ORDINANCE NO. _2335

AN ORDINANCE OF THE CITY OF REDMOND. WASHINGTON. PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF FEE TITLE TO CERTAIN REAL ESTATE OWNED BY TRINITY PARTNERSHIP II LLP AND LOCATED AT 18104 NE 76TH STREET FOR THE PURPOSE OF ESTABLISHING A FACILITY FOR SERVICING, MAINTAINING, AND STORING PUBLIC WORKS VEHICLES AND EQUIPMENT; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM AVAILABLE FUNDS; AND DIRECTING ATTORNEYS RETAINED BYTHE CITY REDMOND TO PROSECUTE THE APPROPRIATE PROCEEDINGS IN THE MANNER PROVIDED FOR SAID CONDEMNATION IN THE EVENT THAT AN ACCEPTABLE PURCHASE OF THE PROPERTY CANNOT BE NEGOTIATED.

WHEREAS, the City of Redmond has need for a facility at which it can service, maintain, and store large public works vehicles and equipment, and

WHEREAS, the City has located an appropriate warehouse structure on property owned by Trinity Partnership II, LLP and located at 18104 NE 76th Street in the City of Redmond, and

WHEREAS, the property owner has agreed to sell the property to the City under threat of eminent domain and the City Council has determined to acquire the property by condemnation in the event that an acceptable purchase and sale agreement cannot be negotiated and approved, 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 acquire property for the establishment of a

facility for servicing, maintaining, and storing large public works vehicles and equipment.

Section 2. Declaration of Necessity. The City Council of the City of Redmond, after hearing the report of the City's Public Works Staff and reviewing the planned use of the property, hereby finds and declares that a fee simple interest in the building and property 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 establishing the vehicle and equipment maintenance facility described in Section 1 above.

Section 3. Condemnation. The fee interest in the property described in Section 2 above and on Exhibit A attached hereto is hereby condemned, appropriated, taken, and damaged for the purpose of establishing the facility described in Section 1 above. Condemnation of the property is subject to the making or paying of just compensation to the owners 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 in the event that an acceptable purchase and sale agreement for the property cannot be negotiated and entered into.

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, being the exercise of a power specifically delegated to the legislative body of the city, is not subject to referendum, and shall take effect and be in full force five (5) days after passage and publication of an approved summary thereof consisting of the title.

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MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

Sandra L. Marion for MALISA FILES, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

Ву:___

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

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO: 2335

March 29, 2007

April 3, 2007 April 3, 2007

April 9, 2007

April 14, 2007

EXHIBIT A

ORDINANCE NO. 2335

Legal Description

Lot 4, Hos Industrial Addition to Redmond, according to the plat thereof recorded in Volume 119 of Plats, page 95, in King County, Washington.