

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorization for property acquisition for parcel on the southwest corner of 175 th and Aurora Avenue North (Shell gas station) for the Aurora Project 165 th -185 th
DEPARTMENT:	City Attorney's Office, 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 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 1,843 SF of fee interest and 3,076 SF of temporary construction easement from the Shell gas station parcel, located on the southwest corner of N 175th and Aurora Avenue North, owned by Harry and Rosalie Yourist.

The owners granted the City possession and use of the property interests in May 2009 so the Project could proceed. Trial was recently continued for this condemnation case from June 2010 to September 2010. Mediation was held on May 13 with Flannary Collins, Assistant City Attorney, Kris Overleese, Project Manager, and the City's appraiser. Mr. Yourist participated in the mediation with his attorney. A tentative agreement was reached at mediation, settling all claims for compensation, fees and costs. The tentative settlement of \$255,000 exceeds the City Manager's authorized settlement authority and requires approval of the City Council.

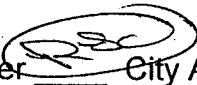
Based on the analysis in the confidential memorandum to the Council discussing this acquisition, staff recommends the Council approve the settlement as a fair resolution of this case given the risks of litigation and costs avoided.

FINANCIAL IMPACT:

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

RECOMMENDATION

Staff recommends that Council approve \$255,000 in settlement of compensation for all property interests needed from the Shell gas station parcel, located on the southwest corner of N 175th and Aurora Avenue North 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  City Attorney _____