

THE HOUSING AUTHORITY OF THE COUNTY OF KING

RESOLUTION NO. 5743

A RESOLUTION AUTHORIZING ACQUISITION OF CELL TOWER INTERESTS TO FACILITATE REDEVELOPMENT OF THE TOD PROPERTY IN ISSAQUAH

WHEREAS, the acquisition and planned redevelopment of transit oriented housing are part of the Housing Authority’s strategic priority to acquire and develop housing along planned mass transit corridors and areas with frequent high-capacity transit to ensure the long-term availability of low-income housing near reliable public transportation; and

WHEREAS, Resolutions 5678, 5694, and 5732 (the “Prior Resolutions”) authorized the Executive Director of the Housing Authority, to, among other things, acquire and develop property located at 1505 Newport Way NW, Issaquah, Washington (the “TOD Property”) and to finalize agreements and other arrangements in connection therewith, pursuant to the Housing Authority’s determination that acquisition of TOD Property is necessary to provide low-income housing near reliable public transportation; and

WHEREAS, the Housing Authority completed its purchase of the TOD Property; and

WHEREAS, there is located on the TOD Property a cell tower and related equipment (collectively the “Tower”), which are owned and operated by Vertical Bridge S3 Assets, LLC or its affiliate (“Vertical Bridge”), pursuant to one or more preexisting written agreements (collectively the “Tower Lease”), which Tower and operations were not removed from the TOD Property as a condition of the Housing Authority’s purchase of the TOD Property; and

WHEREAS, removal of the Tower from the TOD Property is necessary to facilitate the redevelopment of the TOD Property; and

WHEREAS, the City of Issaquah has identified a location in Tibbetts Valley Park, which the City believes to be a suitable replacement location for the Tower operations, and pursuant to

Agenda Bill 8495, the City has resolved to make such location available for lease by Vertical Bridge to facilitate the removal of the Tower from the TOD Property; and

WHEREAS, the costs to replace or relocate the Tower from the TOD Property to the Tibbetts Valley Park site are projected to be \$800,000 or less; and

WHEREAS, RCW 35.82.070(5) and RCW 35.82.110 authorize a housing authority to acquire real property by exercise of the power of eminent domain or by purchase in lieu of exercise of the power of eminent domain;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF KING, as follows:

Section 1: Acquisition of all rights allowing the Tower and its operations to remain on the TOD Property including under the Tower Lease (collectively “Tower Lease Interests”), is necessary to provide housing for persons of low income that is equitably distributed in various areas of King County and particularly in areas of rising rents, planned mass transit corridors and high housing costs.

Section 2: The Board of Commissioners hereby authorizes the Executive Director (i) to give notice to Vertical Bridge of the Housing Authority’s intention to acquire the Tower Lease Interests by eminent domain if it is unsuccessful in acquiring the Tower Lease Interests on satisfactory terms through negotiation and purchase in lieu of condemnation; and (ii) to acquire the Tower Lease Interests by condemnation through exercise of the Housing Authority’s power of eminent domain, if it is unsuccessful in acquiring the Tower Lease Interests on satisfactory terms through negotiation with and purchase from the owner in lieu of condemnation.

Section 3: The Executive Director is hereby vested with the authority, and with discretion in the exercise of such authority, to take any and all actions necessary to acquire the Tower Lease Interests, and in connection therewith to pay to the parties entitled thereto the costs of removal or

relocation of the Tower operations off of the TOD Property, up to a maximum reimbursement amount of Eight Hundred Thousand Dollars (\$800,000).

Section 4: The Board of Commissioners hereby authorizes the Executive Director, Robin Walls, and in her absence, Daniel R. Watson, the Advisor to the Executive Director, or Deputy Executive Director & Chief Administrative Officer Saeed Hajarizadeh, to execute on behalf of the Housing Authority any and all contracts, agreements, certifications or other documents in connection with the Housing Authority's acquisition of the Tower Lease Interests pursuant to this Resolution.

**ADOPTED AT A SPECIAL MEETING OF THE BOARD OF COMMISSIONERS
OF THE HOUSING AUTHORITY OF THE COUNTY OF KING AT AN OPEN PUBLIC
MEETING THIS 5TH DAY OF JANUARY, 2023.**

**THE HOUSING AUTHORITY OF THE
COUNTY OF KING**



DOUGLAS J. BARNES, Chair
Board of Commissioners

Attest:



ROBIN WALLS
Executive Director and Secretary-Treasurer

CERTIFICATE

I, the undersigned, the duly chosen, qualified and acting Executive Director and Secretary-Treasurer of the Housing Authority of the County of King (the "Authority"), and keeper of the records of the Authority, CERTIFY:

1. That the attached Resolution No. 5743 (the "Resolution") is a true and correct copy of the resolution of the Board of Commissioners of the Authority as adopted at a special meeting of the Authority held on January 5, 2023 (the "Meeting"), and duly recorded in the minute books of the Authority;

2. The public was notified of access options for remote participation in the Meeting via the Authority's website and email to stakeholders; and

3. The Meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of the Meeting was given; that a quorum was present throughout the Meeting through telephonic and/or internet means of remote access, and a majority of the members of the Board of Commissioners of the Authority present at the Meeting voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of January, 2023.



Robin Walls
Secretary-Treasurer and Executive Director of the
Authority