

January 22, 1993  
93-20a.Sub OOS/ldt

Introduced by: Phillips

Proposed No.: 93-20

ORDINANCE NO. **10711**

AN ORDINANCE authorizing condemnation of  
Wilson property for the acquisition and  
development of the Swamp Creek Project.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The council finds and declares as follows:

A. King County is authorized by state law R.C.W.

36.34.340, R.C.W. 36.68.010, R.C.W. 36.89.030 and R.C.W.

64.04.130, to acquire, develop, renovate and improve public  
green spaces, greenbelts, open space, parks and trails in King  
County.

B. King County is authorized to acquire and condemn real  
property for public use, such as green spaces, green belts,  
open space, parks and trails, by Chapter 8.08, R.C.W, and

C. The King County Capital Improvement Program provides  
for the acquisition of lands for the Swamp Creek Project and  
includes the West parcel (hereinafter called the "Property") as  
more particularly described below.

D. Pursuant to applicable federal and state procedures  
and the real property acquisition procedures of King County,  
King County has taken the necessary steps to acquire this  
Property through negotiations.

E. Pursuant to such applicable procedures, King County  
has made written offers to purchase this Property on the  
following dates: October 1, 1991, October 8, 1991, and March  
13, 1992.

F. In order to acquire the property and property rights  
required to construct the Swamp Creek Project, it is necessary  
for King County to condemn this Property for public purposes as  
hereinafter more particularly set forth.

G. The public health, safety, necessity, convenience, and  
welfare demand that the Swamp Creek Project be constructed in  
accordance with the King County Capital Budget and Program, and

1 that this Property be condemned, appropriated, taken and  
2 damaged for the construction of said trail as provided in this  
3 ordinance.

4 SECTION 2. The King County council has deemed it  
5 necessary and in the best interest of the citizens of King  
6 County that this Property be condemned, appropriated, taken and  
7 damaged for the purpose of constructing the Swamp Creek  
8 Project, subject to the making, or paying, of just compensation  
9 to the owners thereof in the manner provided by law. This  
10 Property is described as follows:

11 LEGAL DESCRIPTION

12 Lot 1 in Block 3 of Lakewood Villa Tracts, as per plat  
13 recorded in volume 29 of Plats, page 32, records of King  
14 County; except that portion thereof beginning at the Northwest  
15 corner of said Lot 1; thence Southeasterly along the Northerly  
16 line thereof, 124.27 feet to the East line of said lot; thence  
17 South along the East line of said lot, 250 feet; thence  
18 Northwesterly parallel with the Northerly line of said Lot,  
19 124.27 feet more or less to the West line thereof; thence North  
20 along said West line, 250 feet to the point of beginning;  
21 situated in the County of Washington, State of Washington.

22 SECTION 3. The King County council determines that  
23 condemnation proceedings are hereby authorized to acquire this  
24 Property for the purposes of the Swamp Creek Project.

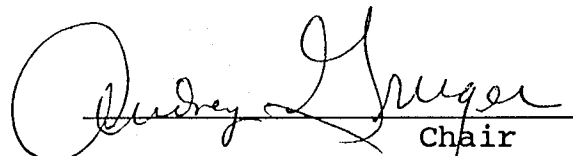
25 SECTION 4. The attorneys for King County are hereby  
26 authorized and directed to begin and prosecute the proceedings  
27 by law to condemn, take and appropriate this Property necessary  
28 to carry out the provisions of this ordinance.

29 INTRODUCED AND READ for the first time this 4<sup>th</sup> day

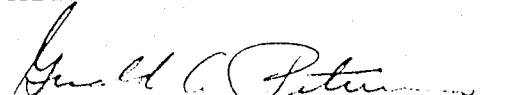
30 of January, 1993.

31 PASSED this 25<sup>th</sup> day of January, 1993.


32 KING COUNTY COUNCIL  
33 KING COUNTY, WASHINGTON

34   
35 Audrey L. Meyer  
36 Chair

36 ATTEST:

37   
38 Gerald A. Peterson  
39 Clerk of the Council

39 APPROVED this 5<sup>th</sup> day of February, 1993.

40   
41 King County Executive

1 December 16, 1992

2 King County Open Space Citizen Oversight Committee

3 RESOLUTION NO. 92-12-4

4 A RESOLUTION recommending condemnation of parcels  
5 11, 13 and 15 for the acquisition of the Swamp  
6 Creek Project.

7 WHEREAS, by Section 11 of the King County Ordinance 9071  
8 the King County Council directed the establishment of the Open  
9 Space Citizen Oversight Committee, within one year of the  
10 passage of the Ordinance by the qualified electors of the  
11 county in the November 7, 1989 general election, and,

12 WHEREAS, on November 7, 1989, Ordinance 9071 was passed by  
13 greater than 60% of the qualified electors, and

14 WHEREAS, on April 4, 1990, the King County Council passed  
15 Motion 7886, which established the King County Citizen Over-  
16 sight Committee to consider and address the concerns, needs and  
17 progress of all jurisdictions responsible for implementing  
18 Ordinance 9071, and

19 WHEREAS, by Ordinance 9071 the King County Council finds  
20 and declares that "public green spaces, green belts, open  
21 space, parks and trails acquired or improved pursuant to this  
22 ordinance, together with existing lands and facilities set  
23 aside for these purposes, will constitute a necessary system of  
24 public green spaces, greenbelts, open space, parks and trails  
25 for the county and its residents", and

26 WHEREAS, King County is authorized to acquire and condemn  
27 real property for public use, including green spaces, green  
28 belts open space, parks and trails, under Chapter 8.08, R.C.W.,  
29 and

30 WHEREAS, pursuant to applicable federal and state proce-  
31 dures and the real property acquisition procedures of King  
32 County, the King County Office of Open Space has taken the  
33 necessary steps to acquire Swamp Creek Project property  
34 ("Property", as described in Attachment "A") through negotia-  
35 tions as follows:

1 PARCEL #11

2 Office of Open Space staff have been in negotiations with  
3 Parcel #11 owners (Barmuta) since January 30, 1992. The owners  
4 indicated they were not agreeable to selling the northerly .51  
5 acre which contains their house but would consider selling the  
6 southerly 2.15 acres.

7 The Barmuta's have not accepted the Office of Open Space  
8 offer based on the appraisal, claiming it was half what they  
9 would accept. The Barmuta's also remain adamant that no  
10 alternative parcel configuration would be considered. An  
11 appraisal update indicates that the Open Space offer value is  
12 still correct.

13 PARCEL #13

14 The Office of Open Space made initial contact with Mrs.  
15 West in December 1990 at a pre-appraisal meeting involving  
16 properties on the east end of the project. On July 13, 1992,  
17 an offer was made and refused. Subsequent negotiations focused  
18 on both relocation assistance and alternative acquisition  
19 configurations. Based on Mrs. West's interest in a life estate  
20 a review of the appraisal was performed, indicating an increase  
21 in the base value of the property. On November 20, 1992  
22 another offer was sent to Mrs. West which has been refused.

23 PARCEL #15

24 The Office of Open Space has been in discussions with  
25 Parcel #15 owner (Wilson) since December 1990. In October 1991  
26 an offer was presented to owner to acquire the undeveloped  
27 portion of the parcel. This offer was refused. Between  
28 December 1991 and March 1992 Mr. Wilson presented to Office of  
29 Open Space material contradicting Office of Open Space  
30 appraisal and demanded a new offer be made on the entire  
31 parcel.

32 In March 1992, the Office of Open Space made an offer to  
33 acquire only the open space rights to the entire property and

1 later that same month another offer was presented for fee  
2 simple acquisition of the entire property. Owner again  
3 adamantly refused both offers.

4 NOW, THEREFORE BE IT RESOLVED by the King County Open Space  
5 Citizen Oversight Committee:

6 A. The Committee hereby finds that the King County Office  
7 of Open Space has taken all fair and reasonable actions to  
8 negotiate the acquisitions of the Parcels 11, 13 and 15 with  
9 the Property owners and further attempts at such actions are  
10 not likely to lead to an agreement by the owners to convey the  
11 Properties to the county.

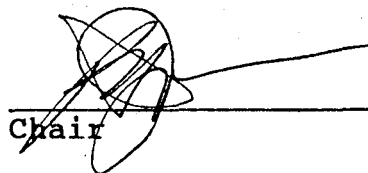
12 B. The Committee recommends that the King County Council  
13 authorize condemnation for the acquisition Parcels 11, 13 and  
14 15.

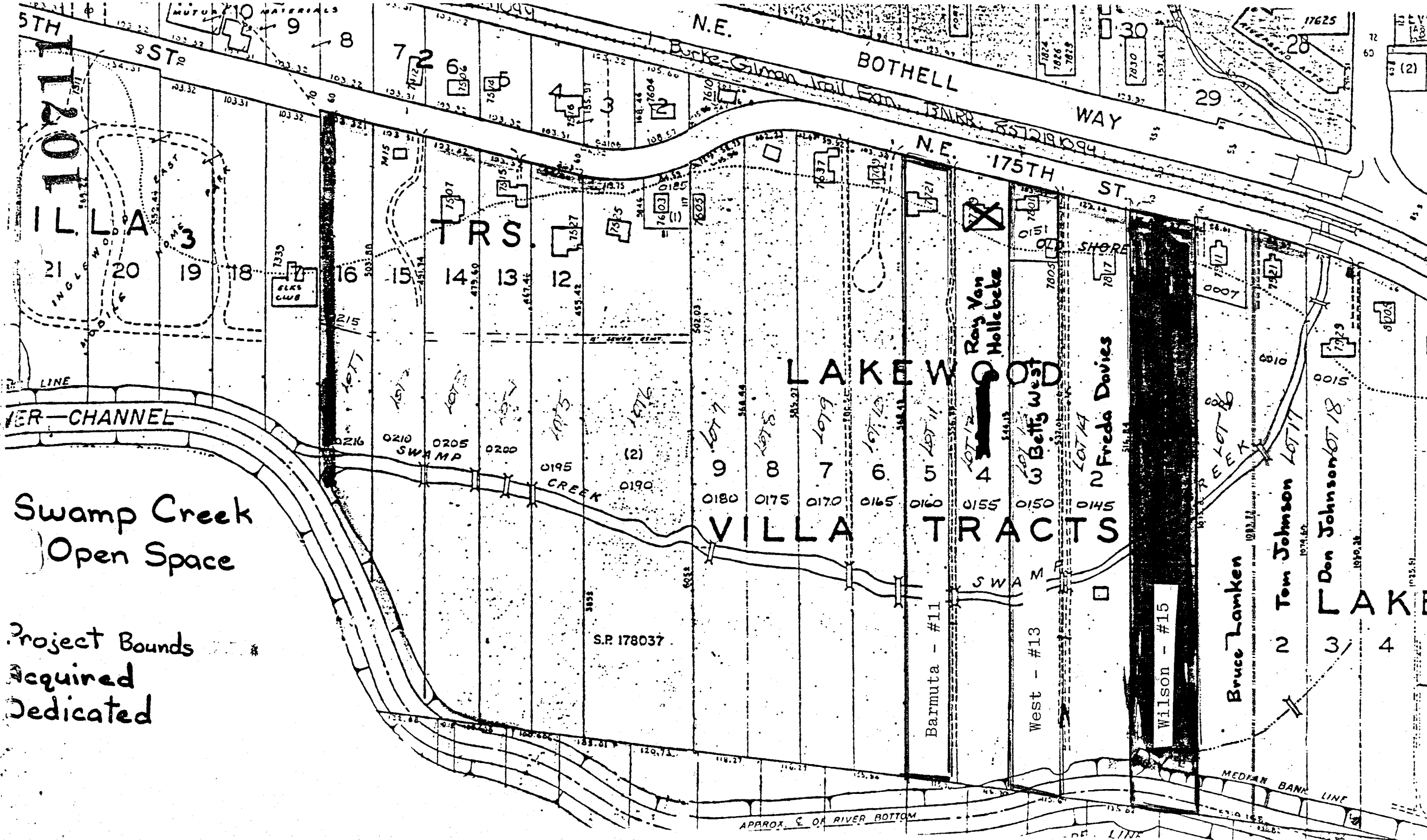
15 PASSED, on this 16th day of December, 1992.

16  
17

KING COUNTY OPEN SPACE  
CITIZEN OVERSIGHT COMMITTEE

18  
19

  
Chair



Swamp Creek  
Open Space

Project Bounds  
Acquired  
Dedicated

S.P. 178037

Wilson - #15

Barmuta - #11

West - #13

Bruce Lancken

Tom Johnson

Don Johnson

Roy Van Hollebeck

Freda Davies

W Betty West

1201  
ILLA

TRS

LAKE WOOD  
VILLA TRACTS

BOTHELL

175TH ST

RIVER CHANNEL

APPROX. E. OF RIVER BOTTOM

MEDIAN BANK LINE

TO King COUNTY BOARD OF EQUALIZATION

NAME Ronald L. Wilson ACCOUNT NO. 416410-0146

FOLIO 23141 DOCKET NO. BOARD OF EQUALIZATION NO. 9005662

APPRAISER: P. Wilson

REMARKS:

The Assessor list's three sales which the purchaser was King County in 1980 three current sales ranged from \$135,333 - \$167,364 per acre. Assessor records no change.

Lined area for additional remarks or calculations.