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90-CI-82 - Condemnation
of Property

ORDINANCE NO. 1732

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY IN FEE SIMPLE AND CERTAIN TEMPORARY CONSTRUCTION EASEMENTS FOR THE PURPOSE OF CONSTRUCTING THE PROJECT COMMONLY KNOWN AS THE UNION HILL BRIDGE, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED WORK TO MAKE A COMPLETE IMPROVEMENT IN ACCORD WITH APPLICABLE CITY STANDARDS; PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND OR OTHER PROPERTY NECESSARY THEREFORE; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM AVAILABLE CITY FUNDS; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

WHEREAS, the City has plans to improve and/or replace a bridge over Bear Creek in the vicinity of the intersection of Avondale Way and N.E. Union Hill Road, a construction project which is commonly known as the Union Hill Bridge Project (hereinafter "the Project"), and

WHEREAS, part of the project involves the permanent realignment of the intersection of Avondale Way and N.E. Union Hill Road and the construction of retaining walls and storm drainage lines and facilities on adjacent properties in order to protect the bridge structure and make a complete improvement, and

WHEREAS, negotiations with the owners of the property which must be permanently acquired and on which the proposed temporary construction easements lie have failed to result in an

agreement for a voluntary purchase, and the owners have advised the City that the only way the City will acquire the property is through condemnation, and

WHEREAS, the Mayor and City staff have recommended that the City condemn, take and appropriate a fee interest in the property necessary for realignment of the intersection and temporary construction easements for retaining walls and storm drainage lines and facilities in order to construct the Project in an expeditious manner, and

WHEREAS, the City Council has determined the necessity of constructing the Project and is therefore prepared to authorize the condemnation, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Need for Property. The public health, safety, necessity and convenience demand that the Union Hill Bridge Project and related improvements be constructed and maintained within the City of Redmond and that fee title in certain property be condemned, appropriated, taken and damaged for the construction of said improvements as provided by this ordinance. The public health, safety and convenience also require the condemnation, appropriation, taking and damaging of land for the purpose of the temporary construction easements intended to facilitate construction of retaining walls and storm drainage lines and facilities on adjacent lands during the course of the Union Hill Bridge Project construction.

Section 2. Declaration of Necessity. The City Council of the City of Redmond, after hearing the report of the City Public Works Staff, and reviewing the planned improvements for the Union Hill Bridge, hereby declares that fee title in the property described on Exhibit A attached hereto and incorporated herein by this reference as if fully set forth, is necessary for public use, i.e., for the construction of the project commonly known as the Union Hill Bridge. The Council also declares that a temporary construction easements in the property described on Exhibit B are necessary for the installation of retaining walls and storm drainage lines and facilities in order to make a complete improvement and to protect the bridge structure after construction.

Section 3. Condemnation. The property interests described on Exhibits A and B shall be, and the same are hereby condemned, appropriated, taken and damaged for the purposes of constructing the Project, together with all necessary appurtenances and related work to make a complete improvement in accordance with City standards. Condemnation of the property is subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

Section 4. Authority of City Attorney. The City Attorney is hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take and appropriate the property necessary to carry out the provisions of this ordinance, and is further authorized in conducting said condemnation proceedings, and for the purpose of minimizing

condemnation proceedings, and for the purpose of minimizing damages, to stipulate as to the use of the property hereby authorized to be condemned and appropriated and as to the reservation of any right of use of the owner, provided that such reservation does not interfere with the use of said property as provided in this ordinance. The City Attorney is further authorized to adjust the location and/or width of any easement so taken in order to minimize damages, provided that said adjustments do not interfere with the use of said property by the City as provided in this ordinance.

Section 5. Source of Funds. The entire cost of the property acquisition authorized by this ordinance, including all cost and expenses of condemnation proceedings, shall be paid from such available City funds as may be appropriate under the circumstances.

Section 6. Effective Date. This ordinance, being the exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect and be in full force five (5) days after its passage and publication of the attached summary, which is hereby approved.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

Doris A Schaible
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: *[Signature]*

FILED WITH THE CITY CLERK:	June 30, 1993
PASSED BY THE CITY COUNCIL:	July 6, 1993
SIGNED BY THE MAYOR:	July 6, 1993
PUBLISHED:	July 11, 1993
EFFECTIVE DATE:	July 16, 1993
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That portion of Section 1, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the east quarter corner of said section; thence North $0^{\circ}39'55''$ West along the east line of said section 102.37 feet; thence South $38^{\circ}48'05''$ West 2,560.00 feet;
thence South $25^{\circ}12'02''$ West 334.04 feet to a point on the easterly margin of Redmond Bear Creek Road Number 1354;
thence South $30^{\circ}20'35''$ West along said road margin 230.12 feet to the beginning of a curve to the left with a radius of 851.95 feet;
thence southerly along said road margin and said curve through a central angle of $8^{\circ}34'00''$ an arc distance of 127.38 feet to the True Point of Beginning;
thence South $76^{\circ}02'33''$ East 72.00 feet;
thence South $12^{\circ}22'10''$ West 135.30 feet, more or less, to the northerly margin of the Redmond-Snoqualmie Road (more lately known as Northeast 80th Street);
thence westerly along the northerly margin of said Northeast 80th Street, 91.20 feet, more or less, to the easterly margin of said Redmond-Bear Creek Road Number 1354;
thence northerly along said road margin 169.10 feet, more or less to the True Point of Beginning.

Those portions of the previously described parcel described as follows:

Beginning at the southwest corner of said parcel, point being the intersection of the northerly margin of Northeast 80th Street and the easterly margin of Redmond Bear Creek Road Number 1354, said point to be referred to as point "A"; thence northeasterly along the easterly margin of said Redmond Bear Creeks road and a 985.37-foot curve to the left with a central angle of $01^{\circ}59'17''$ an arc distance of 34.19 feet to a point on a non-tangent curve, from which the radius point bears North $71^{\circ}01'14''$ East; thence southeasterly along a 44.00-foot radius curve to the left, with a central angle of $55^{\circ}27'16''$ an arc distance of 42.59 feet, to a point on the northerly margin of said Northeast 80th Street; thence along said northerly margin South $83^{\circ}37'05''$ West 40.45 feet to the Point of Beginning, containing 488 square feet, more or less.

Together with a parcel of land commencing at Point "A" as previously described above; thence along the northerly margin of Northeast 80th Street North $83^{\circ}37'05''$ East 75.15 feet to the Point of Beginning and point on a non-tangent curve, from which the radius point bears South $19^{\circ}45'48''$ East; thence southeasterly along a 442.00-foot radius curve to the right, with a central angle of $02^{\circ}24'08''$ an arc distance of 18.53 feet to a point on the easterly line of parcel; thence along said easterly line South $14^{\circ}12'24''$ West 4.18 feet to northerly margin of said road; thence along said northerly margin South $83^{\circ}37'05''$ West 16.64 feet to the Point of Beginning, containing 34 square feet, more or less.

EXHIBIT B

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That portion of Section 1, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the east quarter corner of said section;
thence North $0^{\circ}39'55''$ West along the east line of said section 102.37 feet;
thence South $38^{\circ}48'05''$ West 2,560.00 feet;
thence South $25^{\circ}12'02''$ West 334.04 feet to a point on the easterly margin of Redmond-Bear Creek Road Number 1354;
thence South $30^{\circ}20'35''$ West along said road margin 230.12 feet to the beginning of a curve to the left with a radius of 851.95 feet;
thence southerly along said road margin and said curve through a central angle of $8^{\circ}34'00''$ an arc distance of 127.38 feet to the True Point of Beginning;
thence South $76^{\circ}02'33''$ East 72.00 feet;
thence South $12^{\circ}22'10''$ West 135.30 feet, more or less, to the northerly margin of the Redmond-Snoqualmie Road (more lately known as Northeast 80th Street);
thence westerly along the northerly margin of said Northeast 80th Street, 91.20 feet, more or less, to the easterly margin of said Redmond-Bear Creek Road Number 1354;
thence northerly along said road margin 169.10 feet, more or less to the True Point of Beginning.

Those portions of the previously described parcel described as follows:

Commencing at the southwest corner of said parcel, said point being the intersection of the northerly margin of Northeast 80th Street and the easterly margin of Redmond-Bear Creek Road Number 1354; thence northeasterly along the easterly margin of said road and a 985.37-foot curve to the left with a central angle of $01^{\circ}59'17''$ an arc distance of 34.19 feet to the Point of Beginning; thence continuing along said curve to the left, with a central angle of $00^{\circ}49'33''$; an arc distance of 14.20 feet, thence at a right angle to said easterly margin South $74^{\circ}07'11''$ East 9.15 feet to a point on a non-tangent curve, from which the radius point bears North $83^{\circ}42'12''$ East; thence southeasterly along a 29.00-foot curve to the left, with a central angle of $62^{\circ}57'46''$, an arc distance of 31.87 feet; thence parallel with the northerly margin of said street north $83^{\circ}37'05''$ east 29.74 feet to a point on a non-tangent curve, from which the radius bears South $19^{\circ}32'27''$ East; thence northeasterly along a 457.00-foot curve to the right, with a central angle of $03^{\circ}19'41''$ an arc distance of 26.54 feet to a point on the easterly line of said parcel; thence along said line South $14^{\circ}12'24''$ West 17.50 feet to a point on a non-tangent curve, from which the radius point bears South $17^{\circ}21'41''$ East; thence along a 442.00-foot curve to the left, with a central angle of $02^{\circ}24'08''$ an arc distance of 18.53 feet; thence South $83^{\circ}37'05''$ West 34.70 feet to a point on a non-tangent curve from which the radius point bears North $15^{\circ}33'59''$ East; thence northwesterly along a 44.00-foot radius curve to the right, with a central angle of $55^{\circ}27'16''$ an arc distance of 42.59 feet to the Point of Beginning, containing 1444 square feet, more or less.