

# ORIGINAL

## ORDINANCE NO. 351

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON PROVIDING FOR THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY AT 17505, 17517, 17541, 17563, 17721, 17727, 17750, AND 17763 15TH AVENUE NE, SHORELINE, WASHINGTON.**

WHEREAS, the Shoreline City Council adopted the North City Subarea Plan under provisions of the Growth Management Act, Chapter 36.70A RCW, and adopted a North City Business District special district in Ordinance No. 281 to implement the Subarea Plan; and

WHEREAS, to mitigate impacts, certain environmental elements of the Subarea Plan Ordinance 281 directed, among other measures, improvements to 15<sup>th</sup> Avenue NE including lighting, street trees, convenient and safe pedestrian crossings, undergrounding of utility lines, and restriping 15<sup>th</sup> Avenue NE to a two or three-lane roadway, with appropriate transitions, turn-pockets and two-way center left turn lanes; and

WHEREAS, the Shoreline City Council on December 1, 2003 approved design amendments to the right-of-way width to provide for the underground utilities; and

WHEREAS, the Shoreline City Council has determined that the property described in Exhibit A hereto is necessary to complete the North City Business District/ 15<sup>th</sup> Avenue Improvements including the construction of sidewalks and underground utilities; and

WHEREAS, the City of Shoreline has the power to acquire lands through eminent domain for the establishment, construction, enlargement, improvement, and maintenance of public streets; and

WHEREAS, acquisition of 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 of Shoreline shall acquire by negotiation or by condemnation the real properties situated in the City of Shoreline, County of King, State of Washington, and legally described in Exhibit A, attached hereto and by this reference incorporated herein.

To the extent practicable, the City Manager or his designee shall adhere to acquisition guidelines of RCW Chapter 8.26 and is hereby authorized and directed to execute all documents for the acquisition of said properties and bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the lands and property interest described in this section

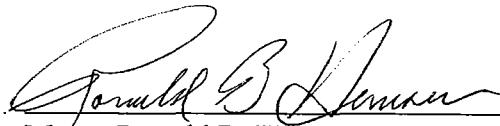
pursuant to the powers granted to the City of Shoreline, including RCW 35A.64.200 and Chapters 8.12 and 8.25 RCW. The properties subject to acquisition listed in Exhibit A are of low value and the city may base its offers on 1) an appraisal completed within six months of the offer or 2) a restricted appraisal report under the Uniform Standards of Professional Appraisal.

**Section 2. Finding of Public Use and Necessity.** The Shoreline City Council finds that the acquisition of the property listed in Exhibit A is for a public use and purpose, to-wit: to promote economic development in the North City Business District under RCW 35.21.703 through development of a safe and attractive pedestrian shopping district; and RCW 8.12.030 for the widening and extending of the 15<sup>th</sup> Avenue NE right of way for street, utility, curb and sidewalk improvements. The Council further finds the properties listed in Exhibit A are necessary for the proposed public use and for the benefit of the public.

**Section 3. Purchase Funds.** Funds allocated in the City of Shoreline 2004-2009 Capital Improvement Plan for the North City Business District/15<sup>th</sup> Avenue Improvements shall be made available to carry out the provisions of this Ordinance.


**Section 5. 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.

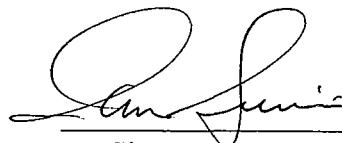
**PASSED BY THE CITY COUNCIL ON April 5, 2004.**

  
\_\_\_\_\_  
Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sharon Mattioli, CMC  
City Clerk

  
\_\_\_\_\_  
Ian Sievers  
City Attorney

Date of Publication: April 8, 2004  
Effective Date: April 13, 2004

## EXHIBIT A

### PROPERTIES TO BE ACQUIRED

Owner(s)	Property Address	Tax Parcel #	Easement Legal	Property Legal Description
John Sims, Jr.	17727 15th Ave. NE	616390-0732-06	The east 2.50 feet of the property	The south half of Lot 13, Block 4, Northend Country Estates according to the plat thereof recorded in Volume 28 of Plats, page 37, In King County, Washington
Stekar L.L.C.	17550 15th Ave. NE	402410-1340-09	The east 2.50 feet of the property	The south 118 feet of the north 216 feet of Lot 18, Block 30, Lake Forest Park 3rd Addition, according to the plat thereof recorded in Volume 22 of Plats, page 4, in King County, Washington
Sims & Sims Partnership	17727 15th Ave. NE	616390-0742-04	The east 2.50 feet of the property	The east 134 feet of Lot 14, Block 4, Northend Country Estates, according to the plat thereof recorded in Volume 28 of Plats, page 37, in King County, Washington; EXCEPT the south 70 feet thereof
Donald Eric Van Der Giessen and Dora Van Der Giessen	17721 15th Ave. NE	616390-0740-06	The east 8.50 feet of the property	The north 30 feet of the south 70 feet of the east 134 feet of Lot 14, Block 4, Northend Country Estates, according to the plat thereof recorded in Volume 28 of Plats, page 37, in King County, Washington
James H. Cotton and Rena E. Cotton	17541 15th Ave. NE	616390-0771-08	The east 2.50 feet of the property	The south 50 feet of the east 100 feet of Lot 17, Block 4, Northend Country Estates, according to the plat thereof recorded in Volume 28 of Plats, page 37, in King County, Washington
James H. Cotton and Rena E. Cotton	17541 15th Ave. NE	616390-0780-07	The east 2.50 feet of the property	The north 50 feet of the east 100 feet of Lot 18, Block 4, Northend Country Estates, according to the plat thereof recorded in Volume 28 of Plats, page 37, in King County, Washington
Stonegate Developing, A partnership, also	17563 15th Ave. NE	616390-0760-01	The east 8.50 feet of the property	The north 105 feet of the east 100 feet, Lot 16, Block 4, Northend Country Estates, according to

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Owner(s)	Property Address	Tax Parcel #	Easement Legal	Property Legal Description
appearing of record as Stonegate Developing, a Washington Partnership				the plat thereof recorded in Volume 28 of Plats, page 37, in King County, Washington
North City Landing, LP	17763 15th Ave. NE	616390-0710-02	Beginning at a point measured at right angles 40.00 feet west of the centerline of 15th Avenue Northeast and 30.00 feet south of the centerline of Northeast 180th street, said point also known as the Northeast corner of said Lot 11; Thence south 1°19'57" west along the west margin 15th Avenue Northeast, a distance of 10.00 feet; Thence leaving said west margin north 43°18'07" west, a distance of 14.23 feet to the south margin of Northeast 180th street; Thence south 87°56'11" east along said south margin, a distance of 10.00 feet to the point of beginning.	THAT PORTION OF LOT 11, BLOCK 4, NORTHEND COUNTRY ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 28 OF PLATS, PAGE 37, IN KING COUNTY, WASHINGTON
Gregg E. Paisley	17517 15th Ave. NE	616390-0791-04	The east 8.50 feet of the property	Lot 2, King County Short Plat No. 278111, recorded under King County recording number 7805190759, being a portion of Lots 19 and 20, Block 4, Northend Country estates, according to the plat thereof recorded in Volume 28 of Plats, page 37, in King County, Washington
Chih-Kan Ding and Helen Y. Ding	17505 15th Ave. NE	616390-0800-03	The east 3.00 feet of the property	Lot 20, Block 4, Northend Country Estates, according to the plat thereof recorded in Volume 28 of Plats, page 37, in King County, Washington