

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Resolution No. 508 - Approving the Relocation Plan and City Manager Property Acquisition Authority, and Ordinance No. 983 - Authorizing the Use of Eminent Domain for Acquisition of Certain Real Properties to Construct the 148 th Street Non-Motorized Bridge Project
DEPARTMENT:	Pubic Works
PRESENTED BY:	Tricia Juhnke, Public Works Director
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 148th Street Non-Motorized Bridge Project (Bridge Project) has recently entered the right-of-way (ROW) phase. Property appraisals are underway and settlement offers and negotiations with property owners will begin soon. The City will be purchasing ROW needed to construct improvements to the Bridge Project. This Capital Improvement Project (CIP) will support growth and promote safety for pedestrians and cyclists with a new pedestrian and bike crossing over Interstate-5 at N 148th Street.

Currently, the City Manager has property acquisition and relocation claims authority up to \$50,000 under Shoreline Municipal Code (SMC) Section 2.60.090. The SMC allows for project specific adjustments in these acquisition policies. In order to keep the ROW process moving in a timely manner for the Bridge Project, staff is requesting that the City Council review and provide feedback on proposed Resolution No. 508 (Attachment A), which is project specific.

Proposed Resolution No. 508 increases the City Manager’s signing authority to \$1,000,000 for property acquisition in the ROW phase for the Bridge Project. Additionally, it approves the Relocation Plan that authorizes the City Manager to approve documented relocation claims up to the limits prescribed by federal or state law regardless of amount.

Eminent domain is a power granted to political subdivisions, such as the City of Shoreline, through RCW 8.12 to acquire private property for a public use. Staff would like the City Council to consider moving forward with a condemnation ordinance as a precautionary step to keep the project on schedule. Staff have included all the acquisition properties in the city required for the project as part of proposed Ordinance No. 983 (Attachment B). In the event a settlement agreement cannot be reached with a property owner, eminent domain is the next step. Passage of proposed Ordinance No.

983 authorizes the City Manager or designee to proceed with eminent domain in the event the negotiations with any specific property owner reaches an impasse.

Tonight, Council is scheduled to discuss and provide feedback on proposed Resolution No. 508 and proposed Ordinance No. 983. Council is currently scheduled to take potential action on both pieces of legislation on May 1, 2023.

RESOURCE/FINANCIAL IMPACT:

The 148th Street Non-Motorized Bridge Project has sufficient funds for property acquisition. Proposed Resolution No. 508 and proposed Ordinance No. 983 do not negatively impact the project funding or financial impact.

Proposed Resolution No. 508 impacts project resources and costs in two primary ways:

1. It reduces staff time needed to prepare staff reports and present property specific acquisitions or relocation to Council for approval.
2. In saving time in approving acquisitions, it reduces the likelihood of property costs increasing while staff receives Council approval.

Property values are professionally determined under contract with a Washington State Department of Transportation (WSDOT) approved ROW consultant (RES Group Northwest) and are not affected by this proposed Resolution. All properties over \$25,000 are appraised by an independent firm, then that appraisal is reviewed by a second independent firm. Offers are subject to WSDOT review. Since the City does not have a real estate division and staff with the expertise for property acquisition, the City is required to use a ROW consultant as approved by WSDOT. This ROW consultant prepares offers based on appraisals and federal regulations on the City's behalf. The ROW expert also provides guidance on relocation claims submitted to the City citing appropriate code.

Proposed Ordinance No. 983 does not in itself affect the settlement amount. If use of eminent domain is authorized under this Ordinance, negotiations will continue as normal. Council passing 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. A notice of the final action, adoption of Ordinance No. 983, will have been published in the Seattle Times once a week for two successive weeks; and notice sent certified mail to every property owner impacted by the final action at least 15 days prior to final action; all at the City's expense (see Attachments C and D.)

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 asks that the City Council discuss and provide feedback on proposed Resolution No. 508 and proposed Ordinance No. 983. Potential action for both pieces of legislation is scheduled for the May 1, 2023, City Council meeting.

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

BACKGROUND

In 2016 and 2017, the City conducted a study to evaluate and recommend options for linking the communities on the west side of Interstate-5 (I-5) to the future Sound Transit Shoreline South/148th Station. The City evaluated five bridge location options and estimated the location at N 148th Street would cost the least to construct, likely draw the most users, and of the routes possible, provide the shortest and most direct access to the Light Rail Station. The City also reviewed WSDOT and Sound Transit regulations in order to address safety needs around and across I-5. The Shoreline City Council approved this location at their [February 27, 2017](#), City Council meeting.

The 148th Street Non-Motorized Bridge Project (Bridge Project) will support growth, provide a vital new pedestrian/bike connection over I-5, improve safety, reduce travel times, and improve access to regional transit at the future Shoreline South/148th Station.

The Bridge Project is in final design and is entering the right-of-way (ROW) phase. The Project is currently conducting property appraisals and reviews and will be ready to make offers in the near future. The City will utilize a combination of TAP Grant funding and Roads Capital Funds to fund property acquisition. To streamline the early acquisition ROW process, staff is requesting that Council increase the City Manager's purchasing authority and approve the current Relocation Plan for the Bridge Project.

DISCUSSION

Three (3) parcels have been identified for the Bridge Project that require some type of ROW acquisition. This includes property acquisition and other rights, such as temporary construction easements (TCEs), which are needed to allow the City contractor to be on private property to complete construction. One (1) parcel will require a relocation benefit. This includes moving personal private property from one area to another on the property.

The Bridge Project has received federal funding for design, and, therefore, the City must follow a very specific process when purchasing ROW, including following the Uniform Relocation Assistance and Real Property Acquisition Act (URA). This process is designed to protect the interests of all parties and ensure that property owners are treated fairly, including adequate time to review offers and secure independent appraisals if desired. The City has subcontracted with a ROW consultant approved by WSDOT (RES Group Northwest) to assist the City with this process.

RES Group Northwest arranges an independent appraisal and separate professional appraisal review and then prepares offers to property owners based on these appraisals. The final offers presented by the City must be consistent with the requirements of the federal acquisition process for which there are specific allowances for payment. Relocation claims follow a separate set of allowances.

Proposed Resolution No. 508 – Property Acquisition Approval

Currently, the City Manager has property acquisition and relocation claims authority up to \$50,000 under Shoreline Municipal Code (SMC) Section 2.60.090. This threshold is appropriate for the occasional situation/opportunity that may arise on any particular

property but are challenging for a large capital project with significant ROW acquisition needs and schedule constraints. SMC 2.60.090 anticipates the need for increased authority on a project specific basis. In proposing a resolution to request higher property acquisition and relocation claim authority for the City Manager for the Bridge Project, staff refers to the 145th Corridor Project, the 145th Street Interchange Project, and the N 175th Street Project as a precedent:

- **145th Corridor Project** - [Resolution No. 476](#) increased the City Manager's purchasing authority for the State Route 523/ (N/NE 145th Street) Aurora Avenue N to Interstate 5, Phase 1 (Interstate 5 to Corliss Avenue) Project. There were 21 parcels that needed ROW acquired at the time Resolution No. 476 was adopted, and it was estimated all but three (3) acquisitions would be at or below the requested \$1,000,000 revised purchasing limit. The percentage of properties covered within the newly approved limit was approximately 92%.
- **145th Interchange Project** - [Resolution No. 488](#) increased the City Manager's purchasing authority for the State Route 523 (N/NE 145th Street) & I-5 Interchange Project. There were 10 parcels that needed ROW acquired at the time Resolution No. 488 was adopted, and it was estimated all but one (1) acquisition would be at or below the requested \$1,000,000 revised purchasing limit. The percentage of properties covered within the newly approved limit was 90%.
- **175th Street Project** - [Resolution No. 487](#) increased the City Manager's purchasing authority for the N 175th Street, Stone Avenue N to I-5 Project. There were four (4) parcels that needed ROW acquired at the time Resolution No. 487 was adopted, and it was estimated all acquisitions would be at or below the requested \$1,000,000 revised purchasing limit. The percentage of properties covered within the newly approved limit was 100%.

A Right-of-Way Funding Estimate (RWFE) is a detailed parcel-by-parcel estimate of total expected ROW acquisition costs for the project and is used to obtain authorization and funding. Dollar amounts in the RWFE are based on 2023 comparison estimates; actual dollar amounts will be determined during the appraisal process. A Relocation Plan and RWFE have been prepared for the Bridge Project and approved by WSDOT.

Staff recommends Council increase the City Manager authorization for property acquisition (per parcel) to \$1,000,000 for the Bridge Project. The reasons for this recommendation include:

- To limit the number of transactions that require Council approval thereby shortening the time needed for acquisition and settlement.
 - It is in the City's best interest to settle these issues quickly, particularly in a rapidly increasing housing market.
 - The property owners benefit from reducing delay and inconvenience uncertainty while going through the acquisition process. Quick resolution allows residents to make plans and move forward quickly.

- The project is required to follow the URA Policy which has a prescribed and defined process for establishing offers. The process is designed to protect the homeowners and ensure they are treated fairly and receive fair compensation. There is little/no opportunity for the Council to influence or negotiate the acquisition costs and it would result in project delay.
- This is a Council-approved project with a fully funded budget for property acquisition.

For the Bridge Project, three (3) parcels require a partial acquisition and TCE. Based on the acquisition numbers in the following table, a signing authority of \$1,000,000 would represent 67% of the parcel acquisitions.

148th Street Non-Motorized Bridge Project				
SUMMARY OF RWFE LIST OF 3 PARTIAL ACQUISITIONS & TCE <i>(based on 2023 costs)</i>				
Estimated Acquisition Offer	Equal to or less than \$499K	\$500K - \$749K	\$750K - \$999K	\$1M & Over
3 PARCELS	1	0	1	1
<i>running count</i>	<i>1</i>	<i>0</i>	<i>2</i>	<i>3</i>
Percent	33%	33%	67%	100%

If any acquisitions exceed the \$1,000,000 administrative authority, staff will bring the acquirors to the City Council for approval. This authority is provided for in proposed Resolution No. 508.

Proposed Resolution No. 508 – Relocation Claims

Per SMC Section 2.60.090, the City Manager is authorized to approve properly documented relocation claims up to the limits prescribed by federal or state law regardless of amount, provided the City Council has approved a project relocation plan for the project which includes any good faith parcel relocation cost estimate that exceeds \$50,000 or such higher parcel relocation limit approved by City Council for a particular project.

A Relocation Plan has been developed for the Bridge Project and submitted to WSDOT for review. It addresses relocations for this project in the early acquisition ROW phase. As it has been submitted to WSDOT for review, staff asks that the plan be approved recognizing that acquisitions are the upcoming work. One (1) parcel has been identified for relocation costs with estimates ranging up to \$6,000. Staff is requesting that the City Council approve the Relocation Plan that is part of proposed Resolution No. 508 to authorize the City Manager and their designees to approve properly documented claims regardless of amount. The Relocation Plan is included in proposed Resolution No. 508 as Exhibit A.

Relocations are an entitlement for the displaced person(s). There is little to no negotiation in relocation costs as URA Policy establishes what is allowable. RES Group Northwest, the City’s WSDOT approved relocation specialist for the Bridge Project,

makes recommendations for each claim, and cites the appropriate Washington Administrative Code (WAC).

Finally, the City's purchasing policies allow the City Manager to delegate a portion of their authority to other staff. This would apply to property acquisition and relocation claims as long as that staff is also listed in WSDOT approved ROW Procedures.

Proposed Ordinance No. 983 – Eminent Domain

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 having 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 our community, and with others, support City infrastructure and programs through taxes. As a recipient of federal funding for the Bridge Project, 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 property owners a fair price and cover relocation costs but cannot make a gift of public funds.

To reach a fair and equitable offer, the City's ROW consultants will have an independent company appraise each parcel. These appraisals are then reviewed by a second independent appraiser. Offers are created based on these determinations. A property owner also has the right to hire their own appraiser for an additional appraisal to be considered if they feel more comfortable with that approach. 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.

It is assumed that most property owners, if not all, will come to an agreement on property value with the City; then escrow, closing, and title transfer will follow. In the event a negotiation reaches an impasse, eminent domain may be the only solution to keep the project moving forward. Proposed Ordinance No. 983 provides for this condemnation authority if negotiations fail.

Approval of a condemnation ordinance does not necessarily mean that eminent domain will be used, but rather gives the City authority to move forward with the use of eminent domain if necessary. The project team and ROW consultant will continue negotiations as normal with every property owner if proposed Ordinance No. 983 is adopted. No eminent domain petition will be filed on any property unless negotiation efforts have truly been exhausted.

The City's ROW consultants 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. The ordinance only gives the authority for use of eminent domain; it does not mean that eminent domain will be used on their property.

Proposed Ordinance No. 983 will include only the three acquisition properties identified in the acquisition map, included in proposed Ordinance No. 983 as Exhibit A.

COUNCIL GOAL(S) ADDRESSED

The 148th Street Non-Motorized Bridge Project directly supports two of the City Council Goals:

- Goal #2 - Continue to deliver highly-valued public services through management of the City's infrastructure and stewardship of the natural environment.
- Goal #3 - Continue preparation for regional transit in Shoreline.

RESOURCE/FINANCIAL IMPACT

The 148th Street Non-Motorized Bridge Project has sufficient funds for property acquisition. Proposed Resolution No. 508 and proposed Ordinance No. 983 do not negatively impact the project funding or financial impact.

Proposed Resolution No. 508 impacts project resources and costs in two primary ways:

3. It reduces staff time needed to prepare staff reports and present property specific acquisitions or relocation to Council for approval.
4. In saving time in approving acquisitions, it reduces the likelihood of property costs increasing while staff receives Council approval.

Property values are professionally determined under contract with a Washington State Department of Transportation (WSDOT) approved ROW consultant (RES Group Northwest) and are not affected by this proposed Resolution. All properties over \$25,000 are appraised by an independent firm, then that appraisal is reviewed by a second independent firm. Offers are subject to WSDOT review. Since the City does not have a real estate division and staff with the expertise for property acquisition, the City is required to use a ROW consultant as approved by WSDOT. This ROW consultant prepares offers based on appraisals and federal regulations on the City's behalf. The ROW expert also provides guidance on relocation claims submitted to the City citing appropriate code.

Proposed Ordinance No. 983 does not in itself affect the settlement amount. If use of eminent domain is authorized under this Ordinance, negotiations will continue as normal. Council passing 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. A notice of the final action, adoption of Ordinance No. 983, will have been published in the Seattle Times once a week for two successive weeks; and notice sent certified mail to every property owner impacted by the final action at least 15 days prior to final action; all at the City's expense (see Attachments C and D.)

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 asks that the City Council discuss and provide feedback on proposed Resolution No. 508 and proposed Ordinance No. 983. Potential action for both pieces of legislation is scheduled for the May 1, 2023, City Council meeting.

ATTACHMENTS

Attachment A: Proposed Resolution No. 508

Attachment A, Exhibit A: Relocation Plan for the 148th Street Non-Motorized Bridge Project

Attachment B: Proposed Ordinance No. 983

Attachment B, Exhibit A: Acquisition Map

Attachment C: Published Notice of Condemnation Action

Attachment D: Example of Notice to Property Owner

RESOLUTION NO. 508

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON APPROVING THE RELOCATION PLAN FOR THE 148TH NON-MOTORIZED BRIDGE PROJECT, AND INCREASING CITY MANAGER PROPERTY ACQUISITION AUTHORITY FOR CERTAIN PROPERTIES.

WHEREAS, for several years the City has been seeking to develop a comprehensive pedestrian and bicycle network and, with the development of Sound Transit's Shoreline South/148th Light Rail Station, the City determined that a non-motorized bridge traversing Interstate-5 would not only facilitate the movement of transit riders but also provide for an east-west connection, and has designed a project in this regard, the 148th Non-Motorized Bridge Project; and

WHEREAS, the 148th Non-Motorized Bridge Project is contained in the City's Capital Improvement Plan and the City has obligated City Roads Capital Funds and Transportation Alternatives Program grant funds for the Project; and

WHEREAS, pursuant to SMC 2.60.090(A)(2), the City Manager may acquire real property interests as part of an approved and funded project contained in the City's Capital Improvement Plan up to \$50,000 unless another amount is specifically authorized for a particular project; and

WHEREAS, SMC 2.60.090(A)(3) states that when property acquisition requires relocation of the residents that exceeds the City Manager's acquisition authority, the City Manager may authorize relocation claims up to the limits prescribed by federal or state law provided that the City Council has approved a project relocation plan; and

WHEREAS, three (3) properties identified for the acquisition of easements for the 148th Non-Motorized Bridge Project are expected to exceed the City Manager's authority granted in SMC 2.50.090(A)(2) given the current real estate market; and

WHEREAS, the City has developed a Relocation Plan for the 148th Non-Motorized Bridge Project which includes good faith parcel relocation costs estimates that exceed the City Manager's acquisition authority and the City Council may approve a higher relocation limit for the 148th Non-Motorized Bridge Project and issue an addendum to that Relocation Plan due to changes in acquisition requirements; and

WHEREAS, given the potential for property interests acquisition and relocation costs to exceed the City Manager's authority set forth in SMC 2.60.090(A) for the 148th Non-Motorized Bridge Project, the City Council has determined that it would be more efficient to increase that authority;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES:

Section 1. Real Property Interest Acquisition Authority. The City Manager is authorized to acquire the necessary property interests on the three (3) properties identified below for the 148th Non-Motorized Bridge Project, when the cost of the property is no greater than \$1,000,000.00, subject to SMC 2.60.090(A)(2)(a)-(b). All purchases in excess of this amount shall be approved by the City Council.

Parcel Address	Parcel Tax Parcel Number
14800 1 st Ave NE	288170-0340
14724 1 st Ave NE	288170-0342
14734 1 st Ave NE	288170-0343

Section 2. Relocation Plan. Exhibit A is approved as the Project Relocation Plan for the 148th Non-Motorized Bridge Project. The City Manager is authorized to approve properly documented relocation claims up to the limits prescribed by federal or state law, regardless of the amount.

Section 3. Effective Date. This Resolution shall take effect and be in full force upon passage.

ADOPTED BY THE CITY COUNCIL ON MAY 1, 2023.

Mayor Keith Scully

ATTEST:

Jessica Simulcik Smith, City Clerk

Project Title: 148th Street Non-Motorized Bridge – Phase II	Agency: City of Shoreline
Relocation Plan Prepared By: Becky Gilberg	Date: 2/17/2023

The relocation services provided on this project will adhere to state and federal laws and regulations.

1. **Project Description:** The construction of a new pedestrian and bicycle crossing over Interstate 5 (I-5) at N. 148th Street with connection between the Parkwood neighborhood on the west side and the new Shoreline South/148th Station to the east accommodating pedestrians and bicyclists as well as complying with Americans with Disabilities Act (ADA) standards.

2. Assurances:

The Agency, or its consultant, will inform all displaced parties of relocation payments and services that will be provided. No displaced person, lawfully occupying real property, will be required to move from the acquired dwelling or business without being provided a written assurance of at least ninety (90) days prior to the earliest date by which they could be required to vacate the property.

There are NO residential or business displacements on this project.

3. Number of Displacements:

There is one (1) property affected by this project and the acquisition(s) will result in the relocation of personal property only from the proposed right of way.

4. Inventory of Individual Needs:

The proposed acquisition of right of way for this project, at the time of this report, identifies the following Personal Property Only (PPO) displacements:

Parcel Number: 288170-0343

Displacee Number: 001

Type of Displacee: Personal Property Only

Displacee Name(s): Philippi Presbyterian Church of Seattle

Mailing Address: [REDACTED]

Telephone/Email: [REDACTED]

The Philippi Presbyterian Church of Seattle has a wooden storage shed that is currently in the location of the temporary construction easement and the permanent trail easement that will be needed to construct the 148th Street Non-Motorized Bridge across I-5 to new Shoreline South/148th Light Rail Station.

The wooden shed is approximately 10x8 feet in size and is in fair condition. During an onsite meeting it was determined that the shed door was screwed shut and was not accessible to view the contents of the shed. However, a church representative was able to provide general contents of the shed which contains interior and exterior maintenance tools such as lawnmowers, ladders, and other miscellaneous maintenance tools. Arrangements will be made to see the inside contents of the shed for the move estimate.

Attachment A Exhibit A
**Personal Property Only
Relocation Plan**

It is possible that the shed could be relocated using a forklift, power jack, ramps, or truck. A contractor will be contacted to provide input as to whether the shed is moveable given its condition. If the shed is not able to be relocated, then substitute personal property will be utilized by providing the displacee with a cost estimate to replace the non-moveable shed.



5. Decent, Safe, & Sanitary Requirements:

Not Applicable-Personal Property Only Displacement(s)

6. Analysis of Available Property:

Not Applicable-Personal Property Only Displacement(s)

7. Last Resort Housing Discussion:

Not Applicable-Personal Property Only Displacement(s)

8. Sources of Information:

Information Gathering: Onsite meeting with church representative who provided a brief list of items in shed.

Other: Online search for similar sized wooden sheds for substitute of personal property. Similar sized sheds found at Lowes, Home Depot and Tuff Shed with costs ranging from \$1,800 to \$4,500.

9. Relocation Assistance Office Address:

**RES Group Northwest
2450 6th Ave. S, #202
Seattle, WA 98134**

10. Summary-Estimated Personal Property Only Relocations Costs: \$6,000

Attachment A Exhibit A
**Personal Property Only
Occupancy Survey**

Displacee Information

Project Title: 148 th Street Non-Motorized Bridge-Phase II		Parcel No.: 288170-0343
Name of Displacee(s): Philippi Presbyterian Church of Seattle		Displacee No.: 001
Date of Occupancy: [REDACTED]	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant	Cell Phone: [REDACTED]
Site Address: 14738 1 st Ave. NE Shoreline, WA 98155	Mailing Address: [REDACTED]	Work Phone:
		Home Phone:
		Email Address: [REDACTED]
Title VI Required Information: Ethnic Identification Category: <input type="checkbox"/> African American <input checked="" type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic American <input type="checkbox"/> Other _____ MWBE: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DBE: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Minority Women Business Enterprise) (Disadvantaged Business Enterprise)		

Personal Property Information

<input checked="" type="checkbox"/> Personal property located on a portion of property being acquired <input type="checkbox"/> Personal property located in a storage facility <input type="checkbox"/> Vehicles, trucks, recreational vehicles, boats and other trailers <input type="checkbox"/> Personal property located in a rented mailbox in a commercial mailbox business <input checked="" type="checkbox"/> Other: <u>Wooden Shed</u>	
Advanced Move Payment Needed: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Number of Operational Vehicles: N/A	Number of Non-operational Vehicles (require towing): Small: N/A Large: N/A
Size of Storage Unit: N/A	Number of Boats w/trailers, utility trailers, travel trailers, car trailers, 5 th Wheels: N/A
Inventory:	
10'x8' Wooden Shed	
Ladders	
Lawnmowers	
Maintenance tools for exterior	
Maintenance tools for interior	
<p>***During an onsite meeting it was determined that the shed door was screwed shut and was not accessible to view the contents of the shed. A church representative was able to provide general contents inside the shed. Arrangements will be made to see the inside contents of the shed for the move estimate.</p>	

Relocation Cost Estimate

Moving Cost: \$6,000	Date: 2/16/2023	Specialist: Becky Gilberg
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ORDINANCE NO. 983

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AUTHORIZING ACQUISITION OF INTERESTS IN CERTAIN REAL PROPERTY LOCATED ON THE WESTERN SIDE OF INTERSTATE 5 IN THE VICINITY OF 1ST AVENUE NE AND NE 147TH STREET, BY NEGOTIATED VOLUNTARY PURCHASE, UNDER THREAT OF CONDEMNATION, BY CONDEMNATION, OR BY SETTLING CONDEMNATION LITIGATION, FOR THE PURPOSE OF SECURING PROPERTY RIGHTS FOR CONSTRUCTION AND OPERATION OF THE 148TH NON-MOTORIZED BRIDGE PROJECT; FINDING PUBLIC USE AND NECESSITY; AUTHORIZING JUST COMPENSATION FROM THE ROAD CAPITAL FUND AND A FEDERAL GRANT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has an obligation to provide for a transportation system that serves its residents in a safe and efficient manner; and

WHEREAS, the 148th Non-Motorized Bridge will provide a pedestrian and bicycle pathway crossing over Interstate 5, thereby providing connection to Sound Transit’s Shoreline South/148th Light Rail Station and the City’s expanding pedestrian and bicycle network, including the future “Trail Along the Rail,” without pedestrians and bicyclists interacting with motor vehicles; and

WHEREAS, the City Council finds that acquisition of permanent and temporary easements over the properties located within the City generally depicted and described in Exhibit A, attached hereto (the “Acquired Easements”), are necessary for the construction and future operation of the 148th Non-Motorized Bridge Property; and

WHEREAS, just compensation for the Acquired Easements can be funded with Road Capital Funds and the Transportation Alternatives Program, a federal grant; and

WHEREAS, there will be sustained efforts to negotiate with the owners of the Acquired Easements, 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 Easements is not fully successful, it is essential that the City be prepared to initiate condemnation proceedings; and

WHEREAS, the owners of the Acquired Easements were given notice according to state statute that this condemnation Ordinance was included for discussion by the City Council at its April 17, 2023 meeting and for final action at its May 1, 2023 meeting, 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, the City has the power to acquire lands through eminent domain for the purpose of providing for streets, approaches, and bridges; and

WHEREAS, acquisition of the Acquired Easement 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 Easements”) which is necessary for the public use of a pedestrian and bicyclist bridge over Interstate 5 to provide non-motorized connection, 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 interests for the Acquired Easements and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the Acquired Easement 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 Easements.

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 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 Easements.

Section 2. Finding of Public Use and Necessity. The Shoreline City Council finds that the acquisition of the Acquired Easements is for a public use and purpose, to-wit: to provide for the construction and future operation of a non-motorized bridge over Interstate 5 so as to provide a pedestrian and bicyclist connection to transit and the City’s non-motorized trail network. The City Council further finds 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 Easements identified in Section 1, above, and costs and expenses of litigation authorized by this Ordinance, shall be paid from the City’s Roads Capital Fund and the Transportation Alternative Program.

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 MAY 1, 2023.

Mayor Keith Scully

ATTEST:

APPROVED AS TO FORM:

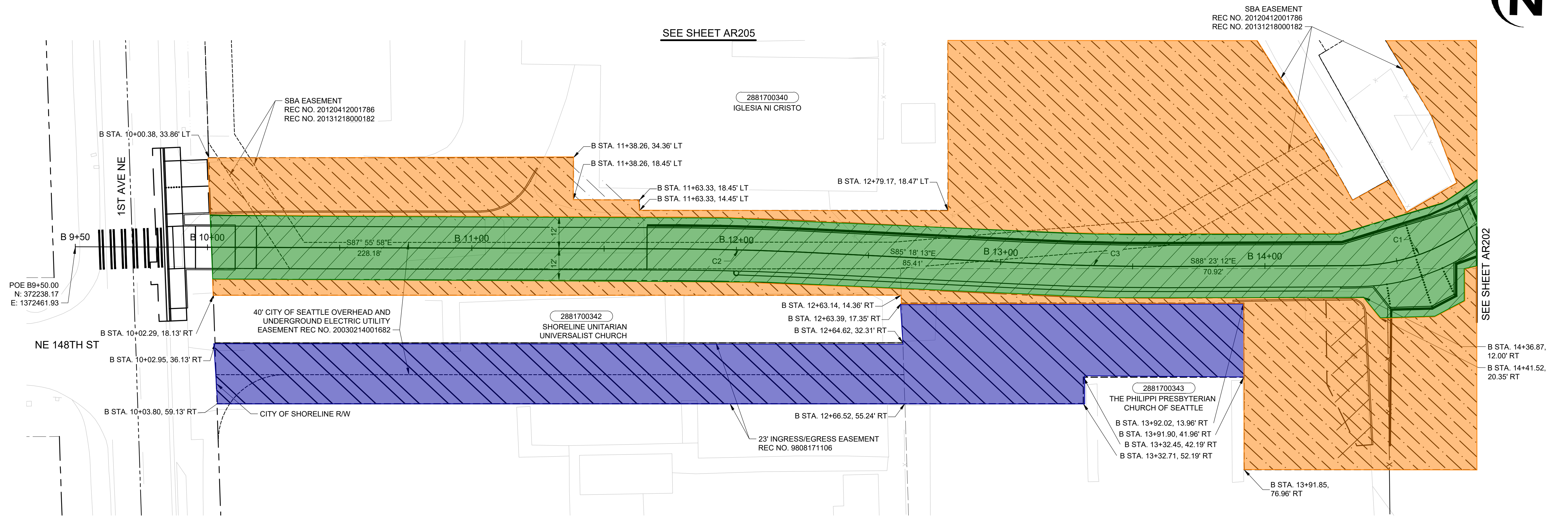
Jessica Simulcik Smith

Margaret J. King
City Attorney

Publication Date: _____, 2023

Effective Date: _____, 2023

ATTACHMENT B, EXHIBIT A



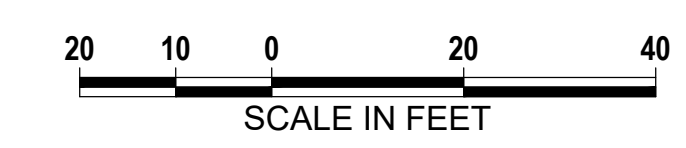
ALIGNMENT B CURVE DATA							
CURVE #	PI STATION	NORTHING AT P.C.	EASTING AT P.C.	DELTA	RADIUS	TANGENT	LENGTH
C1	B 14+55.66	372215.28	1372945.51	033°12'53"	74.00'	22.07'	42.90'
C2	B 12+01.13	372229.94	1372689.97	002°37'45"	1000.00'	22.95'	45.89'
C3	B 13+36.38	372220.24	1372820.89	003°04'58"	1000.00'	26.91'	53.81'

LEGEND:

- TRAIL EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT (ACCESS)
- PROPOSED TRAIL EASEMENT LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING ROW CENTERLINE
- EXISTING PROPERTY LINE
- EXISTING EASMENT
- EXISTING BUILDING OUTLINE
- TEMPORARY CONSTRUCTION EASMENT

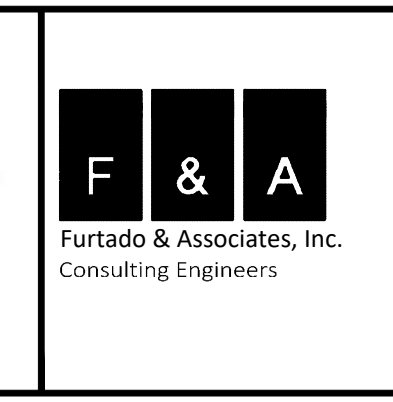
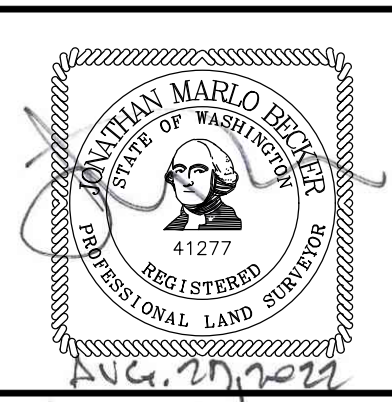
* PARCEL IS AREA TAKEN FROM COUNTY ASSESSOR RECORDS

PARCEL NO. (TAX ACCOUNT NO.)	OWNERS	PARCEL AREA SQ. FT.	R/W	REMAINDER SQ. FT.	TRAIL EASEMENT SQ. FT.	TEMPORARY CONSTRUCTION SQ. FT.
2881700343	THE PHILIPPI PRESBYTERIAN CHURCH OF SEATTLE	79,704*		79,704	2,455	14,453 4,289 (ACCESS)
2881700340	IGLESIA NI CRISTO	137,214*		137,214	10,176	27,497 8,097 (ACCESS)
2881700342	SHORELINE UNITARIAN UNIVERSALIST CHURCH	69,103*		69,103	1,219	1,383 5,983 (ACCESS)



Path: S:\1909 - N 148th NMB\ROW\Sheets\148 NMB-C-AR-PH2.dwg Plot date: Sep 27, 2022-07:35:36pm CAD User: LHM118

MARK	REVISION DESCRIPTION	BY	APP.	DATE



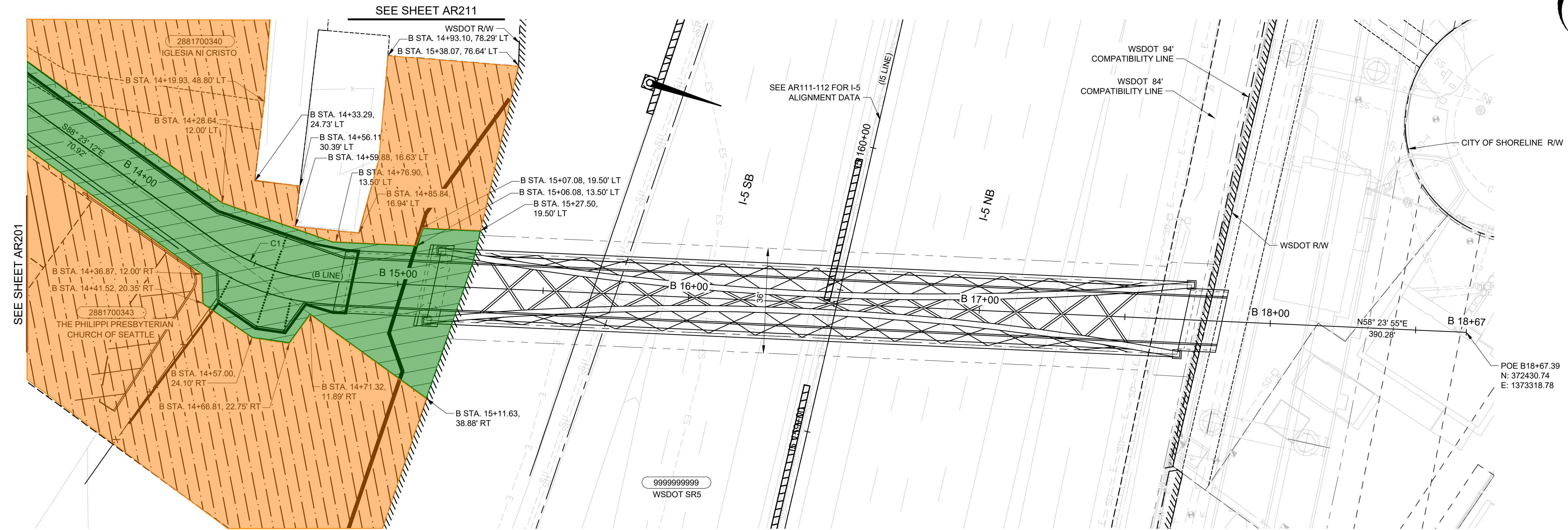
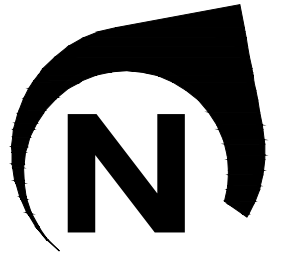
DRAWN BY	AA
DESIGN BY	AL
CHECK BY	JB
PROJ MGR	JB

CITY OF SHORELINE

148TH STREET NON-MOTORIZED BRIDGE

PHASE I
ALIGNMENT / RIGHT OF WAY PLAN

DRAWING NO.	AR201
PROJECT NO.	9263
FED AID NO.	
DATE:	09/20/2022
SHEET NO.	OF



SEE SHEET AR201

SEE SHEET AR211

SEE AR111-112 FOR I-5 ALIGNMENT DATA

* PARCEL IS AREA TAKEN FROM COUNTY ASSESSOR RECORDS

PARCEL NO. (TAX ACCOUNT NO.)	OWNERS	PARCEL AREA SQ. FT.	R/W	REMAINDER SQ. FT.	TRAIL EASEMENT SQ. FT.	TEMPORARY CONSTRUCTION SQ. FT.
2881700343	THE PHILIPPI PRESBYTERIAN CHURCH OF SEATTLE	SEE SHEET AR201				
2881700340	IGLESIA NI CRISTO	SEE SHEET AR201				

NOTE:
1. FOR B-LINE CURVE DATA SEE SHEET AR201.

LEGEND:

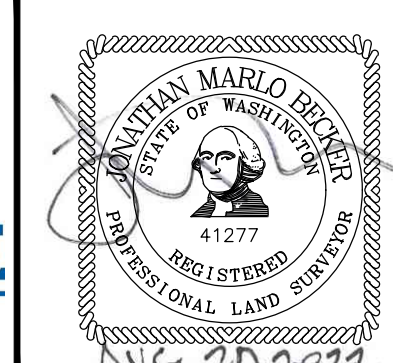
- TRAIL EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT (ACCESS)
- PROPOSED TRAIL EASEMENT LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING ROW CENTERLINE
- EXISTING PROPERTY LINE
- EXISTING EASMENT
- EXISTING BUILDING OUTLINE
- TEMPORARY CONSTRUCTION EASEMENT



Know what's below
Call before you dig

Path: S:\1909 - N 148th NMB\ROW\Sheets\148 NMB-C-AR-PH2.dwg Plot date: Sep 27, 2022-07:56:19pm CAD User: LIN118.

MARK	REVISION DESCRIPTION	BY	APP.	DATE



F & A
Furtado & Associates, Inc.
Consulting Engineers

kpff
1601 5th Avenue, Suite 1600
Seattle, WA 98101
206.622.5822
www.kpff.com

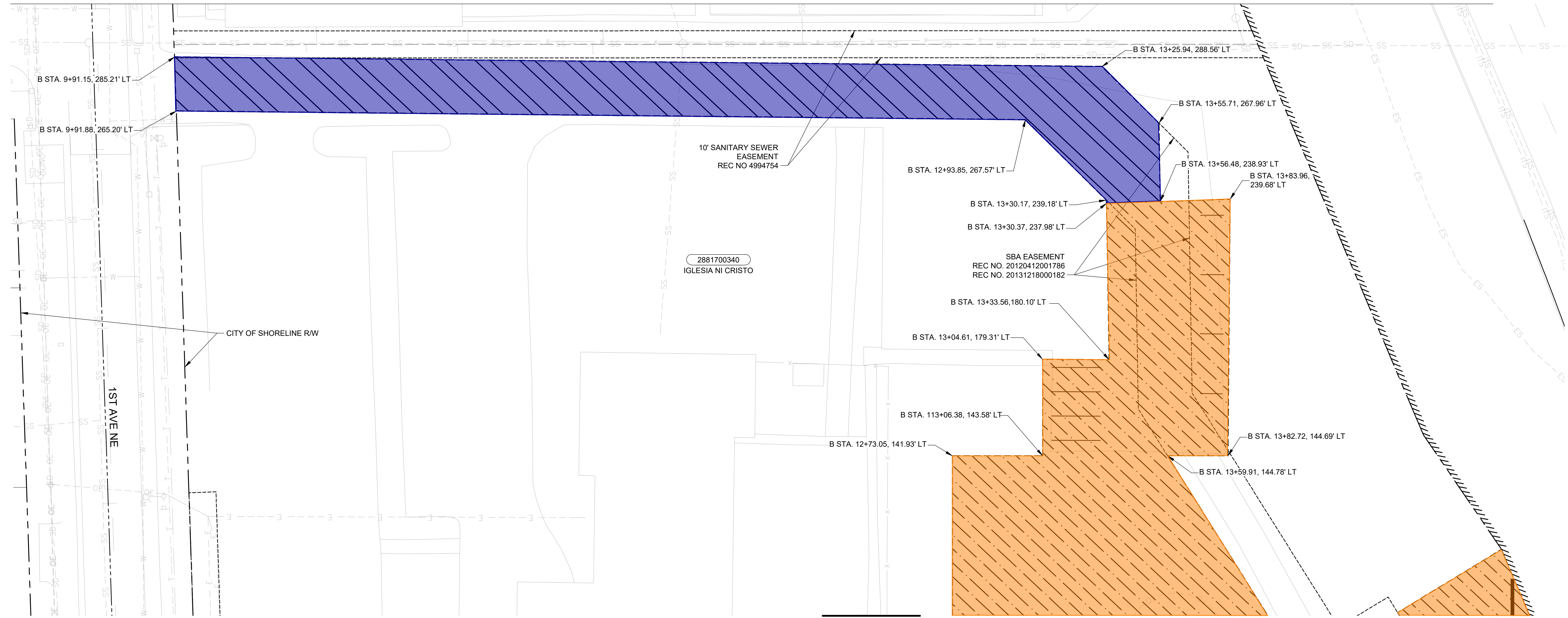
DRAWN BY	AA
DESIGN BY	AL
CHECK BY	JB
PROJ MGR	JB

CITY OF SHORELINE

148TH STREET NON-MOTORIZED BRIDGE

**PHASE I
ALIGNMENT / RIGHT OF WAY PLAN**


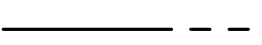

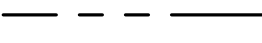

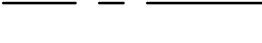


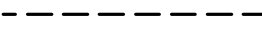

DRAWING NO.	AR202
PROJECT NO.	9263
FED AID NO.	
DATE:	09/20/2022
SHEET NO.	OF



SEE SHEET AR201

NOTE:
1. FOR B-LINE CURVE DATA SEE SHEET AR201.

LEGEND:

	TRAIL EASEMENT		PROPOSED TRAIL EASEMENT LINE
	TEMPORARY CONSTRUCTION EASEMENT		EXISTING RIGHT OF WAY LINE
	TEMPORARY CONSTRUCTION EASEMENT (ACCESS)		EXISTING ROW CENTERLINE
			EXISTING PROPERTY LINE
			EXISTING EASMENT
			EXISTING BUILDING OUTLINE
			TEMPORARY CONSTRUCTION EASEMENT

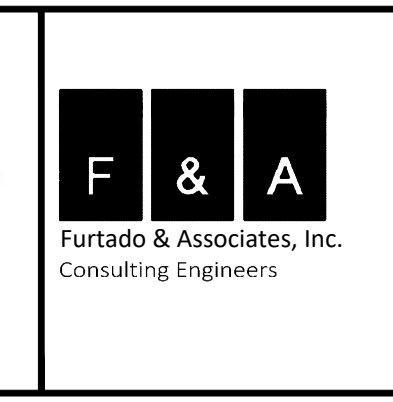
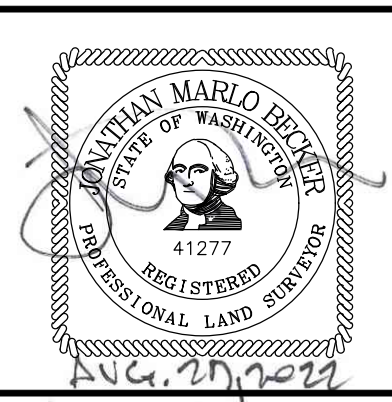
PARCEL NO. (TAX ACCOUNT NO.)	OWNERS	PARCEL AREA SQ. FT.	R/W	REMAINDER SQ. FT.	TRAIL EASEMENT SQ. FT.	TEMPORARY CONSTRUCTION SQ. FT.
2881700340	IGLESIA NI CRISTO	SEE SHEET AR201				



Know what's below
Call before you dig

Path: S:\1909 - N 148th NMB\ROW\Sheets\148 NMB-C-AR_PH2.dwg Plot date: Sep 27, 2022-07:48:35pm CAD User: LHM118.

MARK	REVISION DESCRIPTION	BY	APP.	DATE



DRAWN BY	AA
DESIGN BY	AL
CHECK BY	JB
PROJ MGR	JB

CITY OF SHORELINE
148TH STREET NON-MOTORIZED BRIDGE
PHASE I
ALIGNMENT / RIGHT OF WAY PLAN

DRAWING NO.	AR205
PROJECT NO.	9263
FED AID NO.	
DATE:	09/20/2022
SHEET NO.	OF



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 at its Council Meetings on Monday, **April 17, 2023**, at 7:00 pm to discuss and on Monday, **May 1, 2023**, at 7:00 pm to consider and/or act upon the following:

ORDINANCE NO. 983 AUTHORIZING THE USE OF EMINENT DOMAIN FOR ACQUISITION OF CERTAIN REAL PROPERTIES WITHIN THE CITY OF SHORELINE LOCATED ON N FIRST AVENUE NE FROM N 147TH STREET TO N 148TH STREET, IDENTIFIED AS PARCELS 288170-0343, 288170-0340, AND 288170-0342.

At this time, City Council meetings are using a hybrid format where both in-person and online attendance is allowed. You can attend one or both meetings using the following information:

- **Attend in-person at Council Chamber in Shoreline City Hall located at 17500 Midvale Avenue N, Shoreline, WA 98133**
- **Attend via Zoom Webinar: <https://zoom.us/j/95015006341>**
- **Join by Phone: 253-215-8782 Webinar ID: 950 1500 6341**
- **Submit a written public comment here:**
<http://www.shorelinewa.gov/government/council-meetings/comment-on-agenda-items>.
- **Sign-up to provide oral public comment in the Zoom Meeting here:**
<http://www.shorelinewa.gov/government/council-meetings/city-council-remote-speaker-sign-in>

For further information, contact:

Lea Bonebrake, P.E.

Phone: (206) 801-2475

Email: lbonebrake@shorelinewa.gov

A declaration of publishing will be filed with the City Clerk for the Shoreline City Council. Publication Dates: April 12 and 19, 2023 (Seattle Times)

**SHORELINE CITY COUNCIL**

Mayor Keith Scully
 Deputy Mayor Betsy Robertson
 Councilmember Doris McConnell
 Councilmember Laura Mork
 Councilmember Eben Pobe
 Councilmember John Ramsdell
 Councilmember Chris Roberts

NOTICE OF SHORELINE CITY COUNCIL ACTION FOR USE OF EMINENT DOMAIN

March 31, 2023

Sent by U.S. Certified Mail

TAXPAYER NAME
TAXPAYER ADDRESS
CITY, STATE ZIP

RE: 148th Street Non-Motorized Bridge Project
 King County Tax Parcel#: **XXXXX-XXXX**

Dear Shoreline Property Owner:

You are receiving this notice because you are the owner of record for property located on or near the City of Shoreline's 148th Street Non-Motorized Bridge Project (the "Project"). The City of Shoreline is currently designing the Project with construction anticipated to begin in early 2024.¹

As part of the design process, the City has identified that easements over a portion of your property, located at **[SITE ADDRESS]**, and identified by **King County Tax Parcel No. [XXXXX-XXXX]**, are necessary for this Project.

The City's right-of-way acquisition consultant, RES Group Northwest will soon be contacting you to negotiate the purchase of permanent easements and temporary construction easements on your property. Although it is anticipated that a negotiated agreement can be reached, the Shoreline City Council will hold a discussion on the potential use of eminent domain for this Project at its **April 17, 2023**, regular meeting to

¹ Information about the 148th Street Non-Motorized Bridge Project can be found on the City's website at: [148th Street Non-Motorized Bridge | City of Shoreline \(shorelinewa.gov\)](https://www.shorelinewa.gov/148th-Street-Non-Motorized-Bridge)

address if an agreement cannot be reached. Final action on whether to authorize the use of eminent domain for the Project will be at the **May 1, 2023**, regular meeting.

At this time, City Council meetings are being conducted in a hybrid format. You may attend the meetings in person, join via Zoom, or over the phone. 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:

- **Attend in-person at Council Chamber in Shoreline City Hall located at 17500 Midvale Avenue N, Shoreline, WA 98133**
- **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/council-meetings/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-sign-in>. To provide oral public comment, pre-registration is required by 6:30 pm the meeting night.

It is the City's intent and obligation to ensure that property owners are fairly compensated for the value of the property needed for this Project. If agreement cannot be reached through negotiations, state law permits the City to acquire property, including easements, 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 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 the 148th Street Non-Motorized Bridge Project can remain on schedule.

Once again, inclusion of your property in the City Council's action does not mean that the City will discontinue current negotiations and proceed directly to court. It only means that the City will have the authority to proceed to court, if needed.

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 working with you.

Sincerely,

Lea Bonebrake, P.E.
Project Manager
(206) 801-2475
lbonebrake@shorelinewa.gov

Enclosures: Vicinity Map, Public Notice