

NON-CODE

**CITY OF REDMOND
ORDINANCE NO. 2746**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF ACQUISITION OF VARIOUS TEMPORARY ACCESS RIGHTS, PERMANENT EASEMENTS, AND FEE INTERESTS IN REAL PROPERTY IN ORDER TO CONSTRUCT CLEVELAND STREET/REDMOND WAY COUPLET CONVERSION PROJECT, CIP PROJECT NO. 20020965; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM 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 of Redmond has completed five of the six projects of the adopted Downtown Transportation Master Plan to address vehicular, pedestrian and mass transportation in the Downtown Redmond Regional Urban Center along Redmond Way and Cleveland Street from 160th Avenue NE to Avondale Way; and

WHEREAS, it is necessary for the City to acquire certain temporary access rights, permanent easements, and fee interests from private property owners along the route of the proposed project in order to construct the Cleveland Street/Redmond Way Couplet Conversion Project, CIP Project No. 20020965; and

WHEREAS, the City will pursue negotiating voluntary purchase agreements to acquire the necessary property rights, but agreement with the property owners may not be reached; and

WHEREAS, the City Council has therefore determined to authorize condemnation of such interests; and

WHEREAS, pursuant to RCW 8.25.290, the City mailed and published notice to all property owners whose land this ordinance authorizes to be condemned, advising such owners that a final decision to acquire, by negotiation or condemning the required property interests, would be made at the August 19, 2014, Redmond City Council meeting; and that this ordinance would be considered and passed as a result; and

WHEREAS, any and all interested parties had the opportunity to address the Redmond City Council on the subject at the August 19, 2014, Regular City Council meeting.

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

Section 1. Need for Property - Public Use. Public health, safety, necessity, and convenience demand: 1) that the Cleveland Street/Redmond Way Couplet Conversion Project be constructed in order to provide an improved pedestrian environment at intersections on Redmond Way and Cleveland Street, from 160th Avenue NE to Avondale Way, by widening sidewalks, shortening pedestrian crossings, and raising facilities to current ADA standards; 2) that a Business Access to Transit (BAT) lane be added to support mass transit routes;

and 3) that both streets be converted from a one-way to two-way operation to improve the grid system in downtown.

Temporary access rights, permanent easements, and fee interests must be acquired, condemned, appropriated, taken and damaged for the construction of the Cleveland Street/Redmond Way Couplet Conversion Project as provided by this ordinance. The Cleveland Street/Redmond Way Couplet Conversion Project is a public use for which the City is authorized to condemn property and property interests under RCW 8.12.010.

Section 2. Declaration of Necessity. The City Council of the City of Redmond, Washington, after hearing the report of the City Public Works staff, and reviewing the planned improvements, hereby declares that temporary access rights, permanent easements, and fee interests in, under, over, along, across, and upon certain real properties are necessary for construction of the Cleveland Street/Redmond Way Couplet Conversion Project described in Section 1 above and must be acquired and owned by the City of Redmond. The properties from which the temporary access rights, permanent easements, and fee interests are required are listed on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full. The properties affected by the rights to be acquired is depicted on the plan attached hereto as Exhibit B and incorporated herein by this reference as if set forth in full. All temporary access

easements or other rights described as temporary on Exhibit A shall terminate upon completion of the improvements.

Section 3. Condemnation. Temporary access rights, permanent easements and fee interests as described in Section 2, are hereby condemned, appropriated, taken, and damaged for the purpose of constructing the Cleveland Street/Redmond Way Couplet Conversion 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 interests 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. Said funds may include contributions by property owners in the vicinity who are obligated to fund the street and improvements for which the property described in this ordinance is being acquired.

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, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 19th day of August,
2014.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

ATTEST:



MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:



JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	August 5, 2014
PASSED BY THE CITY COUNCIL:	August 19, 2014
SIGNED BY THE MAYOR:	August 21, 2014
PUBLISHED:	August 25, 2014
EFFECTIVE DATE:	August 30, 2014
ORDINANCE NO.	2746

YES: Allen, Flynn, Margeson, Shutz, Stilin

No: Carson, Myers

EXHIBIT A

COUplet CONVERSION

PROPERTY TAX ID NUMBER	PROPERTY OWNER	PROPERTY OWNER, TAX PAYER'S OR CONTACT ADDRESS	PROPERTY ADDRESS (PER KING COUNTY ASSESSMENT RECORDS)	ANTICIPATE PROPERTY RIGHTS
122505- 9165	KHALEGHI FAMILY TRUST	DR. MORTEZA KHALEGHI AND DR. KAREN KHALEGHI 1343 AMALFI DRIVE PACIFIC PALISADES, CA 90272	16540 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement
022505- 9136	BEDROCK NORTHWEST INC.	SAM HIRBOD PO BOX 1245 SAN RAMON, CA 94583	16010 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement
112505- 9040	EQR-Redmond Way, LLC.	SCOTT J. FENSTER PO BOX 87407 CHICAGO, IL 60680	16015 CLEVELAND STREET REDMOND 98052	Temporary Access Rights, Permanent Easement
122505TRCT	MCDONALD'S CORP. & JG REDMOND II LLC		PRIVATE ACCESS ROAD	Temporary Access Rights
122505- 9019	A. BRIAN AND MARILYN J. HOWE	PO BOX 1074 STANWOOD, WA 98282	16725 CLEVELAND STREET REDMOND 98052	Temporary Access Rights, Permanent Easement
122505- 9032	LEON S. CAPELOUTO	PO BOX 16719 SEATTLE, WA 98116	7950 164TH AVE NE REDMOND 98052	Temporary Access Rights, Permanent Easement,

Permanent
Street
Right of
Way

122505- FIRST PO BOX 173 16910 Temporary
9060 CHURCH OF REDMOND, WA 98052 AVONDALE Access
CHRIST, WAY Rights
SCIENTIST REDMOND
98052

122505- KHALEGHI DR. MORTEZA 16450 NE Temporary
9070 FAMILY KHALEGHI AND DR. REDMOND WAY Access
TRUST KAREN KHALEGHI REDMOND Rights,
1343 AMALFI DRIVE 98052 Permanent
PACIFIC Easement,
PALISADES, CA Permanent
90272 Street
Right of
Way

122505- CLEVELAND RHODA ALTOM, 16600 NE Temporary
9075 SQUARE LLC MANAGER 77TH STREET Access
PO BOX 22926 REDMOND Rights,
SEATTLE, WA 98122 98052 Permanent
Easement

122505- TOLLEFSON TED A. TOLLEFSON 16648 NE Temporary
9213 PROPERTIES 16650 NE 79TH ST, REDMOND WAY Access
LTD SUITE 103 REDMOND Rights
PARTNERSHIP REDMOND, WA 98052 98052

122505- BANK OF 5901 196TH ST SW 16410 NE Temporary
9087 WASHINGTON LYNNWOOD, WA 79TH STREET Access
98036 REDMOND Rights,
98052 Permanent
Easement,
Permanent
Street
Right of
Way

122505- SC REDMOND 4010 E MERCER WAY 16760 Temporary
9093 WAY LLC MERCER ISLAND, WA REDMOND WAY Access
98040 REDMOND Rights,
98052 Permanent
Easement

Permanent
Street
Right of
Way

122505- 9094	JG REDMOND LLC	THOMAS A. ELLISON 400 112 TH AVE NE, SUITE 230 BELLEVUE, WA 98004	16771 REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement, Permanent Street Right of Way
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122505- 9097	AGM INC (VICTORIA CENTER LLC)	TROY AND ELIZABETH GESSEL PO BOX 2039 KIRKLAND, WA 98083	16717 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement
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122505- 9103	TOLLEFSON PROPERTIES LTD PS	515 116 TH AVE NE, SUITE 108 BELLEVUE, WA 98004	16630 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement
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122505- 9104	FIRST MUTUAL SAVINGS BANK	Attn: Linda - Accounting PO BOX 1647, BELLEVUE, WA 98009	16900 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement
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122505- 9111	KHALEGHI FAMILY TRUST	DR. MORTEZA KHALEGHI AND DR. KAREN KHALEGHI 1343 AMALFI DRIVE PACIFIC PALISADES, CA 90272	16551 NE 79TH ST REDMOND 98052	Temporary Access Rights, Permanent Easement, Permanent Street Right of Way
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122505- 9119	MILLS FAMILY LIMITED PARTNERSHIP	MICHAEL J. AND MARY H. MILLS 20622 121 ST AVE SE	16615 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent
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SNOHOMISH, WA
98296

Easement
Permane
Street
Right of
Way

122505- 9179	GREAT INGATHER ENTERPRISES LLC	HSIN-WU LIAO 2769 EAST 47 TH AVENUE VANCOUVER BC V5S 1C4 CANADA	16715 CLEVELAND ST REDMOND 98052	Temporary Access Rights
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122505- 9205	PAUL S. AND JOANN L. SPEARS	PO BOX 466 REDMOND, WA 98073	16909 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement, Permanent Street Right of Way
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122505- 9214	PUGET SOUND BANK	KEYBANK OF WASHINGTON C/O FIRST AMERICAN TAX PO BOX 560807 DALLAS, TX 75356	16401 NE REDMOND WAY REDMOND 98052	Tempora Access Rights, Permanent Easement
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719880- 0075	NELPAR LLC	WILLIAM C. NELSON III 16508 NE 79 TH STREET REDMOND, WA 98052	16311 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement
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719880- 0110	LAMKEN FAMILY LLC	KATHRYN C HIGGINS 18402 240 TH AVENUE NE WOODINVILLE, WA 98077	16360 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement
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122505- 9021	ARMSTRONG COMMONS LLC	JOHN D. ARMSTRONG 4450 RUE VILLA NE BREMERTON, WA 98310	16720 NE REDMOND WAY REDMOND 98052	Temporary Access Rights
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719880- 0100	GOLDEN- WAITE PROPERTIES LLC	ROBIN WAITE 1265 DARLING ROAD NW BREMERTON, WA 98311	16389 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement, Permanent Street Right of Way
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719890- 0080	NELGROUP PROPERTIES LLC	WILLIAM C. NELSON III 16508 NE 79 TH STREET REDMOND, WA 98052	15800 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement
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719890- 0291 719890- 0292	REAMS GOODE & ASSOCIATES LLC	WILLIAM H. AND SHARON L. REAMS 10047 MAIN STREET #314 BELLEVUE, WA 98004	15940 NE REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement
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779220- 0040	BRIAN J. AND SHANDON B. GIERKE	BRIAN J. AND SHANDON B. GIERKE 8501 SE 71 ST STREET MERCER ISLAND, WA 98040	7875 LEARY WAY NE REDMOND 98052	Permanent Easement
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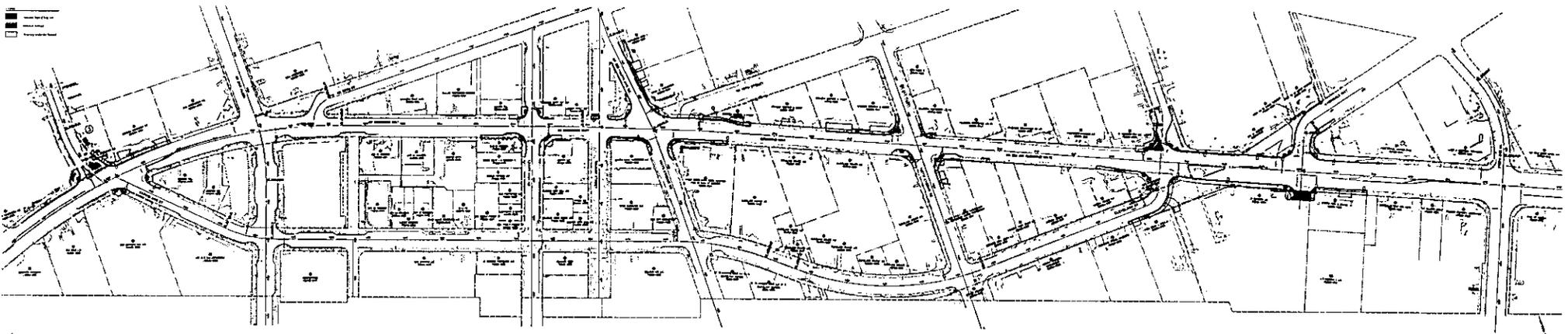
122505- 9024	REDMOND TOWN COURT LLC	WAH AND MAY LUI 2015 TERRY AVENUE #307 SEATTLE, WA 98121	16625 NE REDMOND WAY REDMOND 98052	Temporary Access Rights
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779220- 0075	WILLIAM A. AND MARY ANNE JOHNSON AND NORRIS GROVER HARING AND DOROTHY MAE HARING	PO BOX 506 OLGA, WA 98279	7975 LEARY WAY NE REDMOND 98052	Permanent Easement
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122505- 9150	DAVID G. BEST	7828 166 TH AVENUE NE REDMOND, WA 98052	7828 166 TH AVE NE REDMOND 98052	Temporary Access Rights, Permanent Easement
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779240- 0230	WILLIAM A. AND MARY JOHNSON AND NORRIS GROVER HARING AND DOROTHY MAE HARING	PO BOX 506 OLGA, WA 98279	16001 REDMOND WAY REDMOND 98052	Temporary Access Rights, Permanent Easement
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EXHIBIT B



 Redmond Way / Cleveland Street Corridor Conversion Right of Way

7.13
RPS