

ORDINANCE O-4642

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION AND OPERATION OF A PARK WITHIN THE CITY OF KIRKLAND, PROVIDING FOR THE COST OF PROPERTY ACQUISITION, AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW; AND REPEALING ORDINANCE NO. O-4615.

1           WHEREAS, Totem Lake Park ("Park") is a 17-acre site located in  
2 the heart of the Totem Lake Urban Center. In partnership with the  
3 owner, King Conservation District ("KCD"), the City has created trails,  
4 boardwalks, and historical and ecological interpretive features to  
5 improve and enhance the public's use and enjoyment of the Park; and  
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7           WHEREAS, the City Council finds that acquisition of this Park  
8 property is useful and necessary to ensure its continued operation as a  
9 public park; and  
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11           WHEREAS, in response to substantial private development in the  
12 area and in conformity with the City Council's Totem Lake Park Master  
13 Plan and the 2017-2022 Capital Improvement Program, the City has  
14 been in negotiations with KCD for the purchase of the Park to enable  
15 the most efficient installation of appropriate public park improvements  
16 and maximize grant opportunities; and  
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18           WHEREAS, at the conclusion of these negotiations, and with City  
19 Council approval, the City entered into a Purchase and Sale Agreement  
20 with KCD ("Agreement"), the closing of which was contingent on the  
21 acquisition by KCD or the City of a reversionary interest in the Park  
22 property held by the successors to the Caribou Development  
23 Corporation ("Caribou") so that upon closing the City would then be fully  
24 and exclusively vested in and to all real property interests in the Park;  
25 and  
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27           WHEREAS, staff has provided notice to affected property owners  
28 and the public of this final action authorizing condemnation pursuant to  
29 RCW 8.25.290; and  
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31           WHEREAS, the City desires to repeal Ordinance No. O-4615,  
32 adopted by the City Council on November 8, 2017;  
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34           NOW, THEREFORE, the City Council of the City of Kirkland do  
35 ordain as follows:

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Section 1. The land and property rights within the City of Kirkland, King County, Washington, known as King County Tax Parcel No. 866327-0060 (the "Take Property") and legally described as:

Tract A, Correction Map of Totem Lake South, According to the Plat Recorded in Volume 110 of Plats, Pages 9, 10 and 11, in King County, Washington, and according to the correction plat 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.

Situate in the County of King, State of Washington

are necessary for the public use of the operation of a public park, and are hereby condemned, appropriated and taken for such public use, 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 said property rights 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, and otherwise by the City's General Fund as may be necessary.

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

Section 4. Ordinance O-4615, adopted on November 8, 2017, is hereby repealed in its entirety.

Section 5. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code, in the summary form attached to the original of this Ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 17th day of April, 2018.

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Signed in authentication thereof this 17th day of April, 2018.

  
\_\_\_\_\_  
Amy Walen, Mayor

Attest:

  
\_\_\_\_\_  
Kathi Anderson, City Clerk

Publication Date: April 23, 2018

Approved as to Form:

  
\_\_\_\_\_  
Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4642

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION AND OPERATION OF A PARK WITHIN THE CITY OF KIRKLAND, PROVIDING FOR THE COST OF PROPERTY ACQUISITION, AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW; AND REPEALING ORDINANCE NO. O-4615.

SECTION 1. Provides a legal description of the land acquisition.

SECTION 2. Provides a funding source for acquiring the property rights.

SECTION 3. Authorizes legal steps for acquisition of the land.

SECTION 4. Repeals Ordinance O-4615.

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 17th day of April, 2018.

I certify that the foregoing is a summary of Ordinance O-4642 approved by the Kirkland City Council for summary publication.

  
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Kathi Anderson, City Clerk