

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorization for property acquisition at vacant lot on corner of N 170 th and Aurora for the Aurora Project 165 th -185 th
DEPARTMENT:	City Attorney, Public Works
PRESENTED BY:	Flannary P. Collins, Assistant City Attorney

PROBLEM/ISSUE STATEMENT:

The City recently commenced construction for the Aurora Project 165th-185th. The Project will add sidewalks and amenity zones, dedicated access/transit lanes, street trees, improved storm water facilities, street lighting, undergrounding of utilities and planted medians to this middle mile of Aurora Avenue in Shoreline. To construct the Project, additional right of way and construction easements are required from properties in the Project area, and Council authorized condemnation if a voluntary acquisition of these property interests cannot be negotiated. The City has filed condemnation on a handful of parcels and has entered into mediation for those parcels subject to condemnation.

The City requires 1,766 SF of fee interest and 1,250 SF of temporary construction easement from the Tsakonas parcel, the vacant lot on the corner of N 170th and Aurora Avenue North.

The owners granted the City possession and use of the property interests in March, 2009 so the Project could proceed. Trial is set in the condemnation case for April 2010. Mediation was held on February 12 with Flannary Collins, Assistant City Attorney, Kris Overleese, Project Manager, and the City's appraiser. The owners participated in the mediation with their attorneys and appraiser. A tentative agreement was reached at mediation, settling all claims for compensation, fees and costs. The tentative settlement of \$120,000 exceeds the City Manager's authorized settlement authority and requires approval of the City Council.

Based on the analysis in the confidential memorandum to the Council discussing this acquisition, staff recommends the Council approve the settlement as a fair resolution of this case given the risks of litigation and costs avoided.

FINANCIAL IMPACT:

The funds to pay the proposed settlement are available in the Project Budget.

RECOMMENDATION

Staff recommends that Council approve \$120,000 in settlement of compensation for all property interests needed from the vacant property on the corner of N 170th and Aurora Avenue North (Tsakonas parcel) associated with the Aurora Project 165th-185th and the owners' fees and costs associated with the acquisition, and that Council authorize the City Attorney to execute a stipulated decree of appropriation including these terms of settlement.

Approved By: City Manager jm City Attorney _____