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12/13/93

Condemnation of Property

ORDINANCE NO. 1767

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION OF A PERMANENT SLOPE EASEMENT OVER CERTAIN PROPERTY 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 TAKE APPROPRIATE ACTION IN CURRENTLY PENDING CONDEMNATION PROCEEDINGS IN ORDER TO ADD THE PERMANENT SLOPE EASEMENT.

WHEREAS, Ordinance No. 1732 of the City of Redmond authorizes the condemnation 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, and

WHEREAS, pursuant to said ordinance, a condemnation petition has been filed by the City of Redmond under King County Superior Court Cause No. 93-2-21083-3 and,

WHEREAS, the City has reached agreement with the property owners in said condemnation that a permanent slope easement be added to the property condemned in order to facilitate a potential settlement of the condemnation action in the future, and

WHEREAS, the City Council has determined, based upon the recommendation of the City staff, to add the permanent slope

easement at this time in order to facilitate the settlement and to take the place of retaining walls for the bridge which have previously been part of the project, NOW, THEREFORE,

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

Section 1. In 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. In order to eliminate certain retaining wall construction associated with the Union Hill Bridge, it is necessary that a permanent slope easement in certain property be condemned, appropriated, taken and damaged 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 the Union Hill Bridge, hereby declares that the permanent slope easement 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.

Section 3. Condemnation. The permanent slope easement described on Exhibit A is hereby condemned, appropriated, taken and damaged for the purpose of constructing the Union Hill Bridge 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, or as provided in the Settlement Agreement entered into between the parties in relation to the condemnation action brought by the City in King County Superior Court under Cause No. 93-2-21083-3.

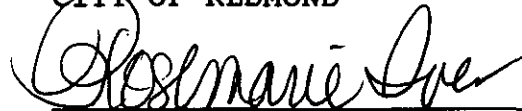
Section 4. Authority of City Attorney. The City Attorney is hereby authorized and directed to take necessary steps to amend the Condemnation Petition filed in King County Superior Court under Cause No. 93-2-21083-3 in order to condemn, take and appropriate the permanent slope easement as provided in 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 herein 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 the property by the City as provided in this ordinance. The City Attorney is further authorized to adjust the location of and/or the width of any easement so taken in order to minimize damages, provided that said adjustment shall 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 costs and expenses from condemnation proceedings, shall be paid from such available City funds as may be appropriate under the

circumstances.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

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:	12/15/93
PASSED BY THE CITY COUNCIL:	01/18/94
SIGNED BY THE MAYOR:	01/18/94
PUBLISHED:	01/23/94
EFFECTIVE DATE:	01/28/94
ORDINANCE NO. <u>1767</u>	

EXHIBIT A
Legal Description

Ordinance No. 1767

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.

That portion 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 North $69^{\circ}18'52''$ East 51.35 feet; thence North $18^{\circ}26'08''$ East 53.57 feet; thence North $73^{\circ}19'44''$ West 75.20 feet to the West line of said parcel; thence northeasterly along said West line and a 851.95-foot curve to the right with a central angle of $03^{\circ}49'22''$, an arc distance of 56.84 feet to the northwest corner of said parcel; thence along the North line of said parcel South $74^{\circ}12'19''$ East 72.00 feet to the northeast corner of said parcel; thence along the easterly line of said parcel South $14^{\circ}12'24''$ West 133.32 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 6439 square feet, more or less.