

ORDINANCE O-4615

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR PARK PURPOSES, PROVIDING FOR THE COST OF PROPERTY ACQUISITION, AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW.

1           WHEREAS, Totem Lake Park ("Property") is a 17-acre site  
2 located in the heart of the Totem Lake Urban Center, which in  
3 partnership with the owner, King Conservation District ("KCD") the City  
4 has created trails, boardwalks, and historical and ecological interpretive  
5 features on the site; and  
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7           WHEREAS, in response to substantial private development in the  
8 area and in conformity with the City Council's Totem Lake Park Master  
9 Plan and the 2017-2022 Capital Improvement Program, the City has  
10 been in negotiations with KCD for the purchase of the Property to enable  
11 the most efficient installation of appropriate improvements and  
12 maximize grant opportunities; and  
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14           WHEREAS, at the conclusion of these negotiations, and with  
15 Council approval, the City entered into a Purchase and Sale Agreement  
16 with KCD ("Agreement"), the closing of which was contingent on the  
17 acquisition by KCD or the City of a reversionary interest in the Property  
18 held by the successors to the Caribou Development Corporation so that  
19 upon closing the City could then take title to all interests in the Property;  
20 and  
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22           WHEREAS, having been unable to engage those successors in  
23 any negotiations to obtain the reversionary interest, KCD has asked that  
24 the City initiate condemnation proceedings to acquire that interest as  
25 provided in the Agreement; and  
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27           WHEREAS, the Agreement also allowed for the City to include  
28 KCD's interests in that condemnation proceeding, with the price to be  
29 paid for KCD's interest still fixed by the Agreement, which option staff  
30 recommends should be exercised to give KCD standing to present  
31 argument regarding the value of the successor's reversionary interest  
32 and as otherwise necessary; and  
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34           WHEREAS, staff has provided notice to affected property owners  
35 and the public of this final action authorizing condemnation pursuant to  
36 RCW 8.25.290.  
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38           NOW, THEREFORE, the City Council of the City of Kirkland do  
39 ordain as follows:  
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41           Section 1. The land and property rights within the City of  
42 Kirkland, King County, Washington, described as:

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Tract A, Totem Lake South, according to the plat thereof recorded in Volume 110 of Plats, pages 9 through 11, inclusive and Correction Map of Totem Lake South, according to the plat thereof recorded in Volume 110 of Plats pages 92 and 93, in King County, Washington;

Together with that portion of Totem Lake Way vacated by Ordinance 2463, recorded under recording number 7905230687.

is hereby condemned, appropriated and taken for such public purposes, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.


Section 2. The expense of acquiring the Property shall be paid for from Kirkland Parks Levy funding identified in the City of Kirkland’s adopted Capital Improvement Program as well as Surface Water Utility Reserves.

Section 3. The City Attorney is authorized to begin and prosecute legal proceedings in the manner provided by the law to purchase, condemn, take, appropriate, and otherwise acquire the lands and other property rights and privileges necessary to carry out the purposes of this Ordinance.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 8th day of November, 2017.

Signed in authentication thereof this 8th day of November, 2017.

  
Amy Walen, Mayor

Attest:

Publication Date: November 13, 2017

  
Kathi Anderson, City Clerk

Approved as to Form:

  
Kevin Raymond, City Attorney