



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 3, 2015

Ordinance 17992

Proposed No. 2014-0488.2

Sponsors Dembowski

1 AN ORDINANCE authorizing the King County
2 prosecutor's office to condemn certain property located at
3 915 Howell Street, Seattle, WA on behalf of the
4 Washington State Convention Center Public Facilities
5 District to facilitate the construction of the new convention
6 center expansion located in council district four.

7 STATEMENT OF FACTS:

8 1. The Washington State Convention Center ("WSSC") is a King County
9 public facilities district as authorized by RCW 36.100.010. In Resolution
10 2014-9 dated September 23, 2014, the WSSC has determined it is
11 necessary to expand the current WSSC facility to accommodate additional
12 and larger convention events; that 915 Howell Street, Seattle WA ("the
13 subject property") is necessary for the WSSC expansion project; and that
14 despite good faith efforts to negotiate with the property owner, WSSC has
15 been unable to acquire the subject property. The resolution states the
16 WSSC's understanding that all costs and expenses incurred by King
17 County in prosecuting the eminent domain proceeding will be reimbursed
18 by WSSC as well as any amounts necessary to acquire the property by
19 eminent domain or otherwise.

20 2. King County has the authority under RCW 36.100.240 to exercise its
21 power of eminent domain to acquire property on behalf of the WSCC
22 when the property to be condemned is necessary to carry out the purposes
23 of the WSCC.

24 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

25 SECTION 1. The King County council deems expansion of the Washington State
26 Convention Center to be a public use and for county purposes. Further, the King County
27 council deems it necessary and in the best interests of the citizens of King County for the
28 property described in Attachment A to this ordinance be condemned, appropriated, taken
29 or damaged, subject to the making or paying of just compensation to the owner of the
30 property in the manner provided by law.

31 SECTION 2. Condemnation proceedings are hereby authorized to acquire
32 property and property rights as described in Attachment A to this ordinance for the
33 purpose of expanding the Washington State Convention Center.

34 SECTION 3. The attorneys for King County are hereby authorized and directed
35 to begin to prosecute the proceedings provided by law to condemn, take, damage or
36 appropriate the land and other property and property rights, including leaseholds,
37 necessary to carry out the provisions of this ordinance, with the costs of the proceedings,
38 including litigation and acquisition expenses, legal costs, fees, interest and all other
39 associated or related costs to be paid for by the Washington State Convention Center, all

40 as provided in the Special Deputy Prosecutor Appointment Agreement, dated February
41 10, 2015, Attachment B to this ordinance.
42

Ordinance 17992 was introduced on 1/12/2015 and passed by the Metropolitan King
County Council on 3/2/2015, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr.
Upthegrove
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

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2015 MAR 13 PM 3:34
KING COUNTY COUNCIL
CLERK

APPROVED this 12th day of March, 2015.



Dow Constantine, County Executive

Attachments: A. Legal Description, B. Special Deputy Prosecuting Attorney Agreement dated February
10, 2015

17992

Attachment A

LEGAL DESCRIPTION

THAT PART OF LOT 3, BLOCK 33, SECOND ADDITION TO THE TOWN OF SEATTLE AS LAID OFF BY THE HEIRS OF SARAH A. BELL (DECEASED) (COMMONLY KNOWN AS HEIRS OF SARAH A. BELL'S 2ND ADDITION TO THE CITY OF SEATTLE), ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 121, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 3;
THENCE SOUTHWESTERLY ALONG HOWELL STREET TO THE MOST WESTERLY CORNER OF SAID LOT;
THENCE SOUTHEASTERLY ALONG THE EAST LINE OF THE ALLEY RUNNING THROUGH SAID BLOCK, 22.03 FEET;
THENCE IN A NORTHEASTERLY DIRECTION TO A POINT ON THE EASTERLY LINE OF SAID LOT, WHICH IS 46.78 FEET SOUTH OF THE MOST NORTHERLY CORNER THEREOF;
THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE OF SAID LOT TO THE POINT OF BEGINNING;
EXCEPT THAT PORTION IF ANY LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:
BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID LOT 32-58 FEET NORTH OF THE SOUTHEASTERLY CORNER;
THENCE SOUTHWESTERLY TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT WHICH IS 20.45 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT.

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

SPECIAL DEPUTY PROSECUTING ATTORNEY AGREEMENT

WHEREAS, the King County Prosecuting Attorney, pursuant to RCW 36.27.020 and KCC 4.12. is the legal adviser of King County and all its branches, departments, offices, and agencies, and is primarily responsible for the commencement and defense of all lawsuits on behalf of King County; and

WHEREAS, Stephen P. VanDerhoef, of Cairncross & Hempelmann, P.S., a professional services corporation, has substantial experience and expertise in the areas of the law relevant to the matter described below; and

WHEREAS, RCW 36.100.240 requires that all condemnation actions necessary for projects related to a Public Facilities District Convention Center shall be exercised through the power of eminent domain in the County that formed the Public Facility District.

WHEREAS, the Washington State Convention Center is a King County authorized and formed Public Facilities District and has identified property interests necessary for the expansion of their existing convention center.

WHEREAS, the King County Prosecuting Attorney has determined that the public interest will be best served by retaining Stephen P. VanDerhoef to represent King County regarding the condemnation action filed by King County on behalf of the Washington State Convention Center, a King County Public Facilities District;

WHEREAS, the Washington State Convention Center will be responsible for all costs of acquiring all property interests as well as for all costs and attorney's fees associated with filing and litigating this matter and that billings for said costs and fees will be submitted directly to the Washington State Convention Center for payment.

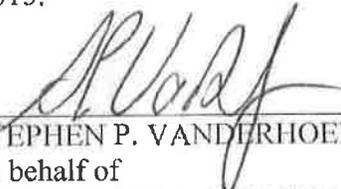
NOW, THEREFORE, the King County Prosecuting Attorney, the Washington State Convention Center, and Stephen P. VanDerhoef, do mutually agree and covenant as follows:

1. The King County Prosecuting Attorney hereby employs Stephen P. VanDerhoef, as a Special Deputy Prosecuting Attorney to represent the interests of King County and the Washington State Convention Center in the above-described matter, including the filing of the condemnation action, all service-related matters, and any and all subsequent litigation, including any appeals, necessary to secure the property interests identified in Ordinance _____, passed by the King County Council on _____.
2. As part of his duties, Mr. VanDerhoef shall consult with and take direction from the Washington State Convention Center or its designee, Pine Street Group L.L.C., and that from time to time will consult with Ian Taylor, Senior Deputy Prosecuting Attorney, regarding the above-described matters and issues related thereto.

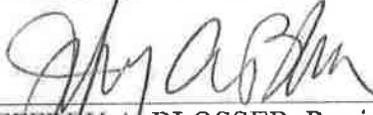
3. Mr. VanDerhoef will bill at the hourly rate of \$405.00 per hour for services rendered plus reasonable costs associated therewith;
4. Mr. VanDerhoef shall serve at the pleasure of the King County Prosecuting Attorney.
5. King County is not responsible for any fees or costs associated with this matter. All fees, litigation related costs, and costs to acquire the property interests being condemned, including relocation benefits, shall be submitted to and paid by the Washington State Convention Center.

Effective this 10th day of February, 2015.

KEVIN WRIGHT, Chief Civil Deputy
on behalf of
DANIEL T. SATTERBERG
King County Prosecuting Attorney



STEPHEN P. VANDERHOEF
on behalf of
CAIRNCROSS & HEMPELMANN, P.S.



JEFFREY A. BLOSSER, President and CEO
on behalf of
WASHINGTON STATE CONVENTION CENTER