

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 680 - Authorizing the Use of Eminent Domain for Acquisition of 1300 N 175 th Street for a Police Station
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Dan Eernisse, Economic Development/Real Estate Manager
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The City Council has provided direction to staff to co-locate the Shoreline Police Station on the City Hall campus. To accomplish this, the City must purchase the property adjacent to City Hall at 1300 N 175th Street. Ordinance No. 680, which is attached to this staff report as Attachment A, authorizes the use of eminent domain to acquire this property.

Authorizing the use of eminent domain early in the property acquisition process lets the property owner know from the beginning that the City intends to utilize this tool should negotiations on the purchase of the property stall. In addition, tax benefits become available for the property owner and the City when land is acquired under the threat of eminent domain. The City is committed to a fair negotiation process as required under state law which includes dialogue and opportunity for sharing of information. The property owner has already been involved in early acquisition discussions and was provided notification by certified mail at least fifteen days prior to tonight's meeting that Ordinance No. 680 was being discussed by Council.

RESOURCE/FINANCIAL IMPACT:

Acquisition of the 1300 N 175th Street property involves the purchase of the property (appraised at \$740,000), business relocation expenses for the current business operator (\$100,000–\$300,000 if claimed), and professional services (\$10,000–\$20,000). Currently, \$804 a year in City property taxes will not be replaced unless and until the current police facility is sold and returns to private ownership. As well, sales tax revenues currently received from the business operator on the property (Grease Monkey) may or may not be replaced based on whether the operator decides to relocate within Shoreline.

RECOMMENDATION

Staff recommends that the City Council waive Council Rule 3.5B requiring a second reading and adopt Ordinance No. 680 authorizing the use of eminent domain for acquisition of 1300 N 175th Street for a police station.

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

INTRODUCTION

The Shoreline Police facility on N 185th Street has long been recognized as sub-standard. While the police facility has been incrementally upgraded through small remodels and renovations, the building is considered unworthy of comprehensive improvements. To appreciate the condition of the facility, the City Council toured the facility in September and found it to be a cramped and out-dated facility that is in stark contrast to the employee spaces provided in City Hall. The Council subsequently set Council Goal #5: "Promote and enhance the City's safe community and neighborhood initiatives and programs," in part to "Complete the police station feasibility study to determine if operational efficiencies can be gained between City and police operations, police neighborhood storefronts, and police volunteers."

Aided by the availability of seizure funds, staff conducted a feasibility study of alternatives for an improved police station and provided an update to Council at their May 13 Dinner Meeting. The study culminated in staff's recommendation that the police facility be moved onto the City Hall campus at Council's September 23 Business Meeting. Council discussed the recommendation but took no action. The staff report for the September 23 meeting can be viewed at the following link:
<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2013/staffreport092313-8a.pdf>.

Staff's recommendation called out the need to acquire the property at 1300 N 175th Street to provide both room for expansion and secured parking for police vehicles. After completing an appraisal of the property, staff prepared Ordinance No. 680 authorizing the use of eminent domain if necessary to acquire the 1300 N 175th Street property.

On November 25, 2013, Council adopted the 2014-2019 Capital Improvement Plan (CIP). In the General Capital Expenditures category \$3,449,876 was included for the construction of a police station and \$700,000 was included for an emergency generator to be added at City Hall. The staff report for the November 25 meeting, which includes the 2014-2019 CIP Program Summary, can be viewed at the following link:
<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2013/staffreport112513-8b.pdf>.

DISCUSSION

Authorizing the use of eminent domain early in the property acquisition process lets the property owner know from the beginning that the City intends to utilize this tool should negotiations on the purchase of the property stall. In addition, tax benefits become available for the property owner and the City when land is acquired under the threat of eminent domain. The City is committed to a fair negotiation process as required under state law which includes dialogue and opportunity for sharing of information. The property owner has already been involved in early acquisition discussions and was provided notification by certified mail at least fifteen days prior to tonight's meeting that Ordinance No. 680 was being discussed by Council.

According to the Municipal Research and Service Center of Washington (MRSC), [eminent domain](#) "is the exercise of the power of government to acquire private property

for public use on the payment of just compensation and following due process of law. Proceedings to take property under eminent domain are referred to as "condemnation" proceedings. The property that governments may condemn includes fee title as well as lesser interests in real property, such as easements, and also "non-physical" interests such as air rights."

The MRSC article goes on to state that under long-standing case law, three conditions are typically required in order to qualify the use of eminent domain as legal: (1) the use is really public; (2) the public interest requires it; and (3) the property appropriated is necessary for that purpose. The following information provides reasons why the City has met these conditions for the use of eminent domain for this property:

Condition #1: The use is truly public

The proposed use of the 1300 N 175th Street property is for an expansion of the City Hall building and for parking. The expansion and parking will be used for a police station, which is decidedly a public use to provide public safety.

Condition #2: The public interest requires it

Moving the police to City Hall provides significant benefits by consolidating the administrative functions that already occur at City Hall with essential police services. The current physical separation of the police and administrative facilities hinders familiarity with personnel and staff roles, while consolidation is anticipated to provide an environment where cohesive planning and communication can occur. Simply by moving police to City Hall, it is hoped that staff interaction and connectivity will be improved, formal communication will be enhanced, and service to Shoreline residents will improve. A number of comparably-sized cities in the Puget Sound region are experiencing these advantages by consolidating police on their City Hall campuses, including the cities of Mill Creek, SeaTac, Renton, and Federal Way.

Consolidation of police and administrative staff also makes the City Hall campus the recognized heart of city services in the eyes of Shoreline residents. With the eventual consolidation of the administrative functions of the sewer and water utilities at City Hall, Shoreline takes a step closer to its desire to function as 'one City, one team.' Therefore, Staff understands the benefits of moving the police to City Hall as being more than a by-product of one location siting alternative, but as a worthy goal to be purposefully pursued.

The staff report for the September 23 Council meeting articulates the extensive feasibility studies, site planning alternatives, and examination of administrative and police operations that support the conclusion that acquiring the 1300 N 175th Street property is necessary. Furthermore, staff estimates that acquiring this property will save Shoreline taxpayers at least \$2 million dollars in development costs over other alternatives.

Condition #3: The property acquired is necessary for that purpose

The amount of property being acquired is necessary for the proposed City Hall expansion. It is needed both for the structural addition and for additional parking, particularly the need to park police vehicles needed for emergency response, in the

open so that they are available following seismic events. The City is not acquiring property in excess of the needs of the City Hall remodel design.

STAKEHOLDER OUTREACH

Council has repeatedly stated that the use of eminent domain shall be reserved for those rare circumstances when property required for a public purpose cannot be acquired through negotiation and the benefits of acquiring the property for the City as a whole outweigh the negative impacts to those directly affected by the action. Both the 1300 N 175th Street property owner and business operator will be provided fair compensation regardless of whether eminent domain is exercised. However, acquisition will at the very least cause them both inconvenience, and staff is very sensitive that this proposed action is not being undertaken lightly by the Council.

Staff has contacted the property owner regarding the desired acquisition of the property. The property owner was also provided notification by certified mail at least fifteen days prior to tonight's meeting that Ordinance No. 680 was being discussed by Council. Staff has also notified the current business operator on the property (Grease Monkey) to explain the City's intent and that this proposed ordinance was being reviewed by the City Council. In addition, at the November Shoreline Chamber of Commerce Board Meeting staff shared that Ordinance No. 680 would be discussed at tonight's meeting and responded to questions about the action.

COUNCIL GOAL ADDRESSED

This agenda item addresses the following Council Goal:

- Council Goal #5: Promote and enhance the City's safe community and neighborhood initiatives and programs
 - Action Step #5: Complete the police station feasibility study to determine if operational efficiencies can be gained between City and police operations, police neighborhood storefronts, and police volunteers.

RESOURCES AND FINANCIAL IMPACT

Acquisition of the 1300 N 175th Street property involves the purchase of the property (appraised at \$740,000), business relocation expenses for the current business operator (\$100,000–300,000 if claimed), and professional services (\$10,000– 20,000). Currently, \$804 a year in City property taxes will not be replaced unless and until the current police facility is sold and returns to private ownership. As well, sales tax revenues currently received from the business operator on the property (Grease Monkey) may or may not be replaced based on whether the operator decides to relocate within Shoreline.

RECOMMENDATION

Staff recommends that the City Council waive Council Rule 3.5B requiring a second reading and adopt Ordinance No. 680 authorizing the use of eminent domain for acquisition of 1300 N 175th for a police station.

ATTACHMENTS:

Attachment A: Ordinance No. 680

ORDINANCE NO. 680

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AUTHORIZING THE USE OF CONDEMNATION TO ACQUIRE REAL PROPERTY LOCATED AT 1300 N. 175TH STREET IN SHORELINE, WASHINGTON, IDENTIFIED AS TAX PARCEL 0318100035 FOR A NEW POLICE FACILITY ON THE SHORELINE CITY HALL CAMPUS.

WHEREAS, on September 23, 2013, the Shoreline City Council reviewed development of a Police Station to be located at the City Hall Campus to replace the current facility located at N. 185th Street and approved the project as part of the 2014-2019 CIP on November 25, 2013; and

WHEREAS, the proposed redevelopment of the City Hall building and addition of parking needed for the expansion and remodel for police use includes the parcel located at 1300 N. 175th Street; and

WHEREAS, the Shoreline City Council has determined that the property depicted and described in Exhibit A attached hereto is necessary to provide room for expansion of the Shoreline City Hall Campus and secured parking for police vehicles; and

WHEREAS, the City of Shoreline has the power to acquire lands through eminent domain for the purpose of constructing police facilities; and

WHEREAS, sustained efforts to negotiate with the business operator and property owner has been made and will continue, and eminent domain action will be taken judiciously after reasonable efforts to reach a negotiated settlement with the business and property owners; and

WHEREAS, the business and property owners have been given notice according to state statute that this condemnation ordinance would be included for action by the Council at the meeting of December 9, 2013 and were afforded an opportunity to comment at that meeting; and

WHEREAS, acquisition of the property 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 of Shoreline shall acquire by negotiation or by condemnation, the real property situated in the City of Shoreline, County of King, and State of Washington depicted and legally described in Exhibit A attached hereto and by this reference incorporated herein.

The City Manager or his designee is hereby authorized and directed to execute all documents for the acquisition of said properties and bring proceedings in the manner provided for by law to

condemn, take, damage, and appropriate the lands and property interests 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.

The City Attorney is also authorized to make minor amendments to the legal descriptions or maps of properties described in 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 property required for the project.

Section 2. Finding of Public Use and Necessity. The Shoreline City Council finds that the acquisition of the property described and depicted in Exhibit A is for a public use and purpose, to-wit: to provide an extension of the Shoreline City Hall Campus to provide facilities for police operations and secure parking for police vehicles. The Council further finds the properties described and depicted in Exhibit A are necessary for the proposed public use and for the benefit of the public.

Section 3. Purchase Funds. Funds allocated in the City of Shoreline 2014-2019 Capital Improvement Plan adopted November 25, 2013 for the "Police Station" project shall be made available to carry out the provisions of this Ordinance.

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 DECEMBER 9, 2013.

Mayor Keith A. McGlashan

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Ian Sievers
City Attorney

Date of Publication: , 2013
Effective Date: , 2013

EXHIBIT A

LEGAL DESCRIPTION

That portion of the SW 1/4 of the NE 1/4 of Section 7, Township 26 North, Range 4 East, Willamette Meridian, King County, Washington, described as follows

Beginning at the SW corner of Lot 7, in the Plat of Ronald Terrace, according to the plat thereof, recorded in Volume 52 of Plats, page 65, in King County, Washington, thence N 89°06'18" W 125 00 feet along the N margin of N 175th Street, as established in Deed recorded under recording number 5426439 to the TPOB, thence at right angles, N 0°53'42" E 100 00 feet, thence N 89°06'18" W 100 feet; thence S 0°53'42" W 100 feet, thence S 89°06'18" E 100 feet to the TPOB,

Together with an easement over the following

Beginning at the SE corner of the above described main tract, thence S 89°06'18" E 25 feet, thence N 0°53'42" E 100 feet, thence N 89°06'18" W 25 feet, thence S 0°53'42" W 100 feet to TPOB,

and together with an easement over the following

Beginning at the SW corner of the above described main tract, thence N 89°06'18" W 25 feet; thence N 0°53'42" E 100 feet, thence S 89°06'18" E 25 feet, thence S 0°53'42" W 100 feet to TPOB;

[illegible]