

ORDINANCE NO. 967

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN THE RICHMOND BEACH NEIGHBORHOOD AT THE SOUTH END OF 27th AVENUE NW, TAX PARCEL 727810-0905, BY NEGOTIATED VOLUNTARY PURCHASE, UNDER THREAT OF CONDEMNATION, BY CONDEMNATION, OR BY SETTLING CONDEMNATION LITIGATION, FOR THE PURPOSE OF SECURING ADDITIONAL PUBLIC PARK LAND; FINDING PUBLIC USE AND NECESSITY; AUTHORIZING JUST COMPENSATION FROM THE GENERAL FUND; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 8.12 RCW, the City has the authority to condemn property for public parks; and

WHEREAS, the City's Parks, Recreation, and Open Space (PROS) Plan, approved by the City Council on July 31, 2017, recognized that Richmond Beach Saltwater Park provides the City's only public water access to Puget Sound and, in the response to a survey on how the City could improve or expand parks, 34% responded that the City should acquire shoreline and beach access; and

WHEREAS, since 1971, the sale of state-owned tidelands has been prohibited but that was not before approximately 60 percent of Washington's tideland becoming privately owned; and

WHEREAS, the City Council finds that acquisition of the property generally depicted and described in Exhibit A, attached hereto (the "Acquired Property"), is necessary for the public use of park lands to meet the recreation and natural open spaces needs of the community and ensure continued access to these vital natural areas; and

WHEREAS, acquisition of the Acquired Property will provide additional public access to the Puget Sound shoreline and increase the amount of shoreline within the City's public park system; and

WHEREAS, just compensation for the Acquired Property can be funded through the City's General Capital Fund; and

WHEREAS, there have been, and will continue to be, sustained efforts to negotiate with the owner of the Acquired Property, and eminent domain action will be taken judiciously after reasonable efforts to reach a negotiated settlement with the owner; and

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

WHEREAS, the owner of the Acquired Property were given notice according to state statute that this condemnation ordinance was included for discussion by the City Council at its regular meeting of May 23, 2022, and were afforded an opportunity to comment at that meeting; 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 public parks; 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 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 Property”) which is necessary for the public use of the operation of a public park, 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 Property and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the Acquired Property 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 Property.

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 description or map of property 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 Property.

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 additional park land for the citizens of Shoreline. The City Council further finds the property generally depicted in Exhibit A is 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 Property 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 JUNE 6, 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: June 9, 2022
Effective Date: June 14, 2022

Tax Parcel No. 727810-0905

