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08/19/02

ORDINANCE NO. 2135

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF FEE TITLE TO CERTAIN PROPERTY AND A TEMPORARY CONSTRUCTION EASEMENT ON CERTAIN OTHER PROPERTY OWNED BY THE MEADOWS ASSOCIATION FOR THE PURPOSE OF CONSTRUCTING IMPROVEMENTS TO WEST LAKE SAMMAMISH PARKWAY FROM N.E. 51ST STREET TO N.E. MARYMOOR WAY; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM AVAILABLE FUNDS; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE APPROPRIATE PROCEEDINGS IN THE MANNER PROVIDED FOR SAID CONDEMNATION.

WHEREAS, the City is planning to proceed with street and utility improvements to West Lake Sammamish Parkway from N.E. 51st Street to N.E. Marymoor Way, City Project No. 98-CI-71, and

WHEREAS, in order to construct the said improvements, it is necessary to acquire a portion of the open space/common area owned by the Meadows Association for right-of-way purposes and to use another portion of the open space/common area temporarily during construction, and

WHEREAS, the Meadows Association is an association of 178 property owners, and

WHEREAS, the City has attempted to negotiate with the Meadows Association in order to acquire the necessary property, but has been unable to reach a settlement because the Association has no power to convey the required property interests under the Association's

Covenants, Conditions, and Restrictions (CC & Rs) of record, and because the lenders of all 178 properties within the Association would have to agree, and

WHEREAS, the time and uncertainty involved in amending the CC & Rs and in resolving issues with the lenders would be monumental and would likely delay the project significantly, and

WHEREAS, the City has therefore determined to condemn the necessary property and understands that the Association's Board may not be opposed to such action, 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 City construct certain street and utility improvements to West Lake Sammamish Parkway between N.E. 51st Street and N.E. Marymoor Way, as described in the City's Capital Improvement Program under Project No. 98-CI-71. The public health, safety, necessity and convenience further demand that the City acquire the property and property interests necessary to construct said improvements.

Section 2. Declaration of Necessity. The City Council of the City of Redmond, after hearing the report of the City's Public Works Staff and reviewing the planned improvements, hereby finds and declares that a fee simple interest in the property legally described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full is necessary for the public use and purpose of constructing the street and utility improvements described in Section 1 above. The City Council further finds and declares that a temporary construction easement in, over, under, along, across, and upon the property described

on Exhibit B attached hereto and incorporated herein by this reference as if set forth in full is also necessary for such public use and purpose. The temporary construction easement shall be for the duration of the construction project and shall terminate upon project completion.

Section 3. Condemnation. The property and property interests described in Section 2 above and on Exhibits A and B attached hereto are hereby condemned, appropriated, taken, and damaged for the purpose of constructing the street and utility improvement 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.

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
/s/ MAYOR PRO TEMPORE, RICHARD G. COLE

ATTEST/AUTHENTICATED:
/s/ CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:
/s/ CITY ATTORNEY, JAMES E. HANEY

FILED WITH THE CITY CLERK:	August 29, 2002
PASSED BY THE CITY COUNCIL:	September 3, 2002
PUBLISHED:	September 7, 2002
EFFECTIVE DATE:	September 12, 2002
ORDINANCE NO: <u>2135</u>	

EXHIBIT A

FEE AREA

THAT PORTION OF TRACT E OF THE MEADOWS DIVISION 2 SUBDIVISION, AS RECORDED ON PAGES 58 AND 59 OF VOLUME 106 OF PLATS, RECORDS OF KING COUNTY, WASHINGTON, SITUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT E; THENCE NORTH $87^{\circ}57'27''$ WEST ALONG THE SOUTH LINE OF SAID SECTION 11 A DISTANCE OF 9.84 FEET TO A POINT ON THE ARC OF A 2241.00 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH $50^{\circ}56'36''$ EAST;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $1^{\circ}09'21''$ A DISTANCE OF 45.21 FEET TO A POINT ON THE ARC OF A
1812.50 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH $50^{\circ}00'30''$ EAST;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $3^{\circ}50'41''$ A DISTANCE OF 121.62 FEET TO A POINT TO BE KNOWN AS POINT "A";
THENCE SOUTH $40^{\circ}39'53''$ EAST A DISTANCE OF 173.33 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

COMMENCING AT THE AFOREMENTIONED POINT "A";
THENCE NORTH $40^{\circ}39'53''$ WEST A DISTANCE OF 13.42 FEET TO THE **POINT OF BEGINNING**;
THENCE CONTINUING NORTH $40^{\circ}39'53''$ WEST A DISTANCE OF 54.58 FEET TO A 949.18 FOOT RADIUS CURVE TO THE RIGHT;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $1^{\circ}53'06''$ A DISTANCE OF 31.23 FEET TO A POINT ON THE ARC OF A 1822.50 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH $56^{\circ}57'55''$ EAST, SAID POINT TO BE KNOWN AS POINT "B";
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $2^{\circ}41'23''$ A DISTANCE OF 85.56 FEET;
THENCE NORTH $54^{\circ}16'32''$ EAST A DISTANCE OF 8.88 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

COMMENCING AT AFOREMENTIONED POINT "B" WHICH IS A POINT ON THE ARC OF A 949.18 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH $51^{\circ}13'13''$ EAST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $25^{\circ}48'06''$ A DISTANCE OF 427.44 FEET;
THENCE NORTH $12^{\circ}58'41''$ WEST A DISTANCE OF 31.50 FEET TO **THE POINT OF BEGINNING**;

THENCE CONTINUING NORTH $12^{\circ}58'41''$ WEST A DISTANCE OF 269.43 FEET;
THENCE SOUTH $77^{\circ}00'31''$ WEST A DISTANCE OF 20.11 FEET TO A POINT ON THE ARC OF A 2244.50 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH $76^{\circ}12'12''$ EAST;
THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $6^{\circ}54'03''$ A DISTANCE OF 270.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,566 SQUARE FEET OR 0.10 ACRES MORE OR LESS.

EXHIBIT B

TEMPORARY CONSTRUCTION LIMIT

THAT PORTION OF TRACT E OF THE MEADOWS DIVISION 2 SUBDIVISION, AS RECORDED ON PAGES 58 AND 59 OF VOLUME 106 OF PLATS, RECORDS OF KING COUNTY, WASHINGTON, SITUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT E;
THENCE NORTH $87^{\circ}57'27''$ WEST ALONG THE SOUTH LINE OF SAID SECTION 11 A DISTANCE OF 9.84 FEET TO THE **POINT OF BEGINNING**;
THENCE CONTINUING NORTH $87^{\circ}57'27''$ WEST ALONG SAID SECTION LINE A DISTANCE OF 13.25 FEET TO A POINT ON THE ARC OF A 2251.00 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH $51^{\circ}09'53''$ EAST;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $0^{\circ}55'47''$ A DISTANCE OF 36.53 FEET TO A POINT ON THE ARC OF A
1822.50 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH $50^{\circ}00'51''$ EAST;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $3^{\circ}56'50''$ A DISTANCE OF 125.56 FEET;
THENCE SOUTH $53^{\circ}57'41''$ WEST ALONG A LINE RADIAL TO SAID CURVE A DISTANCE OF 9.99 FEET, THENCE NORTH $36^{\circ}02'17''$ WEST A DISTANCE OF 383.60 FEET;
THENCE NORTH $68^{\circ}08'26''$ EAST A DISTANCE OF 41.60 FEET;
TO A POINT TO BE KNOWN AS POINT "B" AND A POINT ON THE ARC OF A
949.18 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH $68^{\circ}08'26''$ EAST;
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $16^{\circ}55'13''$ A DISTANCE OF 280.31 FEET TO A POINT ON THE ARC OF A 1822.50 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH $56^{\circ}57'55''$ EAST;
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $2^{\circ}41'23''$ A DISTANCE OF 85.56 FEET;
THENCE NORTH $54^{\circ}16'32''$ EAST A DISTANCE OF 8.88 FEET;
THENCE SOUTH $40^{\circ}39'53''$ EAST A DISTANCE OF 13.42 FEET TO A POINT ON THE ARC OF A 1812.50 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH $53^{\circ}51'10''$ EAST;
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $3^{\circ}50'41''$ A DISTANCE OF 121.62 FEET TO A POINT ON THE ARC OF A
2241.00 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH $52^{\circ}05'57''$ EAST;
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $1^{\circ}09'21''$ A DISTANCE OF 45.21 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

COMMENCING AT THE AFOREMENTIONED POINT "B" WHICH IS A POINT ON THE ARC OF A 949.18 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH 68°08'26" EAST;

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 6°25'16" A DISTANCE OF 106.37 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 2°27'37" A DISTANCE OF 40.76 FEET;

THENCE NORTH 12°58'41" WEST A DISTANCE OF 31.50 FEET TO A POINT ON THE ARC OF A 2244.50 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH 69°18'09" EAST;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 6°54'03" A DISTANCE OF 270.33 FEET;

THENCE SOUTH 77°00'31" WEST A DISTANCE OF 10.00 FEET TO A POINT ON THE ARC OF A 2254.50 FOOT RADIUS CURVE WHICH CENTER BEARS NORTH 76°12'12" EAST;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 8°43'37" A DISTANCE OF 343.40 FEET TO THE POINT OF BEGINNING.

CONTAINING 8411 SQUARE FEET OR 0.19 ACRES MORE OR LESS.