# CITY OF REDMOND ORDINANCE NO. 2695

ΑN ORDINANCE OF THECITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION, TAKING, CONDEMNATION AND APPROPRIATION OF EASEMENT INTERESTS TO CERTAIN PORTIONS OF REAL PROPERTY PARCEL NUMBERS 262505-9196 AND 392720-0190, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING THE OVERLAKE VILLAGE SOUTH DETENTION VAULT, CAPITAL PROJECT NO. 20020806, 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 THE MANNER ΙN PROVIDED BY LAW FOR SAID CONDEMNATION

WHEREAS, the City of Redmond is planning the construction and maintenance of Overlake Village South Detention Vault, Capital Project No. 20020806, which includes certain public improvements in Overlake Basin to improve the control of stormwater flow; and

WHEREAS, Overlake Village South Detention Vault, Capital Project No. 20020806, is the first phase of a three-phase stormwater flow control and runoff treatment regional facilities program planned by the City; and

WHEREAS, the improvements include construction of a 20.3 acre-foot stormwater flow control vault in the lower part of Overlake Basin in order to provide flow control to approximately 118 acres of tributary area; and

WHEREAS, the construction of the vault will also include the relocation of an existing stormwater trunk line; and

WHEREAS, the improvements and maintenance thereof will result in erosion reduction, baseflow augmentation, and water quality benefits to tributaries of Kelsey Creek, including Sears Creek; and

WHEREAS, in addition to environmental benefits, the improvements and maintenance thereof will also support the creation of the Overlake urban center, and facilitate redevelopment activities thereon by lowering or eliminating onsite stormwater management requirements; and

WHEREAS, it is necessary to acquire real property rights to portions of King County parcel numbers 262505-9196 and 392720-0190 for the public purpose of constructing and maintaining the public improvements described above; and

WHEREAS, the City is in the process of negotiating voluntary purchase agreements to acquire permanent and temporary rights to portions of real properties to construct and maintain the improvements, but agreement with the property owners may not be reached within the time required to begin construction; and

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

WHEREAS, pursuant to RCW 8.12.005, the City complied with notice requirements in RCW 8.25.290 by publishing and mailing notices to property owners of lands this ordinance authorizes to be condemned, advising such owners that a final decision

condemning the property interests needed by the City would be made at the June 4, 2013, Redmond City Council meeting; and

WHEREAS, interested parties had the opportunity to address the Redmond City Council on the condemnation during the open public meeting of June 4, 2013; and

WHEREAS, the Redmond City Council, after considering and deliberating fully, has determined to condemn the necessary property interests.

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

Section 1. Classification. This is a non-code ordinance. Real property interests must be condemned, appropriated, taken and damaged for the construction and maintenance of certain public improvements in Overlake Basin in order to enhance the control of stormwater flow. The City is authorized to condemn property and property interests for said public improvements and purpose under RCW 8.12.030.

Section 2. Need for Property - Public Use. The City Council of the City of Redmond, after hearing a report of the Public Works Department, and reviewing improvement plans, hereby declares that the public health, safety, and welfare demand that the City acquire permanent and temporary easement interests in certain real properties to construct and maintain the Overlake Village South Detention Vault, Capital Project No. 20020806. As

described in the WHEREAS clauses above, this public improvement includes the construction and maintenance of a 20.3 acre-foot stormwater flow control vault in the lower part of Overlake Basin, including the relocation and maintenance of an existing stormwater trunk line, in order to provide flow control to approximately 118 acres of tributary area, improve quality, and encourage economic redevelopment in the area. improvements and benefits to be gained therefrom accordance with the City of Redmond's (1) Overlake Neighborhood Plan adopted in 2007, (2) Overlake Village Stormwater and Park Facilities Conceptual Design - Implementation Plan adopted in 2010, and (3) Overlake Village Street Design Guidelines adopted in 2011. The City Council further finds and declares that the permanent and temporary easement interests described fully in Exhibits A through E, which are attached hereto and incorporated herein by this reference as if set forth in full, are necessary for the public use and purpose of constructing and maintaining the improvements described in this Section.

Section 3. Condemnation. The easement 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.

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.

Effective Date. This ordinance, being an Section 7. 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 as provided by law.

ADOPTED by the Redmond City Council this 4th day of June, 2013.

CITY OF REDMOND

ATTEST:

(SEAL)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: May 29, 2013

PASSED BY THE CITY COUNCIL:

June 4, 2013

SIGNED BY THE MAYOR:

June 4, 2013

PUBLISHED:

June 10, 2013

EFFECTIVE DATE:

June 15, 2013

ORDINANCE NO. 2692

APPROVED 7-0: Allen, Carson, Flynn, Margeson, Myers, Stilin and Vache

# Exhibit A Overlake Village South Detention Vault

Property Tax ID Number:		262505-9196
Property Owner or Tax Payer	of	SEARS MERCHANDISE GROUP
Record:		
Property Owner or Tax Payer	of	MAIL STOP: B2-1258A
Record Contact Address:		3333 BEVERLY RD
		HOFFMAN ESTATES IL 60179

## Property Rights:

Temporary Easement for Construction.

# Tax Parcel #262505-9196 Temporary Construction Easement

#### Parcel Legal Description

Lot 2, City of Redmond Short Plat Number SS-85-19, recorded under Recording Number 8511131475 and corrections recorded under Recording Numbers 8512270656 and 8712110366; AND that portion of Lot 1 of said Short Plat described as follows:

Commencing at the southeast corner of said Lot 1; Thence south 68°11'46" west, 52.19 feet to the TRUE POINT OF BEGINNING; Thence north 89°21'53" west, 203.00 feet; Thence north 62°07'00" west, 2.47 feet; Thence south 89°21'53" east, 207.93 feet; Thence south 68°11'46" west, 2.96 feet to the TRUE POINT OF BEGINNING;

EXCEPT that portion of said Lot 2 described as follows:
Commencing at the northeast corner of said Lot 1;
Thence north 88°40'39" west, 17.20 feet to the TRUE POINT OF
BEGINNING;
Thence continuing north 88°40'39" west, 105.00 feet;
Thence north 1°19'21" east, 2.20 feet;
Thence south 88°40'39" east, 105.00 feet;
Thence south 88°40'39" east, 2.20 feet to the TRUE POINT OF BEGINNING;

(ALSO KNOWN AS Parcel 2 of City of Redmond Lot Line Adjustment No. LLR-87-9, recorded under Recording Number 8802220272, all in Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington);

TOGETHER WITH easements for ingress and egress, the passage and parking of vehicles, and the passage and accommodation of pedestrians as established in agreement recorded under Recording Number 8511131553.

## Temporary Construction Easement Legal Description

That portion of the above Parcel 2 described as follows:

Commencing at the southeast corner of aforementioned Parcel 2;

thence North 89°22'34" West along the south line of said Parcel 2, a distance of 49.00 feet to the TRUE POINT OF BEGINNING;

thence continuing along south line of said Parcel 2, North 89°22'34" West, 130.01 feet;

thence leaving south line of said Parcel 2, North 01°15'38" East, parallel with east line of said Parcel 2, a distance of 139.36 feet;

thence South 88°44'22" East, 118.86 feet;

thence South 01°15'38" West, parallel with east line of said Parcel 2, a distance of 26.00 feet;

thence South 88°44'22" East, 11.14 feer;

thence South 01°15'38" West, parallel with east line of said Parcel 2, a distance of 111.92 feet to the TRUE POINT OF BEGINNING.

Together with that portion of the above Parcel 2 described as follows:

Commencing at the southeast corner of aforementioned Parcel 2;

thence North 89°22'34" West along the south line of said Parcel 2, a distance of 214.24 feet to the TRUE POINT OF BEGINNING;

thence leaving south line of said Parcel 2, North 01"19'38" East, 52.53 feet to the southeast corner of Parcel 1 of City of Redmond Lot Line Adjustment No. LLR-87-9;

thence continuing North 01"19'38" East along the east line of said Parcel 1, a distance of 269.99 feet to a corner of said Parcel 1;

thence continuing along the line of said Parcel 1North 88° 40'22" West, 2.98 feet;

thence leaving said Parcel line North 01°15'38" East, 317.77 feet;

thence South 88°44'22" East, 14.84 feet;

thence North 01°15'38" East, 93.92 feet;

thence South 88°44'22" East, 30.64 feet;

thence North 01°15'38" East, 242.50 feet;

thence South 88"44'22" East, 143.85 feet;

thence North 01°15'38" East parallel with the ease line of said Parcel 2, a distance of 273.74 feet to a point on the north line of said Parcel 2:

thence North 89°59'18" East, 27.49 feet, to the northeast corner of said Parcel 2;

thence South 01°15'38" West along the east line of said Parcel 2, a distance of 527.31 feet;

thence leaving the east line of said Parcel 2 North 88°44'22" West, 189.00 feet;

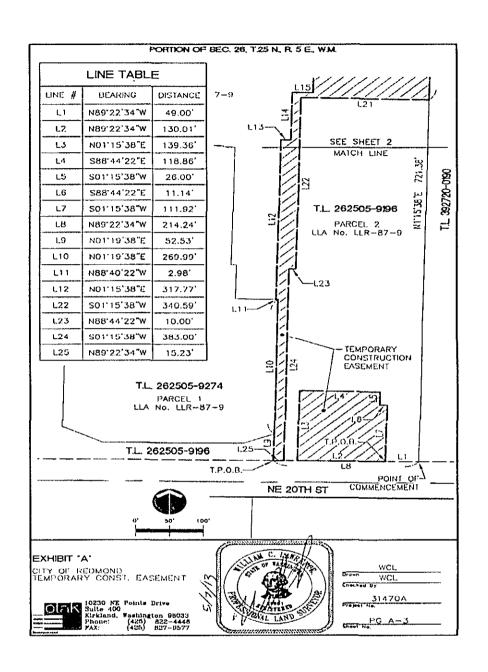
thence South 01°15'38" West parallel to the east line of said Parcel 2, a distance of 340.59 feet;

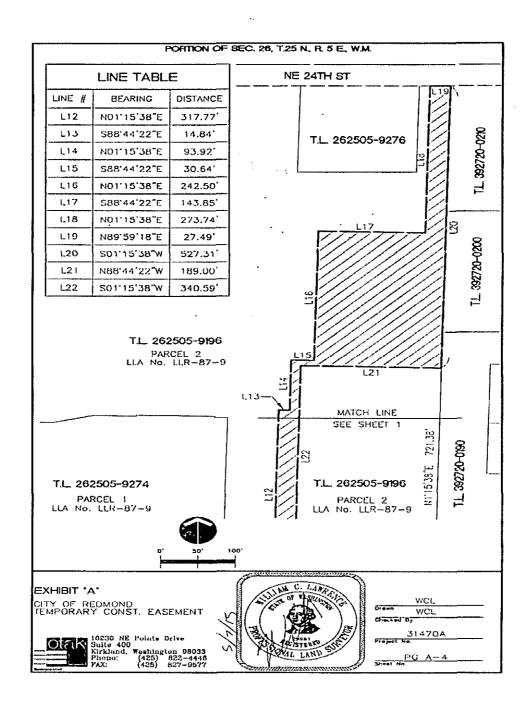
thence North 88°44'22" West, 10.00 feet;

thence South 01°15'38" West parallel to the east line of said Parcel 2, a distance of 383.00 feet to a point on the south line of said Parcel 2;

thence North 89°22'34" West along the south line of said Parcel 2, a distance of 15.23 feet to the TRUE POINT OF BEGINNING.

Containing 83,096 square feet, more or less.





## Exhibit B

## Overlake Village South Detention Vault

Property Tax ID Number:	262505-9196
Property Owner or Tax Payer of	SEARS MERCHANDISE GROUP
Record:	
Property Owner or Tax Payer of	MAIL STOP: B2-1258A
Record Contact Address:	3333 BEVERLY RD
	HOFFMAN ESTATES IL 60179

## Property Rights:

Permanent Easement for Stormwater Vault.

#### Tax Parcel #262505-9196 Storm Water Vault Easement

#### Parcel Legal Description

Lot 2, City of Redmond Short Plat Number SS-85-19, recorded under Recording Number 8511131475 and corrections recorded under Recording Numbers 8512270656 and 8712110366; AND that portion of Lot 1 of said Short Plat described as follows:

Commencing at the southeast corner of said Lot 1; Thence south 68°11'46" west, 52.19 feet to the TRUE POINT OF BEGINNING; Thence north 89"21'53" west, 203.00 feet; Thence north 62°07'00" west, 2.47 feet; Thence south 89°21'53" east, 207.93 feet; Thence south 68°11'46" west, 2.96 feet to the TRUE POINT OF BEGINNING;

ENCEPT that portion of said Lot 2 described as follows:
Commencing at the northeast corner of said Lot 1;
Thence north 88°40'39" west, 17.20 feet to the TRUE POINT OF
BEGINNING;
Thence continuing north 88°40'39" west, 105.00 feet;
Thence north 1°19'21" east, 2.20 feet;
Thence south 88°40'39" east, 105.00 feet;
Thence south 1°19'21" west, 2.20 feet to the TRUE POINT OF BEGINNING;

(ALSO KNOWN AS Parcel 2 of City of Redmond Lot Line Adjustment No. LLR-87-9, recorded under Recording Number 8802220272, all in Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington);

TOGETHER WITH casements for ingress and egress, the passage and parking of vehicles, and the passage and accommodation of pedestrians as established in agreement recorded under Recording Number 8511131553.

### Storm Water Vault Easement Legal Description

Commencing at the southeast corner of aforementioned Parcel; thence North 01°15'38" East along the east line of said Parcel, 454.38 feet to the TRUE POINT OF BECHNNING; thence continuing North 01°15'38" East along the east line of said Parcel, 270.00 feet; thence leaving the east line of said Parcel, North 88°44'22" West, 189.00 feet; thence South 01°15'38" West parallel with the east line of said Parcel, 584.00 feet;

thence South 01"15'38" West parallel with the east line of said Parcel, 584,00 feet; thence South 88"44'22" East, 128.86 feet;

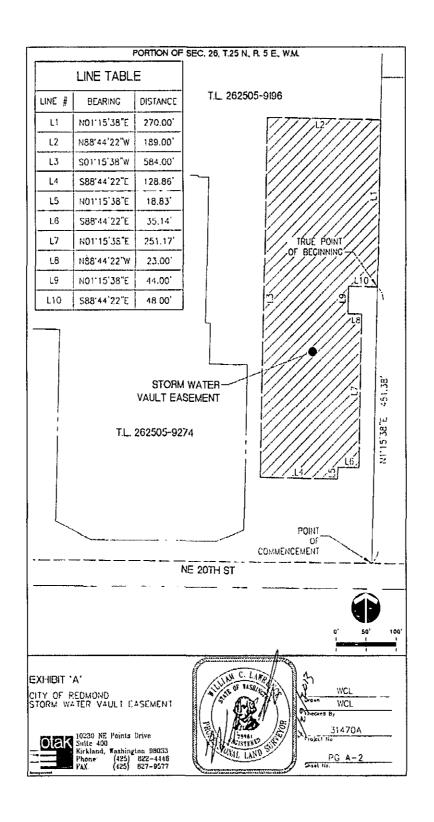
thence North 01°15'38" East, 18.83 feet; thence South 88"44'22" East, 35.14 feet; thence North 01°15'38" East, 251.17 feet;

thence North 88°44'22" West, 23.00 feet;

thence North 01°15'38" East, 44.00 feet;

thence South 88°44'22" East, 128.86 feet to the TRUE POINT OF BEGINNING

Containing 100,852 square feet, more or less.



# Exhibit C

## Overlake Village South Detention Vault

Property Tax ID Number:	262505-9196
Property Owner or Tax Payer of	SEARS MERCHANDISE GROUP
Record:	
Property Owner or Tax Payer of	MAIL STOP: B2-1258A
Record Contact Address:	3333 BEVERLY RD
	HOFFMAN ESTATES IL 60179

## Property Rights:

Permanent Easement for Stormwater Pipeline.

#### Tax Parcel #262505-9196 Storm Water Pipeline Easement

#### Parcel Legal Description

Lot 2, City of Redmond Short Plat Number SS-85-19, recorded under Recording Number 8511131475 and corrections recorded under Recording Numbers 8512270656 and 8712110366; AND that portion of Lot 1 of said Short Plat described as follows:

Commencing at the southeast corner of said Lot 1; Thence south 68°11'46" west, 52.19 feet to the TRUE POINT OF BEGINNING; Thence north 89°21'53" west, 203.00 feet; Thence north 62°07'00" west, 2.47 feet; Thence south 89°21'53" cast, 207.93 feet; Thence south 68°11'46" west, 2.96 feet to the TRUE POINT OF BEGINNING;

EXCEPT that portion of said Lot 2 described as follows:
Commencing at the northeast corner of said Lot 1;
Thence north 88"40"39" west, 17.20 feet to the TRUE POINT OF
BEGINNING:
Thence continuing north 88"40"39" west, 105.00 feet;
Thence north 1"19"21" east, 2.20 feet;
Thence south 88"40"30" cast, 105.00 feet;
Thence south 1"19"21" west, 2.20 feet to the TRUE POINT OF BEGINNING;

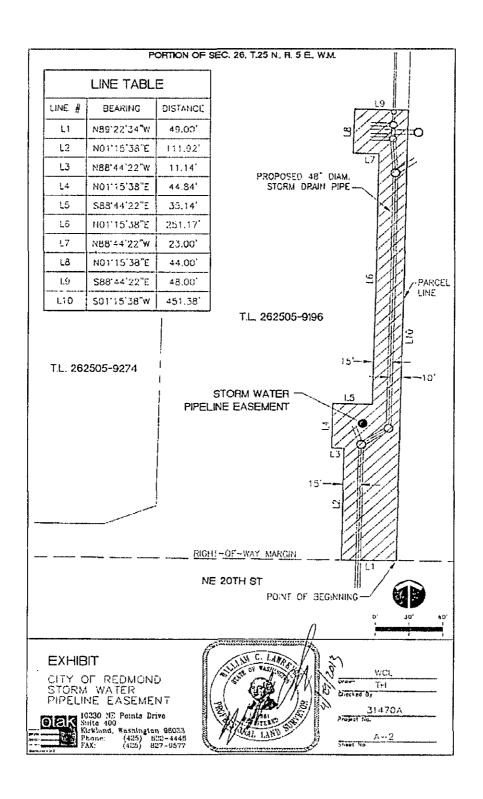
(ALSO KNOWN AS Parcel 2 of City of Redmond Lot Line Adjustment No. LLR-87-9, recorded under Recording Number 8802220272, all in Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington);

TOGETHER WITH easements for ingress and egress, the passage and parking of vehicles, and the passage and accommodation of pedestrians as established in agreement recorded under Recording Number 8511131553.

### Storm Water Pipeline Easement Legal Description

Beginning at the southeast corner of the above described Parcel; Thence North 89°22'34" West, along the south line of said Parcel, 49.00 feet; thence leaving the south line of said Parcel North 01°15'38" East, parallel with east line of said Parcel, 111.92 feet; thence North 89°44'22" West, 11.14 feet; thence North 01°15'38" East, 44.84 feet; thence North 01°15'38" East, 35.14 feet; thence North 01°15'38" East, 251.17 feet; thence North 01°15'38" East, 23.00 feet; thence North 01°15'38" East, 44.00 feet; thence North 01°15'38" East, 44.00 feet; thence South 88°44'22" East, 48.00 feet to a point on the east line of the above described Parcel; thence South 01°15'38" West, along said east parcel line, 451.38 feet to the Point of Beginning.

Containing 16,558 square feet or 0.380 acres, more or less.



## Exhibit D

## Overlake Village South Detention Vault

Property Tax ID Number:	262505-9196
Property Owner or Tax Payer of	SEARS MERCHANDISE GROUP
Record:	
Property Owner or Tax Payer of	MAIL STOP: B2-1258A
Record Contact Address:	3333 BEVERLY RD
	HOFFMAN ESTATES IL 60179

## Property Rights:

Permanent Easement for Access to Stormwater Vault.

#### Tax Parcel #262505-9196 Storm Water Vault Access Easement

#### Parcel Legal Description

Lot 2, City of Redmond Short Plat Number SS-85-19, recorded under Recording Number 8511131475 and corrections recorded under Recording Numbers 8512270656 and 8712110366; AND that portion of Lot 1 of said Short Plat described as follows:

Commencing at the southeast corner of said Lot 1; Thence south 68°11'46" west, 52.19 feet to the TRUE POINT OF BEGINNING; Thence north 89°21'53" west, 203.00 feet; Thence north 62°07'00" west, 2.47 feet; Thence south 89°21'53" east, 207.93 feet; Thence south 68°11'46" west, 2.96 feet to the TRUE POINT OF BEGINNING;

EXCEPT that portion of said Lot 2 described as follows:
Commencing at the northeast corner of said Lot 1;
Thence north 88°40′39" west, 17.20 feet to the TRUE POINT OF
BEGINNING;
Thence continuing north 88°40′39", west 105.00 feet;
Thence north 1°19′21" cast, 2.20 feet;
Thence south 88°40′39" east, 105.00 feet;
Thence south 1°19′21" west, 2.20 feet to the TRUE POINT OF BEGINNING;

(ALSO KNOWN AS Parcel 2 of City of Redmond Lot Line Adjustment No. LLR-87-9, recorded under Recording Number 8802220272, all in Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington);

TOGETHER WITH easements for ingress and egress, the passage and parking of vehicles, and the passage and accommodation of pedestrians as established in agreement recorded under Recording Number 8511131553.

## Storm Water Vault Access Easement Legal Description

Commencing at the southeast corner of aforementioned Parcel; thence North 89°22'34" West along the south line of said Parcel, 179.01 feet to the TRUE POINT OF BEGINNING:

thence leaving said south Parcel line, North 01°15'38" East, parallel with said east line of said Parcel, 139.36 feet:

theuce North 88°44'22" West, 10.00 feet;

thence North 01"15'38" East, parallel with east line of said Parcel, 243.41 feet;

thence North 88°44'22" West, 10.00 feet;

thence South 01"15"38" West, parallel with east line of said Parcel, 383.00 feet to the south line of said Parcel;

thence South 89°22'34" East, along the south line of said Parcel, 20.00 feet to the TRUE POINT OF BEGINNING;

Containing 5,224 square feet, more or less.

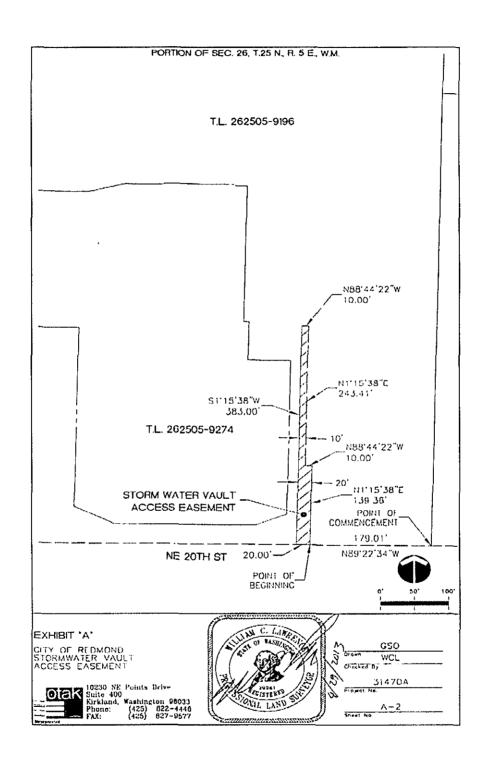


Exhibit E

Overlake Village South Detention Vault

Property Tax ID Number:	392720-0190
Property Owner or Tax Payer of	KCCLE OWNERS ASSOCIATION
Record:	9D1098
Property Owner or Tax Payer of	227 BELLEVUE WY NE #386
Record Contact Address:	BELLEVUE WA 98004
Property Address (Per King County	2001 152ND AVE NE 98007
Assessment Records):	

## Property Rights:

Temporary Easement for Construction.

# Tax Parcel #392720-0190 Temporary Construction Easement

### Temporary Construction Easement Legal Description

That portion of Lot 19 of the Replat of Koll Commerce Center Recorded in Volume 112 of Plats at Pages 51-53 and also under Auditor File Number 7909260733, Records of King County, Washington described as follows:

Commencing at the southwest corner of said Lot 19; thence North 01°15'38" East along the west line of said Lot 19, a distance of 111.00 feet to the TRUE POINT OF BEGINNING;

thence continuing North 01°15'38" East along the west line of said Lot 19, a distance of 262.77 feet to the southwest corner of a 20 foot wide storm sewer easement recorded under Auditor File Number 7412240427, Records of King County, Washington; thence leaving said west lot line, South 88°44'22" East along the south line of said storm sewer easement, 20.00 feet to the southeast corner of said storm sewer easement: thence North 01°15'38" East along the east line of said storm sewer easement 127.23 feet; thence leaving the east line of said storm sewer easement, South 88°44'22" East, 42.00 feet; thence South 01°15'38" West, 138.00 feet; thence North 88°44'22" West, 42.00 feet to a point that is 20 feet east of, when measured at right angle to, said west lot line; thence South 01°15'38" West, parallel with said west lot line, 252.00 feet; thence North 88°44'22" West, 20.00 feet to the TRUE POINT OF BEGINNING.

Containing 11,051 square feet, more or less.

