



## Legislation Details (With Text)

**File #:** 2018-0258      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 5/21/2018      **In control:** Budget and Fiscal Management Committee

**On agenda:** 6/18/2018      **Final action:** 6/18/2018

**Enactment date:** 6/27/2018      **Enactment #:** 18749

**Title:** AN ORDINANCE authorizing the condemnation of a leasehold interest required for the construction of Lower Russell Levee Setback project, CIP 1112056.

**Sponsors:** Reagan Dunn

**Indexes:** Condemnations, Levees

**Code sections:**

**Attachments:** 1. Ordinance 18749.pdf, 2. A. Lease Agreement, 3. 2018-0258 Condemnation Property Summary, 4. 2018-0258 Fiscal Note, 5. 2018-0258\_SR\_LeaseCondemnation.docx, 6. 2018-0258\_AMDT\_S1\_khm edits\_.docx, 7. 2018-0258\_AMDT\_T1\_Clarifications Ritzen edits 05-22-18.docx, 8. 2018-0258\_REVISED\_SR\_LeaseCondemnation.docx, 9. 2018-0258 Seattle times - to publish June 4 and 11- 2018.doc, 10. Affidavit of Pub - Lower Russel Levee Setback - Kent Reporter - publish 6-8 and 6-15.pdf, 11. FCD18-05 Affidavit of Pub in Kent Reporter re condemnation Lower Russell Levee Setback.pdf

Date	Ver.	Action By	Action	Result
6/18/2018	2	Metropolitan King County Council	Hearing Held	
6/18/2018	2	Metropolitan King County Council	Passed	Pass
5/23/2018	1	Budget and Fiscal Management Committee	Recommended Do Pass Substitute	Pass
5/21/2018	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE authorizing the condemnation of a leasehold interest required for the construction of Lower Russell Levee Setback project, CIP 1112056.

### STATEMENT OF FACTS:

1. The King County Flood Control Zone District ("the district") is a quasi-municipal corporation created pursuant to chapters 86.12 and 86.15 RCW, and is authorized by law to provide flood control improvements and flood protection services in order to protect life and property from flood water and to acquire property interests by condemnation.
2. An interlocal agreement between King County and the district describes those services the county provides to the district.

3. In accordance with that interlocal agreement, for a flood protection capital project included on the capital budget project list referenced in the annual work program, the county may acquire by negotiation, or condemnation if authorized by the district, all real property interests that are necessary or the project.
4. By Resolution No. FCD2016-20.3, adopted on November 7, 2016, and by Resolution No. FCD2017-07.2, adopted on November 13, 2017, the district board of supervisors approved the Lower Russell Road Levee Setback flood protection capital project and funding for the project ("the project"), which has been given identifying number 1112056.
5. The project will remove and replace the existing flood containment system of levee and revetments along the right (east) bank of the Green river between river mile 17.85 (S 212th St) and river mile 19.25 (S 231st Way) in the city of Kent to provide long-term flood protection and improve riparian and aquatic habitat.
6. In order to allow the construction of the project, the county purchased several properties in the project area, including a warehouse located at 22230 Russell Road S. in the City of Kent ("the property").
7. The project requires the warehouse on the property to be demolished and removed.
8. One tenant at the property, Amana Global Company ("Amana") remains at the property by virtue of a sixty-month lease that was executed prior to the county's purchase of the property ("the leasehold interest").
9. The county has been unable to agree with the owner of the leasehold interest for the acquisition thereof.
10. In accordance with the requirements of the interlocal agreement, the county has requested the district's authorization to condemn Amana's leasehold interest in the property.
11. The district is expected to authorize the county to condemn the leasehold interest.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. The King County Flood Control District ("the district") has authority to condemn rights in property for flood control improvements under the authority of chapters 86.12 and 86.15 RCW.

B. King County has the authority to condemn rights in property for public use under the authority of chapter 8.08 RCW.

C. In accordance with the interlocal agreement between the county and the district, with the authorization of the district, the county may acquire real property interests necessary for district projects.

D. The Lower Russell Road Levee Setback project is a flood protection capital project that is directly or indirectly, approximately or remotely for the general benefit or welfare of the county and its residents.

SECTION 2. The King County council has deemed it necessary for the proposed public purpose, and in the best interest of the residents of the King County, that the leasehold interest identified in Attachment A to this ordinance be condemned, appropriated and taken for the purposes described in this ordinance, subject to the manner provided by law.

SECTION 3. Contingent on the King County Flood Control District authorizing the condemnation of the leasehold interest, condemnation proceedings are authorized to acquire the leasehold interest described in Attachment A to this ordinance.

SECTION 4. Contingent on the King County Flood Control District authorizing the condemnation of the leasehold interest, the attorneys of King County are hereby authorized to begin to prosecute the proceedings provided by law to condemn, take, damage and appropriate the leasehold interest necessary to carry out this ordinance.