CITY OF REDMOND ORDINANCE NO. 2458

ORDINANCE OF THE CITY OF WASHINGTON, PROVIDING FOR THE ACQUISITION, TAKING, CONDEMNATION, AND APPROPRIATION OF A CERTAIN INTEREST IN A PARCEL EASEMENT INTERESTS IN OTHER PARCELS OF REAL ESTATE LOCATED IN THE VICINITY OF 180TH AVENUE NE AND AVONDALE ROAD AND LEGALLY THE DESCRIBED HEREIN, FOR PURPOSE CONSTRUCTING THE SOUTHEAST REDMOND TRANSMISSION MAIN PROJECT, BEAR CREEK CROSSING, CIP NO 101227, PROVIDING THAT THE THEREOF SHALL BE ENTIRE COST PAID FUNDS, DIRECTING AVAILABLE AND **ATTORNEYS** RETAINED BY THE CITY OF REDMOND TO PROSECUTE THE APPROPRIATE LEGAL PROCEEDINGS PROVIDED FOR SAID CONDEMNATION

WHEREAS, the SE Redmond Transmission Main, when completed, will transport water from the Education Hill Reservoirs to the SE Redmond Reservoir in order to provide adequate fire flow and water storage for current and future development in SE Redmond, and

WHEREAS, the SE Redmond Transmission Main has been completed in phases to date, with portions of the 20-inch water line being constructed by developers under conditions of development and portions of the line being constructed by the City as capital improvement projects, and

WHEREAS, two phases of the project are necessary to complete the SE Redmond Transmission Main the Bear Creek Crossing project, City CIP No 101227, which will construct that

portion of the line which extends from 180th and Avondale Road to a point on Union Hill Road in the vicinity of the Millennium development, and a developer-funded portion of the line which will extend the line along 188th Avenue NE from Union Hill Road to NE 68th Street, and

WHEREAS, in order to construct the SE Redmond Transmission Main, Bear Creek Crossing Project, the City must acquire one parcel of real estate in the vicinity of 180th Avenue NE and Avondale Road in fee and must also acquire easements, both temporary and permanent, across two additional parcels in that vicinity, and

WHEREAS, the City is in the process of negotiating purchase agreements to acquire the necessary property and property rights, but agreement with the owners may not be reached in a timely manner, and

WHEREAS, the owners were notified of the Redmond City Council's intent to consider this condemnation ordinance by mail and by publication as required by RCW 8 25 290, and

WHEREAS, the City Council has determined to condemn the necessary property and property rights in the event that a voluntary purchase cannot be negotiated

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, and welfare demand that the City of Redmond construct the SE Redmond Transmission Main, Bear Creek Crossing Project, City CIP No 101227 The improvement to be constructed is a 20-inch water pipeline together with all necessary appurtenances and related work to make a complete improvement in accordance with City standards. The public health, safety, and welfare further demand that the City acquire the property and property rights necessary to construct said public improvements. The City is authorized to condemn property for the purposes stated in this Section by RCW 8 12 030

Section 2 Declaration of Necessity The City Council of the City of Redmond, after hearing the report of the City's Public Works Department and reviewing the planned improvements, hereby finds and declares that a fee simple interest in the Zagrean parcel located at 9004 Avondale Road NE in the City of Redmond and more particularly described on Exhibit A attached hereto and incorporated herein by this reference as if set forth full is necessary for the public use and purpose of constructing the SE Redmond Transmission Main, Bear Creek Crossing Project described in Section 1 above The City Council also declares that temporary easements, construction rights, and permanent water line easements in, along, under and across the Keller parcels located in the vicinity of 180th

Avenue NE and Avondale Road, known as King County tax parcels 062506-9151 and 062506-9151 and more particularly described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full, are necessary for the public use and purpose of constructing the SE Redmond Transmission Main, Bear Creek Crossing Project

Section 3 Condemnation The fee and easement interests in the three parcels of real property described in the attached Exhibit A are hereby condemned, appropriated, taken, and damaged for the purpose of constructing the SE Redmond Transmission Main, Bear Creek Crossing Project described in Section 1 above, together with all necessary appurtenances 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 Attorneys Attorneys retained by the City are 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

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 take effect and be in full force five days after its passage and publication of a summary as provided by law

ADOPTED by the Redmond City Council this 5^{th} day of May, 2009

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, CYTY ATTORNEY

FILED WITH THE CITY CLERK

PASSED BY THE CITY COUNCIL

SIGNED BY THE MAYOR

PUBLISHED

EFFECTIVE DATE

ORDINANCE NO 2458

April 29, 2009

May 5, 2009

May 5, 2009

May 11, 2009

May 16, 2009

APPROVED 7-0 Allen Carson, Cole Margeson, McCormick Myers and Vache

EXHIBIT A

SE REDMOND TRANSMISSION MAIN

PROPERTY TAX ID NUMBER	TAX	OWNER,	PROPERTY ADDRESS (PER KING COUNTY ASSESSMENT RECORDS)	PROPERTY RIGHTS
062506-9066	ZAGREAN, RICAHRD C+MINA	9004 AVONDALE RD NE REDMOND WA 98052	9004 AVONDALE ROAD NE	FEE AREA THE NORTH 290 00 FEET OF THE WEST 652 63 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 26 NORTH, RANGE 5 EAST, W M IN KING COUNTY, WASHINGTON, EXCEPT THEREFROM THE NORTH 30 00 FEET FOR NORTHEAST 116 TH STREET, ALSO KNOW AS YORK REVISION ROAD NUMBER 1420, ALSO EXCEPT THEREFROM THAT PORTION LYING WESTERLY OF THE EAST 945 52 FEET OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36

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062506-	KELLER,	PO BOX 986	NONE	TEMPORARY
9151	FRED W	FALL CITY		ACCESS/CONSTRUCTION

WA 98024

RIGHTS
PERMANENT EASEMENT

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062506-	KELLER,	PO BOX 986	NONE	TEMPORARY
9013	FRED W	FALL CITY		ACCESS/CONSTRUCTION
		WA 98024		RIGHTS
				PERMANENT EASEMENT