

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorization for property acquisition for parcel on west side of Aurora north of 185 th ; 18805 Aurora Avenue N.
DEPARTMENT:	City Attorney's Office, Public Works
PRESENTED BY:	Ian Sievers, City Attorney

PROBLEM/ISSUE STATEMENT:

The City commenced construction for the Aurora Project 165th-205th in January of this year and has recently acquired property necessary for right of way certification and bidding of construction to 192nd. 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 pending condemnation on a handful of parcels, including the property owned by Mr. Jeri Drager at 18805 Aurora Avenue N

The City requires 1302 SF of temporary construction easement from this retail building. The owners granted the City possession and use of the property interests in August, 2010 so the Project could proceed. Trial is set for February 2011. A tentative agreement was reached with Universal Field Services in negotiation with the owner and his attorney, settling all claims for compensation, fees and costs. The tentative settlement of \$40,000 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 \$40,000 in settlement of compensation for all property interests needed from the retail property, located at 18805 Aurora Avenue N

Project Parcel No. 408, 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 