

**ORDINANCE NO. 1718**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to the acquisition by eminent domain of certain property in the City of Des Moines; describing the public convenience, use and necessity of such property; providing for the condemnation, appropriation and taking of such land, including the mode of payment of cost of acquisition; and directing the City Attorney to prosecute such action in King County Superior Court.

**WHEREAS**, there exists in the City of Des Moines certain properties legally described in section 1 of this Ordinance, and

**WHEREAS**, the City of Des Moines ("Des Moines") and the City of SeaTac ("SeaTac") have partnered to construct improvements at the intersection of South 200th Street and Des Moines Memorial Drive South ("Project"), and

**WHEREAS**, SeaTac is responsible for design, construction, and right-of-way acquisition for the Project, as outlined in the Interlocal Agreement as referenced below, and

**WHEREAS**, Des Moines and SeaTac have entered into an Interlocal Agreement executed in May of 2019, for construction of the Project, since the Project boundaries are located in both Des Moines and SeaTac, and

**WHEREAS**, the City Council of the City of Des Moines intends to acquire the portions of properties described in Section 1 that are needed for the construction of the Project ("Property"), and

**WHEREAS**, SeaTac will make payment for the Property by the payment of "fair market value", and

**WHEREAS**, if condemnation is required within Des Moines, state law requires that Des Moines be the lead Agency, and

**WHEREAS**, the Interlocal Agreement provides that Des Moines and SeaTac, through their respective City Attorney's Office, will determine the most advantageous and cost effective manner to prosecute any condemnation actions, and that SeaTac shall have final settlement authority for any Right-of-Way acquisitions associated with the Project, and

**WHEREAS**, the City Council finds that acquisition of the properties described in section 1 "Legal description" below is

critical to construct the Project, and it is in the public interest to acquire such properties for public health, safety, welfare and transportation needs, and

**WHEREAS**, pursuant to chapter 8.12 RCW, Des Moines is empowered to condemn land and property for transportation purposes (RCW 8.12.030), and

**WHEREAS**, proper notice of planned final action was provided pursuant to RCW 8.25.290 prior to Council final action, and

**WHEREAS**, based upon the foregoing, the City Council finds that, pending the outcome of negotiations, the only alternative available for acquisition of properties described in section 1, or portions thereof, may be by eminent domain; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1. Legal description.** The real properties that are the subject of this Ordinance are legally described in Exhibit B-1 and B-2, attached hereto.

**Sec. 2. Public use and necessity.** The public convenience, use and necessity demand the acquisition of the real property and/or temporary construction rights described in section 1 herein for the Project and for use by the public for transportation purposes.

**Sec. 3. Condemnation of property.** All lands, rights, privileges, and other property lying within the limits of the real property described in Section 1 herein are hereby condemned, appropriated, taken and/or damaged for the purposes described in Section 2 herein, only after just compensation has been made or paid into the court for the owner thereof in a manner provided by law.

**Sec. 4. Costs of acquisition.** The costs of the acquisition provided by this Ordinance shall be paid by the City of SeaTac pursuant to agreement and as may be provided by law.

**Sec. 5. Authority of the City Attorney.** The City Attorney is hereby authorized and directed to begin and prosecute the actions and proceedings in a manner provided by law to condemn,



**Sec. 7. Effective Date.** This Ordinance shall take effect and be in full force five (5) days after its passage, approval and publication in accordance with law.

**PASSED BY** the City Council of the City of Des Moines, Washington, this 11th day of July, 2019 and signed in authentication thereof this 11th day of July, 2019.

  
MAYOR

APPROVED AS TO FORM:

  
City Attorney

ATTEST:

  
City Clerk

Published: 7-16-2019

**Exhibit B-1: Hanning Right-of-Way Acquisition**

**EXHIBIT "A"**

Parcel No.: 3917400280  
Owners Name: Jack & Bettie Hanning & Harmina C. Heroux  
**Right of Way Acquisition**

**LEGAL DESCRIPTION OF GRANTOR'S PARCEL**

THE NORTH 70 FEET OF VACATED BLOCK 15, EXCEPT THE WEST 85 FEET THEREOF, AND THE NORTH 70 FEET OF VACATED BLOCK 16, LYING WEST OF THE WEST LINE OF DES MOINES WAY;

ALL IN KNIGHT'S SECOND ADDITION TO DES MOINES, "VACATED", ACCORDING TO THE PLAT RECORDED IN VOLUME 5 OF PLATS, PAGE 3, RECORDS OF KING COUNTY, WASHINGTON.

TOGETHER WITH VACATED ALLEY ADJOINING SAID NORTH 70 FEET OF SAID BLOCK 15 AND 16;

ALSO THAT PORTION OF BLOCKS 15 AND 16, KNIGHT'S SECOND ADDITION TO DES MOINES, "VACATED", ACCORDING TO THE PLAT RECORDED IN VOLUME 5 OF PLATS, PAGE 3, RECORDS OF KING COUNTY, WASHINGTON, LYING WESTERLY OF DES MOINES WAY AND NORTHERLY OF SOUTH 200TH STREET;

EXCEPT THE NORTH 70 FEET,

AND EXCEPT THE WEST 85 FEET;

TOGETHER WITH ADJOINING VACATED ALLEY LYING SOUTH OF SAID NORTH 70 FEET.

TOGETHER WITH THE SOUTH HALF OF VACATED SOUTH 199TH STREET LYING EASTERLY OF THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 85 FEET OF LOT 1, BLOCK 15 AND WESTERLY LINE OF 42 FEET (MEASURED AT THE RIGHT ANGLE) WEST OF AND PARALLEL WITH THE CENTER LINE OF DES MOINES WAY SOUTH;

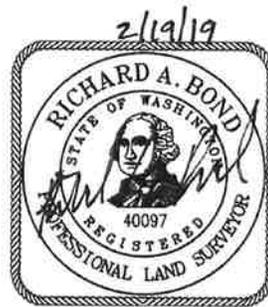
**LEGAL DESCRIPTION OF ACQUISITION AREA**

That portion of said Parcel described above lying South and East of the following described line:

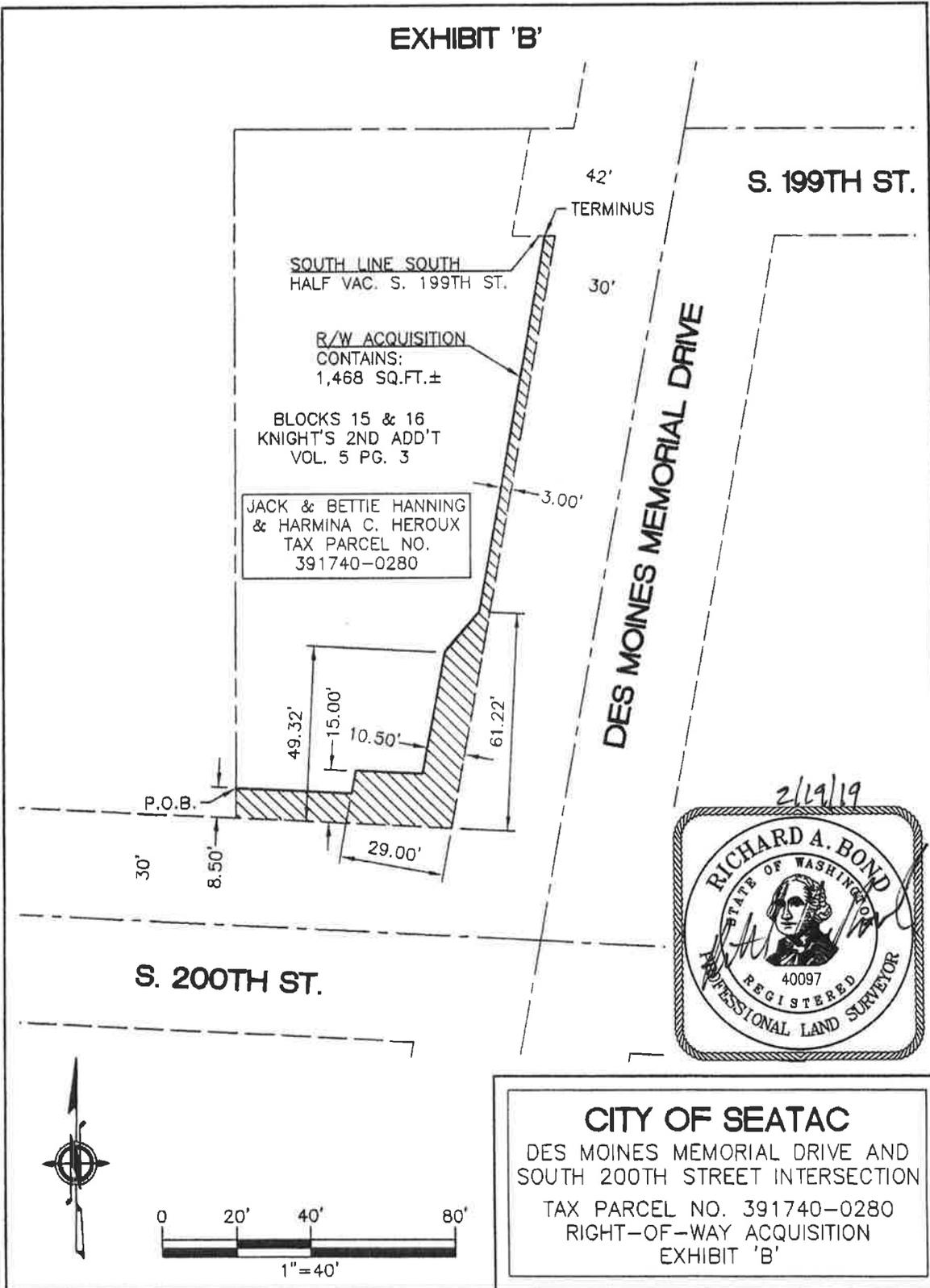
BEGINNING at a point on the Westerly line of said Parcel and 8.50 feet Northerly of the Southerly line of said Parcel, measured perpendicular to said Southerly line;  
THENCE Easterly, parallel with said Southerly line to a point 29.00 feet Westerly of the Easterly line of said parcel, measured perpendicular to said Easterly line;  
THENCE Northeasterly, parallel with said Easterly line to a point 15.00 feet Northerly of the Southerly line of said Parcel and 29.00 feet Westerly of the Easterly line of said Parcel, both of which are measured perpendicular to their respective line;

THENCE Easterly, parallel with said Southerly line to a point 10.50 feet Westerly of the Easterly line of said Parcel measured perpendicular to said Easterly line;  
THENCE Northerly, parallel with said Easterly line a to a point 10.50 feet Westerly of the Easterly line of said Parcel and 49.32 feet Northerly of the Southerly line of said Parcel, both of which are measured perpendicular to their respective line;  
THENCE Northeasterly to a point 3.00 feet Westerly of the Easterly line of said Parcel and 61.22 feet Northerly of the Southerly line of said Parcel, both of which are measured perpendicular to their respective line;  
THENCE Northeasterly, parallel with said Easterly line to a point on the South line of the South half of Vacated South 199th Street and the TERMINUS of the herein described line.

Contains: 1,468 Square Feet, more or less.



**EXHIBIT 'B'**



**Exhibit B-2: Hanning Temporary Construction Easement**

**EXHIBIT "A"**

Parcel No.: 3917400280  
Owners Name: Jack & Bettie Hanning & Harmina C. Heroux  
**Temporary Construction Easement**

LEGAL DESCRIPTION OF GRANTOR'S PARCEL

THE NORTH 70 FEET OF VACATED BLOCK 15, EXCEPT THE WEST 85 FEET THEREOF, AND THE NORTH 70 FEET OF VACATED BLOCK 16, LYING WEST OF THE WEST LINE OF DES MOINES WAY;

ALL IN KNIGHT'S SECOND ADDITION TO DES MOINES, "VACATED", ACCORDING TO THE PLAT RECORDED IN VOLUME 5 OF PLATS, PAGE 3, RECORDS OF KING COUNTY, WASHINGTON.

TOGETHER WITH VACATED ALLEY ADJOINING SAID NORTH 70 FEET OF SAID BLOCK 15 AND 16;

ALSO THAT PORTION OF BLOCKS 15 AND 16, KNIGHT'S SECOND ADDITION TO DES MOINES, "VACATED", ACCORDING TO THE PLAT RECORDED IN VOLUME 5 OF PLATS, PAGE 3, RECORDS OF KING COUNTY, WASHINGTON, LYING WESTERLY OF DES MOINES WAY AND NORTHERLY OF SOUTH 200TH STREET;

EXCEPT THE NORTH 70 FEET,

AND EXCEPT THE WEST 85 FEET;

TOGETHER WITH ADJOINING VACATED ALLEY LYING SOUTH OF SAID NORTH 70 FEET,

TOGETHER WITH THE SOUTH HALF OF VACATED SOUTH 199TH STREET LYING EASTERLY OF THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 85 FEET OF LOT 1, BLOCK 15 AND WESTERLY LINE OF 42 FEET (MEASURED AT THE RIGHT ANGLE) WEST OF AND PARALLEL WITH THE CENTER LINE OF DES MOINES WAY SOUTH;

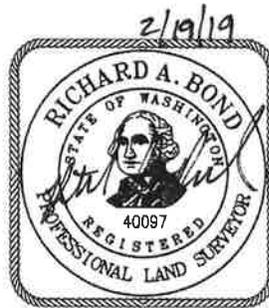
LEGAL DESCRIPTION OF EASEMENT AREA

That portion of said Parcel described above included within a strip of land 5.00 feet wide, lying North and West of the following described line:

COMMENCING at a point on the Westerly line of said Parcel and 8.50 feet Northerly of the Southerly line of said Parcel, measured perpendicular to said Southerly line;  
THENCE Easterly, parallel with said Southerly line to a point 29.00 feet Westerly of the Easterly line of said parcel, measured perpendicular to said Easterly line;  
THENCE Northeasterly, parallel with said Easterly line to a point 15.00 feet Northerly of the Southerly line of said Parcel and 29.00 feet Westerly of the Easterly line of said Parcel, both of

which are measured perpendicular to their respective line, said point being the POINT OF BEGINNING of the herein described line;  
THENCE Easterly, parallel with said Southerly line to a point 10.50 feet Westerly of the Easterly line of said Parcel measured perpendicular to said Easterly line;  
THENCE Northerly, parallel with said Easterly line to a point 10.50 feet Westerly of the Easterly line of said Parcel and 49.32 feet Northerly of the Southerly line of said Parcel, both of which are measured perpendicular to their respective line;  
THENCE Northeasterly to a point 3.00 feet Westerly of the Easterly line of said Parcel and 61.22 feet Northerly of the Southerly line of said Parcel, both of which are measured perpendicular to their respective line;  
THENCE Northeasterly, parallel with said Easterly line to a point on the South line of the South half of Vacated South 199th Street and the TERMINUS of the herein described line.

Contains: 849 Square Feet, more or less.



**EXHIBIT 'B'**

