

## Legislation Details (With Text)

---

**File #:** 18-93      **Version:** 1

**Type:** Resolution      **Status:** Agenda Ready

**In control:** City Council

**On agenda:** 3/26/2018      **Final action:** 3/26/2018

**Title:** Initiation of eminent domain/condemnation proceedings related to the Fisher Road NE Improvements Project.

Ward(s): 6  
Councilor(s): Hoy  
Neighborhood(s): NESCA

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. Project Area Map, 2. Resolution No. 2015-42, 3. Resolution No. 2018-16, 4. Exhibits A & B to Resolution No. 2018-16

Date	Ver.	Action By	Action	Result
3/26/2018	1	City Council	adopted	Pass

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Kristin Retherford, Urban Development Dept. Director  
Peter Fernandez, P.E., Public Works Dept. Director

**SUBJECT:**

Initiation of eminent domain/condemnation proceedings related to the Fisher Road NE Improvements Project.

Ward(s): 6  
Councilor(s): Hoy  
Neighborhood(s): NESCA

**ISSUE:**

Shall the City Council adopt Resolution No. 2018-16 authorizing the use of eminent domain to acquire right-of-way from one remaining property owner for construction of the Fisher Road NE Extension Improvements project?

**RECOMMENDATION:**

Adopt Resolution 2018-16 authorizing the use of eminent domain to acquire right-of-way from one remaining property owner for construction of the Fisher Road NE Extension Improvements project.

### **SUMMARY AND BACKGROUND:**

The Fisher Road NE Extension Improvements Project (Project) is funded with Transportation System Development Charges. The Project will extend Fisher Road NE from the current terminus south of Sunnyview Road NE to the existing traffic signal at the Fred Meyer driveway on Market Street NE (Attachment 1).

On September 14, 2015, City Council adopted Resolution No. 2015-42 (Attachment 2) declaring the necessity to acquire portions of property from five parcels adjacent to the Project. Agreements have been reached with all of the owners, with the exception of the one listed below.

### **FACTS AND FINDINGS:**

The sole property owner with whom an agreement has not been reached is Sunnyview - Stoneridge, LLC (Robert B. Cavell and Dean R. Derrah, Managers). The impacts to the property are not significant and do not require any relocation. In March 2017, Staff sent an offer at appraised value for the real estate, improvements, and temporary construction easement totaling \$26,400. After multiple meetings and counter-offers, the property owner has become unresponsive and is not replying to communication attempts. Staff made a final settlement offer which was rejected and negotiations have stalled.

Staff remains hopeful the City will be able to acquire the remaining property through negotiation. In order to ensure the project timeline, it is necessary for Council to adopt Resolution No. 2018-16 (Attachment 3) to initiate condemnation proceedings to obtain possession of the final parcel in the event that negotiations are not successful.

Clint Dameron  
Real Property Services Manager

#### **Attachments:**

1. Project Area Map
2. Resolution No. 2015-42
3. Resolution No. 2018-16
4. Exhibits A & B to Resolution No. 2018-16