

EVERETT SCHOOL DISTRICT NO. 2

RESOLUTION 1159

Authorization to Acquire Property by Eminent Domain

A Resolution of the Board of Directors of Everett School District #2, to authorize use of eminent domain to acquire the real property, improvements and any additional interests in the properties located at 4320 174th St. SE, 4428 174th St. SE, and 4430 174th St. SE in Bothell, Washington, identified as tax parcel nos. 270509-004-022-00 and 270509-004-007-00; 270509-004-020-00 and 270509-004-020-02; 270509-004-009-00, for use in building a new high school.

WHEREAS, the Board of Directors of Everett School District #2 (“District”) is planning construction of a new high school; and

WHEREAS, the proposed new high school site includes real property located at 4320 174th St. SE, 4428 174th St. SE, and 4430 174th St. SE, all in Bothell, Washington within Snohomish County (“Subject Properties”); and

WHEREAS, the District owns real property adjacent to the Subject Properties; and

WHEREAS, the District has determined that the Subject Properties, which are legally described in Exhibit A attached hereto, are necessary to provide an appropriate site for the construction of the high school; and

WHEREAS, the District’s representatives have made efforts to negotiate with the owners of the Subject Properties; and

WHEREAS, the District has the power to acquire real property and real property interests through eminent domain for the purpose of constructing the high school; and

WHEREAS, the owners of the Subject Properties have been given notice according to state statute that this resolution authorizing eminent domain proceedings would be included for final action by the Board at the regular meeting of September 12, 2017 at 4:30 p.m. in the Everett School District Board Room located at 3900 Broadway, Everett, Washington 98201 and were afforded an opportunity to comment at that meeting; and

WHEREAS, acquisition of the Subject Properties is categorically exempt from SEPA review under WAC 197-11-800(5)(a); and

WHEREAS, the District is not receiving federal financial assistance for acquisition of the Subject Properties and may opt out of the provisions of RCW 8.26.035 through RCW 8.26.115 and RCW 8.26.180 through RCW 8.26.200;

NOW, THEREFORE, BE IT RESOLVED, that it is hereby found, determined, and ordered by the Board of Directors, pursuant to the Everett School District #2’s authority under RCW 28A.335.220 and Chapters 8.16, 8.25, and 8.26 RCW, as follows:

Section 1: Eminent Domain Authorized. The Board of Directors selects, and Everett School District #2 shall acquire, by negotiation or by eminent domain, the Subject Properties legally described in Exhibit A attached hereto and by this reference incorporated herein.

The Superintendent of the District (or the Superintendent's designee) is hereby authorized and directed to retain and direct counsel to bring proceedings in the manner provided for by law to condemn, take, damage, and appropriate the lands and property interests described in this resolution pursuant to the powers granted to the District's Board of Directors including RCW 28A.335.220 and Chapters 8.16 and 8.25 RCW, and to execute all documents reasonably required to complete the acquisition of the Subject Properties.

The Superintendent (or the Superintendent's designee) is also authorized to make minor amendments to the legal descriptions of the Subject Properties described in the attached Exhibit A as may become necessary to correct scrivener's errors or to conform the legal descriptions to the precise boundaries of the property required for the project.


Section 2: Finding of Public Use and Necessity. The Board of Directors of the District finds that the acquisition of Subject Properties described in Exhibit A is for a public use and purpose, to-wit: to construct a new high school. The Board of Directors further finds the Subject Properties described in Exhibit A are necessary for the proposed public use and for the benefit of the public.

Section 3: Funds. Funds allocated for the acquisition of the Subject Properties and construction of the high school shall be made available to carry out the provisions of this resolution.

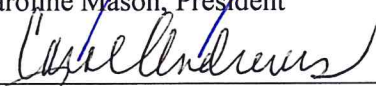
Section 4: Chapter 8.26 RCW Assistance. The Board of Directors of Everett School District #2 elects for the District to opt out of the provisions of RCW 8.26.035 through 8.26.115 and RCW 8.26.180 through 8.26.200.

ADOPTED by the Board of Directors of Everett School District #2 at an open public meeting on this 12th day of September, 2017.

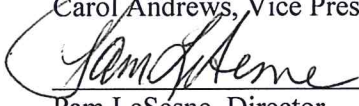
BOARD OF DIRECTORS



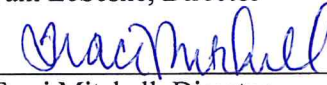
Caroline Mason, President



Carol Andrews, Vice President




Pam LeSesne, Director



Traci Mitchell, Director

Ted Wenta, Director

ATTESTED BY:



Gary D. Cohn
Secretary, Board of Directors

Exhibit A

4320 174th St. SE, Bothell, WA 98012 (Parcel #270509-004-022-00)

The South 200 feet of the North 570 feet of the West 264 feet of the West half of the Southwest Quarter of the Northwest Quarter of the Southeast quarter Section 9, Township 27 North, Range 5 East W.M.

4320 174th St. SE, Bothell, WA 98012 (Parcel #270509-004-007-00)

The West 264 feet of the West half of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 9, Township 27 North, Range 5 East W.M.

Except the North 20 feet;

And Except the South 200 feet of the North 570 feet of said West 264 feet of the West half of the Southwest Quarter of the Northwest Quarter of the Southeast quarter.

4428 174th St. SE, Bothell, WA 98012 (Parcel #270509-004-020-00; 270509-004-020-02)

The East 3/5 of the East half of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 9, Township 27 North, Range 5 East W.M.

Except the North 270 feet of the East 179.32 feet thereof
Also Except the North 20 feet thereof for the county road.

4430 174th St. SE, Bothell, WA 98012 (Parcel #270509-004-009-00)

The North 270 feet of the East 179.32 feet of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 9, Township 27 North, Range 5 East W.M.

Except the North 20 feet thereof.