## ORDINANCE NO. 2060

**ORDINANCE** OF THE CITY OF AN REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION OF A PERMANENT EASEMENT INTEREST AND A TEMPORARY CONSTRUCTION EASEMENT INTEREST IN, UNDER, OVER, ALONG, ACROSS, AND UPON CERTAIN PROPERTY LOCATED AT 16423 N.E. 122<sup>ND</sup> STREET AND COMMONLY KNOWN AS THE FEDERSPIEL PROPERTY. IN ORDER TO CONSTRUCT A SANITARY SEWER MAIN AND SEWER ACCESS ROAD TURNAROUND, TOGETHER WITH ALL **NECESSARY** APPURTENANCES, UTILITIES. RELATED WORK TO MAKE A COMPLETE IMPROVEMENT IN ACCORD WITH APPLICABLE CITY STANDARDS; PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING, AND DAMAGING OF LAND OR OTHER PROPERTY NECESSARY THEREFOR; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM AVAILABLE FUNDS; AND DIRECTING THE ATTORNEY TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

WHEREAS, the City's approved General Sewer Plan for the North Redmond Basin shows a portion of the basin being drained by a gravity sewer line descending to N.E. 124<sup>th</sup> Street, and

WHEREAS, in order to construct the said gravity sewer line and a turnaround for construction and maintenance vehicles, it is necessary to acquire both a permanent easement and a temporary construction easement in, under, over, along, across, and upon the property commonly known as the Federspiel property and located at 16423 N.E. 122<sup>nd</sup> Street, and

WHEREAS, negotiations with the owners of the property have proved unsuccessful and the easements must therefore be acquired by condemnation, NOW, THEREFORE.

<u>Section 1</u>. <u>Need for Property – Public Use</u>. The public health, safety, necessity, and convenience demand that a City sanitary sewer main and a vehicle access turnaround be constructed in, under, over, along, across, and upon the Federspiel property at 16423 N.E. 122<sup>nd</sup> Street and that both permanent utility and access and temporary construction easement interests be condemned, appropriated, taken and damaged for the construction of said public use improvements as provided by this ordinance.

Section 2. Declaration of Necessity. The City Council of the City of Redmond, after hearing the report of the City Public Works staff, and reviewing the planned improvements, hereby declares that a permanent utility and access easement interest in, under, over, along, across, and upon the property described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full is necessary for a public use, i.e., for construction of the sanitary sewer main and vehicle access turnaround described in Section 1 above, and that such easement interest must be owned by the City of Redmond. The City Council also declares that a temporary construction easement in, under, over, along, across, and upon the property described on Exhibit B attached hereto and incorporated herein by reference as if set forth in full is also necessary for such use. Said temporary construction easement shall terminate upon completion of the improvements.

Section 3. Condemnation. Permanent and Temporary Easement interests, free from any and all liens and encumbrances, as described in Section 2 above, are hereby condemned, appropriated, taken, and damaged in the property described on Exhibits A and B

attached hereto and incorporated herein by this reference as if set forth in full, for the purpose of constructing the sewer 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. Said funds may include contributions by property owners in the vicinity who are obligated to fund the sewer improvements for which the property described in this ordinance is being acquired.

Section 6. 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.

Section 7. 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.

CITY OF REDMOND /S/ MAYOR ROSEMARIE IVES

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:

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

December 29, 1999

January 4, 2000

January 8, 2000

January 13, 2000

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