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Title: A RESOLUTION authorizing King County to condemn a leasehold interest to allow the construction of the Lower Russell Levee Setback Project, CIP 1112056.

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Attachments: 1. FCD2018-05 -final.pdf, 2. A. Lease Agreement, 3. Affidavit of Publication Seattle Time 6-4 & 6-11-2018, 4. FCD2018-05 Kent Reporter 6-8 and 15-2018.pdf

Date	Ver.	Action By	Action	Result
6/18/2018	1	King County Flood Control District	Hearing Held	
6/18/2018	1	King County Flood Control District	Passed	Pass

Clerk 06/01/2018

A RESOLUTION authorizing King County to condemn a leasehold interest to allow the construction of the Lower Russell Levee Setback Project, CIP 1112056.

WHEREAS, the King County Flood Control Zone District ("the District") is a quasi municipal corporation created pursuant to chapter 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 pursuant to chapters 86.15 and 86.12 RCW; and

WHEREAS, King County has authority to condemn rights in property for public use under the authority of chapter 8.08 RCW; and

WHEREAS, an interlocal agreement between King County and the District describes those services the county provides to the District, and

WHEREAS, in accordance with that interlocal agreement, for a flood protection capital project included within the annual work program, the county may acquire by negotiation, or condemnation if authorized by the

District, all real property interests that are necessary for the project, and

WHEREAS, by Resolution 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 ("the Board") approved the annual work program and the capital budget project list referenced in the work program, which includes the Lower Russell Road Levee Setback flood protection capital project and funding for the project (CIP 1112056) ("the Project"), and

WHEREAS, 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, and

WHEREAS, the Project is directly or indirectly, approximately or remotely for the general benefit or welfare of the county and its residents, and

WHEREAS, 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"), and

WHEREAS, the Project requires the warehouse on the Property to be demolished and removed, and

WHEREAS, one tenant at the Property, Amana Global Company ("Amana") remains at the Property by virtue of a sixty-month lease that was executed before the county's purchase of the Property ("the Leasehold Interest"), and

WHEREAS, the county has been unable to agree with the owner of the Leasehold Interest for the acquisition thereof, and

WHEREAS, 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, and

WHEREAS, the District has provided notice of the consideration of this resolution and the planned final

action described in this resolution to Amana;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE KING COUNTY FLOOD CONTROL ZONE DISTRICT:

SECTION 1. The King County Flood Control Zone District Board of Supervisors adopts the recitals in the whereas clauses of this resolution as findings of fact for this resolution.

SECTION 2. The Board finds and declares that the construction of the Project and the acquisition of the Leasehold Interest, attached to this Resolution as Attachment A to this resolution, is for a public use and public purpose, is a public use of the District, and is for the general welfare benefit or welfare of the District or the inhabitants thereof. The Board further finds and declares that it is in the best interest of the District and the residents of King County that the Leasehold Interest be condemned, appropriated and taken for the purpose of constructing the Project, subject to the making or paying of just compensation to the lessee Amana in the manner provided by law.

SECTION 3. The Board authorizes King County to acquire through the use of condemnation the Leasehold Interest to allow construction of the Project. If necessary, the county is authorized to include the District as a petitioner in the condemnation.

SECTION 4. King County shall give notice to the District Executive Director of all significant proceedings, filings and decisions in the prosecution of the condemnation.