

ORDINANCE NO. 05-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, AUTHORIZING THE CITY MANAGER TO ACQUIRE, DISPOSE, OR LEASE CERTAIN REAL PROPERTY INTERESTS BY NEGOTIATED VOLUNTARY DONATION, NEGOTIATED VOLUNTARY PURCHASE, UNDER THREAT OF CONDEMNATION, BY CONDEMNATION, BY SETTLING CONDEMNATION LITIGATION OR ENTERING ADMINISTRATIVE SETTLEMENTS, AND TO PAY ELIGIBLE RELOCATION AND REESTABLISHMENT BENEFITS TO AFFECTED PARTIES AS NECESSARY FOR THE PURPOSE OF INSTALLING AND MAINTAINING CERTAIN INTERSECTION AND ROAD IMPROVEMENTS ON SE 272ND STREET, COVINGTON, WA.

WHEREAS, the City of Covington has reviewed and approved specific project plans for installing and maintaining certain intersection and road improvements on SE 272nd Street, Covington, WA; and

WHEREAS, the City has determined that it must acquire certain property and/or property rights in order to construct the improvements; and

WHEREAS, on June 14, 2016, the City Council approved and adopted the City of Covington Acquisition and Relocation Policy, Procedures, and Guidelines; and

WHEREAS, in order to acquire the property rights determined to be necessary for the project, the City of Covington must acquire by voluntary donation, voluntary negotiated purchase, or by condemnation certain property rights in the property described in Exhibit A for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, the City of Covington will shortly commission appraisals to determine the fair market value of the property rights and will attempt to negotiate with the owners of the property rights a negotiated purchase, but if necessary may need to acquire some or all of the property rights by condemnation; and

WHEREAS, the funds necessary to acquire the fair market value of the property rights shall be paid from City of Covington funds; and

WHEREAS, prior to the City Council's action on this ordinance, the City provided requisite notice to property owners in the manner provided for in RCW 8.12.005 and RCW 8.25.290;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described in Exhibit A and for the payment of eligible relocation and re-establishment costs, said property to be used for the construction of the 272nd Street Project ("Project"). In accordance with City of Covington's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the property shall not exceed the fair market value to be determined through the appraisal process; provided that in the event the total of the acquisition, relocation and re-establishment costs of the property exceeds the City of Covington's approved budget for the Project right-of-way acquisition, then the City Manager shall obtain approval from the City Council before acquisition of the property by purchase or condemnation.

SECTION 2. The City Manager is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of the real property interests described in Exhibit A. Such settlements shall be made only upon the recommendation of legal counsel, for amounts deemed to be a reasonable estimation of fair market value, and shall not exceed established budgets.

SECTION 3. The City Council of the City of Covington deems the Project to be a public use for a public purpose. The City Council deems it necessary and in the best interests of the citizens residing within the City of Covington boundaries to acquire the property rights identified in Exhibit A as being necessary for the Project. The City Council finds that the public health, safety, necessity, convenience, and welfare demand and require acquisition of the property described in Exhibit A and the City Council directs that all or any portion of the property identified in Exhibit A be immediately acquired by voluntary agreement, or in lieu of agreement, that said property be condemned, appropriated, taken, and damaged for the construction, operation, and maintenance of the Project and that eligible parties be paid relocation and reestablishment costs associated with displacement from the property.

SECTION 4. In addition to the authority granted the City Manager in Section 1 above, condemnation proceedings are hereby authorized by the City Council and the authority is hereby delegated to the City Manager to take action as related to such condemnation proceedings to acquire all or any portion of the property or property rights described in the attached Exhibit A for the purpose of constructing, owning and operating the Project. The City Manager is also authorized to make minor amendments to the legal descriptions of property described in the attached Exhibit A, as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the Project.

SECTION 5. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from the City of Covington's Capital Improvement Program funds.

SECTION 6. This ordinance shall be in full force and effect five days after its passage, approval, and publication as provided by law. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

SECTION 7. If any provision of this ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance shall remain in full force and effect.

PASSED by the City Council on the 13th day of June, 2017, and signed in authentication thereof.



Mayor Jeff Wagner

PUBLISHED: June 16, 2017
EFFECTIVE: June 21, 2017

ATTESTED:


Sharon Scott, City Clerk

APPROVED AS TO FORM:



Kathy Hardy, City Attorney

EXHIBIT A

PARCEL 302206-9053
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RIGHT-OF-WAY ACQUISITION DESCRIPTION

THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL:

THE POINT OF BEGINNING IS THE SOUTHWEST CORNER OF THE SOUTH 24.68 ACRES OF GOVERNMENT LOT 4 IN SECTION 30, TOWNSHIP 22 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON, FROM SAID POINT OF BEGINNING, 416.00 FEET EAST ALONG THE SOUTH BORDER OF SAID SOUTH 24.68 ACRES OF SAID GOVERNMENT LOT 4;

THENCE NORTH 208.00 FEET TO THE POINT OF BEGINNING;

EXCEPT THE SOUTH 30 FEET CONVEYED TO KING COUNTY FOR SOUTHEAST 272ND STREET BY DEED RECORDED UNDER RECORDING NUMBER 1168233.

SAID PORTION LYING SOUTHERLY OF A LINE BEING DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 22 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;

THENCE N 01° 44'49" E, ALONG THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 60.00 FEET TO THE BEGINNING OF SAID LINE;

THENCE S 88°06'32" E, A DISTANCE OF 415.94 FEET TO THE SOUTHWEST CORNER OF PARCEL C, COVINGTON LEGACY, A BINDING SITE PLAN, RECORDED UNDER AUDITOR FILE NO. 20071004001449, RECORDS OF KING COUNTY, WASHINGTON, AND THE TERMINUS OF SAID LINE.

CONTAINING 10,815 SQUARE FEET, MORE OR LESS.

