



Memorandum

Date: 12/3/2024
Meeting of: City Council

File No. AM No. 24-191
Type: Consent Item

TO: Members of the City Council
FROM: Mayor Angela Birney
DEPARTMENT DIRECTOR CONTACT(S):

Public Works	Aaron Bert	(425) 556-2786
Finance	Kelley Cochran	(425) 556-2748

DEPARTMENT STAFF:

Finance	David Amble	Real Property Manager
Public Works	Rob Crittenden	Project Manager
Public Works	Steve Gibbs	Engineering Manager
Public Works	Vangie Garcia	Deputy Director

TITLE:

Approval of an Ordinance Authorizing the City’s Acquisition of Temporary and Permanent Interests in Real Property by Negotiation and Possible Use of Eminent Domain (Condemnation) for the Evans Creek Relocation Project No. 0995

- a. Ordinance No. 3197: An Ordinance of the City of Redmond, Washington, Providing for the Acquisition, Condemnation, Appropriation, and Taking of Temporary and Permanent Real Property Rights in Order to Construct a Relocation of Evans Creek, as Part of CIP Project No. 0995; Providing that the Entire Cost Hereof Shall be Paid from Available Funds; and Directing the City Attorney to Prosecute the Appropriate Action and Proceedings in the Manner Provided by Law for Said Condemnation

OVERVIEW STATEMENT:

The Evans Creek Relocation Project as proposed will construct about 3,300 feet of new creek channel in the open space to the north of the developed area. Evans Creek is a Class I stream situated in a highly developed area in southeast Redmond and unincorporated King County. In many locations, it has a narrow riparian buffer, eroded stream banks, sits adjacent to industrial properties, and has low water quality that is influenced by stormwater runoff. This project will connect to a 1,200 foot long channel downstream previously completed by the Washington State Department of Transportation for a total relocation of 4,500 feet. Once Evans Creek is moved to the new channel, approximately 1,800 feet of the existing channel will be backfilled within the developed industrial area.

In the event negotiations are unsuccessful, Finance and Public Works are seeking authorization for the City Attorney to proceed with condemnation action to acquire real property interests in King County Tax Parcels 062506-9072, 062506-9063, 062506-9041, and 062506-9020, and authorization for the Mayor and staff to execute real property acquisition settlements and closing documents to support the Evans Creek Relocation Project.

Additional Background Information/Description of Proposal Attached

REQUESTED ACTION:

- Receive Information Provide Direction Approve

REQUEST RATIONALE:

- **Relevant Plans/Policies:**
Redmond Watershed Management Plan
Stormwater CIP
WRIA 8 Chinook Conservation Plan (2005 and 2017 update)
- **Required:**
The City is obligated to adhere to the Uniform Relocation and Assistance and Real Property Acquisition Policies Act and other applicable federal regulations (49 CFR Part 24), state law (Chapter 8.26 RCW) and state regulations (Chapter 468-100-WAC). This includes negotiating to acquire property rights under threat of the exercise of eminent domain.
- **Council Request:**
N/A
- **Other Key Facts:**
N/A

OUTCOMES:

The approval of this ordinance will support real property acquisitions needed for the Evans Creek Relocation Project and expedite use of eminent domain if negotiations are unsuccessful.

COMMUNITY/STAKEHOLDER OUTREACH AND INVOLVEMENT:

- **Timeline (previous or planned):**
2014 to 2024
- **Outreach Methods and Results:**
The City and their real property consultant (HDR) first reached out to the affected property owners in 2014.
- **Feedback Summary:**
Property owners have been generally supportive of the project, and three owners are moving forward to grant the necessary easements for the project. However, the City has not been able to reach an agreement on property rights with the owners of the four parcels listed in the overview statement.

BUDGET IMPACT:

Total Cost:
\$19,003,074

Approved in current biennial budget: Yes No N/A

Budget Offer Number:

CIP

Budget Priority:
Clean and Green

Other budget impacts or additional costs: Yes No N/A

If yes, explain:
N/A

Funding source(s):
Stormwater CIP, Multiple grants

Budget/Funding Constraints:
N/A

Additional budget details attached

COUNCIL REVIEW:

Previous Contact(s)

Date	Meeting	Requested Action
11/4/2024	Business Meeting	Provide Direction

Proposed Upcoming Contact(s)

Date	Meeting	Requested Action
N/A	None proposed at this time	N/A

Time Constraints:

Approval of this ordinance will align with the required notifications which have been published and posted as required by RCW 8.25.290.

The project needs to continue through the permit and property rights acquisition stage in order to meet the goal of construction over the summers of 2025-2026. Delays could lead to project cost increases, changes in property ownership, and permit issues that could impact the project scope, schedule, and/or cost. An easement that was acquired for the project in 2019 will expire 3 years following the date when the City secures all permits for the project.

ANTICIPATED RESULT IF NOT APPROVED:

Council could choose not to approve the ordinance authorizing the acquisition of real property rights through condemnation. This would delay or preclude the acquisition of property rights and the project would likely not be constructed.

ATTACHMENTS:

Attachment A - Project Information Sheet

Attachment B - Additional Project Information
Attachment C - Condemnation Ordinance