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10/28/98

ORIGINAL

ORDINANCE NO. 2000

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION OF A FEE INTEREST IN CERTAIN PROPERTY COMMONLY KNOWN AS A PORTION OF THE NORTH DRIVEWAY OF THE COLONY AT BEAR CREEK APARTMENTS, IN ORDER TO CONSTRUCT AN EXTENSION AND EXPANSION OF N.E. 95TH STREET WEST OF AVONDALE ROAD N.E., TOGETHER WITH ALL NECESSARY APPURTENANCES, UTILITIES, 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 THEREFOR; 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 BY LAW FOR SAID CONDEMNATION.

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WHEREAS, the City owns property commonly known as the former Coast Guard site at 9551 Avondale Road N.E., and

WHEREAS, the City intends to have the majority of the property developed to provide affordable housing and to develop the remainder of the site as a public park, and

WHEREAS, in order to provide access and circulation to all portions of the Coast Guard property and to provide further access and circulation within the area, the City must acquire a portion of the north driveway of the Colony at Bear Creek Apartments in order to construct an extension and expansion of N.E. 95th Street west of Avondale Road N.E., and

WHEREAS, negotiations with those having ownership, use and possession of the property which must be permanently acquired and on which the extended and expanded street must be constructed has not resulted in the City being able to obtain free and clear title to the property, and

WHEREAS, the Mayor and City staff have recommended that the City condemn, take and appropriate a fee interest in the property required, free from any and all encumbrances, in order to construct the street in an expeditious manner, and

WHEREAS, the City Council has determined the necessity of constructing the street and is therefore prepared to authorize the condemnation, NOW, THEREFORE,

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

Section 1. Need for Property. The public health, safety, necessity, and convenience demand that an extension and expansion of N.E. 95th Street be constructed west of Avondale Road N.E., and that a fee interest 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 a fee interest in the property described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full is necessary for a public use, i.e., for construction of the street described in Section 1 above, and that such fee interest must be owned by the City of Redmond.

Section 3. Condemnation. A fee interest, free from any and all liens and encumbrances, is hereby condemned, appropriated, taken, and damaged in the property described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full, for the purpose of constructing the street project described in Section 1 above, together with all necessary appurtenances, utilities, 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 the manner provided by law.

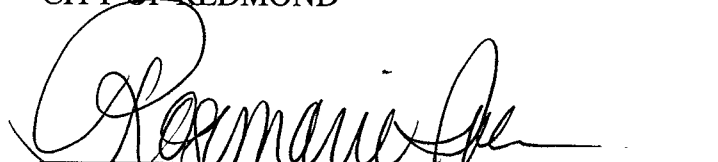
Section 4. Authority of City Attorney. The City Attorney is hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take, and appropriate the interest necessary to carry out the provisions of this ordinance, and is further authorized in conducting said condemnation 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 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 portion of any of the property 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 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, 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, BONNIE MATTSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	November 12, 1998
PASSED BY THE CITY COUNCIL:	November 17, 1998
SIGNED BY THE MAYOR:	November 17, 1998
PUBLISHED:	November 21, 1998
EFFECTIVE DATE:	November 26, 1998
ORDINANCE NO. <u>2000</u>	

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EXHIBIT "A"

That portion of the south 20.00 feet of the east half of Government Lot 4, Section 6, Township 25 North, Range 6 East, Willamette Meridian, in King County, Washington, lying west of the westerly margin of the Redmond-Bear Creek County Road, as conveyed to King County by deed recorded under recording number 1283608 (now known as Avondale Road Northeast).

The above described real property consists of 7,463 square feet.