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Tent City 4's eviction appealed to state court

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The question of what should become of Tent City 4 is being taken to a higher court.

The venue for the new argument is the state Court of Appeals, where documents were filed Tuesday seeking the overruling of a King County Superior Court decision.

The filings ask the appeals court to grant an emergency stay of an order directing about 60 residents of Tent City 4 to move out of an encampment at Woodinville's Northshore United Church of Christ by 11:59 p.m. Saturday.

That order was issued by Superior Court Judge Charles Mertel last week and signed Monday.

The appeal, which is expected to be heard at 1 p.m. Friday in Seattle, makes several arguments for overturning Mertel's ruling.

Among the arguments are what the appeal describes as a procedural error in which a trial decision and an injunction hearing were combined and whether damages to be suffered by Tent City residents outweigh those of the city of Woodinville.

The appeal also argues that the city's land-use code is an unconstitutional infringement on the church's right to religious expression, that the church did not violate a 2004 agreement reached after a Tent City encampment then, and that the church was denied a constitutional right to a trial by jury.

"If the order ... were enforced, Tent City 4 would suffer substantial injury because over 60 working poor would be cast into the streets without shelter," the appeal says. "This would place a real threat to the safety and health of the residents. The injury suffered by the city of Woodinville if a stay were imposed would be minimal."

The appeal stemmed from a lawsuit filed by the city seeking to close the encampment, contending that proper permit procedures weren't followed.

The appeal was filed by the church and SHARE/WHEEL, a nonprofit homeless-advocacy corporation and Tent City sponsor. The city has not filed a response.

The appeal does not address such issues as whether the Tent City residents could find other shelter, such as church basements or classrooms, and Mertel's ruling noted such accommodations were not an

issue before his court.

Lisa Hayes, an attorney representing the church and SHARE/WHEEL, said Woodinville's zoning director testified in the earlier court hearing that such a move would be considered an unlawful act and would be opposed by the city.

Meanwhile, Hayes said, Tent City residents are desperately seeking a new site, and she called Habitat for Humanity to see if any vacant buildings are available, with no luck.

"They're always looking," she said.

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