

NON-CODE

CITY OF REDMOND
ORDINANCE NO. 2583

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF FEE INTERESTS IN REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTING PUBLIC PARK IMPROVEMENTS AND UTILITY INFRASTRUCTURE AND PROVIDE RIGHT-OF-WAY FOR PUBLIC TRANSPORTATION IMPROVEMENTS, CITY OF REDMOND, CIP NO. 101467; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM AVAILABLE FUNDS; AND DIRECTING ATTORNEYS RETAINED BY THE CITY OF REDMOND TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION

WHEREAS, the City of Redmond plans to construct park improvements, utility infrastructure, and provide for right-of-way for pedestrian, vehicular, and other public transportation alternatives in the downtown area; and

WHEREAS, it is necessary to acquire real estate located at approximately the northeast corner of NE 76th Street and Leary Way NE for the purpose of constructing the public improvements; and

WHEREAS, the City is in the process of negotiating a voluntary purchase agreement to acquire the property, 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 published and mailed notice to the property owner of land this ordinance authorizes to be condemned advising such owner that a final decision condemning the required property interest would be made at the April 5, 2011, Redmond City Council meeting and 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 April 5, 2011, meeting.

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

Section 1. Classification. This is a non-code ordinance. Fee interest must be condemned, appropriated, taken and damaged for the construction of a public park, public utility infrastructure, and public transportation improvements, as provided by this ordinance. The City is authorized to condemn property and property interests for the public improvements under RCW 8.12.010.

Section 2. Need for Property - Public Use. The City Council of the City of Redmond, after hearing a report of the Parks and Recreation Department and the Public Works Department, and reviewing improvement plans, hereby declares that fee interests in certain real properties are necessary for construction of the public improvements and must be acquired and

owned by the City of Redmond. The property to be acquired in fee interest is listed on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Condemnation. Fee interests, as described in Section 2, are hereby condemned, appropriated, taken, and damaged for the purpose of constructing the public improvements described in Section 2 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.

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 public 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 shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 5th day of April,
2011.

CITY OF REDMOND


JOHN MARCHIONE, MAYOR

ATTEST:


MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY


JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	March 30, 2011
PASSED BY THE CITY COUNCIL:	April 5, 2011
SIGNED BY THE MAYOR:	April 5, 2011
PUBLISHED:	April 11, 2011
EFFECTIVE DATE:	April 16, 2011
ORDINANCE NO. 2583	

ADOPTED 7-0: Allen, Carson, Cole, Margeson, Myers, Stilin and Vache

EXHIBIT A

PROPERTY ID NUMBER	PROPERTY OWNER	PROPERTY OWNER, TAX PAYER'S OR CONTACT ADDRESS	PROPERTY ADDRESS (PER KING COUNTY ASSESSMENT RECORDS)
112505- 9146	REDMOND GATEWAY LLC	8472 HUNTS POINT LANE HUNTS POINT, WA 98004	(NONE) APPROX. 7650 LEARY WAY NE REDMOND, WA 98052

LEGAL DESCRIPTION: PARCEL 1 IN CITY OF REDMOND BOUNDARY LINE ADJUSTMENT NO. L080129,
ACCORDING TO THE SURVEY RECORDED UNDER KING COUNTY RECORDING NO. 20080807900001, IN
KING COUNTY WASHINGTON.