

Return Address
Walla Walla County Commissioners
PO BOX 1506
Walla Walla, WA 99362

Document Titles (i.e.: type of document)

ORDINANCE NO. 462 AN ORDINANCE REGARDING THE ACQUISITION OF REAL PROPERTY NECESSARY FOR THE MILL CREEK ROAD IMPROVEMENT PROJECT, CRP 10-04, DECLARING THE PUBLIC USE AND NECESSITY OF SAME, AND AUTHORIZING THE PROSECUTING ATTORNEY TO BEGIN CONDEMNATION PROCEEDINGS.

Auditor File Number(s) of document being assigned or released:

Grantor

1. **Walla Walla County Commissioners**
- 2.
- 3.

Additional names on page ____ of document.

Grantee

1. **The Public**
- 2.
- 3.

Additional names on page ____ of document.

Legal description (i.e.: lot and block or section township and range)

n/a

Additional legal is on page ____ of document.

Assessors Parcel Numbers

n/a

Additional parcel number is on page ____ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein. Please type or print the information. This page becomes part of document.



BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

ORDINANCE NO. 462

AN ORDINANCE REGARDING THE ACQUISITION OF REAL PROPERTY NECESSARY FOR THE MILL CREEK ROAD IMPROVEMENT PROJECT, CRP 10-04, DECLARING THE PUBLIC USE AND NECESSITY OF SAME, AND AUTHORIZING THE PROSECUTING ATTORNEY TO BEGIN CONDEMNATION PROCEEDINGS.

WHEREAS, Mill Creek Road provides access to Washington and Oregon and serves as the primary access to Federal Forest Highway Route #178 to the Umatilla National Forest; and

WHEREAS, the Mill Creek Road project is consistent with the transportation goals of Walla Walla County and is listed as priority no. 1 in the 2017-2022 Six Year Transportation Improvement Program; and

WHEREAS, Mill Creek Bridge, Klicker culvert and other minor culverts located within the project limits are deficient in hydraulic capacity, resulting in road closures, damage to Mill Creek Road and private property; and

WHEREAS, Walla Walla County has partnered with the Federal Highway Administration (FHWA) to make improvements to Mill Creek Road which include replacement of hydraulic structures, road realignment, reconstruction, widening and other improvements; and

WHEREAS, by agreement with the Federal Highway Administration (FHWA), Walla Walla County has been designated as the lead agency for the project's design, planning, right of way acquisition and construction; and

WHEREAS, the Mill Creek Road project requires acquisition of portions of properties held in private ownership by numerous parties; and

WHEREAS, Walla Walla County wishes to acquire property in a fair manner, ensuring that property owners are fairly compensated for right of way acquisition in accordance with the Washington State Department of Transportation guidelines and RCW 47.12; and

WHEREAS, the Washington State Department of Transportation (WSDOT) follows the federal regulations found in the Uniform Relocation Assistance and Real Property Acquisition Polices Act of 1970 (Uniform Act), as amended; and

WHEREAS, upon completion of the right of way acquisition, FHWA will review right of way acquisition documents to ensure acquisition was completed in accordance with the Uniform Act and that the property owners were fairly compensated for their properties; and

WHEREAS, the County must balance the interests of the property owners against the need to control cost by moving forward with the project in a timely fashion; and

WHEREAS, Walla Walla County held a public hearing before the Board of County Commissioners on November 28, 2016 regarding the project; and

WHEREAS, additional discussion was held by the Board on December 5, 2016; and

WHEREAS, on December 12, 2016, Ordinance 458, which found that acquisition of the portions of the property listed on Exhibit A and other properties was for public use and necessity, was enacted; and

WHEREAS, prior to the November 28, 2016 hearing, notice was mailed via certified mail to the owners of the property on Exhibit A at their business address; and

WHEREAS, although the owners of the property listed on Exhibit A appear to have received actual notice of the November 28th hearing, the County set another hearing, with mailed notice to the property owner's address appearing on the tax rolls for the subject property; and

WHEREAS, a properly advertised public hearing with written notice to affected property owners was held on February 21, 2017; and

WHEREAS, time is of the essence,

NOW THEREFORE, the Board of County Commissioners makes the following findings of fact:

1. The Mill Creek Road improvements will replace deficient structures with structures that meet current design standards, improve safety, reduce road closures and maintenance costs and inconvenience to the travelling public.
2. The Right of Way plans, as presented to the Board on this date for the Mill Creek Road improvements are appropriate.
3. The properties listed on Exhibit A are appropriate and necessary to be acquired for right of way purposes for the Mill Creek Road project.

4. Walla Walla County has engaged in good faith negotiations with property owners to purchase property without resorting to condemnation, but has not reached agreement with all property owners.

THEREFORE, the Board of County Commissioners makes the following conclusions of law:

1. The acquisition of the properties listed on Exhibit A is for public use and necessity.
2. The County is authorized by RCW 8.08, RCW 36.75.040, and RCW 36.89.030 to acquire the properties listed on Exhibit A for condemnation.
3. RCW 8.08.010 and RCW 8.08.020 allow for condemnation when it is "directly or indirectly approximately or remotely for the general benefit or welfare of the County or the inhabitants thereof". The Board finds that the Mill Creek Road project directly benefits County residents and the general welfare; therefore, the condemnation is for a County purpose and public use.

THEREFORE, IT IS ORDAINED, by this Board of Walla Walla County Commissioners, that the acquisition of the properties listed on Exhibit A is for public use and necessity, and the Prosecuting Attorney is authorized to begin condemnation proceedings in accordance with RCW 8.08. Nothing in this Ordinance affects the findings or conclusions of Ordinance 458, which shall continue in full force and effect. Nothing in this ordinance precludes the County, through the Prosecuting Attorney, from continuing to negotiate with property owners pending Superior Court proceedings.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 21st day of February, 2017.

Attest:

Connie R Vinti

Connie R. Vinti, Clerk of the Board

James L. Duncan
James L. Duncan, Chairman, District 3

James K. Johnson
James K. Johnson, Commissioner, District 1

Todd L. Kimball
Todd L. Kimball, Commissioner, District 2

Constituting the Board of County Commissioners
of Walla Walla County, Washington

Approved as to form

Jesse D. Nolte

Jesse D. Nolte, Deputy Prosecuting Attorney



EXHIBIT A

Owner

David and Teresa Larson

Assessor Parcel

37-06-02-14-0010

