

ORDINANCE NO. 2168 (2015)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RELATING TO THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY IN THE CITY OF BOTHELL NECESSARY FOR THE MAIN STREET EXTENSION PROJECT (CFP #T40); DIRECTING STAFF TO EXHAUST ALL REASONABLE NEGOTIATION EFFORTS TO PURCHASE PROPERTY NECESSARY FOR THE PROJECT; DESCRIBING THE PUBLIC CONVENIENCE, USE AND NECESSITY OF THE PROJECT AND SUCH PROPERTY; PROVIDING FOR THE CONDEMNATION, APPROPRIATION AND USE OF THE PROPERTY THEREFORE; PROVIDING THE MODE OF PAYMENT OF COST OF ACQUISITION OF THE PROPERTY; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE SUCH CONDEMNATION ACTION AS MAY BE NECESSARY IN KING COUNTY SUPERIOR COURT IN THE EVENT DIRECT PURCHASE EFFORTS ARE NOT SUCCESSFUL.

WHEREAS, concurrent with Bothell's Downtown Revitalization effort, Bothell is preparing to implement infrastructure improvements, including the Main Street Extension Project, CFP #T40 ("Project"); and

WHEREAS, the Project requires acquisition of certain real property and real property interests and rights for the Project, including the property, rights and interests described in Section 1 below ("Property"); and

WHEREAS, the City has been and is continuing to negotiate the purchase of the necessary Property from the Property owner but has yet to conclude a real property purchase and sale agreement for such Property; and

WHEREAS, the City Council finds that the Property is necessary and critical to the Project, and that it 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 Property. The public health, safety, necessity and convenience require the extension and improvement of Main Street for the purposes of the Project, and it is necessary therefore that certain property be condemned, appropriated, taken and damaged for the construction of said improvements and the Project as provided by this Ordinance, specifically including the real property and appurtenant rights, interests and improvements as and over the land legally described in attached Exhibit A, situate in the City of Bothell, King County, Washington.

Section 2. Declaration of Necessity. The City Council, after issuing proper notices, hearing the report(s) of the City Staff, reviewing the planned Project, and conducting a public meeting and hearing thereon, hereby declares that the property, rights, interests and improvements described in Exhibit A hereto are necessary for the public use, specifically for the Main Street Extension Project, CFP #T40, together with all necessary appurtenances and related work.

Section 3. Costs of Acquisition. The costs of acquiring the property, rights, interests and improvements authorized 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 designated from time to time or provided by law.

Section 4. Relocation of Tenants. The costs of relocation are not covered as benefits under the Relocation Act. The City hereby opts out of this program because this project is not funded under state or federal sources. No tenant should presume city reimbursement under this action.

Section 5. 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 described herein for the Project. In the event reasonable negotiation efforts are not successful, 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 property, rights, interests and improvements necessary to carry out the provisions of this Ordinance. 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 6. 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 7. 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 8. 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:



JOSHUA FREED, MAYOR

ATTEST/AUTHENTICATED:



CITY CLERK

APPROVED AS TO FORM:



JOSEPH N. BECK
CITY ATTORNEY

FILED WITH THE CITY CLERK: April 14, 2015
PASSED BY THE CITY COUNCIL: April 21, 2015
PUBLISHED: April 27, 2015
EFFECTIVE DATE: May 2, 2015
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Exhibit A

LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT A POINT ON THE EAST LINE OF GLENWOOD AVENUE, BOTHELL, DISTANT SOUTH 1°11'40" WEST 270 FEET FROM THE SOUTH MARGIN OF FIR STREET; THENCE NORTH 89°56'40" EAST 110 FEET, MORE OR LESS, TO AN IRON PIPE; THENCE SOUTH 89°56'40" EAST 50 FEET TO TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE NORTH 89°56'40" WEST 40.97 FEET;

THENCE SOUTH 8°29'26" WEST 96.49 FEET;

THENCE SOUTH 78°45'09" WEST 115.86 FEET TO THE EAST MARGIN OF SAID GLENWOOD AVENUE;

THENCE SOUTH 1°11'40" WEST 62.63 FEET TO THE NORTHERLY LINE OF BOTHELL WAY;

THENCE NORTHEASTERLY ALONG SAID NORTHERLY LINE 180.98 FEET TO A POINT WHICH BEARS SOUTH 1°11'40" WEST FROM THE TRUE POINT OF BEGINNING;

THENCE NORTH 1°11'40" EAST 119.93 FEET TO THE TRUE POINT OF BEGINNING;

TOGETHER WITH THAT PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF GLENWOOD AVENUE, BOTHELL, DISTANT SOUTH 1°11'40" WEST 270 FEET FROM THE SOUTH MARGIN OF FIR STREET;

THENCE NORTH 89°56'40" EAST 110 FEET, MORE OR LESS, TO AN IRON PIPE;

THENCE CONTINUING NORTH 89°56'40" EAST 9.03 FEET;

THENCE SOUTH 8°29'26" WEST 96.49 FEET;

THENCE SOUTH 78°45'09" WEST 115.86 FEET TO THE EAST MARGIN OF SAID GLENWOOD AVENUE;

THENCE NORTH 1°11'40" EAST ALONG THE EAST MARGIN OF GLENWOOD AVENUE TO THE TRUE POINT OF BEGINNING;

(ALSO KNOWN AS TRACTS 11 AND 12, ERICKSEN'S BOTHELL HOME TRACTS, ACCORDING TO THE UNRECORDED PLAT THEREOF);

EXCEPT PORTION THEREOF CONVEYED TO THE CITY OF BOTHELL FOR STREET PURPOSES BY DEED RECORDED OCTOBER 15, 1996 UNDER RECORDING NO. 9610151153.

Assessor's Tax Parcel ID#: 237420-0065-02

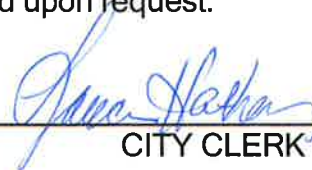
SUMMARY OF ORDINANCE NO. 2168 (2015)

City of Bothell, Washington

On the 21st day of April, 2015, the City Council of the City of Bothell passed Ordinance No. 2168 (2015). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RELATING TO THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY IN THE CITY OF BOTHELL NECESSARY FOR THE MAIN STREET EXTENSION PROJECT (CFP #T40); DIRECTING STAFF TO EXHAUST ALL REASONABLE NEGOTIATION EFFORTS TO PURCHASE PROPERTY NECESSARY FOR THE PROJECT; DESCRIBING THE PUBLIC CONVENIENCE, USE AND NECESSITY OF THE PROJECT AND SUCH PROPERTY; PROVIDING FOR THE CONDEMNATION, APPROPRIATION AND USE OF THE PROPERTY THEREFORE; PROVIDING THE MODE OF PAYMENT OF COST OF ACQUISITION OF THE PROPERTY; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE SUCH CONDEMNATION ACTION AS MAY BE NECESSARY IN KING COUNTY SUPERIOR COURT IN THE EVENT DIRECT PURCHASE EFFORTS ARE NOT SUCCESSFUL.

The full text of this Ordinance will be mailed upon request.


CITY CLERK

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