

NON-CODE

CITY OF REDMOND  
ORDINANCE NO. 2582

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 A PUBLIC PARK, CITY OF REDMOND, CIP NO. 101405; 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

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WHEREAS, the City of Redmond plans to construct a new park in the Downtown area; and

WHEREAS, it is necessary to acquire parcels of real estate located between Redmond Way and Cleveland Street for the purpose of constructing the Park; and

WHEREAS, the City is in the process of negotiating voluntary purchase agreements to acquire the necessary properties, but agreement with the property owners 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 all the property owners of land this ordinance authorizes to be condemned advising such owners 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 interests must be condemned, appropriated, taken and damaged for the construction of the Downtown Park as provided by this ordinance. The Downtown Park is a public use for which the City is authorized to condemn property and property interests 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 reviewing improvement ideas and plans, hereby declares that fee interests in certain real properties are necessary for construction of the Downtown Park and must be acquired and owned by the City of Redmond. The properties from which the fee interests are required are 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 Downtown Park Project 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 park 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.

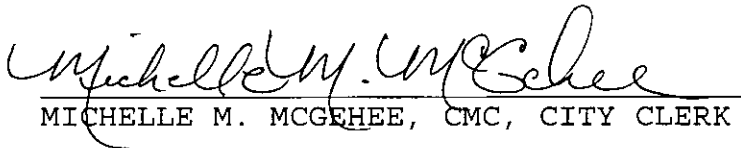
Section 7.      Effective Date.      This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 5<sup>th</sup> 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. 2582

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)
779240- 0111	ESTRIN, DENNIS ESTRIN, MARIE	REDMOND CYCLE 16205 REDMOND WAY REDMOND WA 98052	16205 REDMOND WAY REDMOND, WA 98052

Legal Description: The north 100 feet of Lots 5 and 6, and the north 100 feet of the west 35 feet of Lot 7, all in Block 4, Sike's Second Addition to the Town of Redmond, according to the plat thereof recorded in Volume 14 of Plats, page 4, in King County, Washington.

802970- 0010	BUTY LIMITED PARTNERSHIP BURTON FARMS LIMITED PARTNERSHIP MARTIN M. BURTON TRUSTEE, MARTIN M. BURTON TRUST	1150 ALKI AVE SW #4 SEATTLE WA 98116	16261 NE REDMOND WAY REDMOND, WA 98052
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Legal Description: Lot A of Stone House Dev. Binding Site Plat, according to the plat thereof recorded in Volume 180 of Plats, pages 45 and 46, in King County, Washington.

779240- 0089 779240TRCT	TOWNSEND, GORDON L. TOWNSEND, MAE MARY	5616 298TH AVE NE CARNATION WA 98014	16148 CLEVELAND ST REDMOND, WA 98052
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Legal Description: The easterly 52.5 feet of Lot 1, Block 4, Sike's Second Addition to the Town of Redmond, according to the plat thereof recorded in Volume 14 of Plats, page 4, in King County, Washington; EXCEPT the westerly .5 feet of the northerly 71 feet thereof.

TOGETHER WITH an undivided  $\frac{1}{4}$  interest in the westerly 4 feet of the easterly 16 feet of Lot 3; and the northerly 15 feet of the southerly 30 feet of Lots 5 and 6; and the southerly 30 feet of the westerly 35 feet of Lot 7, EXCEPT the westerly 6 feet of the southerly 15 feet thereof, ALL in Block 4, Sike's Second Addition to the Town of Redmond.

779240- 0090 779240TRCT	JOHNSON, WILLIAM A. JOHNSON, MARYANNE (MARY A) HARING, NORRIS GROVER HARING, DOROTHY MAE	PO BOX 506 OLGA WA 98279	16144 CLEVELAND ST REDMOND, WA 98052
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Legal Description: The westerly 2.0 feet of Lot 1; TOGETHER WITH the easterly 23 feet of Lot 2, Block 4, Sike's Second Addition to the Town of Redmond, according to the plat thereof recorded in Volume 14 of Plats, page 4, in King County, Washington.  
EXCEPT the easterly .5 feet of the southerly 39 feet of said westerly 2.0 feet of said Lot 1;

TOGETHER WITH an undivided  $\frac{1}{4}$  interest in the westerly 4 feet of the easterly 16 feet of Lot 3, the northerly 15 feet of the southerly 30 feet of Lots 5 and 6, and the southerly 30 feet of the westerly 35 feet of Lot 7 in said Block 4;  
EXCEPT the westerly 6 feet of the southerly 15 feet of said Lot 7.

779240- 0095 779240TRCT	JOHNSON, WILLIAM A. JOHNSON, MARYANNE (MARY A) HARING, NORRIS GROVER HARING, DOROTHY MAE	PO BOX 506 OLGA WA 98279	16146 CLEVELAND ST REDMOND, WA 98052
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Legal Description: The westerly 21 feet of Lot 2; TOGETHER WITH the easterly 12 feet of Lot 3, Block 4, Sike's Second Addition to the Town of Redmond, according to the plat thereof recorded in Volume 14 of Plats, page 4, in King County, Washington;

TOGETHER WITH an undivided  $\frac{1}{4}$  interest in the westerly 4 feet of the easterly 16 feet of Lot 3, the northerly 15 feet of the southerly 30 feet of Lots 5 and 6, and the southerly 30 feet of the westerly 35 feet of Lot 7 in said Block 4;  
EXCEPT the westerly 6 feet of the southerly 15 feet of said Lot 7.

779240-            BROWN STREET LLC  
0100

RICHARDS, MICHAEL  
RICHARDS, SUSAN  
27901 REDMOND FALL CITY RD  
REDMOND WA 98053

7810 BROWN ST  
REDMOND, WA 98052

Legal Description: Lots 3 and 4; EXCEPT the east 16 feet of Lot 3; Lots 5 and 6, and the west 6 feet of Lot 7; AND EXCEPT the north 115 feet of said Lots 5 and 6; EXCEPT the north 115 feet of said west 6 feet of Lot 7; ALL in Block 4, Sike's Second Addition to the Town of Redmond, according to the plat thereof recorded in Volume 14 of Plats, page 4, in King County, Washington.

TOGETHER WITH an easement for road purposes and utilities over the following described property:

The east  $7\frac{1}{2}$  feet of the west 13.5 feet of Lot 7; EXCEPT the north 115 feet thereof; the west 13.5 feet of the south 15 feet of the north 115 feet of lot 7; and the south 15 feet of the north 115 feet of lots 5 and 6, said Block 4, Sike's Second Addition to the Town of Redmond, according to the plat thereof in Volume 14, page 4, in King County, Washington.

802970-            REDMOND BUILDING LLC  
0030

SHRINER, CRAIG  
737 MARKET ST  
KIRKLAND WA 98033

16261 NE REDMOND WAY  
REDMOND, WA 98052