

THE HOUSING AUTHORITY OF THE COUNTY OF KING

RESOLUTION NO. 5542

**A RESOLUTION AUTHORIZING ACQUISITION OF
HIGHLAND VILLAGE APARTMENTS**

WHEREAS, RCW 35.82.070(2) provides, in part, that a housing authority shall have the power to acquire housing projects within its area of operations, and RCW 35.82.070(5) authorizes a housing authority to acquire real property by exercise of the power of eminent domain; and

WHEREAS, there is an increasingly serious shortage of affordable housing in King County, particularly in the City of Bellevue, which the King County Housing Authority (“Housing Authority”) is charged with addressing pursuant to its mission of providing quality affordable housing opportunities equitably distributed within King County; and

WHEREAS, it is a goal of local government and the Housing Authority to further fair housing in the region affirmatively, in part through preservation of existing affordable housing opportunities in areas with significantly appreciating housing costs; and

WHEREAS, Highland Village Apartments (the “Property”) comprise the 76-unit apartment complex located at 14526 NE 7th Place, Bellevue, Washington, in an area of King County where rents are increasingly unaffordable to low-income households; and

WHEREAS, the Property presently houses low-income residents who will be displaced if the presently pending sale of the Property closes and the Property is redeveloped by the buyer; and

WHEREAS, acquisition of the Property by the Housing Authority will preserve uniquely situated affordable housing and will serve the mission of the Housing Authority and the housing goals of the region through an approach that is less expensive than constructing the same number of new units in the vicinity of the Property.

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

Section 1: Acquisition of the Property by the Housing Authority is necessary to preserve and provide housing for persons of low income that is equitably distributed in various areas of its operations, and in areas of rising rents and high housing market costs in particular.

Section 2: The Board of Commissioners hereby authorizes the Executive Director to acquire the Property by condemnation through exercise of the Housing Authority's power of eminent domain, if it is unsuccessful in acquiring the Property on satisfactory terms through negotiation with and purchase from the owner in lieu of condemnation for a price which shall not exceed [105%] of an independent third party valuation of the Property. The Executive Director is hereby further vested with the authority, and with discretion in the exercise thereof, to give notice to both the current owner of the Property and the holder of the contractual right to purchase the Property, of the Housing Authority's intention to acquire the Property by eminent domain if it is unsuccessful in acquiring the Property on satisfactory terms through negotiation and purchase in lieu of condemnation.

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Section 3: The Executive Director is hereby vested with the authority, and with discretion in the exercise thereof, to attempt to negotiate purchase of the Property from the owner in lieu of condemnation. If the Executive Director is successful in negotiation of the purchase of the Property in lieu of condemnation for the price authorized above, then the Executive Director is hereby authorized (a) to sign a Purchase and Sale Agreement providing for the acquisition of the Property containing such terms and conditions as are customary in such transactions and as are deemed by the Executive Director to be in the best interests of the Housing Authority, (b) to sign such other agreements in connection with acquisition of the Property as are deemed by the Executive Director to be in the best interests of the Housing Authority including without limitation addressing the interest and compensation rights of the holder of the contractual right to purchase the Property, and (c) to pay into the purchase escrow the earnest money deposit for the purchase of the Property provided for under the Purchase and Sale Agreement under terms that would permit the earnest money to be forfeited to the seller as liquidated damages if the sale fails to close through no fault of the seller.

Section 4: The Executive Director is further hereby vested with the authority, and with discretion in the exercise of such authority, to make a final determination after reviewing the results of the due diligence of the Property as to whether to proceed with the purchase of the Property if, and only if, a satisfactory plan for the financing of this acquisition has been established and he deems it in the best interest of the Housing Authority to proceed. The Executive Director shall certify to the Board of Commissioners in writing the final determination he has made regarding the availability of adequate financing for the acquisition of the property and the decision as to whether to

proceed. If the Executive Director makes a final determination to proceed, the Board of Commissioners hereby further authorizes the Executive Director, Stephen J. Norman, to take any and all actions necessary to consummate acquisition of the Property.

Section 5: The Board of Commissioners hereby elects pursuant to RCW 8.26.010(2) not to comply with the provisions of RCW 8.26.035 through RCW 8.26.115 in connection with the acquisition of the Property because no existing occupants of the Property will be displaced by reason of the acquisition.

Section 6: The Board of Commissioners hereby authorizes the Executive Director, Stephen J. Norman, to execute any and all applications, agreements, certifications or other documents in connection with the submission of various funding and financing applications, in order to provide all or part of the interim and/or permanent financing of the Property.

Section 7: The Board of Commissioners hereby authorizes the Executive Director, Stephen J. Norman, and in his absence, Deputy Executive Director Daniel R. Watson or Deputy Executive Director Constance C. Davis, to execute any and all contracts, agreements, certifications or other documents in connection with the acquisition of Property.

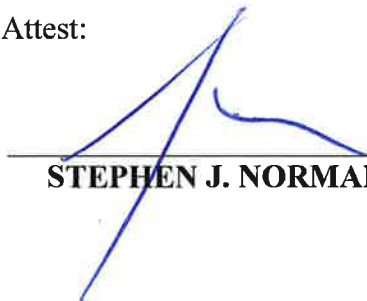
**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE HOUSING
AUTHORITY OF THE COUNTY OF KING THIS 25 DAY OF July ,
2016.**

**THE HOUSING AUTHORITY OF THE
COUNTY OF KING, WASHINGTON**



DOUGLAS J. BARNES, Chair

Attest:



STEPHEN J. NORMAN, Secretary