ORDINANCE NO 2445 (AM)

ORDINANCE OF THE CITY OF WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF A FEE INTEREST IN TWO PARCELS OF REAL ESTATE LOCATED ALONG BEAR CREEK AT REDMOND TOWN CENTER AND LEGALLY DESCRIBED HEREIN, FOR THE PURPOSE OF CONSTRUCTING THE LOWER BEAR CREEK REHABILITATION PROJECT, CIP NO 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 LEGAL PROCEEDINGS PROVIDED FOR SAID CONDEMNATION

WHEREAS, the City of Redmond plans to relocate and rehabilitate approximately 3,000 feet of Lower Bear Creek and surrounding riparian areas, and

WHEREAS, relocation and rehabilitation of Lower Bear Creek will enhance fish and wildlife habitat, provide significant public open space, provide public recreation and viewing opportunities, and address storm water and flood conveyance issues in the area, and

WHEREAS, it is necessary to acquire two parcels of real estate located along Lower Bear Creek in the vicinity of the Redmond Town Center development in order to complete the Lower Bear Creek Rehabilitation Project, and

WHEREAS, the City is in the process of negotiating a voluntary purchase agreement to acquire the necessary property

and property rights, but agreement with the owners may not be reached, 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 Classification This is a non-code ordinance

Need for Property - Public Use The public Sēction 2 health, safety, and welfare demand that the City of Redmond construct the Lower Bear Creek Rehabilitation Project The improvements to be constructed ınclude relocating approximately 3,000-foot segment of Bear Creek from a mostly straight, channelized stream to a meandering, re-shaped and replanted channel in an established public open space, relocation of an existing asphalt path and augmentation of the path with a parallel soft-surface path and "side routes" to enhance public viewing of the creek, and the construction and installation of 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 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 3 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 two parcels legally described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full is necessary for the public use and purpose of constructing the Lower Bear Creek Rehabilitation Project described in Section 2 above

Section 4 Condemnation The fee interest in the two parcels of real property described in the attached Exhibit A is hereby condemned, appropriated, taken, and damaged for the purpose of constructing the Lower Bear Creek Rehabilitation Project described in Section 2 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 5 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 6 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 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

Section 8 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 3^{rd} day of February, 2009

CITY OF REDMOND

MAYOR JOHN MARCHIONE

ATTEST

Michelle M MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY

JAMES E HANEY, CLYY ATTORNEY

FILED WITH THE CITY CLERK PASSED BY THE CITY COUNCIL SIGNED BY THE MAYOR PUBLISHED

EFFECTIVE DATE
ORDINANCE NO 2445

January 28, 2009 February 3, 2009 February 3, 2009 February 9, 2009 February 14, 2009

PASSED UNANIMOUSLY 7 - 0 ALLEN, CARSON, COLE, MARGESON, MCCORMICK, MYERS AND VACHE

EXHIBIT A LEGAL DESCRIPTION

Parcel A

Tax Parcel 720241-0190

Parcel 10, Redmond Town Center, a Binding Site Plan, recorded in Volume 176 of Plats, pages 56 through 67, inclusive, in King County, Washington

Parcel B

Tax Parcel 720241-0180

Lot 9, Redmond Town Center, a Binding Site Plan, recorded in Volume 176 of Plats, pages 56 through 67, inclusive, in King County, Washington