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11/18/92
rev: 12/02/92

LID 91-OW-55,
Condemnation of Property

ORDINANCE NO. 1708

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY FOR THE PURPOSE OF CONSTRUCTING THE PROJECT COMMONLY KNOWN AS THE SOUTHEAST REDMOND STORAGE TANK, 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 THE CITY'S PROPOSED LID 91-OW-55 OR OTHER AVAILABLE 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 Council of City of Redmond has determined that a new facility commonly known as the Southeast Redmond Storage Tank should be constructed on property adjacent to N.E. 65th Street and between 185th Avenue N.E. and 187th Ave. N.E., in order to provide needed water supply and fire flow to the area that could be served by the tank, and

WHEREAS, negotiations with the owner of the property have failed to result in an agreement for a voluntary purchase, and the City's Public Works Director has recommended that the City condemn, take and appropriate a fee interest in the property for the location of Storage Tank, and

WHEREAS, the City Council has determined the necessity of constructing the Storage Tank 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 Southeast Redmond Storage Tank 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.

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 proposed LID 91-OW-55, 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 Southeast Redmond Storage Tank, which is, and shall become, a part of the City's water system.

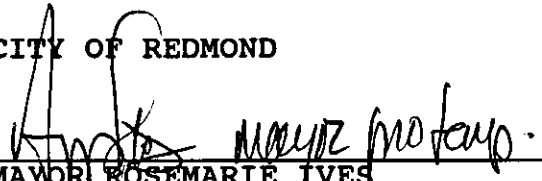
Section 3. Condemnation. The property described on Exhibit A shall be, and the same is hereby condemned, appropriated, taken and damaged for the purposes of constructing the Southeast Redmond Storage Tank, together with all necessary appurtenances and related work to make a complete improvement in accordance with City standards, and for the purpose of providing an adequate water supply and fire flow to the Southeast Redmond area. 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 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 the proposed Local Improvement District 91-OW-55, if the same is formed, from assessments collected from those properties specially benefitted by the construction of the Southeast Redmond Storage Tank for which the property is being acquired. In the event that the LID is not formed, the cost of acquisition may be paid from any other 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:


CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	November 24, 1992
PASSED BY THE CITY COUNCIL:	December 1, 1992
SIGNED BY THE MAYOR PRO TEM:	December 1, 1992
PUBLISHED: IN FULL	December 6, 1992
EFFECTIVE DATE:	December 11, 1992
ORDINANCE NO. <u>1708</u>	

EXHIBIT A

Legal Description for SE Redmond Reservoir Site

A parcel of land lying within the southeast quarter of the southwest quarter of Section 7, Township 25 North, Range 6 East, Willamette Meridian, lying within King County, Washington and being more particularly described as follows:

Beginning at the southwest corner of the Cadman Gravel Company Binding Site Plan as recorded under volume 130 of plats, pages 97-10, records of said King County, thence North 00°17'43" East, 167.03 feet, to the southerly right-of-way line of James Campbell Road, as surveyed under Survey No. 2712, Volume 396A, records of said County, thence South 89°14'17" East, 49.12 feet, along said right-of-way line, to a point of curvature; thence along said curve, having a radius length of 316.48 feet, a central angle of 31°06'38" to the left, an arc distance of 171.84 feet; thence leaving said southerly right-of-way line South 00°17'43" West, 45.52 feet; thence continuing South 00°17'43" West, 167.07 feet, to the South line of said Binding Plan, thence North 89°13'43" West, 213.01 feet, along said South line to the Point of Beginning.

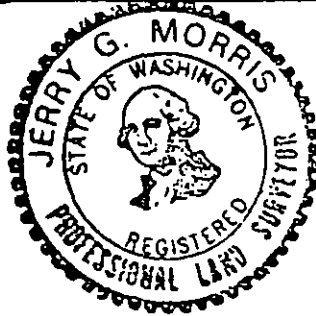
Containing an area of 37,995 square feet, more or less.

Prepared by *D. P. [Signature]* / *CHW Hill*

Date *1/30/92*

Checked by *Jerry G. Morris*

Date *1/31/92*



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