City's infrastructure and stewardship of the natural environment.
- Goal 3 - Continue preparation for regional transit in Shoreline.

RESOURCE/FINANCIAL IMPACT

The N 175th Street Project has sufficient funds for property acquisition. Proposed Ordinance No. 956 does not negatively impact the project funding or financial impact.

Proposed Ordinance No. 956 does not in itself affect the settlement amount. If use of eminent domain is authorized under this ordinance, negotiations will continue as normal. Council passing this Ordinance is the first step for moving forward with the use of eminent domain if negotiations come to an impasse. There are some associated costs for notices and correspondence. A notice of the final action, adoption of Ordinance No. 956, will have been published in the Seattle Times once a week for two successive weeks; and notice sent certified mail to every property owner impacted by the final action at least 15 days prior to final action; all at the City's expense.

A Statutory Evaluation Allowance (SEA) is available to the property owner if an offer is made under the threat of eminent domain to help defray the owner's expenses. Under RCW 8.25.020, when the City is acquiring property by eminent domain or under the threat of it, property owners are entitled to reimbursement of up to \$750 for costs they incurred evaluating the City's offer.

RECOMMENDATION

Staff recommends that Council adopt proposed Ordinance No. 956 authorizing the use of eminent domain for certain properties to construct the N 175th Street, Stone Avenue N to I-5 Project.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 956
Attachment A, Exhibit A: Full Parcel Acquisition Map

ORDINANCE NO. 956

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTIES LOCATED ALONG THE N 175TH STREET CORRIDOR, BY NEGOTIATED VOLUNTARY PURCHASE, UNDER THREAT OF CONDEMNATION, BY CONDEMNATION, OR BY SETTLING CONDEMNATION LITIGATION, FOR THE PURPOSE OF SECURING ADDITIONAL LAND FOR CONSTRUCTION OF THE NORTH 175TH STREET, STONE AVENUE N TO INTERSTATE 5 PROJECT; FINDING PUBLIC USE AND NECESSITY; AUTHORIZING JUST COMPENSATION FROM THE GENERAL FUND; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 35.67 RCW and Chapter 35.92 RCW, the City has the authority to provide for a multimodal transportation system that serves its citizens in a safe and efficient manner; and

WHEREAS, the City has been planning for alteration to the N 175th Street Corridor to address a variety of known problems along the corridor including safety concerns, increasing traffic congestion, narrow sidewalks with numerous obstructions, and lack of bicycle facilities; and

WHEREAS, the City Council finds that acquisition of the properties located within the City generally depicted and described in Exhibit A, attached hereto (the “Acquired Properties”), is necessary for the construction of the N 175th Street, Stone Avenue N to Interstate 5 Project; and

WHEREAS, just compensation for the Acquired Properties can be funded with Transportation Impact Fees; and

WHEREAS, there will be sustained efforts to negotiate with the owners of the Acquired Properties, and eminent domain action will be taken judiciously after reasonable efforts to reach a negotiated settlement with the owners; and

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

WHEREAS, the owners of the Acquired Properties were given notice according to state statute that this condemnation Ordinance was included for discussion by the City Council at its April 18, 2022 meeting and for final action at its May 2, 2022 meeting, and were afforded an opportunity to submit comment at or for those meetings; 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, the City of Shoreline has the power to acquire lands through eminent domain for the purpose of providing for the widening, extending, altering of any street, avenues, and highway; and

WHEREAS, acquisition of the Acquired Properties 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 land located within the City of Shoreline, County of King, State of Washington, depicted and legally described in Exhibit A attached hereto and by this reference incorporated herein (the “Acquired Properties”) which is necessary for the public use of the widening, extending, and altering of N 175th Street, Stone Avenue N to Interstate 5 Project, and is hereby condemned, appropriated and taken for such public use, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

The City Manager or designee is hereby authorized and directed to execute all documents for the acquisition of all interests in the Acquired Properties and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the Acquired Properties 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 Properties.

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 the properties, generally depicted on the attached Exhibit A, as may become necessary to correct scrivener’s errors or to conform the legal description to the precise boundaries of the Acquired Properties.

Section 2. Finding of Public Use and Necessity. The Shoreline City Council finds that the acquisition of the Acquired Properties is for a public use and purpose, to-wit: to provide for the widening, extending, and altering of N 175th Street, Stone Avenue N to Interstate 5 Project. The City Council further finds the properties generally depicted in Exhibit A are 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 owners of the Acquired Properties identified in Section 1, above, and costs and expenses of litigation authorized by this Ordinance, shall be paid from the City’s Transportation Impact Fee Funds.

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 MAY 2, 2022.

Mayor Keith Scully

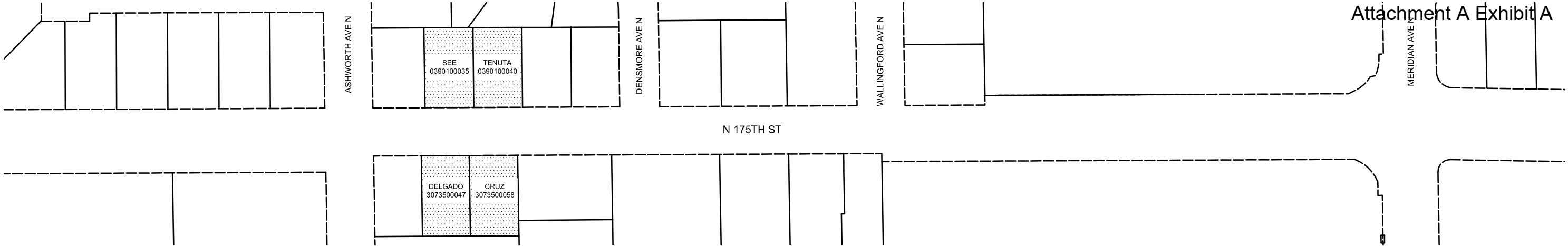
ATTEST:

APPROVED AS TO FORM:

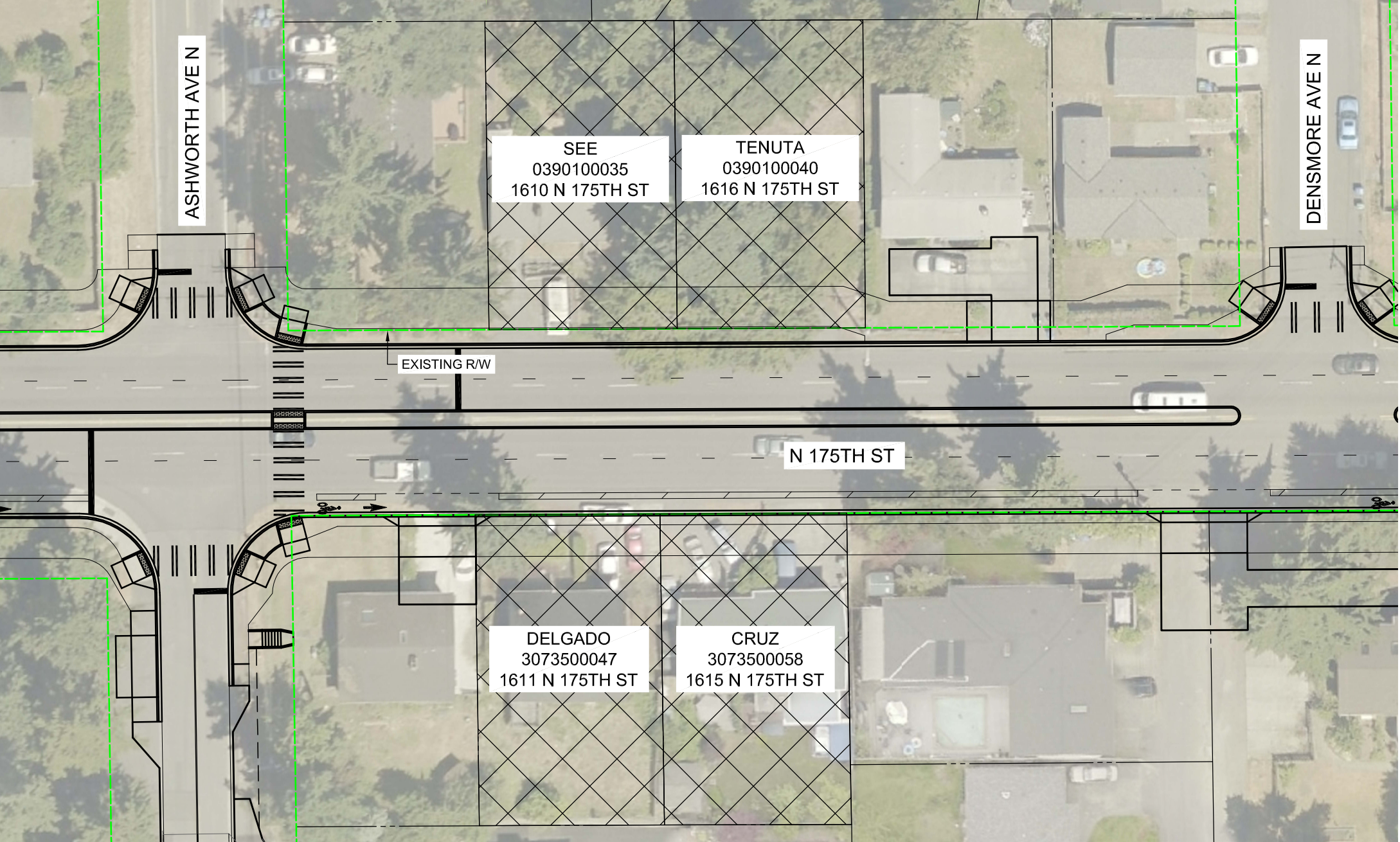
Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor,
Assistant City Attorney
on behalf of Margaret J. King
City Attorney

Publication Date: _____, 2022
Effective Date: _____, 2022



VICINITY MAP



LEGEND

	EXISTING RIGHT-OF-WAY
	ROW ACQUISITION AREA

