



Legislation Text

File #: 2005-0148, **Version:** 2

Clerk 05/17/2005

AN ORDINANCE authorizing the county executive to convey to the Washington state Department of Transportation development rights acquired by the Farmland Preservation Program necessary for the public safety improvement of State Route 164, 196th Avenue S.E. to S.E 440th Street, located in Council District 9 and requiring notice of any proposal to convey development rights acquired in accordance with this chapter and held in trust by the county to the agriculture commission; and amending Ordinance 4341, Section 9, and K.C.C. 26.04.080.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings of fact.

A. In 1979, King County passed Ordinance 4341, authorizing it to acquire development rights for the protection of farmland and open space.

B. On August 6, 1986, the King County Farmlands Preservation Program purchased the development rights to approximately 113 acres of farmland from Harvey and Ida Ritter.

C. The Washington state Department of Transportation ("WSDOT") is in the process of acquiring right-of-way necessary for public safety improvements along State Route 164, from 196th Avenue S.E. to S.E. 440th Street ("the project").

D. The project requires the use of 1.57 acres of Farmland Preservation Program ("FPP") property. K.C.C. 26.04.080 authorizes the county council to convey public road and utility easements across FPP property.

E. WSDOT approached King County regarding the necessity of purchasing the development rights from King County in conjunction with a fee purchase from the Ritters for 1.57 acres of farmland.

F. The acquisition will allow WSDOT to make needed public safety improvements at the intersection of SR 164 and 196th Avenue S.E.

G. A small portion of the impacted property will be used for right-of-way. The majority of the land in question will be used for wetland mitigation purposes.

H. WSDOT will compensate King County at fair market value for its FPP interest in the required property. Revenues from this sale will be reinvested in FPP in accordance with K.C.C. 26.04.040.

I. If necessary, WSDOT is prepared to acquire the county's interest in the 1.57 acres needed for the project through eminent domain.

J. Pursuant to K.C.C. 4.56.140, the county may dispose of county property to another governmental agency by direct negotiation, upon such terms as may be agreed upon and for such consideration as may be deemed by the county to be adequate.

K. The King County executive is hereby authorized, under threat of eminent domain, to convey King County's interest in the lands, as described in Attachment A to this ordinance, the WSDOT for the SR 164 - 196th Avenue S.E. to S.E. 440th Street public safety improvement project.

SECTION 2. The King County executive is hereby authorized to accept compensation for King County's interest in the land, described in Attachment A to this ordinance. The compensation will be returned to the Farmlands Protection Program and in accordance with K.C.C. 26.04.040, be used to purchase development rights on additional farmland.

PROPERTY NAME AND

<u>PARCEL</u>	<u>TAX ACCT. NO.</u>	<u>VALUE</u>
1	Development Rights	\$4,500.00

SECTION 3. Ordinance 4341, Section 9, and K.C.C. 26.04.080 are each hereby amended to read as follows:

Duration of acquired interests.

A.1. Development rights acquired pursuant to this chapter shall be held in trust by the county for the benefit of its citizens in perpetuity. Except as provided in (~~(Section)~~) K.C.C. 26.04.030 and subsection B. of this section and except as found necessary by the council to convey public road and utility easements, the county shall not sell, lease or convey any land or interest in land (~~(which)~~) that it (~~(shall)~~) acquires with the use of bond proceeds.

2. Before any council finding of necessity in support of the exception described in subsection A.1. of this section, the executive shall notify and seek input from the agriculture commission regarding any proposal to convey development rights acquired in accordance with this chapter and held in trust by the county.

B. If the council (~~(shall)~~) finds that the public farm and open space purposes described in (~~(Section)~~) K.C.C. 26.04.010 can no longer reasonably be fulfilled as to any land or interest in land acquired with bond proceeds, the council shall submit to the voters of the county a proposition to approve of the disposition of such land or interest. Only upon a majority vote approving such a proposition (~~(can such)~~) may the land or interest be disposed of by the county and the proceeds of (~~(such)~~) the disposition shall be used to acquire other farmlands or open space lands in the county as provided in this chapter.