

ORDINANCE NO. 21-1005

AN ORDINANCE of the City Council of the City of SeaTac, Washington, providing for the acquisition, condemnation, appropriation, and taking of temporary and permanent real property rights in order to construct 34th Avenue South project (Public Works CIP ST-015); providing that the entire cost hereof shall be paid from available funds in the City's Transportation CIP Fund (#307); and authorizing the City Attorney Office to prosecute the appropriate action and proceedings in the manner provided by law for said condemnation.

WHEREAS, the 34th Avenue South Project ("Project") will consist of building road improvements along 34th Avenue South between South 160th Street and South 166th Street and more specifically the construction of curbs, gutters, sidewalk, bike lanes, storm drainage infrastructure, conversion of utilities to underground, utility infrastructure, street lighting, landscaping, and paving; and

WHEREAS, the Project is contained in the City's 2021-2026 Transportation Improvement Program (TIP), the 2021-2026 Capital Improvement Program (CIP), and the Capital Facilities Element of the City's Comprehensive Plan; and

WHEREAS, certain easements, lands, and properties must be acquired in order to provide the necessary rights-of-way for construction and operation of the Project; and

WHEREAS, public use and necessity require that the property and property rights herein identified be condemned, appropriated, and taken for public use for Project purposes as it may now or hereafter declare in the public interest; and

WHEREAS, in the event that negotiated acquisition is not fully successful in advance of the anticipated commencement of construction, it is essential that the City Attorney's Office be authorized to initiate condemnation proceedings; and

WHEREAS, notice of the planned final action set forth herein was provided in accordance with RCW 8.25.290;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. The temporary or permanent acquisition of easements or real property identified and depicted in Exhibit A, which are attached and made a part of this Ordinance, is necessary to the public use to construct the Project.

Section 2. Reservation. Nothing in this Ordinance limits the City in its identification and acquisition of property and property rights necessary for its system of streets and roads, and utility improvements therein. The City reserves the right to acquire other or different properties for the Project.

Section 3. Prosecution. The City's Legal Department, at the direction of the City Attorney, is hereby authorized to commence condemnation proceedings, pursuant to law. In conducting said condemnation proceedings, the City's Legal Department and/or City Manager is hereby authorized to enter into any agreements necessary to effectuate the property acquisitions described in Exhibit A, including any stipulations necessary for the purpose of minimizing damages, including but not limited to, the modification of the interest to be acquired by the City. The Public Works Director, in consultation with the City's Legal Department, is authorized to make minor amendments to the legal description and depiction of easements or real property being acquired by the City as described in 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 4. Funding. The entire cost of the property rights acquisitions authorized by this Ordinance, including all costs and expenses of condemnation proceedings, shall be paid from available funds in the City's Transportation CIP Fund (Fund #307).

Section 5. Codification. This Ordinance shall not be codified in the SeaTac Municipal Code.

Section 6. Effective Date. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this 23rd day of February, 2021, and signed in authentication thereof on this 28th day of February, 2021.


CITY OF SEATAC


Erin Sitterley, Mayor

ATTEST:


Kristina Gregg, City Clerk

Approved as to Form:


Mary E. Mirante Bartolo, City Attorney

[Effective Date: 3/6/2021]

[34th Avenue South (Public Works CIP ST-015)]