

ORDINANCE NO. 3997

**AN ORDINANCE OF THE CITY OF EDMONDS,
WASHINGTON, AUTHORIZING THE ACQUISITION BY
NEGOTIATION OR CONDEMNATION OF REAL
PROPERTY INTERESTS NEEDED FOR THE 76th @ 212th
*INTERSECTION IMPROVEMENTS PROJECT***

WHEREAS, the City of Edmonds (the “City”) is working to plan, design and construct the 76th @ 212th *Intersection Improvements*, which consists of improving intersection capacity with the addition of left turn lanes for the northbound and southbound movements, as well as right turn lanes for the westbound, southbound, and northbound movements. A new traffic signal will be installed with protected-permissive left turn phasing and right turn overlaps for all approaches. Additional improvements include new sidewalk, ADA compliant curb ramps, bike lanes, street lights, stormwater detention and water quality enhancements, and water / sewer pipeline replacements (collectively, the “Project”); and

WHEREAS, the City issued a SEPA Determination of Non-significance, which threshold determinations are final; and

WHEREAS, in order to carry out the Project, the City must obtain land and/or property rights, including any necessary easements and/or rights-of-way in or along 76th Ave. W and 212th St. SW: and

WHEREAS, the City is the lead agency for the Project, and is responsible for obtaining all necessary land and property rights for the Project; and

WHEREAS, pursuant to State and Federal policies and regulations, the City is acquiring real property rights, including necessary fee simple titles, easements and rights-of-way, through negotiations with property owners in or along 212th St. SW and 76th Ave. W.

WHEREAS, if the City is unable to acquire the necessary land and/or property rights, such as fee simple titles, easements and rights-of-way, in a timely manner, the City must file a petition in eminent domain (condemnation petition) in order to meet the funding and construction deadlines for the Project; and

WHEREAS, the City is authorized by Chapter 35A.64 RCW to exercise the power of eminent domain pursuant to Chapters 8.12 and 8.28 RCW;

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

Section 1. Incorporation of Recitals. The recitals set forth above are hereby adopted as if set forth in full herein.

Section 2. Acquisition of Real Property. The rights and interests in the real property shown in yellow highlight in the Right-of-Way Plan, attached hereto and incorporated herein by reference, is necessary for the construction of the **76th @ 212th Intersection Improvements Project**, and is condemned, appropriated, taken and damaged in fee, easement and/or right-of-way for public purposes, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

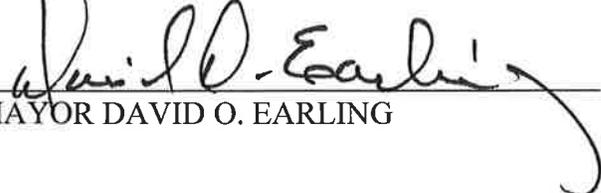
Section 3. Source of Funds. The cost and expense of acquiring all rights and interests in the Property shall be paid for from a Federal grant and City funds.

Section 4. Condemnation Authorization. City staff, the City Attorney, and City consultants for the Project have been negotiating with the property owners to obtain land / property rights. They have been authorized and directed to enter into any and all negotiations and agreements necessary to acquire the interests in the Property as shown in yellow highlighted parcels in Right-of-Way plan. If such negotiations fail to acquire such interests in the Property in a timely manner, as determined by the Mayor, the City Attorney is authorized to prosecute proceedings provided by law to condemn, appropriate and take the Property and carry out the provisions of this Ordinance.

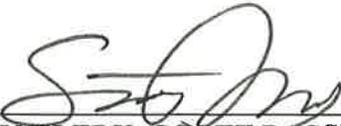
Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause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

APPROVED:


MAYOR DAVID O. EARLING

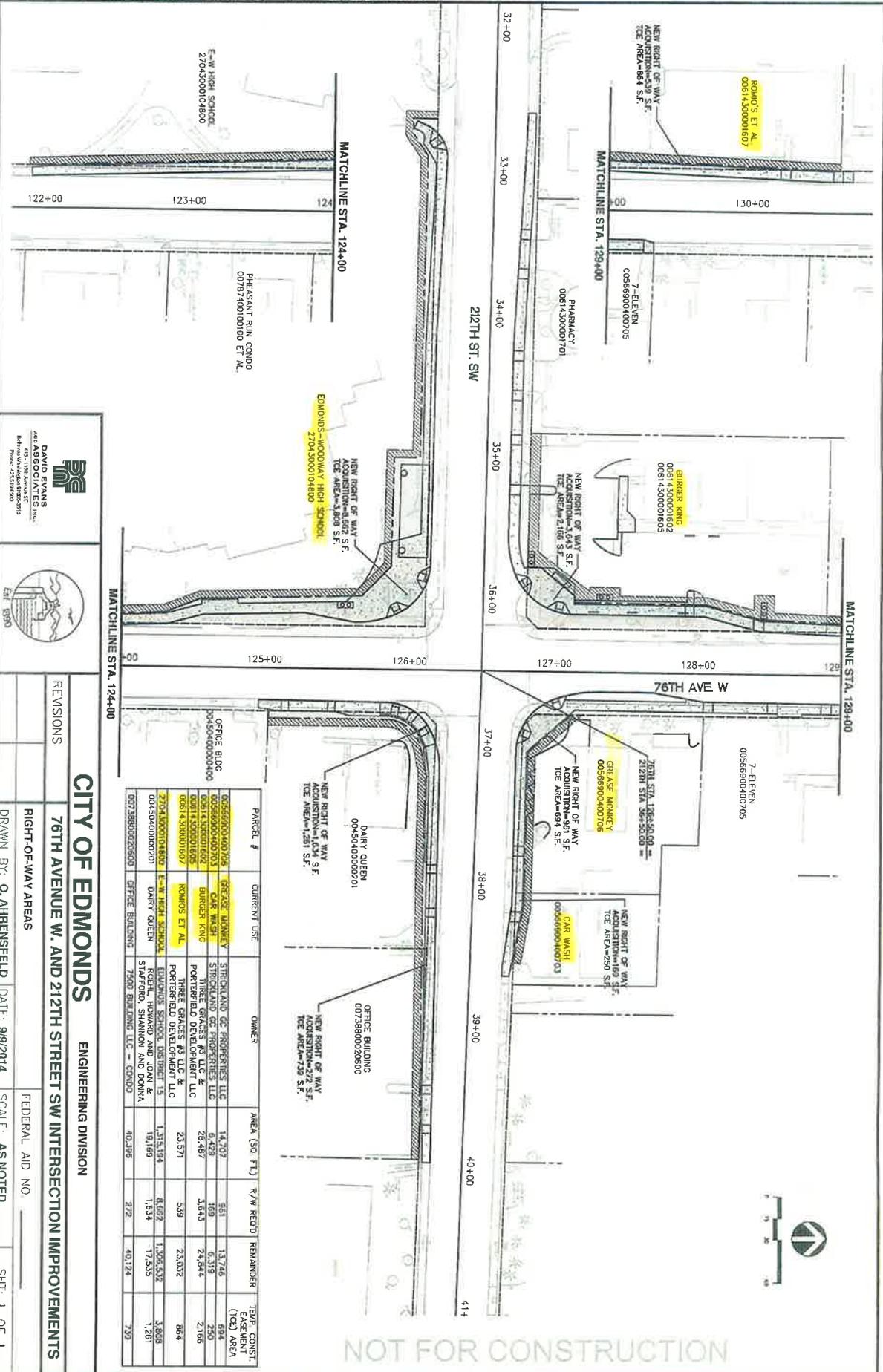
ATTEST/AUTHENTICATED:


CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFFREY B. TARADAY

FILED WITH THE CITY CLERK:	May 1, 2015
PASSED BY THE CITY COUNCIL:	May 5, 2015
PUBLISHED:	May 10, 2015
EFFECTIVE DATE:	May 15, 2015
ORDINANCE NO.	3997



DAVID EVANS
 ARCHITECTS & ENGINEERS
 415 - 10th Avenue SE
 Edmonds, WA 98149
 Phone: 425-791-9200



CITY OF EDMONDS		ENGINEERING DIVISION	
76TH AVENUE W AND 212TH STREET SW INTERSECTION IMPROVEMENTS			
REVISIONS	RIGHT-OF-WAY AREAS	FEDERAL AID NO.	SHT: 1 OF 1
DRAWN BY: O. AHRENSFELD		DATE: 9/9/2014	SCALE: AS NOTED

PARCEL #	CURRENT USE	OWNER	AREA (SQ. FT.)	R/W REQ'D	REMARKS	TEMP. CONST. EASEMENT (TCE) AREA
00566000400706	OFFICE BUILDING	STROBLAND OF PROPERTIES LLC	14,787	661	13,726	894
00566000400703	CAR WASH	SHOULD AND ASSOCIATES LLC	4,109	103	6,379	256
00614300001602	BURGER KING	THREE GRACES #3 LLC & PORTERFIELD DEVELOPMENT LLC	26,487	3,870	26,344	2,108
00614300001607	ROJIDOS ET AL.	THREE GRACES #3 LLC & PORTERFIELD DEVELOPMENT LLC	23,571	539	23,032	664
27043000104800	E-W HIGH SCHOOL	EDMONDS SCHOOL DISTRICT 15	1,315,194	4,692	1,306,532	3,028
00450400000201	DARY QUEEN	ROEHL, HOWARD AND JOAN K SHERIDAN, SHANNON AND DONNA	19,169	1,034	17,535	1,261
00728800020600	OFFICE BUILDING	7580 BUILDING LLC - CONDO	40,386	272	40,124	739

NOT FOR CONSTRUCTION

SUMMARY OF ORDINANCE NO. 3997

of the City of Edmonds, Washington

On the 5th day of May, 2015, the City Council of the City of Edmonds, passed Ordinance No. 3997. A summary of the content of said ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3997

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF REAL PROPERTY INTERESTS NEEDED FOR THE 76th @ 212th INTERSECTION IMPROVEMENTS PROJECT.

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

DATED this 6th day of May, 2015.



CITY CLERK, SCOTT PASSEY

Everett Daily Herald

RECEIVED

MAY 18 2015

EDMONDS CITY CLERK

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH632019 SUMMARY OF ORDINANCE as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 05/10/2015 and ending on 05/10/2015 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$73.96.

Kathleen Landis

Subscribed and sworn before me on this

12 day of May,
2015.

Debra Ann Grigg

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017

Notary Public in and for the State of Washington.

SUMMARY OF ORDINANCES

of the City of Edmonds, Washington

On the 5th day of May, 2015, the City Council of the City of Edmonds, passed the following Ordinances. A summary of the content of said ordinances, consisting of titles, are provided as follows:

ORDINANCE NO. 3996

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, RELATING TO THE COMBINED WATER AND SEWERAGE SYSTEMS COMPRISING THE WATERWORKS UTILITY OF THE CITY; SPECIFYING, ADOPTING AND ORDERING THE CARRYING OUT OF A SYSTEM OR PLAN OF ADDITIONS TO AND BETTERMENTS AND EXTENSIONS OF THE COMBINED WATERWORKS UTILITY; PROVIDING FOR THE ISSUANCE OF ONE OR MORE SERIES OF WATER AND SEWER REVENUE BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$20,000,000 FOR THE PURPOSE OF PROVIDING THE FUNDS NECESSARY: (A) TO PAY ALL OR A PORTION OF THE COSTS OF CARRYING OUT THAT PLAN OF ADDITIONS, (B) TO MAKE A DEPOSIT TO THE DEBT SERVICE RESERVE ACCOUNT, AND (C) TO PAY THE COSTS OF ISSUANCE AND SALE OF THE BONDS; FIXING OR SETTING PARAMETERS WITH RESPECT TO CERTAIN TERMS AND COVENANTS OF THE BONDS; APPOINTING THE CITY'S DESIGNATED REPRESENTATIVE TO APPROVE THE FINAL TERMS OF THE SALE OF THE BONDS; AND PROVIDING FOR OTHER RELATED MATTERS.

ORDINANCE NO. 3997

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF REAL PROPERTY INTERESTS NEEDED FOR THE 76th @ 212th INTERSECTION IMPROVEMENTS PROJECT.

ORDINANCE NO. 3998

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ORDINANCE NO. 3991 AS A RESULT OF UNANTICIPATED TRANSFERS AND EXPENDITURES OF VARIOUS FUNDS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of these Ordinances will be mailed upon request.

DATED this 10th day of May, 2015.

CITY CLERK, SCOTT PASSEY

Published: May 10, 2015.

EDH632019