

NON-CODE

**CITY OF REDMOND
ORDINANCE NO. 2816**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF PERMANENT REAL PROPERTY RIGHTS IN ORDER TO CONSTRUCT SANITARY SEWER PUMP STATION 12 UPGRADE PROJECT, CIP PROJECT NO. 20021129; 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, City of Redmond has determined that existing Sanitary Sewer Pump Station 12 facilities are failing due to age and must be replaced. A component of the facility, which must continue to function during power outages, is the replacement of the generator. The generator feature will be larger in size than what currently exists as the enclosure will need to accommodate sound attenuation material necessary to address current noise limit requirements; and

WHEREAS, it is necessary for the City to acquire additional permanent real property rights from a private property owner in order to accommodate the larger generator facility which will be included in the Sanitary Sewer Pump Station 12 Upgrade Project, CIP Project No. 20021129; and

WHEREAS, the City will pursue negotiating a voluntary purchase agreement to acquire the necessary property rights, but agreement with the property owner 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 the property owner whose land this ordinance authorizes to be condemned advising such owner that a final decision to acquire by negotiation or condemning the required property interests would be made at the February 16, 2016, 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 February 16, 2016, meeting.

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

Section 1. Need for Property - Public Use. The public health, safety, necessity, and convenience demand that the Sanitary Sewer Pump Station 12 Upgrade Project be constructed in order to address the current aging and failing system. This will be accomplished by upgrading the pumps, valves, vaults, electrical system, power and control panel, underground utility systems and generator. A permanent easement must be acquired,

condemned, appropriated and taken for the placement and construction of the generator as a part of the whole Sanitary Sewer Pump Station 12 Upgrade Project as provided by this ordinance. The Sanitary Sewer Pump Station 2 Replacement Project is a public use for which the City is authorized to condemn property and property interests under RCW 8.12.030.

Section 2. Declaration of Necessity. The City Council of the City of Redmond has reviewed the planned improvements report of the City Public Works staff and hereby declares that permanent easement rights in, under, over, along, across, and upon a certain real property are necessary for construction of the Sanitary Sewer Pump Station 12 Upgrade Project in Section 1 above and must be acquired by the City of Redmond. The property from which the permanent easement rights are required is listed on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full. The necessary easement is legally described and depicted on Exhibit B attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Condemnation. The easement as described in Section 2, are hereby condemned, appropriated, taken, and damaged for the purpose of constructing the Sanitary Sewer Pump Station 12 Upgrade 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 easement is subject to the making or paying of just compensation to the real property owner 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.

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 shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

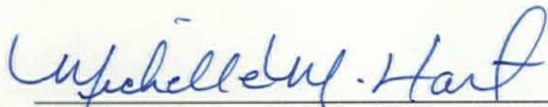
ADOPTED by the Redmond City Council this 16th day of
February, 2016.

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: February 2, 2016
PASSED BY THE CITY COUNCIL: February 16, 2016
SIGNED BY THE MAYOR: February 19, 2016
PUBLISHED: February 22, 2016
EFFECTIVE DATE: February 27, 2016
ORDINANCE NO.: 2816

YES: ALLEN, BIRNEY, CARSON, MARGESON, MYERS, SHUTZ, STILIN

EXHIBIT A

SANITARY SEWER PUMP STATION 12 UPGRADE				
PROPERTY TAX ID NUMBER	PROPERTY OWNER/TAX PAYER	PROPERTY OWNER, TAX PAYER'S OR CONTACT ADDRESS	PROPERTY ADDRESS (PER KING COUNTY ASSESSMENT RECORDS)	PROPERTY RIGHTS
630750-0010	KORR LLC	17965 NE 65 TH REDMOND WA 98052	17965 NE 65 TH REDMOND WA 98052	PERMANENT EASEMENT

EXHIBIT B

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PERMANENT EASEMENT

THAT PORTION OF LOT 1, OAK RIDGE PARK, RECORDED IN VOLUME 133, PAGE 35, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE NORTH 00° 56' 08" EAST ALONG THE EAST LINE OF SAID LOT 1, 100.00 FEET;

THENCE NORTH 88° 53' 17" WEST, 31.50 FEET;

THENCE SOUTH 00° 56' 08" WEST, 64.46 FEET;

THENCE NORTH 89° 03' 52" WEST, 28.50 FEET;

THENCE SOUTH 00° 56' 08" WEST, 20.00 FEET;

THENCE SOUTH 89° 03' 52" EAST, 25.00 FEET;

THENCE SOUTH 00° 56' 08" WEST, 15.00 FEET TO THE SOUTH LINE OF SAID LOT 1;

THENCE SOUTH 88° 01' 41" EAST ALONG SAID SOUTH LINE, 35.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,765 SQUARE FEET, MORE OR LESS.

EXHIBIT B

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