

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, acknowledging that the City Attorney and outside legal counsel for the City of Olympia are negotiating with the owner of that certain real property identified as Parcel No. 11830420000 with the objective of acquiring a portion of that certain real property in fee and/or for easements, for the purpose of constructing a water reservoir and tower in order to provide additional water storage necessary to meet Washington State Department of Health requirements, together with all appurtenances and related work necessary to make any improvements to convey said water into the City of Olympia water system in accordance with the applicable City standards, and authorizing, if need be, to include a provision in the purchase and sale agreement that an agreed upon purchase of such real property would be done in lieu of condemnation, and directing the City Attorney to seek final authorization from this Council to pursue all necessary actions and proceedings in the manner provided by law to condemn the same if a negotiated purchase of such real property cannot be reached.

WHEREAS, the City of Olympia is required by the Washington State Department of Health to maintain a Water System Plan and to update this Water System Plan every six years; and

WHEREAS, the City of Olympia's current Water System Plan, which has been approved by the Washington State Department of Health, identifies the need for a new water reservoir and tower; and

WHEREAS, in order to meet the requirements of the Water System Plan, the City of Olympia must acquire certain real property and property interests in order to construct a water reservoir and tower together with all appurtenances and related improvements to convey said water into the City of Olympia water system in accordance with applicable City standards (the "Project"); and

WHEREAS, the City of Olympia has determined that a portion of the real property identified as Parcel No. 11830420000 (the "Trillium property") is the most suitable property for the Project; and

WHEREAS, the City of Olympia seeks to acquire, in fee, an approximately 5.3 acre portion of the Trillium property, including an access road, and a 55-foot wide (2.76 acres) easement (the "Property and Property Interests"), to allow for the construction of the Project; and

WHEREAS, the owner of the Trillium property has plans for development of the Trillium property but in acknowledgment of the City of Olympia's intent to proceed with the Project the owner has reserved out from its development plans that portion identified by the City of Olympia as the Property and Property Interests needed for the Project; and

WHEREAS, beginning as early as February 18, 2009, the City of Olympia initiated discussions and negotiations with the owner of the Property for the purchase and sale of the Property and Property Interests for the Project; and

WHEREAS, due to a shortfall of water storage in southeast Olympia, operational needs, and future projected growth, it is imperative that the City of Olympia move forward with the Project; and

WHEREAS, the City and the owner of the Property have had discussions concerning the City's interest in purchasing the Property and Property Interests for the Project; and

WHEREAS, the City of Olympia remains interested in acquiring the Property and Property Interests for the Project through a negotiated agreement; and

WHEREAS, the City and the owner of the Property are negotiating the general outline for a future purchase and sale of the Property and Property Interests in lieu of condemnation while continuing to work on the specifics of the same; and

WHEREAS, the City prefers to purchase the Property and Property Interests through a negotiated agreement, and this Resolution will confirm that any final negotiated agreement is entered into in lieu of condemnation.

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Property and Property Interests are within the boundaries of the City of Olympia.

Section 2. The City Council of the City of Olympia deems the construction, operation and maintenance of the Project to be a public use.

Section 3. The City Council of the City of Olympia deems it necessary and in the best interests of the citizens residing within the City of Olympia boundaries to acquire the Property and Property Interests for the purpose of constructing, operating and maintaining the Project.

Section 4. The City Council for the City of Olympia finds that the public health, safety, necessity, convenience, and welfare demand and require that the Property and Property Interests be acquired for the construction, operation and maintenance of the Project.

Section 5. The City Council for the City of Olympia hereby directs the City Attorney to proceed with and/or to direct legal counsel for the City of Olympia to proceed with negotiations for the next sixty (60) days with the owner of the Trillium property for the purpose of acquiring the Property and Property Interests for the Project in lieu of condemnation, and if agreement is not reached as to the price or any other necessary term or condition within that timeframe the City Attorney is to return to this Council for final authorization on the commencement of a condemnation action for the purpose of acquiring the Property and Property Interests.

Section 6. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY