

ORDINANCE NO. 957

ORIGINAL

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTIES LOCATED ALONG THE N 145th STREET CORRIDOR, BY NEGOTIATED VOLUNTARY PURCHASE, UNDER THREAT OF CONDEMNATION, BY CONDEMNATION, OR BY SETTLING CONDEMNATION LITIGATION, FOR THE PURPOSE OF SECURING ADDITIONAL LAND FOR CONSTRUCTION OF THE STATE ROUTE 523 (N/NE 145TH STREET) & INTERSTATE-5 (I-5) INTERCHANGE PROJECT; FINDING PUBLIC USE AND NECESSITY; AUTHORIZING JUST COMPENSATION FROM THE GENERAL FUND; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 35.67 RCW and Chapter 35.92 RCW, the City has the authority to provide for a multimodal transportation system that serves its citizens in a safe and efficient manner; and

WHEREAS, the City has been planning for alteration to State Route 523 (N/NE 145th Street) to address a variety of known problems along the corridor including safety concerns, increasing traffic congestion, narrow sidewalks with numerous obstructions, lack of bicycle facilities, and limited transit service, and has been working with the State of Washington, King County, and City of Seattle, all having an interest in the State Route 523 (N/NE 145th Street) corridor; and

WHEREAS, the City Council finds that acquisition of the properties located within the City generally depicted and described in Exhibit A, attached hereto (the "Acquired Properties"), is necessary for the construction of the State Route 523 (N/NE 145th Street) & Interstate-5 (I-5) Interchange Project; and

WHEREAS, just compensation for the Acquired Properties can be funded through the City's funding agreement with the Central Puget Sound Regional Transit Authority (Sound Transit); 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 according to state statute that this condemnation Ordinance was included for discussion by the City Council at its March 21, 2022 meeting and for final action at its April 4, 2022 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 of Shoreline has the power to acquire lands through eminent domain for the purpose of providing for the widening, extending, altering of any street, avenues, and highway; 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 the public use of the widening, extending, and altering of State Route 523 (N/NE 145th Street) & Interstate-5 (I-5) Interchange 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 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 widening, extending, and altering of State Route 523 (N/NE 145th Street) & Interstate-5 (I-5) Interchange Project. 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 Properties identified in Section 1, above, and costs and expenses of litigation authorized by this Ordinance, shall be paid from the City's General Capital 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 APRIL 4, 2022.


Mayor Keith Scully

ATTEST:


Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

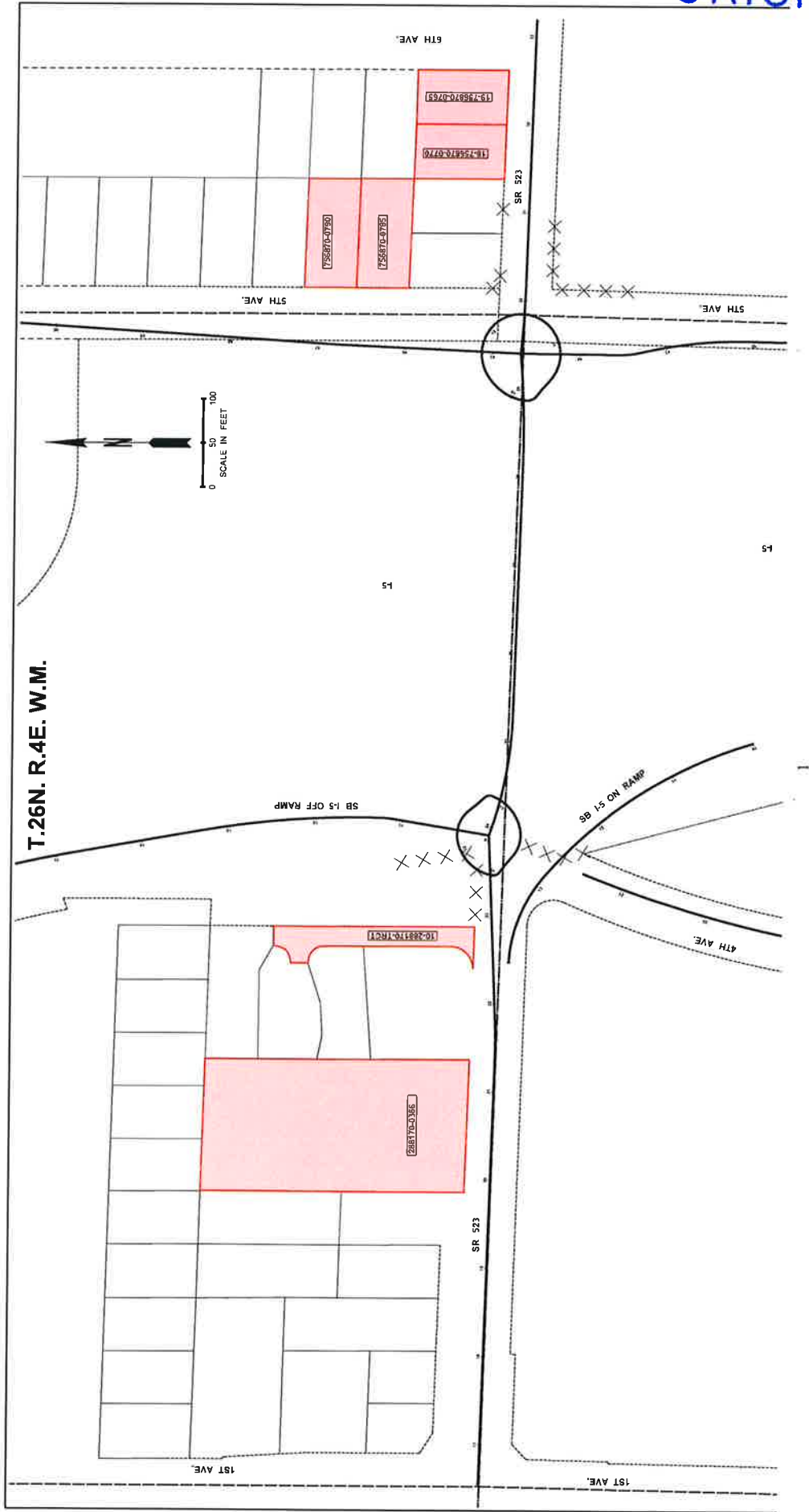

Julie Ainsworth-Taylor,
Assistant City Attorney
on behalf of Margaret J. King
City Attorney

Publication Date: April 7, 2022
Effective Date: April 12, 2022

Condemnation Parcel Map

King County Tax Parcel Nos.

- | | |
|-------------|-------------|
| 288170-0366 | 756870-0785 |
| 288170-TRCT | 756870-0770 |
| 756870-0790 | 756870-0765 |



ORIGINAL

EXHIBIT A
FEE ACQUISITION
PARCEL NO. 288170-0366

That portion of the SE Quarter of the SW Quarter of Section 17, Township 26 North, Range 4 East, W.M., described as follows:

Beginning at a point opposite SR 523 line Highway Engineer's Station (hereinafter referred to as "HES") 19+85.39 on the centerline of the SR 523 (NE 145TH ST) & I-5 Interchange Improvements Right of Way Plan dated September 14, 2021 and 29.00 feet Northerly therefrom;

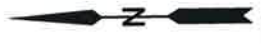
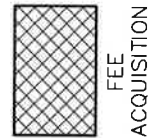
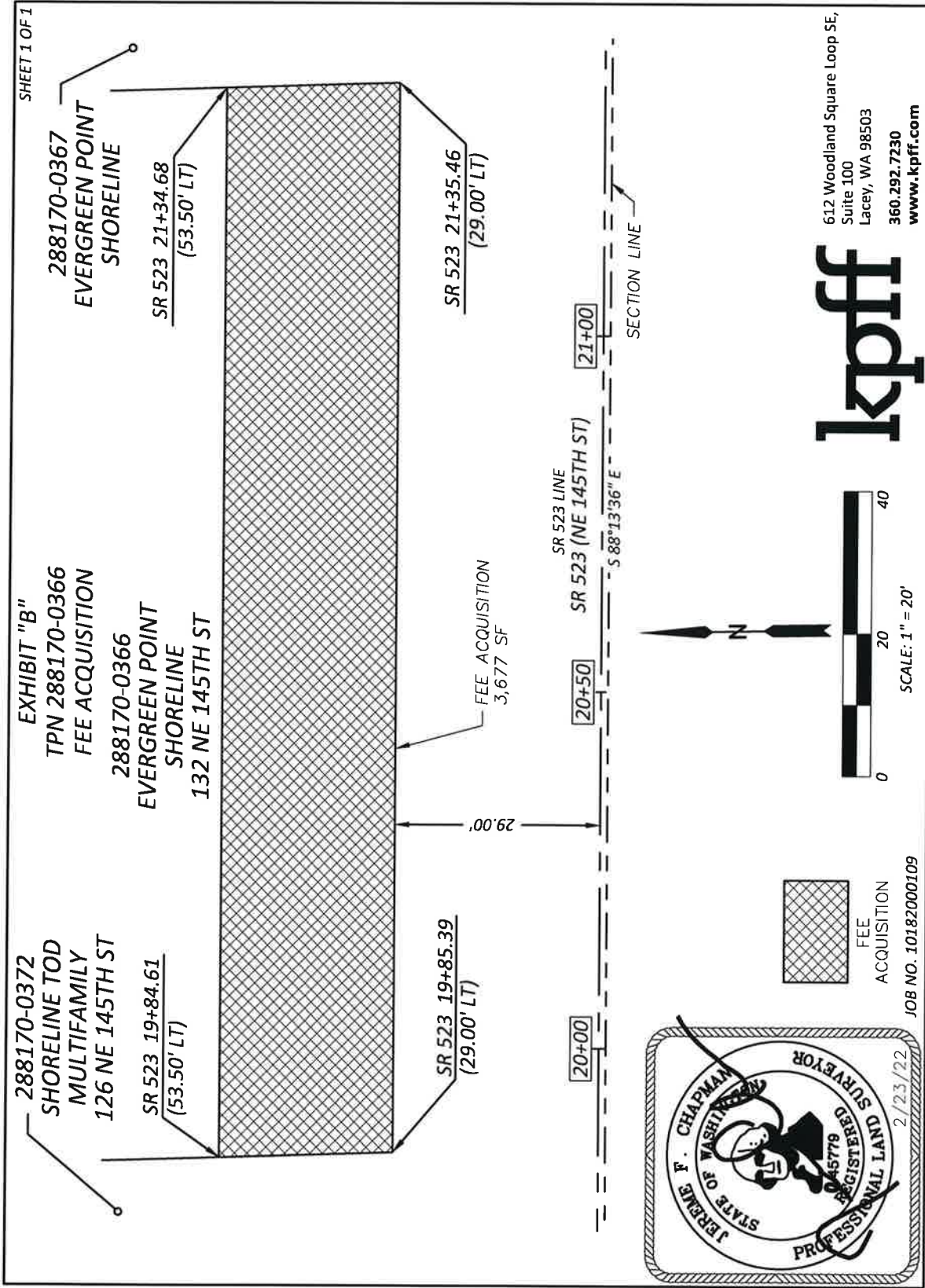
Thence Easterly to a point opposite SR 523 line HES 21+35.46 and 29.00 feet Northerly therefrom;

Thence Northerly to a point opposite SR 523 line HES 21+34.68 and 53.50 feet Northerly therefrom;

Thence Westerly to a point opposite SR 523 line HES 19+84.61 and 53.50 feet Northerly therefrom;

Thence Southerly to the Point of Beginning.

Containing 3,677 Square Feet.



SCALE: 1" = 20'



612 Woodland Square Loop SE,
 Suite 100
 Lacey, WA 98503
 360.292.7230
 www.kpff.com

JOB NO. 10182000109

EXHIBIT A
TEMPORARY SLOPE EASEMENT
PARCEL NO. 288170-0366

That portion of the SE Quarter of the SW Quarter of Section 17, Township 26 North, Range 4 East, W.M., described as follows:

Beginning at a point opposite SR 523 line Highway Engineer's Station (hereinafter referred to as "HES") 19+84.61 on the centerline of the SR 523 (NE 145TH ST) & I-5 Interchange Improvements Right of Way Plan dated September 14, 2021 and 53.50 feet Northerly therefrom;

Thence Easterly to a point opposite SR 523 line HES 21+34.68 and 53.50 feet Northerly therefrom;

Thence Northerly to a point opposite SR 523 line HES 21+33.99 and 75.33 feet Northerly therefrom;

Thence Westerly to a point opposite SR 523 line HES 20+58.73 and 82.21 feet Northerly therefrom;

Thence Westerly to a point opposite SR 523 line HES 19+83.86 and 77.16 feet Northerly therefrom;

Thence Southerly to the Point of Beginning.

Containing 3,861 Square Feet.

EXHIBIT A
FEE ACQUISITION
PARCEL NO. 288170-TRCT

That portion of the SE Quarter of the SW Quarter of Section 17, Township 26 North, Range 4 East, W.M., described as follows:

Beginning at a point opposite SR 523 line Highway Engineer's Station (hereinafter referred to as "HES") 22+39.60 on the centerline of the SR 523 (NE 145TH ST) & I-5 Interchange Improvements Right of Way Plan dated September 14, 2021 and 23.33 feet Northerly therefrom;

Thence Easterly to a point opposite SR 523 line HES 22+87.29 and 19.87 feet Northerly therefrom;

Thence Northerly to a point opposite SR 523 line HES 22+89.18 and 66.30 feet Northerly therefrom to a non-tangent curve having a radius of 569.97 feet, bearing N14°11'42W;

Thence Westerly along said curve through a central angle of 2°16'12", an arc distance of 22.58 feet to a point opposite SR 523 line HES 22+66.99 and 62.11 feet Northerly therefrom;

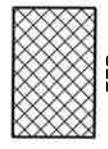
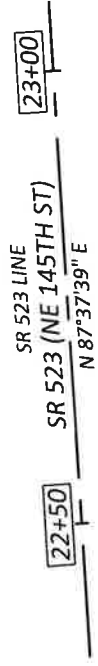
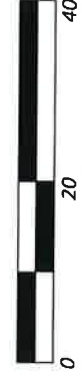
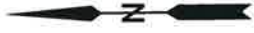
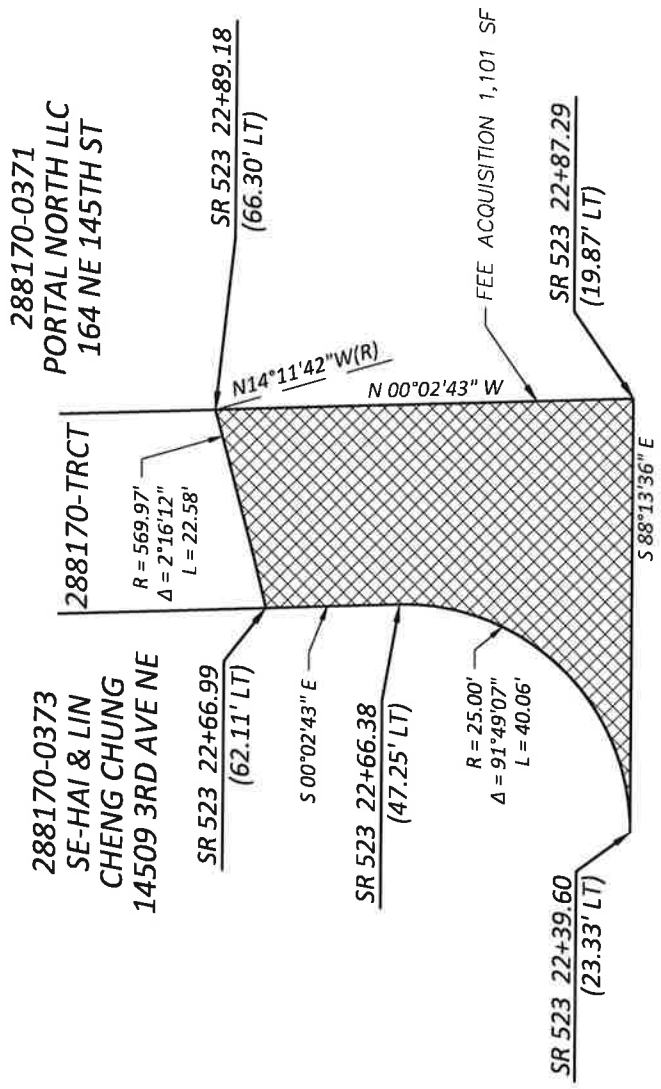
Thence Southerly to a point opposite SR 523 line HES 22+66.38 and 47.25 feet Northerly therefrom to a tangent curve to the right having a radius of 25.00 feet;

Thence Southwesterly along said curve through a central angle of 91°49'07", an arc distance of 40.06 feet to the Point of Beginning.

Containing 1,101 Square Feet.

SHEET 1 OF 1

EXHIBIT "B"
TPN 288170-TRCT
FEE ACQUISITION



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 Lacey, WA 98503
 360.292.7230
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JOB NO. 10182000109

EXHIBIT A
FEE ACQUISITION
PARCEL NO. 756870-0765

That portion of the SW Quarter of the SE Quarter of Section 17, Township 26 North, Range 4 East, W.M., described as follows:

Beginning at a point opposite SR 523 line Highway Engineer's Station (hereinafter referred to as "HES") 31+98.75 on the centerline of the SR 523 (NE 145TH ST) & I-5 Interchange Improvements Right of Way Plan Dated September 14th, 2021 and 30.00 feet Northerly therefrom;

Thence Easterly to a point opposite SR 523 line HES 32+60.76 and 30.00 feet Northerly therefrom;

Thence Northerly to a point opposite SR 523 line HES 32+60.07 and 49.81 feet Northerly therefrom;

Thence Southwesterly to a point opposite SR 523 line HES 32+50.91 and 46.02 feet Northerly therefrom;

Thence Westerly to a point opposite SR 523 line HES 31+98.25 and 44.47 feet Northerly therefrom;

Thence Southerly to the Point of Beginning.

Containing 458 Square Feet.

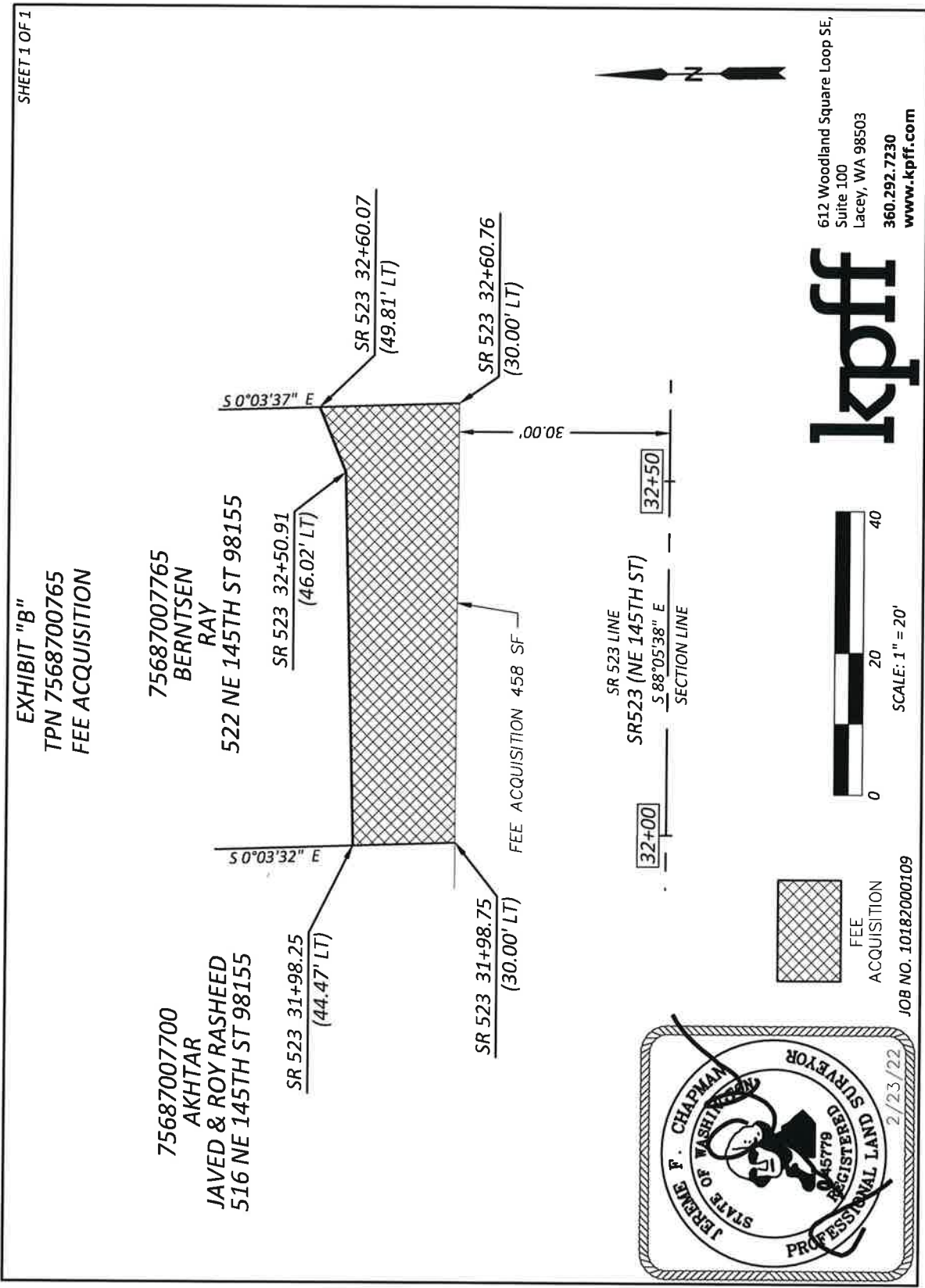


EXHIBIT A
TEMPORARY SLOPE EASEMENT
PARCEL NO. 756870-0765

That portion of the SW Quarter of the SE Quarter of Section 17, Township 26 North, Range 4 East, W.M., described as follows:

Beginning at a point opposite SR 523 line Highway Engineer's Station (hereinafter referred to as "HES") 31+98.25 on the centerline of the SR 523 (NE 145TH ST) & I-5 Interchange Improvements Right of Way Plan Dated September 14th, 2021 and 44.47 feet Northerly therefrom;

Thence Easterly to a point opposite SR 523 line HES 32+50.91 and 46.02 feet Northerly therefrom;

Thence Northeasterly to a point opposite SR 523 line HES 32+60.07 and 49.81 feet Northerly therefrom;

Thence Northerly to a point opposite SR 523 line HES 32+60.03 and 50.83 feet Northerly therefrom;

Thence Westerly to a point opposite SR 523 line HES 31+98.03 and 50.82 feet Northerly therefrom;

Thence Southerly to the Point of Beginning.

Containing 321 Square Feet.

SHEET 1 OF 1

EXHIBIT "B"
TPN 7568700765
TEMPORARY SLOPE EASEMENT

75687007700
AKHTAR

JAVED & ROY RASHEED
516 NE 145TH ST 98155

75687007765
BERNTSEN
RAY

522 NE 145TH ST 98155

SR 523 31+98.03
(50.82' LT)

SR 523 31+98.25
(44.47' LT)

S 0°03'32" E
SR 523 32+60.03
(50.83' LT)

SR 523 32+50.91
(46.02' LT)

S 0°03'37" E
SR 523 32+60.07
(49.81' LT)

TEMPORARY SLOPE
EASEMENT 321 SF

.00'0E

SR 523 LINE
SR 523 (NE 145TH ST)
S 88°05'38" E
SECTION LINE

32+00

32+50



SLOPE
EASEMENT



SCALE: 1" = 20'

JOB NO. 10182000109



612 Woodland Square Loop SE,
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Lacey, WA 98503
360.292.7230
www.kpff.com

EXHIBIT A
FEE ACQUISITION
PARCEL NO. 756870-0770

That portion of the SW Quarter of the SE Quarter of Section 17, Township 26 North, Range 4 East, W.M., described as follows:

Beginning at a point opposite SR 523 line Highway Engineer's Station (hereinafter referred to as "HES") 31+36.74 on the centerline of the SR 523 (NE 145TH ST) & I-5 Interchange Improvements Right of Way Plan Dated September 14th, 2021 and 29.99 feet Northerly therefrom;

Thence Easterly to a point opposite SR 523 line HES 31+98.75 and 30.00 feet Northerly therefrom;

Thence Northerly to a point opposite SR 523 line HES 31+98.25 and 44.47 feet Northerly therefrom;

Thence Westerly to a point opposite SR 523 line HES 31+64.79 and 43.49 feet Northerly therefrom and the beginning of curve to the right having a radius of 500.00 feet;

Thence Westerly along said curve through a central angle of 3°15'58", an arc distance of 28.50 feet to a point opposite SR 523 line HES 31+36.34 and 41.84 feet Northerly therefrom;

Thence Southerly to the Point of Beginning.

Containing 831 Square Feet.

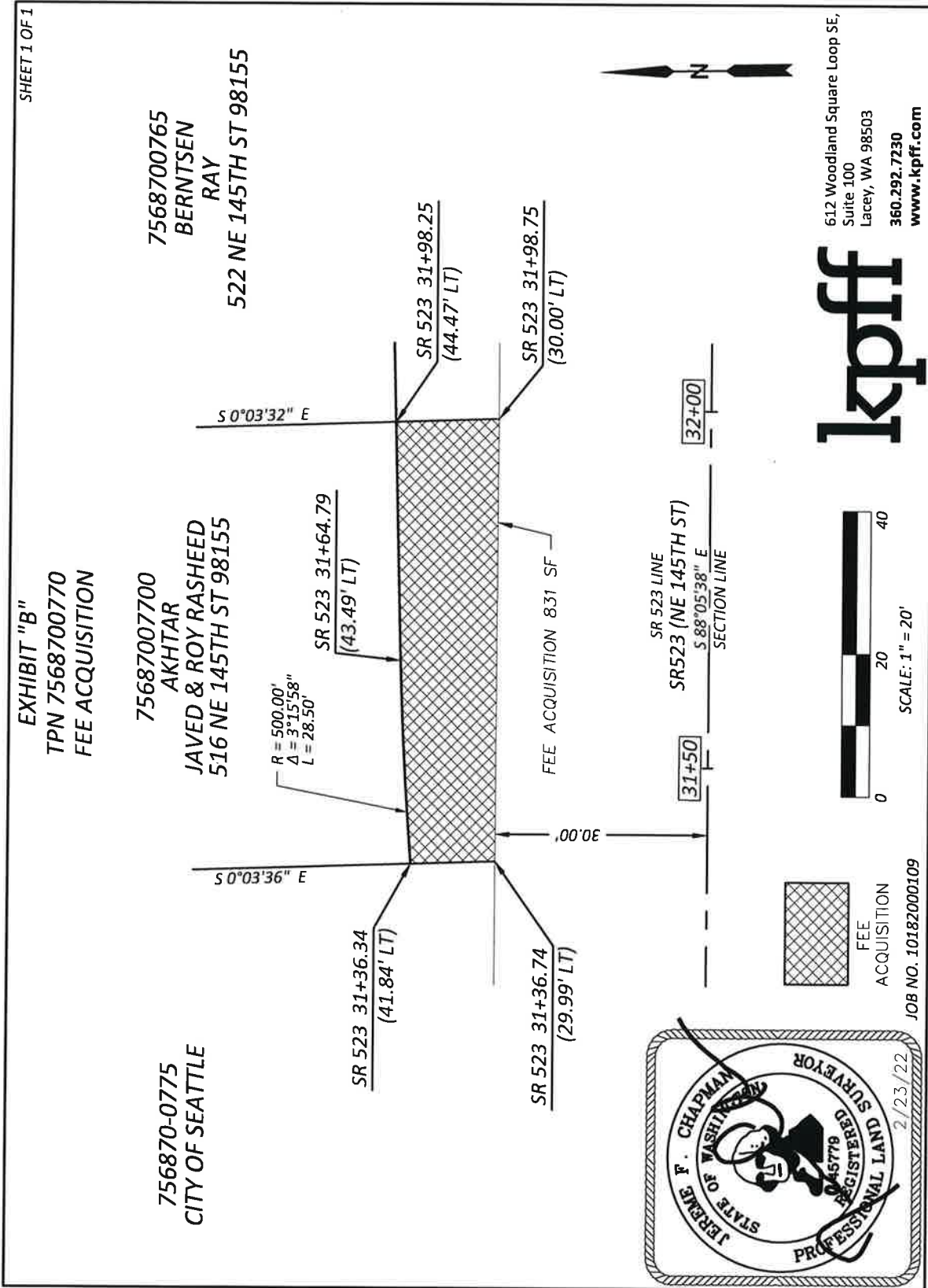


EXHIBIT A
TEMPORARY SLOPE EASEMENT
PARCEL NO. 756870-0770

That portion of the SW Quarter of the SE Quarter of Section 17, Township 26 North, Range 4 East, W.M., described as follows:

Beginning at a point opposite SR 523 line Highway Engineer's Station (hereinafter referred to as "HES") 31+36.34 on the centerline of the SR 523 (NE 145TH ST) & I-5 Interchange Improvements Right of Way Plan Dated September 14th, 2021 and 41.84 feet Northerly therefrom and the beginning of a non-tangent curve having a radius of 500.00 feet, bearing S03°02'43"E;

Thence Easterly along said curve through a central angle of 3°15'58", an arc distance of 28.50 feet to a point opposite SR 523 line HES 31+64.79 and 43.49 feet Northerly therefrom;

Thence Easterly to a point opposite SR 523 line HES 31+98.25 and 44.47 feet Northerly therefrom;

Thence Northerly to a point opposite SR 523 line HES 31+98.03 and 50.82 feet Northerly therefrom;

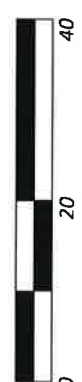
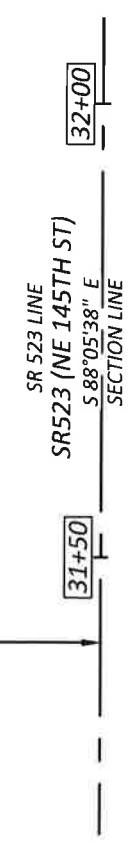
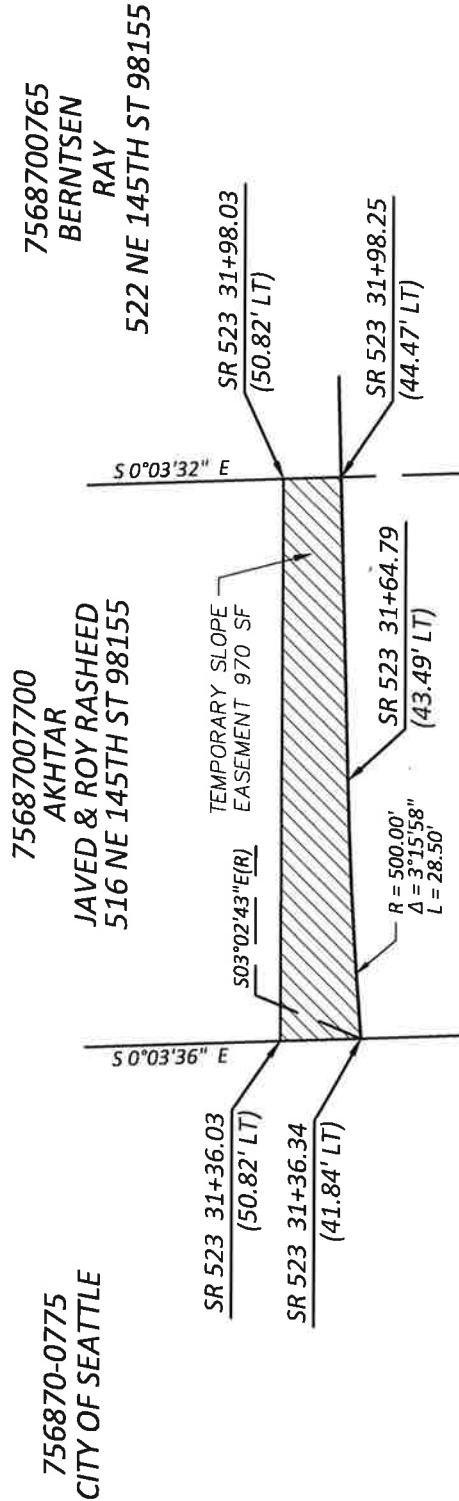
Thence Westerly to a point opposite SR 523 line HES 31+36.03 and 50.82 feet Northerly therefrom;

Thence Southerly to the Point of Beginning.

Containing 970 Square Feet.

SHEET 1 OF 1

EXHIBIT "B"
TPN 7568700770
TEMPORARY SLOPE EASEMENT



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JOB NO. 10182000109

EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT
PARCEL NO. 756870-0785

That portion of the SW Quarter of the SE Quarter of Section 17, Township 26 North, Range 4 East, W.M., described as follows:

Beginning at a point opposite 5 AVE Highway Engineer's Station (hereinafter referred to as "HES") 46+59.06 on the centerline of the 5th AVE NE of the SR 523 (NE 145TH ST) & I-5 Interchange Improvements Right of Way Plan Dated September 14th, 2021 and 65.25 feet Easterly therefrom;

Thence Southerly to a point opposite 5 AVE HES 45+99.13 and 67.99 feet Easterly therefrom;

Thence Easterly to a point opposite 5 AVE HES 45+99.22 and 76.27 feet Easterly therefrom;

Thence Northerly to a point opposite 5 AVE HES 46+59.15 and 73.48 feet Easterly therefrom;

Thence Westerly to the Point of Beginning.

Containing 495 Square Feet.

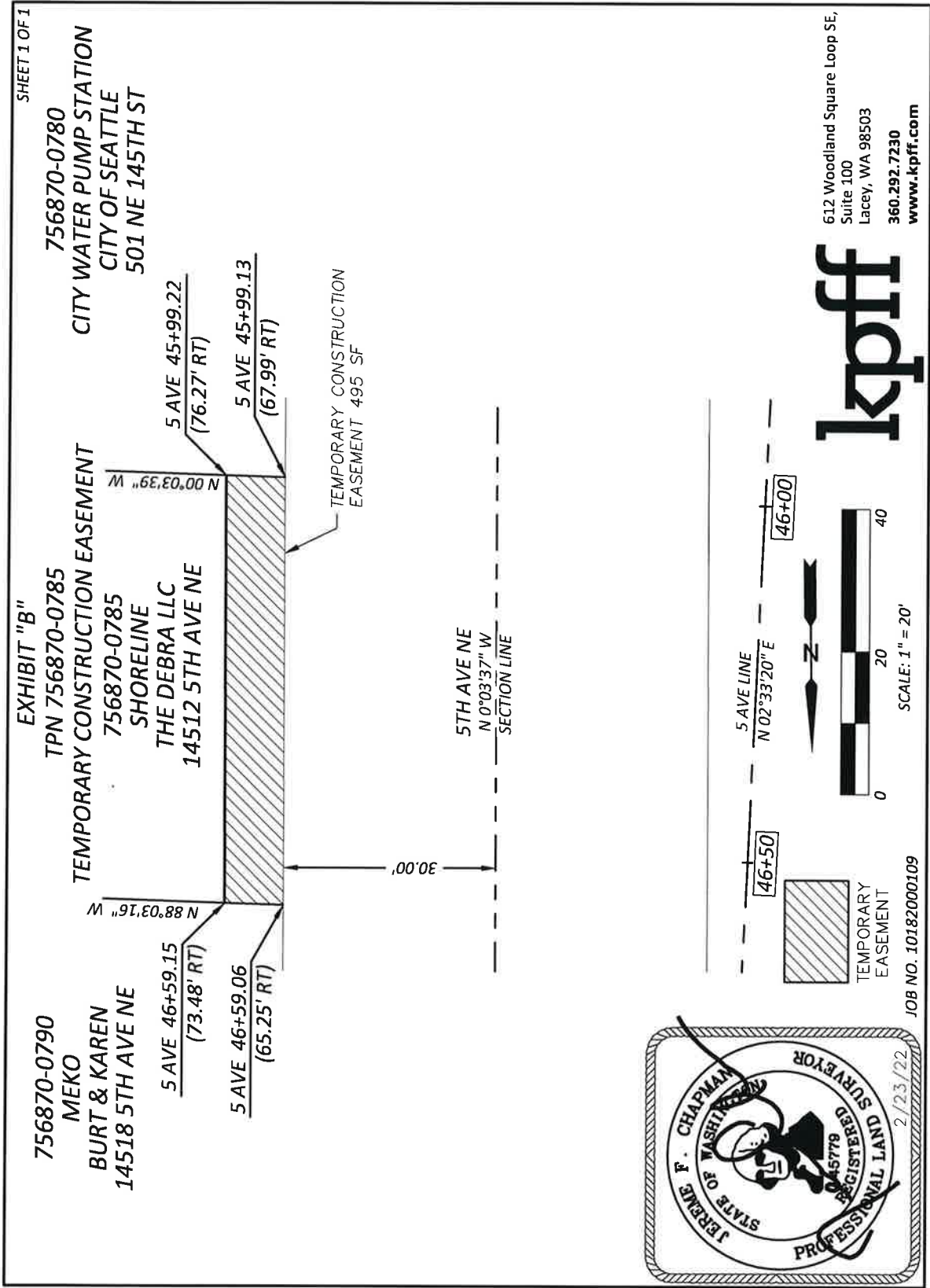


EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT
PARCEL NO. 756870-0790

That portion of the SW Quarter of the SE Quarter of Section 17, Township 26 North, Range 4 East, W.M., described as follows:

Beginning at a point opposite 5 AVE Highway Engineer's Station (hereinafter referred to as "HES") 46+95.82 on the centerline of the 5th AVE NE of the SR 523 (NE 145TH ST) & I-5 Interchange Improvements Right of Way Plan Dated September 14th, 2021 and 63.44 feet Easterly therefrom;

Thence Southerly to a point opposite 5 AVE HES 46+59.06 and 65.25 feet Northerly therefrom;

Thence Easterly to a point opposite 5 AVE HES 46+59.15 and 73.48 feet Northerly therefrom;

Thence Northerly to a point opposite 5 AVE HES 46+96.33 and 71.63 feet Northerly therefrom;

Thence Westerly to the Point of Beginning.

Containing 296 Square Feet.

