

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 933 - Authorizing the Use of Eminent Domain for Acquisition of Certain Real Properties to Construct the NW Innis Arden Way Culvert Replacement Project
DEPARTMENT:	Public Works
PRESENTED BY:	Tricia Juhnke, City Engineer
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The NW Innis Arden Way Culvert Replacement Project, or Phase 2 of the Hidden Lake Dam Removal Project, has been a City priority since 2014 when City Council authorized staff to cease dredging of Hidden Lake and begin a phased approach to remove Hidden Lake Dam and reestablish Boeing Creek at Hidden Lake. The Project is currently in the right-of-way (ROW) acquisition phase of the project. Settlement offers and negotiations with the property owners affected by this Project have been underway for months. The City has contacted these property owners multiple times over the last two years and in February 2021 presented owners with offers to purchase property rights. In the months since, the City and its consultants have been in regular contact with these homeowners, and while staff intends to continue negotiations, time is of the essence for this Project.

Eminent domain is a power granted to political subdivisions, such as the City of Shoreline, through RCW 8.12 to acquire private property for public use. City staff would like Council to consider moving forward with a condemnation ordinance as the required next step to keep this Project on schedule. Proposed Ordinance No. 933 (Attachment A) provides for this condemnation authority. Included in proposed Ordinance No. 933 are three partial property acquisitions on the properties located downstream of the NW Innis Arden Way culvert. Proposed Ordinance No. 933 is scheduled for Council discussion tonight, with potential action scheduled for June 28, 2021.

RESOURCE/FINANCIAL IMPACT:

Passage of proposed Ordinance No. 933 does not in itself affect the settlement amount. Adoption of this Ordinance is the first step for moving forward with the use of eminent domain if negotiations come to an impasse. There are some associated costs for notices and correspondence for this action, including a notice of the final action for adoption of proposed Ordinance No. 933, which will have been published in the Seattle Times once a week for two successive weeks, and notice sent by certified mail to every property owner impacted by the final action at least 15 days prior to final action (see Attachments B and C).

A Statutory Evaluation Allowance (SEA) is available to the property owner if an offer is made under the threat of eminent domain to help defray the owner's expenses. Under RCW 8.25.020, when the City is acquiring property by eminent domain or under the threat of it, property owners are entitled to reimbursement of up to \$750 for costs they incurred evaluating the City's offer.

RECOMMENDATION

No action is required tonight. Staff recommends that the City Council discuss and provide feedback on proposed Ordinance No. 933 authorizing the use of eminent domain for acquisition of certain real properties to construct the NW Innis Arden Way Culvert Replacement Project. Final action on this proposed Ordinance is currently scheduled for the June 28, 2021 City Council meeting.

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

BACKGROUND

The City Council discussed the management plan for Hidden Lake, which included alternative surface water management approaches for the Hidden Lake facility, at their September 8, 2014 meeting. At this meeting, the Council [authorized staff to cease dredging of the lake](#) and begin a phased approach to remove Hidden Lake Dam and reestablish Boeing Creek with the goal of reducing long-term costs to the surface water utility.

Without dredging, Hidden Lake is expected to gradually fill itself in with sediment at which time the lake outlet is vulnerable to blockage or the outlet will be bypassed by other natural process which could cause flood flows to overtop and erode the existing dam spillway and block the NW Innis Arden Way culvert inlets. In order to avoid this scenario, which could lead to sudden water on the road embankment or other major flooding damage, the existing Dam should be removed, and the NW Innis Arden Way culverts replaced.

The Hidden Lake Dam Removal and NW Innis Arden Way Projects are currently in the ROW acquisition phase of the project and 60% design has been completed for both phases of the project. Easements have been obtained for the Phase 1 portion of the work (Dam Removal). Easement offers have been presented to property owners for the Phase 2 (NW Innis Arden Way Culvert Replacement) portion of the work, and negotiations are still underway.

DISCUSSION

The NW Innis Arden Way Culvert Replacement project requires ROW acquisition for three parcels downstream of the existing culverts below NW Innis Arden Way. This includes both permanent easements, and other rights such as temporary construction easements (TCEs), which allow the City contractor to be on private property to complete construction, as well as Temporary Environmental Maintenance and Monitoring Easements, which are required to maintain and monitor plantings required by the Project permits.

Negotiations are time consuming and affect the ability of a project to stay on schedule. The first phase of the Hidden Lake Project is expected to be constructed in 2022, with the second phase following in 2024. If the City were unable to settle on all the necessary properties, this project would be at risk of meeting its goals and deadlines for grant funding.

State law (RCW 8.12) allows Shoreline to “condemn” land (hence the term condemnation is often used) and other property for public use after just compensation has been first made or paid into court for the owner. Private property ownership is a privilege that the City of Shoreline respects. The city’s property owners are one of the bedrocks of the community, and with others, support City infrastructure and programs through taxes. The project team is guided through strict property acquisition regulations in order to arrive at an equitable and just settlement with property owners, each compensated with tax dollars that support the project funding. The City therefore must pay the property owner a fair price but cannot make a gift of public funds.

In order to reach a fair and equitable offer, the City's ROW consultant has had Administrative Offer Summaries (AOS) prepared for each parcel. The offers to each parcel was created based on these AOS determinations. Since each of these acquisitions are under \$25,000, no appraisals are required for these parcels. Under threat of eminent domain, the property owner must be informed of and is entitled to up to \$750 in actual costs to review the City's offer. In the event a negotiation reaches an impasse, eminent domain may be the only solution for moving forward.

Proposed Ordinance No. 933 (Attachment A) provides for this condemnation authority for the City Manager or her designee and is being proposed now in order to keep the project on time and within budget. The proposed Ordinance declares the Council's legislative finding that the project is for a public purpose and certain properties are needed to accomplish the project. All three parcels downstream of the NW Innis Arden Way culvert are included in the proposed Ordinance.

If adopted, proposed Ordinance No. 933 provides the City authority to move forward with the use of eminent domain; it does not mean that eminent domain will be used. The project team and ROW consultant will continue negotiations as normal with every property owner if this Ordinance is adopted, and no eminent domain petition will be filed on any property until negotiation efforts have truly been exhausted. The City and its ROW consultant have been reaching out to all property owners to make them aware of this upcoming action, let them know that by law they must be notified via certified mail so that they are expecting this notification, and reassure them that negotiations will continue as normal.

Should negotiations for these properties fail, the next step would be the filing of a petition in Superior Court served on all persons with interest in the property, and a trial date is assigned. Typically, the only issue at trial is the fair market value of the property.

Proposed Ordinance No. 933 is scheduled for Council discussion tonight, with potential action scheduled for June 28, 2021.

COUNCIL GOAL(S) ADDRESSED

Completion of improvements for the NW Innis Arden Way Culvert Replacement Project helps to implement City Council Goal 2: Continue to deliver highly-valued public services through management of the City's infrastructure and stewardship of the natural environment.

RESOURCE/FINANCIAL IMPACT

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RECOMMENDATION

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ATTACHMENTS

- Attachment A: Proposed Ordinance No. 933
- Attachment B: Published Notice of Final Action
- Attachment C: Example of Notice to Property Owner

ORDINANCE NO. 933

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS BY NEGOTIATED VOLUNTARY PURCHASE, UNDER THREAT OF CONDEMNATION, BY CONDEMNATION, OR BY SETTLING CONDEMNATION LITIGATION, FOR THE PURPOSE OF FACILITATING CONSTRUCTION AND FUTURE MAINTENANCE OF THE NW INNIS ARDEN WAY CULVERT REPLACEMENT PROJECT; FINDING PUBLIC USE AND NECESSITY; AUTHORIZING JUST COMPENSATION FROM THE GENERAL FUND; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 8.12.030 authorizes the use of condemnation for culverts, drainage, making changes in the grade of any street for the construction of slopes or retaining walls for cuts and fills upon real property abutting any street, or other public use after just compensation has been made; and

WHEREAS, the City has been planning for replacement of the NW Innis Arden Way culvert to support the proposed Hidden Lake Dam Removal and Boeing Creek Restoration Projects which are intended to allow Hidden Lake to return to its natural condition, and improve wildlife habitat in and near Hidden Lake and Boeing Creek, including removal of barriers to fish passage; and

WHEREAS, the City Council finds that acquisition of easements, permanent and temporary, on the properties generally depicted and described in Exhibit A, attached hereto (the “Acquired Properties”), is necessary for the construction of NW Innis Arden Way Culvert Replacement Project; and

WHEREAS, just compensation for the Acquired Properties can be funded through the City’s Surface Water Utility Fund; and

WHEREAS, there will be sustained efforts to negotiate with the owners of the Acquired Properties, and eminent domain action will be taken judiciously after reasonable efforts to reach a negotiated settlement with the owners; and

WHEREAS, in the event that negotiated acquisition of the Acquired Properties is not fully successful, it is essential that the City be prepared to initiate condemnation proceedings; and

WHEREAS, the owners of the Acquired Properties were given notice of the City Council’s June 14, 2021 and June 28, 2021 meetings, and were afforded an opportunity to submit comment at or for those meetings; and

WHEREAS, the City has provided notice of the adoption of this Ordinance in the manner set forth in RCW 8.12.005 and 8.25.290; and

WHEREAS, acquisition of the Acquired Properties 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 Manager is hereby authorized to take necessary steps to acquire all necessary property interests in the land located within the City of Shoreline, County of King, State of Washington, depicted and legally described in Exhibit A attached hereto and by this reference incorporated herein (the “Acquired Properties”) which is necessary for construction and maintenance of the NW Innis Arden Way Culvert Replacement Project, and is hereby condemned,

appropriated and taken for such public use, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

The City Manager or designee is hereby authorized and directed to execute all documents for the acquisition of all necessary property interests in the Acquired Properties and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the Acquired Properties 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. This authorization includes the right to condemn all reversionary interests, easements, and options in said Acquired Properties.

The City Attorney is authorized to begin and prosecute legal proceedings in the manner provided by the law to purchase, condemn, take, appropriate, and otherwise acquire the land and all other interests and property rights and privileges necessary to carry out the purposes of this Ordinance. The City Attorney is also authorized to make minor amendments to any property descriptions or maps of the properties, generally depicted on 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 Acquired Properties.

Section 2. Finding of Public Use and Necessity. The Shoreline City Council finds that the acquisition of the Acquired Properties is for a public use and purpose, to-wit: to provide for the construction of the NW Innis Arden Way Culvert Replacement Project that will replace aging critical infrastructure, mitigate flood and erosion risk, and improve wildlife habitat through stream restoration and removal of fish barriers. The City Council further finds property interests, permanent and temporary easements, on the properties generally depicted in Exhibit A, are necessary for the proposed public use and for the benefit of the public. The Whereas clauses set forth above are hereby incorporated into and made part of the Council’s findings.

Section 3. Compensation. Compensation to be paid to the owners of the Acquired Properties identified in Section 1, above, and costs and expenses of litigation authorized by this Ordinance, shall be paid from the City’s Surface Water Utility Fund.

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 JUNE 28, 2021.

Mayor Will Hall

APPROVED AS TO FORM:

Julie Ainsworth-Taylor, Assistant City Attorney
on behalf of Margaret J. King, City Attorney

ATTEST:






Jessica Simulcik Smith
City Clerk

Publication Date: _____, 2021

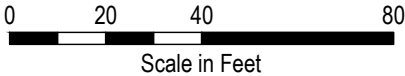
Effective Date: _____, 2021



Legend

-  PROPERTY LINE
-  RIGHT-OF-WAY
-  EXISTING EASEMENT - 3,550 SQ FT
-  TEMPORARY CONSTRUCTION EASEMENT
-  PERMANENT EASEMENT

**NW Innis Arden Way Boeing Creek Culvert Replacement Project.
Proposed Easements for Properties South of NW Innis Arden Way.**



**EXHIBIT A
"SUBJECT PARCEL LEGAL"**

PARCEL NO. 3586501130

LOT 1, BLOCK 32, INNIS ARDEN NO. 3, ACCORING TO THE PLAT THEREOF, RECORDED IN VOLUME 46 OF PLATS, PAGE(S) 42 THROUGH 45, INCLUSIVE, IN KING COUNTY, WASHINGTON.

(PER RECORDED DEED 20130329002359)

SW1/4 SEC. 12,T.26N.,R.3E.,W.M.

 <p>PACIFIC GEOMATIC SERVICES, INC. LAND SURVEYING & MAPPING SERVICES QUALITY SERVICE - CREATIVE SOLUTIONS 12201 CYRUS WAY, SUITE 105 MUKILTEO, WA 98275 PHONE:(425) 778-5620 FAX:(425) 775-2849 WEB: www.PacGeolnc.com</p>	DWN BY: SPJR	CHK.
	SCALE: NTS	KDB
	DATE: 3/17/2021	
	JOB NUMBER	SHEET
	15-019-01	1 OF 3

**EXHIBIT B
"EASEMENT LEGAL"**

LOT 1, BLOCK 32, INNIS ARDEN NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 46 OF PLATS, PAGE(S) 42 THROUGH 45, INCLUSIVE, IN KING COUNTY, WASHINGTON.

FURTHER DESCRIBED AS FOLLOWS.

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 8 OF SAID PLAT;

THENCE NORTH 26°21'43" EAST A DISTANCE OF 61.25 FEET TO THE SOUTHERN MARGIN OF NW INNIS ARDEN WAY, AND THE BEGINNING OF A CURVE TO THE NORTHWEST HAVING A RADIUS OF 208.56 FEET WHICH CENTER BEARS NORTH 23°14'02" EAST;

THENCE NORTHWESTERLY ALONG SAID MARGIN THROUGH A CENTRAL ANGLE OF 3°01'36" AN ARC DISTANCE OF 11.02 FEET;

THENCE SOUTH 18°21'18" WEST A DISTANCE OF 64.07 FEET;

THENCE SOUTH 47°44'44" EAST A DISTANCE OF 3.62 FEET TO THE WESTERLY BOUNDARY OF LOT 8;

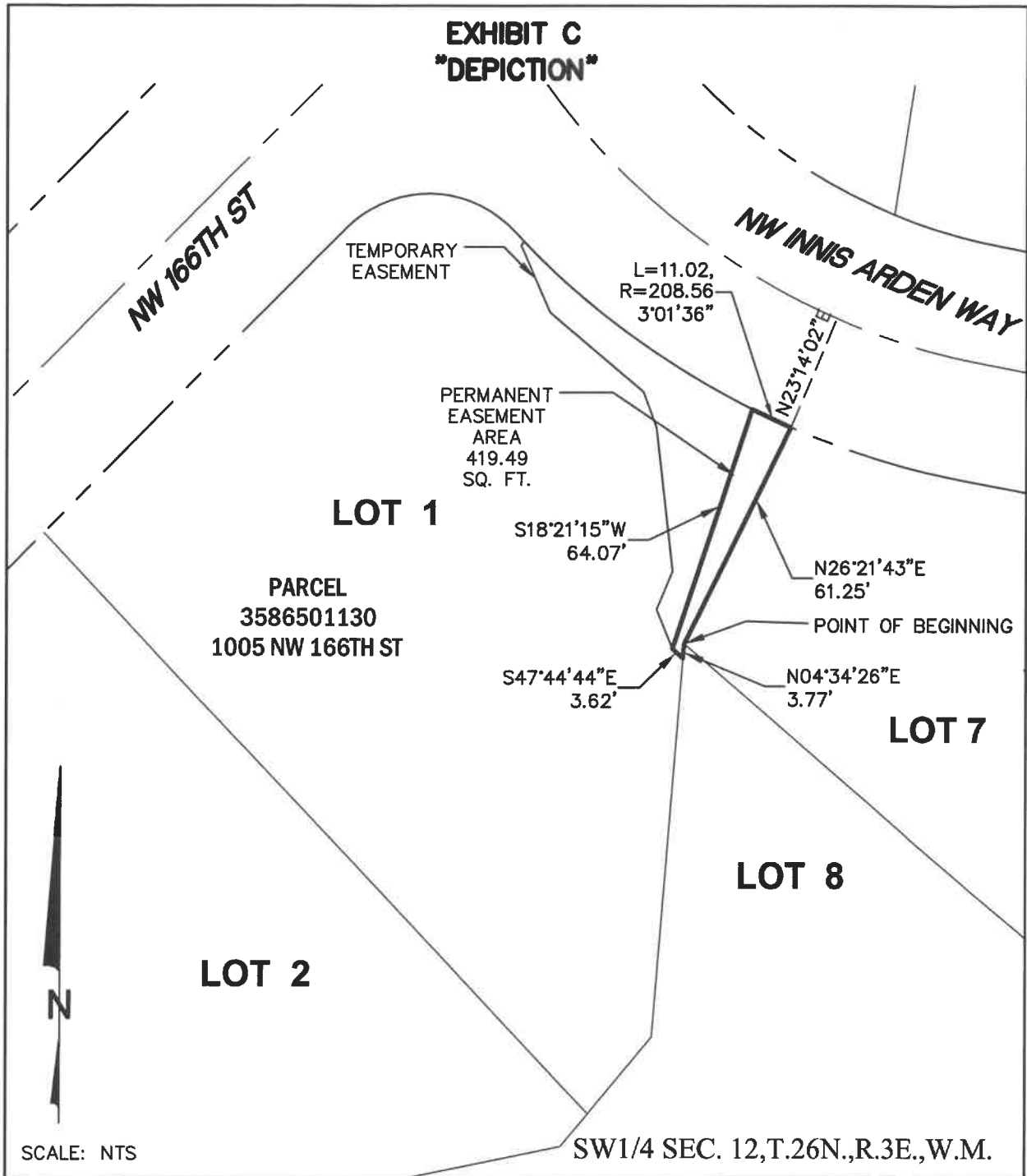
THENCE NORTH 04°34'26" EAST A DISTANCE OF 3.77 FEET ALONG SAID WESTERLY BOUNDARY OF LOT 8 TO THE POINT OF BEGINNING AND TERMINUS OF SAID EASEMENT.

CONTAINING 419.49 SQUARE FEET



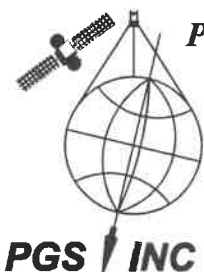
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SCALE: NTS

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FURTHER DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHERLY CORNER OF LOT 1 OF SAID PLAT;

THENCE NORTH 39°24'02" EAST ALONG THE EASTERLY LINE OF LOT 1 A DISTANCE OF 25.45 FEET;

THENCE NORTH 04°34'26" EAST ALONG SAID LINE A DISTANCE OF 96.55 FEET;

THENCE NORTH 47°44'44" WEST ALONG SAID LINE A DISTANCE OF 3.62 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 21°55'12" WEST A DISTANCE OF 10.75 FEET;

THENCE NORTH 22°28'26" EAST A DISTANCE OF 10.47 FEET;

THENCE NORTH 06°27'06" WEST A DISTANCE OF 36.70 FEET;

THENCE NORTH 20°30'14" WEST A DISTANCE OF 9.60 FEET;

THENCE NORTH 49°30'25" WEST A DISTANCE OF 31.10 FEET;

THENCE NORTH 23°29'35" WEST A DISTANCE OF 18.50 FEET;

THENCE NORTH 39°00'39" EAST TO THE SOUTHERN MARGIN OF NW INNIS ARDEN WAY A DISTANCE OF 1.19 FEET, SAID POINT IS THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 208.56' WHICH CENTER BEARS NORTH 46°05'03" EAST;

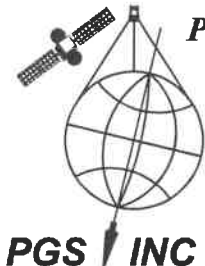
THENCE SOUTHERLY ALONG SAID MARGIN THROUGH A CENTRAL ANGLE OF 19°49'25" AN ARC DISTANCE OF 72.16 FEET;

THENCE SOUTH 18°21'18" WEST A DISTANCE OF 64.08 FEET TO THE POINT OF BEGINNING AND THE TERMINUS OF SAID EASEMENT.

CONTAINING 1,275.46 SQUARE FEET



SW1/4 SEC. 12,T.26N.,R.3E.,W.M.

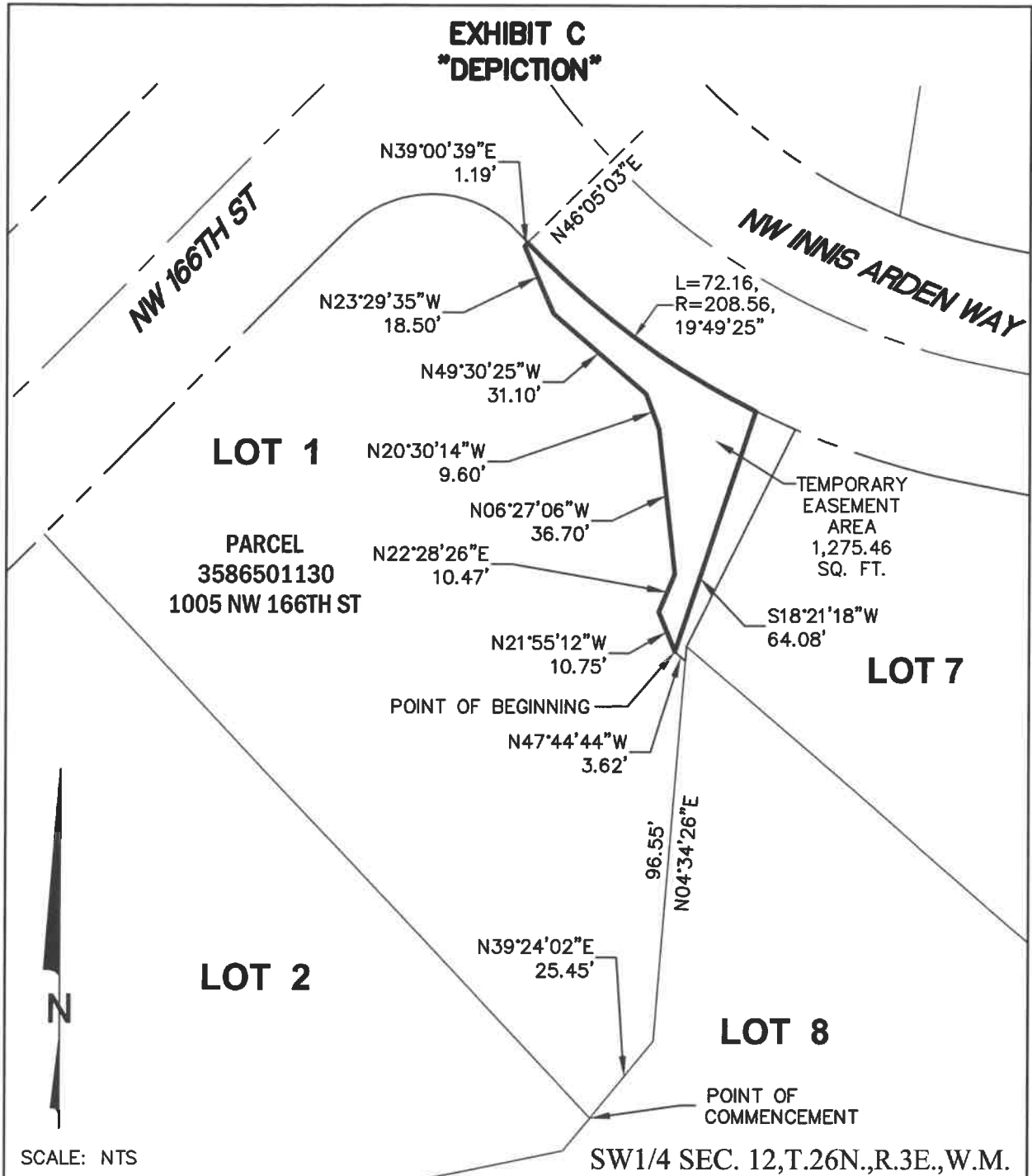


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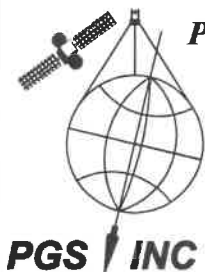
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EXHIBIT A
SUBJECT PARCEL LEGAL

PARCEL NO. 7785360070

LOT 7 OF SHOREWOOD HILLS DIVISION 2, ACCORDING TO PLAT RECORDED IN VOLUME 112 OF PLATS AT PAGE(S) 48, 49 AND 50 IN KING COUNTY, WASHINGTON.

SW1/4 SEC. 12,T.26N.,R.3E.,W.M.



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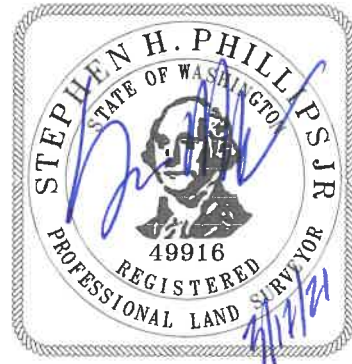
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EASEMENT LEGAL

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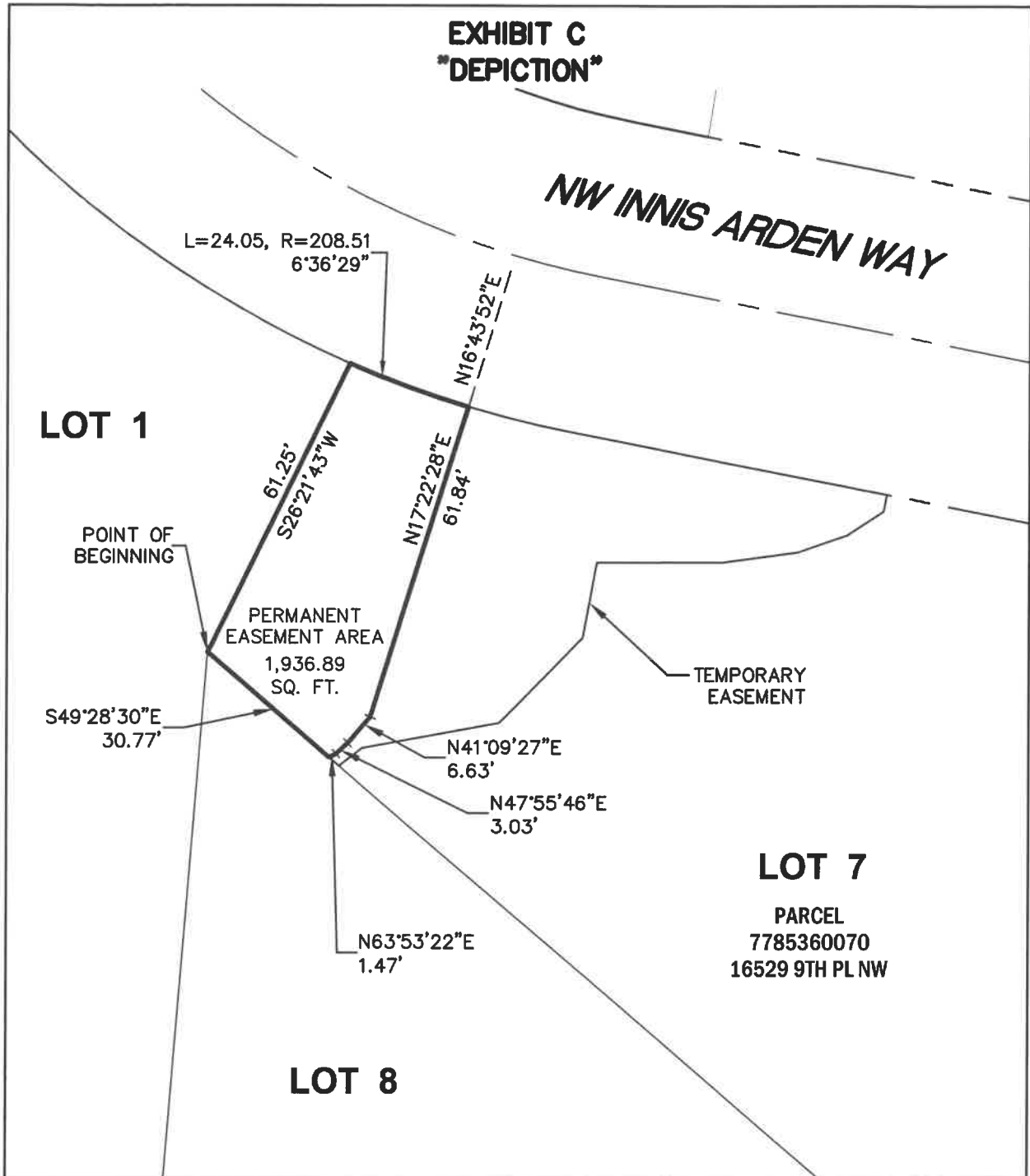
FURTHER DESCRIBED AS FOLLOWS BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 8 OF SAID PLAT
 THENCE SOUTH 49°28'30" EAST ALONG THE SOUTHERLY LINE OF LOT 7 A DISTANCE OF 30.77 FEET;
 THENCE NORTH 63°53'22" EAST A DISTANCE OF 1.47 FEET;
 THENCE NORTH 47°55'46" EAST A DISTANCE OF 3.03 FEET;
 THENCE NORTH 41°09'27" EAST A DISTANCE OF 6.63 FEET;
 THENCE NORTH 17°22'28" EAST A DISTANCE OF 61.84 FEET TO THE SOUTHERLY MARGIN OF NW INNIS ARDEN WAY SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT WITH A RADIUS OF 208.51 FEET WHICH THE RADIAL LINE BEARS NORTH 16°43'52" EAST;
 TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF 6°36'29" A DISTANCE OF 24.05 FEET TO THE WESTERLY LINE OF LOT 7
 THENCE ALONG SAID CURVE THENCE SOUTH 26°21'43" WEST ALONG SAID WESTERLY LINE A DISTANCE OF 61.25 FEET MORE OR LESS TO THE POINT OF BEGINNING AND THE TERMINUS OF SAID EASEMENT;

CONTAINING 1,936.89 SQ. FT.



SW1/4 SEC. 12,T.26N.,R.3E.,W.M.

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THENCE NORTH 17°22'28" EAST TO THE SOUTHERLY MARGIN OF NW INNIS ARDEN WAY A DISTANCE OF 61.84 FEET SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT WITH A RADIUS OF 201.20 FEET WHICH THE RADIAL LINE BEARS NORTH 16°43'52" EAST;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 5°48'09" AN ARC DISTANCE OF 20.38 FEET;

THENCE SOUTH 78°58'13" EAST ALONG SAID SOUTHERLY MARGIN A DISTANCE OF 61.25 FEET;

THENCE SOUTH 11°01'47" WEST A DISTANCE OF 3.24 FEET;

THENCE SOUTH 56°35'58" WEST A DISTANCE OF 8.27 FEET;

THENCE SOUTH 71°04'39" WEST A DISTANCE OF 9.93 FEET;

THENCE SOUTH 82°22'02" WEST A DISTANCE OF 14.72 FEET;

THENCE SOUTH 89°50'18" WEST A DISTANCE OF 24.00 FEET;

THENCE SOUTH 10°32'15" WEST A DISTANCE OF 14.51 FEET;

THENCE SOUTH 43°55'21" WEST A DISTANCE OF 22.60 FEET;

THENCE SOUTH 79°27'01" WEST A DISTANCE OF 26.48 FEET;

THENCE SOUTH 53°00'18" WEST TO THE SOUTHERLY LINE OF SAID LOT 7 A DISTANCE OF 5.62 FEET;

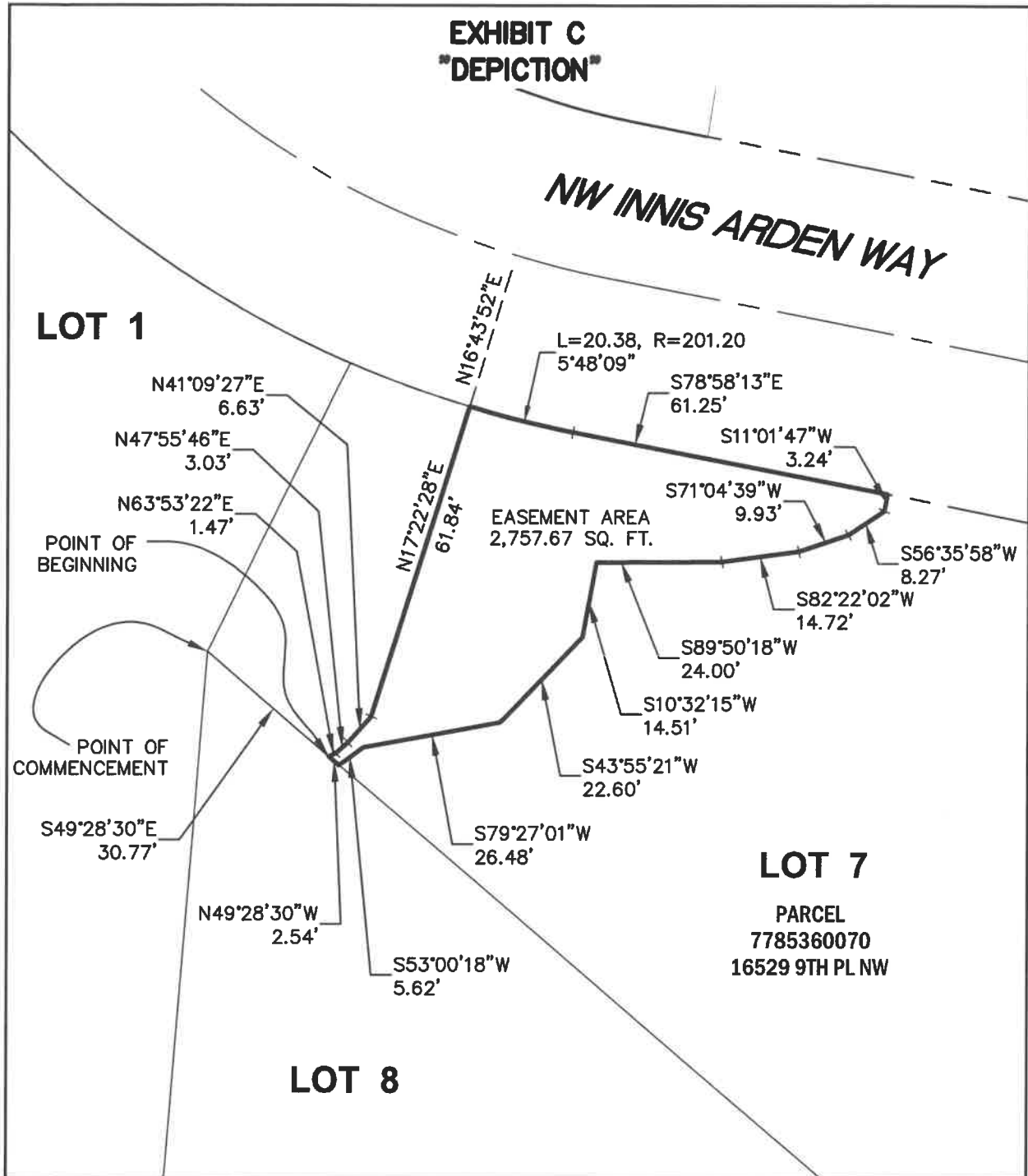
THENCE NORTH 49°28'30" WEST ALONG SAID SOUTHERLY LINE A DISTANCE OF 2.54 FEET TO THE POINT OF BEGINNING AND THE TERMINUS OF SAID EASEMENT;

CONTAINING 2,757.67 SQ. FT.



SW1/4 SEC. 12, T.26N., R.3E., W.M.

 PGS INC	PACIFIC GEOMATIC SERVICES, INC. LAND SURVEYING & MAPPING SERVICES QUALITY SERVICE - CREATIVE SOLUTIONS		DWN BY: SPJR	CHK.
	12201 CYRUS WAY, SUITE 105 MUKILTEO, WA 98275 PHONE:(425) 778-5620 FAX:(425) 775-2849 WEB: www.PacGeolnc.com		SCALE: NTS	KDB
			DATE: 3/17/2021	
			JOB NUMBER	SHEET
			15-019-01	2 OF 3



 <p>PACIFIC GEOMATIC SERVICES, INC. LAND SURVEYING & MAPPING SERVICES QUALITY SERVICE - CREATIVE SOLUTIONS 12201 CYRUS WAY, SUITE 105 MUKILTEO, WA 98275 PHONE:(425) 778-5620 FAX:(425) 775-2849 WEB: www.PacGeolnc.com</p>	DWN BY: SPJR	CHK.
	SCALE: NTS	KDB
	DATE: 3/17/2021	
	JOB NUMBER	SHEET
	15-019-01	3 OF 3

EXHIBIT A
"SUBJECT PARCEL LEGAL"

PARCEL NO. 7785360080

LOT 8 OF SHOREWOOD HILLS DIVISION 2, ACCORDING TO PLAT RECORDED IN VOLUME 112 OF PLATS AT PAGE(S) 48, 49 AND 50 IN KING COUNTY, WASHINGTON.

(RECORDED DEED 1986043201618 (IMAGE UNAVAILABLE))

SW1/4 SEC. 12,T.26N.,R.3E.,W.M.



PACIFIC GEOMATIC SERVICES, INC.

LAND SURVEYING & MAPPING SERVICES
 QUALITY SERVICE - CREATIVE SOLUTIONS

12201 CYRUS WAY, SUITE 105
 MUKILTEO, WA 98275
 PHONE:(425) 778-5620 FAX:(425) 775-2849
 WEB: www.PacGeolnc.com

PGS | INC

DWN BY: SPJR	CHK.
SCALE: NTS	KDB
DATE: 3/17/2021	
JOB NUMBER	SHEET
15-019-01	1 OF 3

**EXHIBIT B
"EASEMENT LEGAL"**

LOT 8 OF SHOREWOOD HILLS DIVISION 2, ACCORDING TO PLAT RECORDED IN VOLUME 112 OF PLATS AT PAGE(S) 48, 49 AND 50 IN KING COUNTY, WASHINGTON.

FURTHER DESCRIBED AS FOLLOWS.

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 8 OF SAID PLAT

THENCE SOUTH 04°24'29" WEST ALONG THE WESTERLY LINE OF SAID LOT A DISTANCE OF 3.80 FEET;

THENCE SOUTH 50°02'29" EAST A DISTANCE OF 7.58 FEET;

THENCE SOUTH 19°57'37" WEST A DISTANCE OF 4.31 FEET;

THENCE SOUTH 56°06'33" EAST A DISTANCE OF 17.32 FEET;

THENCE NORTH 64°28'57" EAST TO THE EASTERLY LINE OF SAID LOT 8 A DISTANCE OF 5.50 FEET;

THENCE NORTH 49°28'30" WEST ALONG SAID EASTERLY LINE A DISTANCE OF 30.77 MORE OR LESS TO THE POINT OF BEGINNING AND THE TERMINUS OF SAID EASEMENT.

CONTAINING 143.29 SQUARE FEET



SW1/4 SEC. 12,T.26N.,R.3E.,W.M.



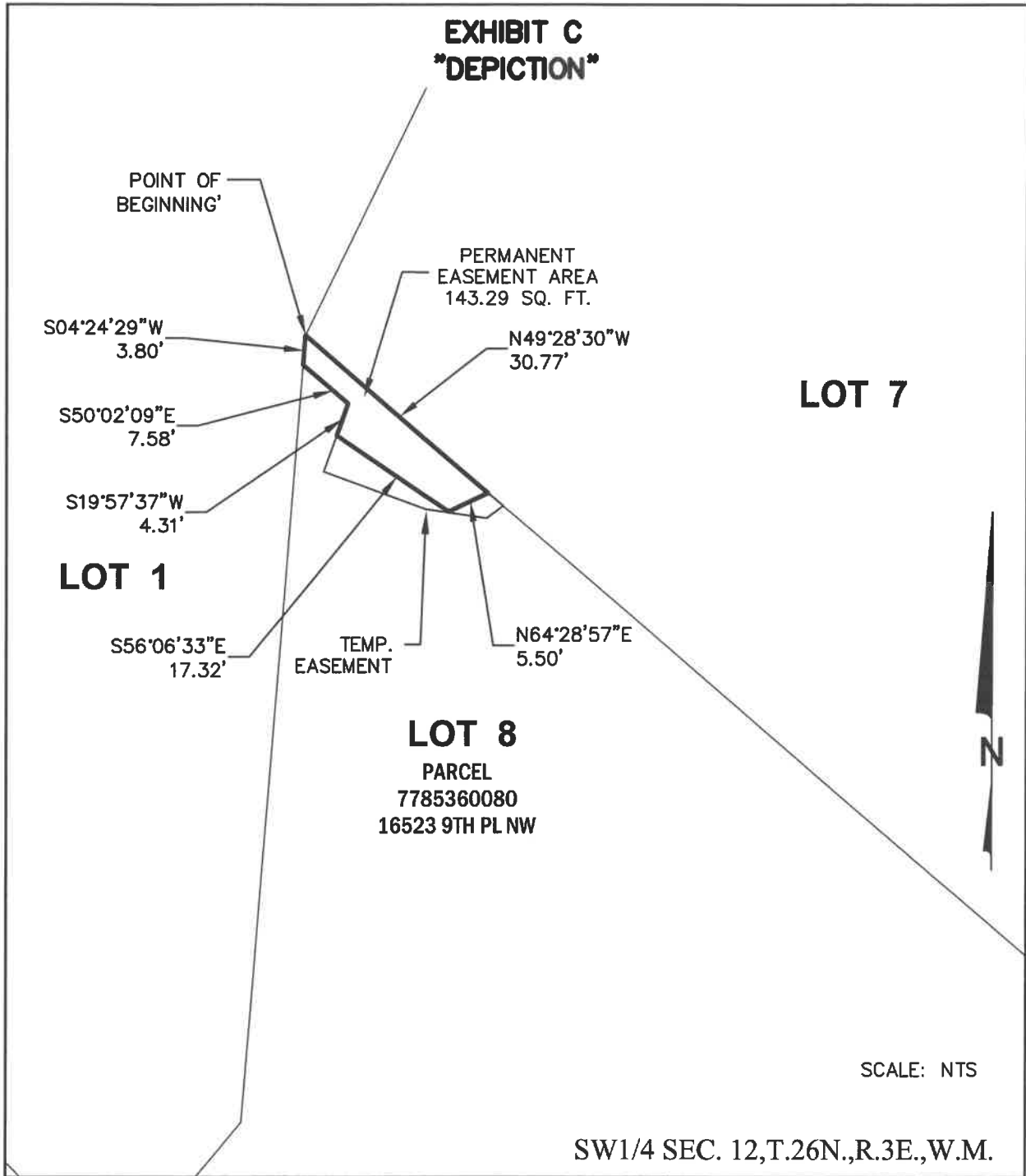
PACIFIC GEOMATIC SERVICES, INC.

LAND SURVEYING & MAPPING SERVICES
QUALITY SERVICE - CREATIVE SOLUTIONS

12201 CYRUS WAY, SUITE 105
MUKILTEO, WA 98275
PHONE:(425) 778-5620 FAX:(425) 775-2849
WEB: www.PacGeolnc.com

PGS INC

DWN BY: SPJR	CHK.
SCALE: NTS	KDB
DATE: 3/17/2021	
JOB NUMBER	SHEET
15-019-01	2 OF 3



SCALE: NTS

SW1/4 SEC. 12,T.26N.,R.3E.,W.M.

 <p>PACIFIC GEOMATIC SERVICES, INC. LAND SURVEYING & MAPPING SERVICES QUALITY SERVICE - CREATIVE SOLUTIONS 12201 CYRUS WAY, SUITE 105 MUKILTEO, WA 98275 PHONE:(425) 778-5620 FAX:(425) 775-2849 WEB: www.PacGeolnc.com</p>	DWN BY: SPJR	CHK.
	SCALE: NTS	KDB
	DATE: 3/17/2021	
	JOB NUMBER	SHEET
	15-019-01	3 OF 3



NOTICE OF CONDEMNATION ACTION BY THE SHORELINE CITY COUNCIL

NOTICE IS HEREBY GIVEN pursuant to RCW 8.25.290 that the City Council of the City of Shoreline, Washington, is meeting virtually at its Council Meetings on Monday, **June 14, 2021**, at 7:00 pm to discuss and on Monday, **June 28, 2021**, at 7:00 pm to consider and/or act upon the following:

ORDINANCE NO. 933 AUTHORIZING THE USE OF EMINENT DOMAIN FOR ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS (EASEMENTS) WITHIN THE CITY OF SHORELINE LOCATED ON OR NEAR NW INNIS ARDEN WAY DIRECTLY DOWNSTREAM OF THE EXISTING NW INNIS ARDEN WAY CULVERT, IDENTIFIED AS PARCELS: 778536-0070, 778536-0080, AND 358650-1130.

Due to State of Washington COVID-19 restrictions, City Council meetings are held virtually. You can attend one or both meetings using the following information:

- **Attend the Meeting via Zoom Webinar:** <https://zoom.us/j/95015006341>
- **Call into the Live Meeting:** 253-215-8782 Webinar ID: 950 1500 6341
- **Submit a written public comment here:**
<https://www.shorelinewa.gov/government/council-meetings/comment-on-agenda-items>.
- **Sign-up to provide oral public comment in the Zoom Meeting here:**
<https://www.shorelinewa.gov/government/council-meetings/city-council-remote-speaker-sign-in>

For further information, contact:

Laura Reiter, PE

lreiter@shorelinewa.gov

206-801-2457



**SHORELINE
CITY COUNCIL**

- Will Hall
Mayor
- Keith Scully
Deputy Mayor
- Susan Chang
- Doris McConnell
- Keith A. McGlashan
- Chris Roberts
- Betsy Robertson

**NOTICE OF SHORELINE CITY COUNCIL ACTION FOR USE OF
EMINENT DOMAIN**

XXXXX, 2021 *Sent by U.S. Certified Mail*

[TAX PAYER NAME(S)]
[TAXPAYER ADDRESS]
[TAXPAYER CITY/STATE/ZIP]

RE: NW Innis Arden Way Culvert Replacement Project
Project Parcel# [XXXXXXXXXX]

Dear Shoreline Property Owner:

You are receiving this notice because you are the owner of record for property located near the downstream area of the NW Innis Arden Way culvert. As you are aware, the City of Shoreline is currently designing a NW Innis Arden Way culvert replacement as part of the larger Hidden Lake Dam Removal Project to remove the existing dam, restore Boeing Creek within the existing lake bed, and replace the existing culvert to provide a safer, fish passable culvert below NW Innis Arden Way.

As part of the design process, the City has identified a portion of your property, located at [SITE ADDRESS], and identified by King County Tax Parcel No. [XXXXXXXXXXXX], as necessary for temporary, maintenance/monitoring and permanent access to complete and maintain this Project.

The City’s right-of-way acquisition consultant, Sonja Davis of RES Group NW, has been in contact with you to negotiate securing the necessary easement rights. It is the City’s intent and obligation to ensure that property owners are fairly compensated for the value of the property interests needed for this Project. If agreement cannot be reached through negotiations, state law permits the City to acquire property utilizing eminent domain (i.e., condemnation). For the City, use of this right will be a last resort, to be used only when all negotiations have truly reached an impasse as to the fair market value of the property. If eminent domain is required, the court determines the fair market value of the property and then orders the transfer of the property after payment to the owner.

In order to utilize eminent domain, the Shoreline City Council must adopt an ordinance authorizing its use. Adoption of the ordinance does not mean that the City will discontinue current negotiations – it only provides the City with the option to use eminent domain if it is needed in the future. It does not change the tone and nature of the current negotiations. Property acquisition is being brought before the City Council now so NW Innis Arden Way Culvert Replacement project can remain on schedule.

17500 Midvale Avenue N ♦ Shoreline, Washington 98133
(206) 801-2700 ♦ shorelinewa.gov

The Shoreline City Council will hold a discussion on the potential use of eminent domain for to secure easements for this Project at its June 14, 2021 regular meeting if an agreement cannot be reached. Final action on whether to authorize the use of eminent domain for the Project will be at the June 28, 2021 regular meeting.

Due to State of Washington COVID-19 restrictions, City Council meetings are held virtually. You can attend one or both meetings, which begin at 7:00 pm Local Time and/or provide written or oral comment using the following information:

Watch live streaming video:

<http://www.shorelinewa.gov/government/council-meetings>

Attend the Meeting via Zoom Webinar: <https://zoom.us/j/95015006341>

Call into the Live Meeting: 253-215-8782 Webinar ID: 950 1500 6341

To submit a written public comment:

<http://www.shorelinewa.gov/government/councilmeetings/comment-on-agenda-items>

Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise, they will be sent and posted the next day.

To sign-up to provide oral public comment in the Zoom Meeting at:

<http://www.shorelinewa.gov/government/council-meetings/city-council-remote-speaker-signin>

To provide oral public comment, pre-registration is required by 6:30 pm the meeting night.

Information about the larger Hidden Lake Dam Removal Project can be found on the City of Shoreline's website at: shorelinewa.gov/hiddenlake.

If you have any questions or need additional information about this notice or any other aspect of the Project, please feel free to contact me. I look forward to continuing to work with you.

Sincerely,

Laura L. Reiter, PE
Capital Projects Engineer II – Public Works
Phone: 206-801-2457
Email: lreiter@shorelinewa.gov

Enclosures: Vicinity map (1), Public Notice (2)