File #: 2005-0321, **Version:** 1

Clerk 07/21/2005

AN ORDINANCE authorizing the King County executive to, under threat of condemnation, enter into a possession and use agreement with the Washington state Department of Transportation, and upon payment of just compensation, to convey to the Washington state Department of Transportation certain land interests necessary for the widening and improvements of State Route 9 in Snohomish county.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings.**

A. In 2003, King County passed Ordinance 14699, authorizing the wastewater treatment division in the department of natural resources and parks to acquire property for the Brightwater treatment plant located at State Route 9 ("SR 9") in Snohomish county.

B. King County has acquired fee title to all of the property required for the Brightwater treatment plant at the SR 9 site, except for three parcels.

C. The Washington state Department of Transportation ("WSDOT") is in the process of acquiring fee title and temporary and permanent easement rights necessary for the widening and improvements along SR 9 from State Route 522 to 212th Street SE in Snohomish county ("the SR 9 widening project").

D. The SR 9 widening project requires certain fee simple property, temporary construction and clear zone easements on or across portions of certain parcels acquired by King County's wastewater treatment division for the Brightwater treatment plant as described in Attachment A to this ordinance.

E. The WSDOT is required to pay the county wastewater treatment division in the department of natural resources and parks just compensation for the subject properties. The WSDOT has asked King County to enter into a possession and use agreement that authorizes WSDOT to possess and use the subject property for the SR 9 widening project in order to allow the SR 9 widening project to proceed on schedule while the parties come to an agreement on compensation for the property. The SR 9 widening project has been advertised and construction is expected to commence in July 2005. The SR 9 widening project will benefit the Brightwater project by increasing traffic capacity in the area. By entering into the possession and use agreement, WSDOT will be able to adhere to its construction schedule for the SR 9 widening project and King County will be able to continue to negotiate the compensation amount from WSDOT for the subject properties.

F. If necessary, WSDOT is prepared to acquire King County's interests in the required properties through eminent domain.

G. 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.

SECTION 2. The King County executive is hereby authorized, under threat of eminent domain, to execute the possession and use agreement with WSDOT for the subject properties and to, upon receipt of just compensation from WSDOT, convey King

County's interest in the lands, as described in Attachment A to this ordinance, to WSDOT for the SR 9 widening project.

none

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