

0020.060.009
JEH/are
06/21/94

ORIGINAL

ORDINANCE NO. 1792

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION OF A PERMANENT EASEMENT FOR ROADWAY AND UTILITY PURPOSES IN ORDER TO CONSTRUCT IMPROVEMENTS TO 160TH AVENUE N.E. IN THE VICINITY OF REDMOND WAY, 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 FOR LAW FOR SAID CONDEMNATION.

WHEREAS, the City has plans to improve 160th Avenue N.E. and the intersection of 160th Avenue N.E. and Redmond Way, a construction project which is commonly known as the 160th Avenue N.E. and N.E. Redmond Way Project, and

WHEREAS, part of the Project involves a realignment of the intersection of 160th Avenue N.E. and N.E. Redmond Way and the widening of 160th Avenue N.E., and

WHEREAS, negotiations with those having ownership, use and possession of the property which must be permanently acquired and on which roadway, utility and sidewalk construction must be done has not resulted in the City being able to obtain free and clear title to an easement on the property, and

WHEREAS, the Mayor and City staff have recommended that the City condemn, take and appropriate a permanent roadway, sidewalk and utility easement across the property necessary for realignment for the intersection 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 160th Avenue N.E. and N.E. Redmond Way intersection improvements be constructed and maintained within the City of Redmond and that a permanent easement for street, utility, and sidewalk purposes 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 planning improvements for the 160th Avenue N.E. and N.E. Redmond Way intersection improvements, hereby declares that a permanent easement for street, utility and sidewalk purposes in the property described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full is necessary for public use, i.e., for the construction of the Project commonly known as the 160th Avenue N.E. and N.E. Redmond Way Project.

Section 3. Condemnation. A permanent easement for street, utility and sidewalk purposes is hereby condemned, appropriated, taken and damaged over, along, in, under, across

and upon the property described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full, for the purposes of constructing 160th Avenue N.E. and N.E. Redmond Way 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 and possessors thereof in a manner provided by law.

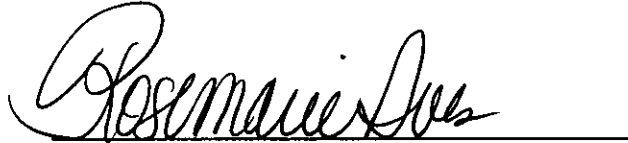
Section 4. Authority of City Attorney. The City Attorney is hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take and appropriate the easement interest necessary to carry out the provisions of this Ordinance, and is further authorized in conducting said 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 or any other person entitled to possession of the property, 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 costs and expenses of condemnation proceedings, shall be paid from such available 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

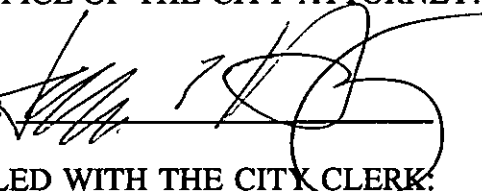


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

Doris A. Schaible
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	06/21/94
PASSED BY THE CITY COUNCIL:	7/5/94
SIGNED BY THE MAYOR:	7/5/94
PUBLISHED:	7/13/94
EFFECTIVE DATE:	7/18/94
ORDINANCE NO. <u>1792</u>	

EXHIBIT A

AN EASEMENT FOR PUBLIC ROAD PURPOSES OVER A PORTION OF LOT 29, REDMOND CENTER, ACCORDING TO THE OFFICIAL PLAT RECORDED IN VOLUME 95 OF PLATS AT PAGES 94 THROUGH 97, RECORDS OF KING COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE S.W. CORNER OF SAID LOT 29; THENCE N. 0° 49' 10" E., 154.03 FEET ALONG THE WESTERLY BOUNDARY OF SAID LOT 29; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG A TANGENT CURVE CONCAVE TO THE NORTHEAST WITH RADIUS OF 202.00 FEET, AN ARC LENGTH OF 149.93 FEET, TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHEASTERLY AND EASTERLY ALONG A TANGENT CURVE CONCAVE TO THE NORTHEAST WITH RADIUS POINT BEARING N. 48° 17' 37" E., 27.00 FEET, AN ARC LENGTH OF 24.83 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID LOT 29; THENCE WESTERLY AND SOUTHWESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTH WITH RADIUS POINT BEARING S. 04° 23' 58" E., 1474.69 FEET, AN ARC LENGTH OF 76.01 FEET, ALONG SAID SOUTHERLY BOUNDARY, TO THE POINT OF BEGINNING, CONTAINING 3095 SQUARE FEET MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS EXISTING OR OF RECORD.

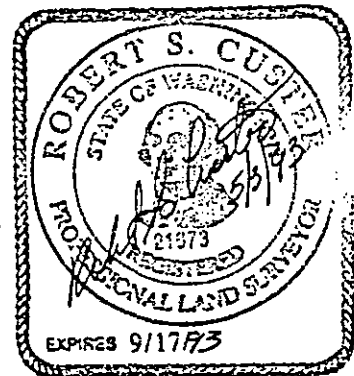
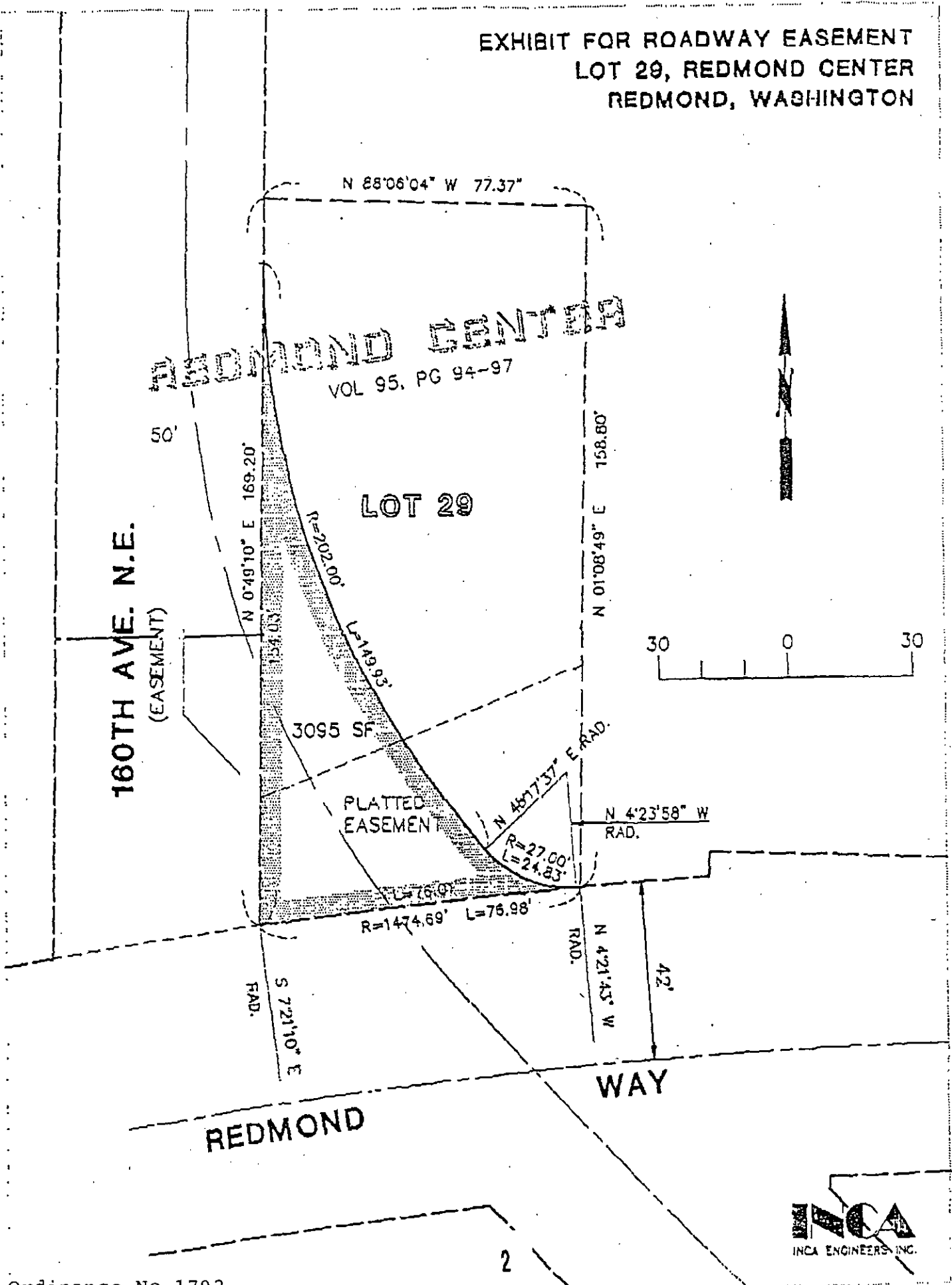


EXHIBIT FOR ROADWAY EASEMENT
 LOT 29, REDMOND CENTER
 REDMOND, WASHINGTON



REDMOND CENTER
 VOL 95, PG 94-97

LOT 29

160TH AVE. N.E.
 (EASEMENT)

REDMOND

WAY

PLATTED
 EASEMENT

3095 SF

