



RESOLUTION #557

A RESOLUTION OF THE SNOHOMISH COUNTY FIRE DISTRICT NO. 4 BOARD OF COMMISSIONERS AUTHORIZING ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF PROPERTY LOCATED BETWEEN 3RD AND 4TH STREETS AND PINE AVENUE AND THE PILCHUCK RIVER IN SNOHOMISH, WASHINGTON, FROM WASHINGTON LIMITED LIABILITY COMPANY FIVE J'S LLC.

WHEREAS, the Snohomish County Fire District No. 4 ("District") is a Washington municipal corporation and fire protection district formed pursuant to RCW 52.02.020 and operating under Chapter 52.12 RCW; and

WHEREAS, the City of Snohomish ("City") is a Washington municipal corporation and noncharter code city operating under Ch. 35A.13 RCW; and

WHEREAS, the City is located within the District's corporate boundaries; and

WHEREAS, the District provides fire, emergency medical, and rescue services ("Fire and EMS") within the City of Snohomish and surroundings rural area encompassing approximately 60 square miles with a population of approximately 32,000 residents; and

WHEREAS, the District provides fire and EMS services from three staffed stations: (1) Station 41, located at 427 Maple Avenue; (2) Station 42 located at 6724 171st Ave SE; and (3) Station 43, located at 1525 Avenue D, known as the "Headquarters Station"; and

WHEREAS, the City and the District jointly own Station 41 and the Headquarters Station 43; and

WHEREAS, Station 41 is undersized and cannot be cost-effectively modified to meet the District's current fire and EMS level-of-service needs; and

WHEREAS, the District's 2022 Strategic Plan recommended that as capital funding allows, the District should consider modifying, replacing, or relocating fire station facilities to meet modern health and safety standards and future District space and functional needs, with Station 41 being the top priority for replacement / relocation; and

WHEREAS, the City has a need for a new and expanded police station, City Hall, as well as an expanded, replacement emergency operations center ("EOC"); and

WHEREAS, the District and City desire to purchase adjacent portions of property to create and develop a Municipal Campus, in order to benefit the public by allowing for co-located police, fire, EMS and EOC services; allow for efficient communication between City departments, Police, and the District; allow for efficiency in site development; better position the community to compete for grants to fund development of the Municipal Campus; provide greater opportunities and cost-savings for the use of shared spaces; and allow for unified emergency response in disasters and/or large scale events; and

WHEREAS, the City and District have identified a 5.61-acre site as suitable for acquisition and development of the Municipal Campus; and

WHEREAS, the site is comprised of 23 individual parcels of property generally located between 3rd and 4th Streets on the south and north, respectively and between Pine Avenue and the Pilchuck River on the west and east, respectively, and is commonly referred to as the “Pine Avenue Property”; and

WHEREAS, the City and District have cooperated in an effort jointly acquire real property for the development and ownership of the Municipal Campus; and

WHEREAS, RCW 52.12.021 authorizes a fire protection district to acquire, purchase, hold, and occupy real and personal property, and to enter into and to perform any and all necessary contracts; and

WHEREAS, the District is authorized under RCW 52.12.021, .031, .051 and Ch. 8.20 RCW to acquire real property by the exercise of the power of eminent domain; and

WHEREAS, RCW 35A.11.010 authorizes the City to purchase, lease, receive, or otherwise acquire real and personal property of every kind, and use, enjoy, hold, lease, control, convey or otherwise dispose of it for the common benefit.; and

WHEREAS, the City is authorized under RCW 35A.64.200 and 8.12 RCW to acquire real property by the exercise of the power of eminent domain; and

WHEREAS, the proposed uses for the Pine Avenue Property, namely, a Municipal Campus with a police station, fire station, emergency operations center, and related City and District uses, are public uses and necessary for District and City operations; and

WHEREAS, the District, acting as lead agency for property acquisition for the City and District notified Five J’s, LLC in writing of its intent to exercises its power of eminent domain with respect to the Property; and

WHEREAS, the District and Five J’s, LLC entered into a Purchase and Sale Agreement for the Property dated April 11, 2023 (“PSA”), which Agreement acknowledges that Five J’s LLC is selling under an imminent threat of the exercise of eminent domain, and that Five J’s LLC would not execute the PSA but for the threat of the exercise of such power; and

WHEREAS, by Recital E of the PSA, Five J’s, LLC waived its right to adjudication of the issue of public use and necessity under RCW 8.20.070, subject to closing the transaction; and

WHEREAS, by Recital F of the PSA, Five J’s, LLC waived the notice of final action requirement in RCW 8.25.290 and the right to require the District to comply with the acquisition procedures required by RCW 8.26.180.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE SNOHOMISH COUNTY FIRE PROTECTION DISTRICT NO. 4 as follows:

Section I. Incorporation of Recitals. The recitals set forth above are hereby adopted and incorporated herein as if set forth in full.

Section II. Public Use and Necessity Declared. The District finds and declares that acquisition of the Property is necessary to carry out the purposes of the District and the City, including but not limited to providing critical fire, EMS, rescue, police and other life safety services to the community they serve, and are therefore declared to be public uses.

Section III. Authority to Acquire. The Board authorizes the acquisition, condemnation and taking of the Pine Avenue Property generally located at 3rd and 4th Streets on the south and north, respectively and between Pine Avenue and the Pilchuck River on the west and east, respectively, in Snohomish, Washington, all as legally described and depicted on Exhibit A. The Board authorizes the acquisition of the Pine Avenue Property under imminent threat of eminent domain or by initiation of legal action to acquire through the use of eminent domain for condemnation to acquire the Property, subject to the making or paying of just compensation to the owner thereof in the manner provided by law.

Section IV. Reservation of Rights. Nothing in this Resolution limits the District in its identification and acquisition of property and property rights necessary for the declared public uses. The Board reserves the right to acquire additional or different properties as needed by either the Board or the City.

Section V. Authority of Fire Chief. The Fire Chief, by and through his designees, is authorized and directed to complete the acquisition of the Property pursuant to the Purchase and Sale Agreement dated April 11, 2023 under imminent threat of acquisition by eminent domain, and to initiate and prosecute an action to condemn the Pine Avenue Property should the sale fail to close.

Section VI. Compensation. The compensation to be paid to the owner of the Property acquired shall be paid though the proceeds of bond sales or such other monies that the District and City may have available or attain for the acquisition.

Section VII. Relocation of Displaced Tenants. All persons or businesses displaced as a result of the project will receive benefits pursuant to Chapter 8.26 RCW.

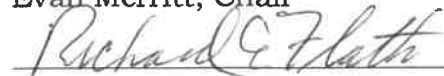
Section VIII. Severability. If any section, subsection, sentence, clause, phrase or word of this Resolution should be held to be invalid or unconstitutional by a court or competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the constitutionality of any other section, subsection, sentence, clause, phrase or word of this Resolution.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE SNOHOMISH COUNTY FIRE PROTECTION DISTRICT NO. 4 THIS 14th DAY OF June, 2023.

SNOHOMISH COUNTY FIRE PROTECTION DISTRICT NO. 4



Evan Merritt, Chair



Richard E. Flath, Commissioner



Jill Gleason, Commissioner

Attest:



Don Waller, District Secretary / Fire Chief

EXHIBIT A

Legal Description

PARCEL 1: (APN 004758-002-001-00)

LOTS 1, 2 AND 3, BLOCK 2, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE EAST HALF OF VACATED ALLEY ADJACENT TO SAID LOTS.

PARCEL 2: (APN 004758-002-004-00)

LOTS 4 AND 5, BLOCK 2, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE EAST HALF OF VACATED ALLEY ADJACENT TO SAID LOTS.

PARCEL 3: (APN 004758-002-006-00)

LOT 6, BLOCK 2, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE EAST HALF OF VACATED ALLEY ADJACENT TO SAID LOTS.

PARCEL 4: (APN 004758-002-007-00)

LOTS 7 TO 11, INCLUSIVE, BLOCK 2, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE EAST HALF OF VACATED ALLEY ADJACENT TO SAID LOTS.

PARCEL 5: (APN 004758-002-012-00)

LOTS 12, 13 AND 14, BLOCK 2, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE EAST HALF OF VACATED ALLEY ADJACENT TO SAID LOTS.

PARCEL 6: (APN 004758-002-015-00)

FRACTIONAL LOTS 15 AND 16, BLOCK 2 OF MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE EAST HALF OF ALLEY ABUTTING SAID FRACTIONAL LOTS, WHICH WAS VACATED BY ORDINANCE NO. 738 OF THE CITY OF SNOHOMISH ON NOVEMBER 20, 1945, WHICH ORDINANCE IS RECORDED UNDER SNOHOMISH COUNTY RECORDING NO. 8408220114.

PARCEL 7: (APN 004758-002-017-00)

LOTS 17 TO 22, INCLUSIVE, BLOCK 2, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH VACATED EAST 20 FEET OF STREET ADJOINING SAID PROPERTY ON THE WEST;

TOGETHER WITH THE WEST HALF OF VACATED ALLEY ADJACENT TO SAID LOTS.

PARCEL 8: (APN 004758-002-023-00)

LOTS 23, 24 AND 25, BLOCK 2, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH VACATED EAST 20 FEET OF STREET ADJOINING SAID PROPERTY ON THE WEST;

TOGETHER WITH THE WEST HALF OF VACATED ALLEY ADJACENT TO SAID LOTS.

PARCEL 9: (APN 004758-002-026-00)

LOTS 26 AND 27, BLOCK 2, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH VACATED EAST 20 FEET OF STREET ADJOINING SAID PROPERTY ON THE WEST;

TOGETHER WITH THE WEST HALF OF VACATED ALLEY ADJACENT TO SAID LOTS.

PARCEL 10: (APN 004758-002-028-00)

LOT 28, BLOCK 2, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH VACATED EAST 20 FEET OF STREET ADJOINING SAID PROPERTY ON THE WEST; TOGETHER WITH THE WEST HALF OF VACATED ALLEY ADJACENT TO SAID LOTS.

PARCEL 11: (APN 004758-002-029-00)

LOTS 29 TO 32, INCLUSIVE, BLOCK 2, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH VACATED EAST 20 FEET OF STREET ADJOINING SAID PROPERTY ON THE WEST;

TOGETHER WITH THE WEST HALF OF VACATED ALLEY ADJACENT TO SAID LOTS.

PARCEL 12: (APN 004758-005-001-01)

THE EAST 70 FEET OF LOTS 1 TO 5, INCLUSIVE, BLOCK 5, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH VACATED PORTION OF CYPRESS AVENUE ADJACENT THERETO WHICH ATTACHED BY OPERATION OF LAW.

PARCEL 13: (APN 004758-005-001-02)

THE WEST 50 FEET OF LOTS 1 TO 5, INCLUSIVE, AND ALL OF LOTS 6 TO 9, INCLUSIVE, AND THE SOUTH HALF OF LOT 10, BLOCK 5, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH VACATED PORTION OF CYPRESS AVENUE ADJACENT THERETO WHICH ATTACHED BY OPERATION OF LAW.

PARCEL 14: (APN 004758-005-010-00)

THE NORTH HALF OF LOT 10 AND ALL OF LOTS 11, 12, 13 AND 14, BLOCK 5 OF MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH VACATED WEST 20 FEET OF STREET ADJOINING SAID PROPERTY ON THE EAST.

PARCEL 15: (APN 004758-005-015-00)

LOTS 15 AND 16, BLOCK 5, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH VACATED WEST 20 FEET OF STREET ADJOINING SAID PROPERTY ON THE EAST.

PARCEL 16: (APN 004758-005-017-00)

LOTS 17 AND 18, BLOCK 5, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

PARCEL 17: (APN 004758-005-019-00)

LOT 19 AND THE NORTH HALF OF LOT 20, BLOCK 5, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

PARCEL 18: (APN 004758-005-020-00)

THE SOUTH HALF OF LOT 20 AND ALL OF LOT 21, BLOCK 5, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

PARCEL 19: (APN 004758-005-022-00)

LOT 22 AND NORTH 10 FEET OF LOT 23, BLOCK 5, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

PARCEL 20: (APN 004758-005-023-00)

THE SOUTH 20 FEET OF LOT 23 AND THE NORTH 15 FEET OF LOT 24, BLOCK 5, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

PARCEL 21: (APN 004758-005-024-00)

ALL OF LOT 25 AND THE SOUTH 15 FEET OF LOT 24, BLOCK 5, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

PARCEL 22: (APN 004758-005-026-00)

LOTS 26 AND 27, BLOCK 5, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

PARCEL 23: (APN 004758-005-028-00)

LOTS 28 TO 32, INCLUSIVE, BLOCK 5, MRS. HOGAN'S 2ND ADDITION TO THE CITY OF SNOHOMISH, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 82, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.