
Council Meeting Date: January 23, 2006

Agenda Item: 9C

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Motion Authorizing Legal Action to Recover for Breach of Building Permit Conditions
DEPARTMENT:	City Attorney
PRESENTED BY:	Ian R. Sievers, City Attorney

PROBLEM / ISSUE STATEMENT: Council is requested to authorize a breach of contract suit for reimbursement of condemnation costs paid to Seattle Restaurant Store. A building permit was issued for a major remodel completed in 2000 at the Seattle Restaurant Store at 14910 Aurora Avenue N., Shoreline, WA. A condition of this permit was compliance to dedicate a sidewalk and amenity zone along Aurora as required by the Shoreline Development Code. This easement was never recorded by the owner prior to a certificate of occupancy in January 2000. As a result the City was forced to acquire right of way that included the private sidewalk as part of a 2005 condemnation suit for the Aurora 145-165th Project. Demand was made of the owner at the time of the condemnation, but the owner declined to provide a credit for the permit obligations. The proposed suit will seek reimbursement of the acquisition costs of the easement and infrastructure that should have been dedicated to the public with the remodel project.

RECOMMENDATION

Staff recommends that the City Council authorize the City Attorney to take legal action against Seattle Restaurant Store for recovery of costs resulting from failure to comply with building permit conditions of a 2000 development.

Approved By: City Manager ____ City Attorney ____