

**CLARK COUNTY
STAFF REPORT**

DEPARTMENT/DIVISION: Public Works/Engineering & Construction Division/Real Property Services

DATE: November 12, 2013

REQUEST: Declare the NE 119th Street Project from NE 72nd Ave. to NE 87th Ave. a Public Use and Necessity and direct the Prosecuting Attorney's office to proceed with the Condemnation process. County Road Project (CRP) 390722.

CHECK ONE: _____ Consent _____ Chief Administrative Officer X Hearing

PUBLIC WORKS GOALS:

- Provide safe and efficient transportation systems within Clark County
- Continue responsible stewardship of public funds
- Promote family-wage job creation and economic development to support a thriving community
- Maintain a desirable quality of life
- Improve environmental stewardship and protection of natural resources
- Increase partnerships and foster an engaged, informed community
- Make Public Works a great place to work

BACKGROUND: The Public Works Department has negotiated with thirty-three (33) property owners to acquire the right-of-way needed for the NE 119th Street road project; (CRP 390722). Thirty property owners have accepted the offers for their property or have executed Possession and Use Agreements, which allow the project to proceed to construction while negotiations are finalized. Staff continues to negotiate with the three remaining property owners.

To meet the planned 2014 construction start and avoid losing a federal grant, Public Works is requesting that the Board declare this project a "Public Use and Necessity" and direct the Prosecuting Attorney's office to proceed with the condemnation process for the following parcels.

<u>Owner</u>	<u>Serial Numbers</u>	<u>Site Address</u>
Thornton Family Trust	199390-000	7607 NE 119 th St
Thornton Properties, LLC	199396-000	7617 NE 119 th St
Bank of America, N.A.	119887-360	6916 NE 119 th St

COMMUNITY OUTREACH: This project has been involved in a public outreach program that included several Heads Up informational mailings as well as five (5) open house events.

BUDGET AND POLICY IMPLICATIONS: Funds for these parcels (\$327,700) are included in the 2013-2018 Transportation Improvement Program and the 2013 Annual Construction Program.

FISCAL IMPACTS: Yes (see Fiscal Impacts Attachment) No

ACTION REQUESTED: Declare the NE 119th Street Project from NE 72nd Ave. to NE 87th Ave. a Public Use and Necessity and direct the Prosecuting Attorney's office to proceed with the Condemnation process. County Road Project (CRP) 390722.

DISTRIBUTION: Please notify Real Property Services of the Board's action by calling extension 4975.



Heath H. Henderson, P.E.
Engineering & Construction Division Manager



Peter Capell, P.E.
Public Works Director/County Engineer

HHH/PC/PAM/pmm

APPROVED: 

CLARK COUNTY, WASHINGTON
BOARD OF COMMISSIONERS

NOV. 12, 2013

FISCAL IMPACT ATTACHMENT

Part I: Narrative Explanation

I.A - Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information.

The acquisition of these properties is currently in the approved 2013-2018 Transportation Improvement Program and the 2013 Annual Construction Program. The properties will be purchased for the appraised value; any portion of the parcels not needed for the NE 119th St (NE 72nd Ave to NE 87th Ave) project will be surplus and sold at a public auction at a later date. Revenue from any property sales will be directed back to the road fund.

Part II: Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	RF	Total	GF	Total	GF	Total
1012/Road Fund	\$ 327,700	\$ 327,700				
Total:	\$ 327,700	\$ 327,700	\$0.00	\$0.00	\$0.00	\$0.00

II.A - Describe the type of revenue (grant, fees, etc.)

Funding for this project is already budgeted in the 2013 budget for the Road Fund.

Part III: Estimated Expenditures

III.A - Expenditures summed up

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		RF	Total	GF	Total	GF	Total
1012/Road Fund		\$ 327,700	\$ 327,700				
Total:		\$ 327,700	\$ 327,700	\$0.00	\$0.00	\$0.00	\$0.00

III.B = Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	RF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays	\$ 327,700	\$ 327,700				
Inter-fund Transfers						
Debt Service						
Total:	\$ 327,700	\$ 327,700	\$0.00	\$0.00	\$0.00	\$0.00

NOTICE OF HEARING

The Clark County Board of Commissioners will hold a public hearing on the 12th day of November, 2013 at 10:00 AM, in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington to consider: a request from Clark County Public Works Department to declare the NE 119th Street (NE 72nd Ave. – NE 87th Ave.), capital road project CRP #390722 a "Public Use and Necessity" and to direct the Prosecuting Attorney's office to proceed onto Superior Court with Eminent Domain proceedings. Property owners affected include: David M. Mousleh and Anastacia Mousleh, Serial No.'s 198812-000; 198803-000, Thornton Properties, LLC., Serial No. 199396-000, Thornton Family Trust, Serial No. 199390-000, and Bank of America, N.A., Serial No. 119887-360.

More information concerning this matter may be obtained from the Clark County Department of Public Works, Real Property Services Department, 1300 Franklin Street, Vancouver, Washington, Steve Hansen, telephone (360) 397-6118 extension 4370.

Any person wishing to give testimony in this matter should appear at the time, date, and place above stated.

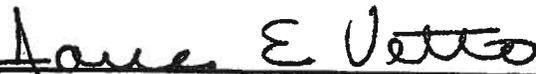
BOARD OF CLARK COUNTY COMMISSIONERS



Rebecca Tilton, Clerk of the Board

Approved as to Form Only

ANTHONY F. GOLIK
Prosecuting Attorney

By 

Jane Vetto
Civil Deputy Prosecuting Attorney

Please publish: October 28, 2013

County Road Project #390722

Persons requiring auxiliary aids or special arrangements in order to participate in this hearing should call (360) 397-2232, Commissioners Office, or TDD (360) 397-6032, Human Resources Dept., at least two days prior to the scheduled meeting.



PROSECUTING ATTORNEY | ANTHONY F. GOLIK

JOHN P. FAIRGRIEVE
Chief Deputy

SCOTT D. JACKSON
Chief Criminal Deputy

CHRISTOPHER HORNE
Chief Civil Deputy

SHARI JENSEN
Administrator

October 19, 2013

SENT VIA CERTIFIED MAIL

John Thornton
429 N Valencia Street
Glendora CA 91741

Dear Mr. Thornton:

Enclosed please find the Notice of Hearing with the Clark County Board of Commissioners scheduled for November 12, 2013 at 10:00 a.m. At that time, the Board will take up the questions of the public use and necessity of the condemnation of your property in order to facilitate the NE 119th Street capital road project.

Please attend this hearing, during which you may give testimony if you wish.

Sincerely,

Jane Vetto
Deputy Prosecuting Attorney

Enc.

cc: Pam Mason, Clark County Real Property Services
Steve Horenstein, Attorney



PROSECUTING ATTORNEY | ANTHONY F. GOLIK

JOHN P. FAIRGRIEVE
Chief Deputy

SCOTT D. JACKSON
Chief Criminal Deputy

CHRISTOPHER HORNE
Chief Civil Deputy

SHARI JENSEN
Administrator

October 19, 2013

SENT VIA CERTIFIED MAIL

Paula Perkins
2233 Ward Parkway
Ft. Worth TX 76110

Dear Ms. Perkins:

Enclosed please find the Notice of Hearing with the Clark County Board of Commissioners scheduled for November 12, 2013 at 10:00 a.m. At that time, the Board will take up the questions of the public use and necessity of the condemnation of your property in order to facilitate the NE 119th Street capital road project.

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Sincerely,

Jane Vetto
Deputy Prosecuting Attorney

Enc.

cc: Pam Mason, Clark County Real Property Services
Steve Horenstein, Attorney



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Chief Deputy

SCOTT D. JACKSON
Chief Criminal Deputy

CHRISTOPHER HORNE
Chief Civil Deputy

SHARI JENSEN
Administrator

October 19, 2013

SENT VIA CERTIFIED MAIL

Tom Thornton
11818 SE 15th Street
Vancouver WA 98683

Dear Mr. Thornton:

Enclosed please find the Notice of Hearing with the Clark County Board of Commissioners scheduled for November 12, 2013 at 10:00 a.m. At that time, the Board will take up the questions of the public use and necessity of the condemnation of your property in order to facilitate the NE 119th Street capital road project.

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Steve Horenstein, Attorney



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Chief Deputy

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Chief Criminal Deputy

CHRISTOPHER HORNE
Chief Civil Deputy

SHARI JENSEN
Administrator

October 19, 2013

SENT VIA CERTIFIED MAIL

Bank of America
Tiera Bolling
Foreclosure Specialist II
7105 Corporate Drive, Building C
Plano TX 75024

Mailstop: TX2-982-03-05

Dear Ms. Bolling:

Enclosed please find the Notice of Hearing with the Clark County Board of Commissioners scheduled for November 12, 2013 at 10:00 a.m. At that time, the Board will take up the questions of the public use and necessity of the condemnation of your property in order to facilitate the NE 119th Street capital road project.

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Sincerely,

Jane Vetto
Deputy Prosecuting Attorney

Enc.

cc: Pam Mason, Clark County Real Property Services



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Chief Deputy

SCOTT D. JACKSON
Chief Criminal Deputy

CHRISTOPHER HORNE
Chief Civil Deputy

SHARI JENSEN
Administrator

October 19, 2013

SENT VIA CERTIFIED MAIL

Glen and Nancy Thornton
7617 NE 119th Street
Vancouver WA 98662

Dear Mr. and Mrs. Thornton:

Enclosed please find the Notice of Hearing with the Clark County Board of Commissioners scheduled for November 12, 2013 at 10:00 a.m. At that time, the Board will take up the questions of the public use and necessity of the condemnation of your property in order to facilitate the NE 119th Street capital road project.

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Sincerely,

Jane Vetto
Deputy Prosecuting Attorney

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cc: Pam Mason, Clark County Real Property Services
Steve Horenstein, Attorney



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Chief Deputy

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Chief Criminal Deputy

CHRISTOPHER HORNE
Chief Civil Deputy

SHARI JENSEN
Administrator

October 19, 2013

SENT VIA CERTIFIED MAIL

Joseph Thornton
986 R Ridgeway Avenue
Hermiston OR ~~97444~~ 97838

Dear Mr. Thornton:

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Deputy Prosecuting Attorney

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Steve Horenstein, Attorney