

NON-CODE

**CITY OF REDMOND
ORDINANCE NO. 2879**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF WATER, SEWER, AND STORMWATER LINES AND APPURTENANT FACILITIES IN THE PRIVATE ACCESS AND UTILITY EASEMENT COMMONLY KNOWN AS 138TH AVENUE NE; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM AVAILABLE FUNDS; AND DIRECTING THE CITY ATTORNEY TO FILE AND PROSECUTE THE APPROPRIATE LEGAL PROCEEDINGS FOR SAID CONDEMNATION

WHEREAS, the City of Redmond's Comprehensive Water System Plan, Comprehensive General Sewer Plan, and Comprehensive Stormwater Plan all provide for water, sewer, and stormwater utility lines and facilities to be placed in an alignment on 138th Avenue NE, a private access and utility easement located on the west 30 feet of Lots 2, 3, and 4 of King County Short Plat No. 977103 (King County Recording No. 7802230999) in order to serve the area of Rose Hill north of NE 100th Street; and

WHEREAS, there is an existing water line in 138th Avenue NE and the location of the sanitary sewer and stormwater lines and facilities in the same private access and utility easement will allow sanitary sewer service to be provided by gravity flow to properties north of the proposed easement area and ensure that stormwater facilities, if located in the easement area, will be in

a maintainable location, away from residences and an existing stormwater pond; and

WHEREAS, the City's property manager has attempted to negotiate the voluntary purchase of water, sewer, and stormwater easements in the private access and utility easement but has not been successful to date; and

WHEREAS, the owners of Lots 2, 3, and 4 of King County Short Plat No. 977103 were notified by mail and publication of the date and time at which the Redmond City Council would consider the passage of this ordinance taking final action to authorize condemnation of water, sewer, and stormwater easements as required by RCW 8.25.290; and

WHEREAS, the Redmond City Council has determined to authorize condemnation of the necessary easements in the event that a 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 Redmond City Council, after hearing the report and recommendation of the Redmond Public Works Department, hereby declares that the public health, safety, and welfare demand that the City acquire permanent easements in certain real properties for the purpose of constructing, reconstructing, installing, maintaining, and repairing water, sewer, and stormwater utility lines and

appurtenant facilities in the private access and utility easement commonly known as 138th Avenue NE, located within Lots, 2, 3, and 4 of King County Short Plat No. 977103 and more particularly described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full. The easement interests are required to serve a public use and purpose, namely, the provision of water, sewer, and stormwater utility service to that area of Rose Hill north of NE 100th Street. The City is authorized to condemn property for the public uses and purposes stated herein by RCW 8.12.030.

Section 2. Finding and Declaration of Necessity. The Redmond City Council, after hearing the report and recommendation of the Redmond Public Works Department, hereby finds and declares that permanent easements in the property described on Exhibit A are necessary for the purpose of constructing, reconstructing, installing, maintaining, and repairing water, sewer, and stormwater utility lines and appurtenant facilities as described in Section 1 and in the recitals of this ordinance.

Section 3. Condemnation. Permanent easements in the property described on Exhibit A are hereby condemned, appropriated, taken, and damaged for the purpose of constructing, reconstructing, installing, maintaining, and repairing water, sewer, and stormwater utility lines and appurtenant facilities, as described in Section 1 and in the recitals of this ordinance, in

accord with City of Redmond standards. Condemnation of the easements is subject to the making or payment of just compensation to the owners and possessors of the property described on Exhibit A in the manner prescribed 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 and appropriate the easement interests necessary to carry out the provisions of this ordinance. Said proceedings shall be instituted upon a determination by the Mayor or his designee that negotiations have been unsuccessful or are unlikely to be successful within the timeframe required for construction.


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 such available funds as may be appropriate under the circumstances, including developer contributions and reimbursements.

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 become effective five days after its publication, or publication of a summary thereof; in the city's official newspaper, or as otherwise provided by law.


ADOPTED by the Redmond City Council this 2nd day of May, 2017.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

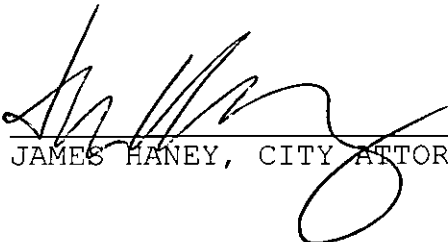
ATTEST:



MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:



JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: April 18, 2017
PASSED BY THE CITY COUNCIL: May 2, 2017
SIGNED BY THE MAYOR: May 5, 2017
PUBLISHED: May 8, 2017
EFFECTIVE DATE: May 13, 2017
ORDINANCE NO. 2879

YES: BIRNEY, CARSON, MARGESON, MYERS, PADHYE, SHUTZ, STILIN

EXHIBIT A

| PROPERTY ID NUMBER | PROPERTY OWNER | PROPERTY OWNER, TAX PAYER'S OR CONTACT ADDRESS | PROPERTY ADDRESS (PER KING COUNTY ASSESSMENT RECORDS) |
|---------------------------|---------------------------------------|---|--|
| 124670-0352 | MORSE, CHARLES MORSE, ALEXANDRA | 4111 E MADISON STREET SUITE 2 SEATTLE WA 98112 | VACANT PROPERTY |

Legal Description: The west 30 feet of Lot 2, King County Short Plat Number 977103, recorded under recording number 7802230999, being a portion of Lot 8, Block 160, Burke & Farrar's Kirkland Addition to the City of Seattle, Division 31, according to the plat thereof, recorded in Volume 25 of Plats, Page 26, in King County, Washington.

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|-------------|--|---|---|
| 124670-0354 | SHEEHAN, GREGORY J. SHEEHAN, CINTHIA M. | 10024 138 TH AVENUE NE KIRKLAND, WA 98033 | 10024 138 TH AVENUE NE KIRKLAND, WA 98033 |
|-------------|--|---|---|

Legal Description: The west 30 feet of Lot 3, King County Short Plat Number 977103, recorded under recording number 7802230999, being a portion of Lot 8, Block 160, Burke & Farrar's Kirkland Addition to the City of Seattle, Division 31, according to the plat thereof, recorded in Volume 25 of Plats, Page 26, in King County, Washington.

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| 124670-0356 | SCHNEIDER, GRANT SCHNEIDER, LINDA M. | 10010 138 TH AVENUE NE KIRKLAND, WA 98033 | 10010 138 TH AVENUE NE KIRKLAND, WA 98033 |
|-------------|---|---|---|

Legal Description: The west 30 feet of Lot 4, King County Short Plat Number 977103, recorded under recording number 7802230999, being a portion of Lot 8, Block 160, Burke & Farrar's Kirkland Addition to the City of Seattle, Division 31, according to the plat thereof, recorded in Volume 25 of Plats, Page 26, in King County, Washington.