

ORDINANCE O-4642

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION AND OPERATION OF A PARK WITHIN THE CITY OF KIRKLAND, PROVIDING FOR THE COST OF PROPERTY ACQUISITION, AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW; AND REPEALING ORDINANCE NO. O-4615.

1 WHEREAS, Totem Lake Park ("Park") is a 17-acre site located in
2 the heart of the Totem Lake Urban Center. In partnership with the
3 owner, King Conservation District ("KCD"), the City has created trails,
4 boardwalks, and historical and ecological interpretive features to
5 improve and enhance the public's use and enjoyment of the Park; and
6

7 WHEREAS, the City Council finds that acquisition of this Park
8 property is useful and necessary to ensure its continued operation as a
9 public park; and
10

11 WHEREAS, in response to substantial private development in the
12 area and in conformity with the City Council's Totem Lake Park Master
13 Plan and the 2017-2022 Capital Improvement Program, the City has
14 been in negotiations with KCD for the purchase of the Park to enable
15 the most efficient installation of appropriate public park improvements
16 and maximize grant opportunities; and
17

18 WHEREAS, at the conclusion of these negotiations, and with City
19 Council approval, the City entered into a Purchase and Sale Agreement
20 with KCD ("Agreement"), the closing of which was contingent on the
21 acquisition by KCD or the City of a reversionary interest in the Park
22 property held by the successors to the Caribou Development
23 Corporation ("Caribou") so that upon closing the City would then be fully
24 and exclusively vested in and to all real property interests in the Park;
25 and
26

27 WHEREAS, staff has provided notice to affected property owners
28 and the public of this final action authorizing condemnation pursuant to
29 RCW 8.25.290; and
30

31 WHEREAS, the City desires to repeal Ordinance No. O-4615,
32 adopted by the City Council on November 8, 2017;
33

34 NOW, THEREFORE, the City Council of the City of Kirkland do
35 ordain as follows:

36 Section 1. The land and property rights within the City of
37 Kirkland, King County, Washington, known as King County Tax Parcel
38 No. 866327-0060 (the "Take Property") and legally described as:

39
40 Tract A, Correction Map of Totem Lake South,
41 According to the Plat Recorded in Volume 110 of Plats,
42 Pages 9, 10 and 11, in King County, Washington, and
43 according to the correction plat recorded in Volume 110
44 of Plats, pages 92 and 93, in King County, Washington.

45
46 Together with that portion of Totem Lake Way vacated
47 by Ordinance 2463, recorded under recording number
48 7905230687.

49
50 Situate in the County of King, State of Washington

51
52 are necessary for the public use of the operation of a public park, and
53 are hereby condemned, appropriated and taken for such public use,
54 subject to the making or paying of just compensation to the owners
55 thereof in the manner provided by law.

56
57 Section 2. The expense of acquiring said property rights shall
58 be paid for from Kirkland Parks Levy funding identified in the City of
59 Kirkland's adopted Capital Improvement Program as well as Surface
60 Water Utility Reserves, and otherwise by the City's General Fund as may
61 be necessary.

62
63 Section 3. The City Attorney or designee is authorized to begin
64 and prosecute legal proceedings in the manner provided by the law to
65 purchase, condemn, take, appropriate, and otherwise acquire the land
66 and other property rights and privileges necessary to carry out the
67 purposes of this Ordinance.

68
69 Section 4. Ordinance O-4615, adopted on November 8, 2017, is
70 hereby repealed in its entirety.

71
72 Section 5. Should any section, paragraph, sentence, clause or
73 phrase of this Ordinance, or its application to any person or
74 circumstance, be declared unconstitutional or otherwise invalid for any
75 reason, or should any portion of this Ordinance be pre-empted by state
76 or federal law or regulation, such decision or pre-emption shall not affect
77 the validity of the remaining portions of this Ordinance or its application
78 to other persons or circumstances.

79
80 Section 6. This Ordinance shall be in force and effect five days
81 from and after its passage by the Kirkland City Council and publication
82 pursuant to Section 1.08.017, Kirkland Municipal Code, in the summary
83 form attached to the original of this Ordinance and by this reference
84 approved by the City Council.

85
86 Passed by majority vote of the Kirkland City Council in open
87 meeting this 17th day of April, 2018.

88

Signed in authentication thereof this 17th day of April, 2018.



Amy Walen, Mayor

Attest:



Kathi Anderson, City Clerk

Publication Date: April 23, 2018

Approved as to Form:



Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4642

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION AND OPERATION OF A PARK WITHIN THE CITY OF KIRKLAND, PROVIDING FOR THE COST OF PROPERTY ACQUISITION, AND AUTHORIZING THE INITIATION OF APPROPRIATE EMINENT DOMAIN PROCEEDINGS IN THE MANNER PROVIDED FOR BY LAW; AND REPEALING ORDINANCE NO. O-4615.

SECTION 1. Provides a legal description of the land acquisition.

SECTION 2. Provides a funding source for acquiring the property rights.

SECTION 3. Authorizes legal steps for acquisition of the land.

SECTION 4. Repeals Ordinance O-4615.

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 17th day of April, 2018.

I certify that the foregoing is a summary of Ordinance O-4642 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk