

**Metropolitan King County Council**

**Transportation, Economy and Environment Committee**

Staff Report

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| **Agenda Item No.:** | 7 | **Name:** | Beth Mountsier |
| **Proposed No.:** | 2014-0016 | **Date:** | February 18, 2014 |
| **Invited:** | Rick Brater, King County Road Services Division  John Briggs, Office of the Prosecuting Attorney | | |

**SUBJECT**

An ordinance authorizing the King county executive to condemn certain property for the replacement of the Lake Alice Road SE culvert, Right-of-Way No. 9-2012-003 Parcel 2, CIP No. 1026731, located in council district three.

**SUMMARY**

Proposed Ordinance 2014-0016 would authorize condemnation proceedings to acquire property and property rights for approximately 0.11 acres, together with the right to construct and maintain a drainage easement for the purpose of replacing a culvert that is severely deformed and deteriorated and in danger of failure.

**BACKGROUND**

Road Services Division (Roads) recommends condemnation of approximately 0.11 acres to acquire the necessary property rights (as a drainage easement) to replace an existing deteriorated culvert, running under Lake Alice Road SE, with a new larger concrete box culvert.

The existing 60 year old culvert is located 35 feet below the roadway and is severely deformed and deteriorated. Because of its condition, the culvert is in danger of a catastrophic failure, which could collapse the roadway, rupture gas and water lines and potentially require a seven mile traffic detour for vehicles in this area. .

Several options were examined to replace the culvert. The proposed project minimizes impacts to the property owners and stream buffers surrounding the project site, allows for a quick construction schedule, and is the least costly option to replace the culvert.

The proposed condemnation provides 0.11 acres of easement rights necessary to extend the new culvert beyond the County’s existing road easement on the southwest side of Lake Alice Road SE. (See Attachment 1 which illustrates the location of the new culvert)

The subject property owner has been unwilling to grant the necessary property rights despite negotiations beginning in October 2012. County representatives have had nine discussions and forwarded numerous letters to the property owner , as documented in Attachment A to the Executive’s transmittal letter (Attachment 3) in an attempt to resolve concerns regarding the project design and location, tree removal necessary for construction, and potential impacts on a possible future wedding event (yet unscheduled) on the property. Despite these attempts the property owner has been unwilling to accept the necessity of the project and provide property rights necessary for the County to proceed with repair and modification of the culvert and roadway.

Easement rights required for construction have previously been acquired from another property owner on the opposite side (northeast) of Lake Alice Road SE. Condemnation proceedings are urged at this time to secure the property rights necessary to commence construction early in the summer of 2014 to ensure project completion before heavy stream flows might otherwise prevent necessary construction. Summer construction will also avoid impacting school traffic with the temporary road closure and detour necessary for construction.

**ANALYSIS**

The Roads Division is seeking authorization condemnation proceedings to acquire approximately .11 acres of a .93 acre parcel in the Lake Alice area to replace an aging and failing culvert under Lake Alice Road SE. A sudden failure of the road could have serious consequences to local utilities and the roadway – causing traffic detours and disruptions of services in the community.

Acquisition of the drainage easement and construction of the new culvert would result in the loss of some trees on the subject property. The total estimated cost to acquire the property rights is $16,730, which includes $10,730 for easement based on direct sale comparison for vacant or nominally improved land in the market area, plus $6,000 for the trees. King County will replant the area with native plants at no cost to the owner.

The easement will not cause anyone to be displaced and the residence on the property will not be affected.

Again, Roads Division has been seeking to voluntarily acquire the property rights from the individual owner, but is requesting condemnation authority so that it may proceed with the project in the event it cannot reach an agreement with the owner.

The repair of this failing culvert furthers the goals of the King County Strategic Plan by supporting community infrastructure and collaborative land use planning that is responsive to the needs of residents, business and services.

**REASONABLENESS**

Staff analysis of Proposed Ordinance 2014-0016 is complete unless the committee has any further questions. Taking action at this time would constitute a reasonable and prudent business decision.

**ATTACHMENTS**

1. Illustration of the Location of the Culvert Project on Parcel 321095-0550
2. Proposed Ordinance 2014-0016 (with Attachment A)
3. Proposed Ordinance 2014-0016 Transmittal letter, dated 12/17/13 (with Attachment A – Condemnation Property Summary)
4. Proposed Ordinance 2014-0016 Fiscal Note