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

**ORDINANCE NO. 458 - 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.

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**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

**ORDINANCE NO. 458**

**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 intersection of Scenic Loop Road at Mill Creek Road is included in the Mill Creek Road Improvement project; 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, with the Federal Highway Administration (FHWA) have partnered 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**, right of way acquisition on Scenic Loop Road at its intersection with Mill Creek Road is required to match into the proposed Mill Creek Road project; 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**, a properly advertised public hearing with written notice to affected property owners regarding the acquisition of certain property to be utilized for the Mill Creek Road improvements was held on November 28, 2016; and

**WHEREAS**, additional discussion was held by the Board on December 5, 2016; 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 improvement project.
4. Walla Walla County has engaged in good faith negotiations with property owners to purchase property without resorting to condemnation, but the County 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 8.08.10 and RCW 8.08.020 allow for condemnation when it is "directly or indirectly approximately or remotely for the general benefit of 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 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 12<sup>th</sup> day of December, 2016.

Attest:

*Connie R. Vinti*

Connie R. Vinti, Clerk of the Board

*James K. Johnson*

James K. Johnson, Chairman, District 1

*Perry L. Dozier*

Perry L. Dozier, Commissioner, District 2

*James L. Duncan*

James L. Duncan, Commissioner, District 3

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

Norma J. Zier  
David and Teresa Larson  
Robert C. Friedemann  
John A. Hunter  
Margaret C. Hebdon

Assessor Parcel

37-07-34-14-0004  
37-06-02-14-0010  
37-06-02-41-0006  
37-06-02-41-0007  
37-06-02-41-0008

