# CITY OF REDMOND ORDINANCE NO. 2519

AN ORDINANCE OF THECITY  $\mathsf{OF}$ REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF A FEE INTEREST IN CERTAIN REAL ESTATE COMMONLY KNOWN AS THE FERMI WANG PROPERTY, FOR THE PURPOSE OF CONSTRUCTING STREET, SIDEWALK, AND UTILITY IMPROVEMENTS AS PART OF THE NE 124TH STREET/SR 202 INTERSECTION IMPROVEMENTS, PROJECT NO. 101173; PROVIDING THAT THE ENTIRE THEREOF SHALL BE PAID FROM AVAILABLE FUNDS; AND DIRECTING ATTORNEYS RETAINED BY CITY OF REDMOND TO PROSECUTE THE APPROPRIATE LEGAL PROCEEDINGS PROVIDED FOR SAID CONDEMNATION

WHEREAS, the City of Redmond plans to construct street, sidewalk, and utility improvements as part of the NE 124th Street/SR 202 Intersection Improvements, Project No. 101173; and

WHEREAS, it is necessary to acquire two areas of one tax parcel commonly known as the Fermi Wang property for the purpose of constructing the improvements; and

WHEREAS, the City is in the process of negotiating a voluntary purchase agreement to acquire the necessary property and property rights, but agreement with the owner may not be reached in the time needed to meet the City's construction schedule; and

WHEREAS, the owner was notified of the Redmond City Council's intent to consider this condemnation ordinance by mail and by publication as required by RCW 8.25.290; and

WHEREAS, the City Council has determined to condemn the necessary property and property rights.

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

Need for Property - Public Use. The public interest, health, safety, and welfare demand that the City of Redmond construct street, sidewalk, and utility improvements and complete the NE 124th Street/SR 202 Intersection Improvements, Project 101173. The improvements to be constructed include, but are not limited to, the addition of two additional through lanes to the east leg of the intersection, the addition of a westbound right turn lane for northbound SR 202, the lengthening of the left turn lane from westbound NE 124th Street to southbound SR 202, curbs, gutters, planter strip and sidewalks along the southern frontage of NE 124th Street, street lighting along the eastern leg of the intersection, traffic signal modifications, and the construction and installation of all necessary appurtenances and related work to make a complete improvement in accordance with City standards. The public interest, health, safety, and welfare further demand that the City acquire the property necessary to construct said public improvements. City is authorized to condemn property for the purposes stated in this Section by RCW 8.12.030.

Section 2. Declaration of Necessity. The City Council of the City of Redmond, after hearing the report of the City's Public Works Department and reviewing the planned improvements, hereby finds and declares that a fee simple interest in two areas of one tax parcel legally described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full is necessary for the public use and purpose of constructing the street and sidewalk improvements described in Section 1 above.

Section 3. Condemnation. The fee interest in two areas of one tax parcel described in the attached Exhibit A is hereby condemned, appropriated, taken, and damaged for the purpose of constructing the NE 124th Street/SR 202 Intersection Improvements Project described in Section 1 above, 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 owner and possessor thereof in the manner provided by law.

Section 4. Authority of Attorneys. Attorneys retained by the City are hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take, and appropriate the interests necessary to carry out the provisions of this ordinance.

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

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This ordinance shall take effect and be in full force five days after its passage and publication of a summary as provided by law.

ADOPTED by the Redmond City Council this 15<sup>th</sup> day of December, 2009.

CITY OF REDMOND

ATTEST:

MICHELLE M. MCGEHEE,

(SEAL)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

JAMES HANEY, CITY/ATTORNEY

FILED WITH THE CITY CLERK: December 9, 2009 PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR:

PUBLISHED:

EFFECTIVE DATE: ORDINANCE NO. 2519

December 15, 2009

December 15, 2009

December 21, 2009

December 26, 2009

ADOPTED 6-0: Allen, Carson, Cole, Margeson, McCormick and Myers

#### **EXHIBIT "A"**

### Tax Parcel No. 262605-9054 Acquisition Area No. 1

The north 30.00 feet of the following described parcel:

That portion of the east half of the northwest quarter of the southeast quarter of Section 26, Township 26 North, Range 5 East, W.M., in Redmond, Washington, lying northerly of the south 5 acres of said northwest quarter of the southeast quarter; EXCEPT the north 244.23 feet of the west 178.36 feet of said east half; AND EXCEPT the north 20 feet thereof for County Road; AND ALSO EXCEPT the south 10 feet of the north 30 feet as conveyed to King County under Recording Number 7406180573.

Contains 13,962 square feet, more or less.

## Tax Parcel No. 262605-9054 Acquisition Area No. 2

### Parcel description:

That portion of the east half of the northwest quarter of the southeast quarter of Section 26, Township 26 North, Range 5 East, W.M., in Redmond, Washington, lying northerly of the south 5 acres of said northwest quarter of the southeast quarter;

EXCEPT the north 244.23 feet of the west 178.36 feet of said east half; AND EXCEPT the north 20 feet thereof for County Road; AND ALSO EXCEPT the south 10 feet of the north 30 feet as conveyed to King County under Recording Number 7406180573.

Acquisition Area Description:

That portion of the above described Parcel lying northerly of the following described line:

Commencing at the northeast corner of the aforementioned parcel said point being 30 feet south of, when measured at right angles to, the north line of said northwest quarter of the southeast quarter of Section 26; thence S.02°00'24"W. along the east line of said parcel, 170.00 feet to the TRUE POINT OF BEGINNING; thence leaving said east line N.88°06'18"W. parallel with the south margin of said county road, 54.00 feet; thence S.71°46'12"W, 435.96 feet; thence N.88°06'18"W. parallel with the south margin of said county road, 180.00 feet more or less to the westerly line of said parcel and the terminus of herein described line.

EXCEPT the east 54 feet thereof; AND EXCEPT the north 30 feet adjacent to the county road.

Containing 107,386 square feet, more or less.