

ORDINANCE NO. 2006 (2008)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RELATING TO THE ACQUISITION BY EMINENT DOMAIN OF A CERTAIN PORTION OF PROPERTY IN THE CITY OF BOTHELL NECESSARY FOR THE CROSSROADS PROJECT, DIRECTING STAFF TO EXHAUST ALL REASONABLE NEGOTIATION EFFORTS TO PURCHASE PROPERTY NECESSARY FOR THE PROJECT, DESCRIBING THE PUBLIC CONVENIENCE, USE AND NECESSITY OF SUCH PROPERTY; PROVIDING FOR THE CONDEMNATION, APPROPRIATION AND USE OF THE PROPERTY, PROVIDING THE MODE OF PAYMENT OF COST OF ACQUISITION OF THE PROPERTY; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE SUCH ACTION IN KING COUNTY SUPERIOR COURT IN THE EVENT DIRECT PURCHASE EFFORTS ARE NOT SUCCESSFUL

WHEREAS, the acquisition of the real properties described in Section 1 below is necessary for the Crossroads Project; and

WHEREAS, the City continues to negotiate the purchase of all necessary property rights for the Crossroads Project from the property owners, but has yet to conclude the purchase of the properties; and

WHEREAS, the City Council finds that said property is critical to the Crossroads Project and is in the public interest to have such property for public health, safety, welfare and transportation needs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Need for Properties. The public health, safety, necessity and convenience demand that certain properties be condemned, appropriated, taken and damaged as provided by this ordinance, including the real properties and improvements thereto situate in Bothell, King County, State of Washington, owned by Philip and Ann Marie Doerflein 17816 Bothell Way, NE, Bothell WA 98011; Tina Nguyen at 17822 Bothell Way NE, Bothell WA 98011; and 116th Street Group LLC at 17822 Bothell Way, NE, Bothell WA 98011 and depicted on Exhibit A and legally described in Exhibit B to D.

Section 2. Declaration of Necessity. The City Council of the City of Bothell, after hearing the report of the City Staff, and reviewing the planned improvements for the properties, hereby declares that the properties owned by Philip and Ann Marie Doerflein (Exhibit B), Tina Nguyen (Exhibit C), and 116th Street Group LLC (Exhibit D) and also

described in Exhibits B-D hereto are necessary for public use, together with all necessary appurtenances and related work.

Section 3. Costs of acquisition. The costs of the acquisition provided for by this ordinance shall be paid by the capital projects fund of the City of Bothell, or such other funds of the City of Bothell as may be provided by law.


Section 4. Authority of Attorney. The City Attorney or special outside legal counsel retained for prosecution of this condemnation action, are hereby directed to exhaust reasonable efforts through direct negotiations to acquire the necessary property. In the event reasonable negotiation efforts are not successful with affected property owners, the City Attorney or special outside legal counsel are hereby authorized and directed to begin and prosecute actions and proceedings in a manner provided by law to condemn, take, damage, and appropriate the real properties necessary to carry out the provisions of this ordinance, described in Section 1 herein. In conducting such condemnation proceedings, the City Attorney or special outside legal counsel are hereby authorized to enter into stipulations for the purpose of minimizing damages.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 7. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

APPROVED:



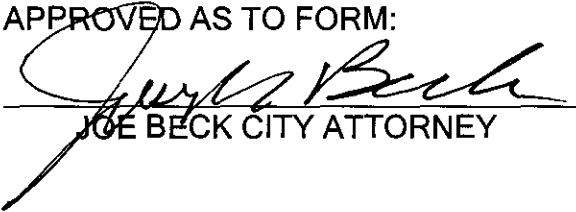
MARK LAMB
MAYOR

ATTEST/AUTHENTICATED:



JOANNE TRUDEL
CITY CLERK

APPROVED AS TO FORM:



JOE BECK CITY ATTORNEY

FILED WITH THE CITY CLERK: December 9, 2008
PASSED BY THE CITY COUNCIL: December 16, 2008
PUBLISHED: December 22, 2008
EFFECTIVE DATE: December 27, 2008
ORDINANCE NO.: 2006 (2008)

Exhibit B

Acquisition Parcel No.: 1

Tax Parcel No.: 0726059352

Owner: Philip and Ann Marie Doerflein

Site Address: 17816 Bothell Way, NE, Bothell WA 98011

LEGAL DESCRIPTION

The land referred to is situated in the County of King, City of Bothell, State of Washington located at:

POR OF SE 1/4 OF NE 1/4 BEG AT NXN OF ELY MGN OF NE BOTHELL WAY WITH C/L OF 10TH ST IN VAC PLAT OF HURON PROD E TH E 125 FT TH S 75 FT TH W TO ELY MGN OF NE BOTHELL WAY TH NLY TO BEG

EXHIBIT C

Acquisition Parcel No.: 2

Tax Parcel No.: 0726059225

Owner: Tina Nguyen

Site Address: 17822 Bothell Way NE, Bothell WA 98011

LEGAL DESCRIPTION

The land referred to is situated in the County of King, City of Bothell, State of Washington located at:

BEG ELY LN OF BOTHELL HWAY & INTERSEC BY PROLONGATION OF C/L OF
10TH ST AS PLATTED IN HURON ADD-VAC-TH E 75 FT TH NELY TO PT ON A LN
75 FT FR HWAY & PLL TO & 50 FT FR SD C/L TH W 75 FT TO ELY LN OF HWAY
TH SWLY TO BEG

EXHIBIT D

Acquisition Parcel No.: 3

Tax Parcel No.: 0726059096

Owner: 116th Street Group, LLC

Site Address: 17822 Boithell Way, NE, Bothell WA 98011

LEGAL DESCRIPTION

The land referred to is situated in the County of King, City of Bothell, State of Washington located at:

POR OF SE 1/4 OF NE 1/4 LY ELY OF ST HWY & N OF C/L OF 10TH ST VAC PLAT OF HURON PROD
E LESS E 709.5 FT LESS S 50 FT OF WLY 75 FT LESS POR NLY & E OF LN BEG 40 FT SWLY OF
NW COR TH S 70-08-45 E 161.99 FT TH S 01-54-23 W TO S LN