

ORDINANCE NO. 835

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY BY NEGOTIATED VOLUNTARY PURCHASE, UNDER THREAT OF CONDEMNATION, BY CONDEMNATION, OR BY SETTLING CONDEMNATION LITIGATION, FOR THE PURPOSE OF A COMMUNITY AND AQUATICS CENTER IN SHORELINE, WASHINGTON; FINDING PUBLIC USE AND NECESSITY; IDENTIFYING FUNDS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Shoreline's current pool was constructed in 1971 as part of the King County Forward Thrust Bond program and is owned and operated by the City of Shoreline, however, the land on which it sits is owned by the Shoreline School District; and

WHEREAS, the 2011 Parks, Recreation and Open Space (PROS) Plan listed a new aquatics and recreation facility as a priority project and identified the need for assessing the condition of the Shoreline Pool to determine the condition of the facility, major maintenance needs and potential life expectancy; and

WHEREAS, in 2013, the City hired ORB Architects, an architectural firm specializing in the design and evaluation of aquatic facilities, to perform a pool repair/replacement needs analysis and based on that assessment, it was determined in 2014 that Shoreline's pool needs extensive health and safety upgrades and other major maintenance to keep it operational; and

WHEREAS, in 2015, an Addendum to the 2014 Pool Assessment Report was prepared by ORB Architects to more clearly describe the needed pool repairs and refine cost estimates; and

WHEREAS, in June 2015, the City Council toured the Shoreline Pool and heard a staff presentation on the state of the pool's condition and the need for major maintenance upgrades recommended in the 2015 Addendum to the Shoreline Pool Assessment Report and the urgency for planning for its future; and

WHEREAS, in June 2015, the City Council also approved the Pool and Recreation Facility Master Planning project in the 2017-2022 Capital Improvement Plan (CIP); and

WHEREAS, the City Council received numerous staff updates between 2016 and 2017 related to the Aquatic/Community Center Feasibility Study including: the results from the Community Interest and Opinion Survey that was conducted, a summary of community engagement activities, a discussion of capital improvement needs, an assessment of potential locations for a new facility, types of uses that would be contained in the new center, concepts of what a new facility might look like, and input from the PRCS/Tree Board Subcommittee and full board; and

WHEREAS, on July 31, 2017, the City Council approved the Shoreline 2017 PROS Plan, after consideration of the above and extensive Council and community engagement over an 18 month period; and

WHEREAS, the 2017 PROS plan identified high priority projects for the 2018-2023 CIP, as well as future projects and property acquisitions which included a park facility which would include a new aquatics center; and

WHEREAS, the City Council finds that acquisition of the property depicted and described in Exhibit A attached hereto (the “Acquired Property”) is necessary for the public use for a Community and Aquatic Center to meet the recreation needs and provision of services to the community; and

WHEREAS, on August 6, 2018, the City Council approved Ordinance No. 829, which authorized issuance of one or more series of limited tax general obligation bond anticipation notes in a principal amount of not to exceed \$25,000,000, to pay costs of land acquisition, and costs of issuance of the notes, and a subsequent Voted Parks Bond Measure is anticipated in 2019 or 2020 (Unlimited Tax General Obligation Bonds, or UTGO Bonds); and

WHEREAS, just compensation for the Community and Aquatic Center property acquisition can be funded through City Council approved funds pursuant to Ordinance No. 829; and

WHEREAS, there have been, and will continue to be, sustained efforts to negotiate with the business operator and property owners of the Acquired Property which 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 operator and property owners of the Acquired Property were given notice according to state statute that this condemnation ordinance was included for discussion by the City Council at the meeting of August 6, 2018 and were afforded an opportunity to comment at that meeting; and

WHEREAS, despite on-going efforts to acquire the Acquired Property by negotiation and agreement undertaken by the City and its agents, in the event that negotiated acquisition of the Acquired Property is not fully successful, it is essential that the City be prepared to initiate condemnation proceedings; and

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

WHEREAS, acquisition of the Acquired 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 land located 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 “Acquired Property”) is necessary for the public use of the operation of a public park, and are 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 her designee is hereby authorized and directed to execute all documents for the acquisition of said property or 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 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 other property rights and privileges necessary to carry out the purposes of this Ordinance. The City Attorney is also authorized to make minor amendments to the legal descriptions or maps of property or 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 Acquired Property is for a public use and purpose, to-wit: to provide park property for a Community and Aquatics for the citizens of Shoreline. The Council further finds the property described and depicted in Exhibit A is necessary for the proposed public use and for the benefit of the public.

Section 3. Purchase Funds. The expense of acquiring said property rights shall be paid for as authorized in Ordinance No. 829, a Bond Anticipation Note Authorization Ordinance (Bond 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.

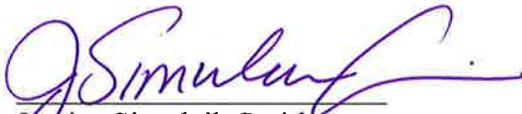
PASSED BY THE CITY COUNCIL ON AUGUST 13, 2018.



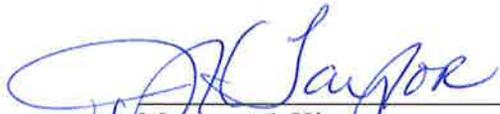
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:



Jessica Simulcik Smith
City Clerk



Margaret J. King
City Attorney
on behalf of

Publication Date: August 16, 2018
Effective Date: August 21, 2018

