

RESOLUTION NO. 594

A RESOLUTION OF THE CITY OF KIRKLAND, ADOPTING A LAND ACQUISITION POLICY AS TO ACQUISITION OF LANDS FOR "CREST WOODS PARK" UNDER DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT APPLICATION WASH-OSC-51 CITY OF KIRKLAND AND EMPOWERING THE CITY MANAGER TO INITIATE NEGOTIATIONS FOR PURCHASE OF CERTAIN PARCELS OF REAL PROPERTY.

WHEREAS, the City of Kirkland, has applied to the Department of Housing and Urban Development for a land acquisition and development grant in connection with "Crest Woods Park" (the north Kirkland park) which grant application is identified as Housing and Urban Development Project Wash-OSC-51-City of Kirkland, and

WHEREAS, the northwest area director for the Department of Housing and Urban Development has by letter dated January 11, 1968, advised the City of Kirkland that the cost of acquisition of land for said park acquired after January 11, 1968 will be includable in the federal assistance grant when and if the application of the City of Kirkland is approved and the federal assistance is granted, and

WHEREAS, the City Council has been advised that certain of the parcels of land within the contemplated park site are presently held for sale by the owners thereof, and

WHEREAS the Council deems it to be wise and expedient to attempt to acquire said parcels at this time, even though the federal assistance grant application has not been approved,

NOW, THEREFORE, It is hereby resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is directed to institute negotiations with the owners or their agents for purchase of the parcels of land identified in the HUD-WASH-OSC-51-City of Kirkland application as Parcels 3, 7 and 9. The City Manager is

authorized to enter into binding purchase agreements with the owners of said parcels subject only to approval by the City Council.

Section 2. In conducting said negotiations the City Manager is directed to follow the policy set forth in this paragraph, which policy is adopted by the City Council as the policy of the City of Kirkland, Washington, in regard to land acquisitions for the Crest Woods (north Kirkland) Park site:

a. Make every reasonable effort to acquire each property by negotiated purchase before the institution of eminent domain proceedings against such property;

b. Not require any owner of property to surrender the right to possession of his property until the City of Kirkland pays, or has caused to be paid, to the owner;

(i) The agreed purchase price arrived at by negotiation, or,

(ii) In any case where only the amount of payment to the owner is in dispute, not less than 75% of the appraised fair value of such property as approved by the City of Kirkland, and concurred in by the Department of Housing and Urban Development.

c. Not require any person lawfully occupying property to surrender possession without at least 90 days written notice from the City of Kirkland of the date on which possession by the City of Kirkland will be required.

With respect to Item A of said statement of policy, the phrase "every reasonable effort to acquire each property by negotiated purchase" is intended to mean that the City of Kirkland directly, or through its agents, shall make a diligent, conscientious effort to induce the owner to accept a fair and proper price for his property, and that if that effort is unsuccessful, the City of Kirkland shall then make a final offer to the owner in writing. Such final offer shall include an invitation to discuss the acquisition of the property with the

City of Kirkland, afford a reasonable period of time for the owner to accept or reject the invitation, and include a notification of the date on which the City of Kirkland intends to institute eminent domain or condemnation proceedings if agreement cannot be reached on the purchase of the property within the specified time.

ADOPTED in regular meeting of the Kirkland City Council the 5th day of February, 1968.

CITY OF KIRKLAND

Lee Lanham
Mayor

ATTEST:

Tom J. Anderson

Director of Administration and Finance
(ex-officio City Clerk)