

**HIGHLINE WATER DISTRICT
KING COUNTY, WASHINGTON**

RESOLUTION 11-7-26A

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HIGHLINE WATER DISTRICT, KING COUNTY, WASHINGTON, AUTHORIZING AND APPROVING THE ACQUISITION BY CONDEMNATION OF CERTAIN INTERESTS IN REAL PROPERTY FOR USE BY THE DISTRICT TO ACCESS WATER FACILITIES RELATING TO THE MCMICKEN HEIGHTS WATER TREATMENT PLANT PROJECT.

WHEREAS, Highline Water District ("District") is a special purpose municipal corporation authorized and existing under the laws of the State of Washington, Title 57 RCW, and is authorized by law to provide water service to customers within its water service area; and

WHEREAS, the District Board of Commissioners has previously authorized and approved the District's Comprehensive Water Plan ("Comprehensive Plan") to conform to the requirements and directives of the King County Comprehensive Plan to provide water service to the District's water service planning area; and

WHEREAS, in connection with the McMicken Heights Water Treatment Plant Project (the "Project"), the District staff has recommended that the District acquire the necessary interests in certain real property located in King County, Washington, which will allow for improved access to the Project, which Project will serve properties in the vicinity of and adjacent to the Project; and

WHEREAS, the District has determined that obtaining improved access to the Project will be a benefit to the properties in the vicinity of and adjacent to the Project area because the improved access to the Project will facilitate its construction and security which will result in better water quality and improved water service to District customers in the future; and

WHEREAS, in order to facilitate construction of the Project, it is necessary to acquire the real property located at 3767 S. 164th Street, SeaTac, Washington 98188 identified as King County Assessor's Parcel No. 537980-2370-03 (the "Real Property") as legally described on **Exhibit A** and as depicted in **Exhibit B**, which exhibits are attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the District is authorized by RCW 57.08.005(1) to institute eminent domain proceedings in the same manner and by the same procedures applicable to cities and towns under Chapter 8.12 RCW; and

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WHEREAS, in order for the construction of the Project to proceed in a timely and efficient manner, the District staff has requested that the Board of Commissioners authorize District staff, its legal counsel, and the required consultants and appraisers to proceed with the acquisition of the Property through the use of eminent domain proceedings as deemed appropriate, subject to the District paying the owner(s) of such Real Property just compensation for such taking in the manner required by law; and

WHEREAS, the District has provided notice of the planned final action described below to the property owner(s) in the manner required by RCW 8.25.290, now therefore,

BE IT RESOLVED, by the Board of Commissioners of Highline Water District, King County, Washington, as follows:

1. Incorporation of Recitals. The recitals set forth above are hereby adopted as if set forth in full herein;
2. Public Use. The use of the Property to access the Project to facilitate its construction and security to serve properties in the vicinity of and adjacent to the Project is a public use.
3. Determination of Necessity. The Board of Commissioners finds that the acquisition of the Property as legally described in **Exhibit A** and depicted in **Exhibit B** is necessary and appropriate for the construction and security of the Project, which is a public use and for a public purpose; and
4. Condemnation. Pursuant to Chapter 57.08 RCW and Chapter 8.12 RCW, the Property shall be condemned and acquired by the District after just compensation having been first made or paid into the court for the owner(s) of the Real Property in the manner prescribed by law; and
5. Authorization. District staff, legal counsel, and consulting engineers and/or appraisers are hereby authorized and directed to commence condemnation proceedings against the owner(s) of the Property, and all other parties with an interest in the Property, in order to acquire the Property, and to take all other steps necessary to acquire the Property and to carry out the provisions of this Resolution. Payment of just compensation as required by law shall be made from the general funds of the District.

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6. Effective Date. This Resolution shall be effective the date set forth below.

ADOPTED by the Board of Commissioners of Highline Water District, King County, Washington, at the regular open public meeting thereof held on the **26th** day of **July 2011**.

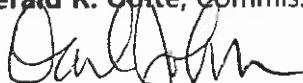
BOARD OF COMMISSIONERS



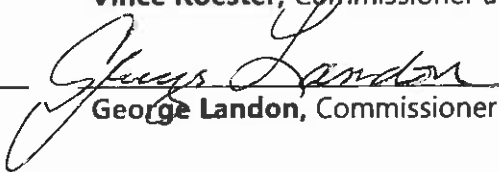
Gerald R. Guite, Commissioner and President



Vince Koester, Commissioner and Secretary



Daniel Johnson, Commissioner



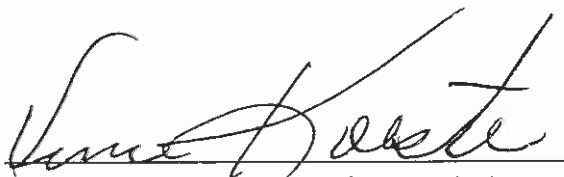
George Landon, Commissioner



Kathleen Quong-Vermeire, Commissioner

CERTIFICATE

I, Vince Koester, Secretary of the Board of Commissioners of Highline Water District, King County, Washington, do hereby certify that the foregoing resolution is a true and correct copy of Resolution No. 11-7-26A of such Board, duly adopted at a regular meeting thereof held on the 26th day of July, 2011, signed by the members of such Board in attendance at such meeting and attested by myself in authentication of such adoption.



Secretary of the Board of Commissioners
Highline Water District