

0020.200.036
JEH/are
11/17/92

ORDINANCE NO. 1709

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION OF TEMPORARY AND PERMANENT EASEMENTS IN, UPON, OVER, UNDER, ACROSS AND ALONG CERTAIN PROPERTY FOR THE PURPOSE OF CONSTRUCTING THE PROJECT COMMONLY KNOWN AS THE REDMOND WAY OIL/WATER SEPARATOR, 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 STORM DRAINAGE UTILITY FUND, 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 Redmond Way oil/water separator should be constructed on property adjacent to Redmond Way in the vicinity of 159th Avenue Northeast, 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 permanent and temporary construction easements for the location of the oil/water separator, and

WHEREAS, the City Council has determined the necessity of constructing the oil/water separator 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 Redmond Way oil/water separator and related improvements be constructed and maintained within the City of Redmond and that temporary construction easements and permanent easements 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, hereby declares that the temporary construction easement and permanent easement 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 Redmond Way oil/water separator, which is, and shall become, a part of the City's storm drainage system.

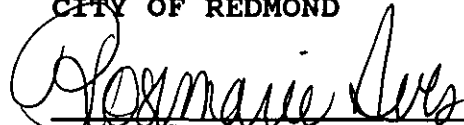
Section 3. Condemnation. The easements described on Exhibit A shall be, and the same are hereby condemned, appropriated, taken and damaged for the purposes of constructing an oil/water separator, together with all necessary appurtenances and related work to make a complete improvement in accordance with City standards. Condemnation of the easements 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 easements 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 City's storm drainage utility fund, or such 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.

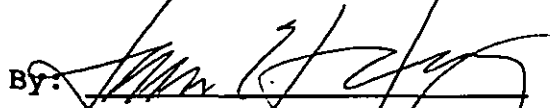
CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: 

FILED WITH THE CITY CLERK:	December 3, 1992
PASSED BY THE CITY COUNCIL:	December 15, 1992
SIGNED BY THE MAYOR:	December 15, 1992
PUBLISHED:	December 20, 1992
EFFECTIVE DATE:	December 25, 1992
ORDINANCE NO. <u>1709</u>	

EXHIBIT A

PERMANENT DRAINAGE EASEMENT

Commencing from the Southwest property corner and continuing North 67° 53' 23" East a distance of 100.00 feet to the True Point of Beginning; thence continuing North 67° 53' 23" East 93.0 feet; thence North 22° 06' 37" West 47.0 feet; thence South 67° 53' 23" West 93.0 feet; thence South 22° 06' 37" East 47.0 feet and the True Point of Beginning

Contains an area of 4,371 sq. ft., or .010 acre, more or less.

TEMPORARY CONSTRUCTION EASEMENT

Commencing at the Southwest corner of the above described property thence North 67° 53' 23" East 59.0 feet to the True Point of Beginning; thence continuing North 67° 53' 23" East 230.00 feet; thence North 22° 06' 37" West 60.00 feet; thence South 67° 53' 23" West 230.00 feet; thence South 22° 06' 37" East 60.00 feet to the True Point of Beginning.

Contains an area of 9,429 sq. ft., or 0.216 acre, more or less.
NET easement area.

JEW33839.1X/0020.200.036