

NON-CODE

**CITY OF REDMOND
ORDINANCE NO. 2817**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF PERMANENT REAL PROPERTY RIGHTS IN ORDER TO CONSTRUCT SANITARY SEWER PUMP STATION 14 ABANDONMENT PROJECT, CIP PROJECT NO. 20021130; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM AVAILABLE FUNDS; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION

WHEREAS, City of Redmond has determined that existing Sanitary Sewer Pump Station 14 facilities are failing due to age. It has been determined that replacement or rehabilitation of the Pump Station is not as beneficial to the community and public as abandoning the existing pumping system and adding additional sewer main piping that will provide opportunity to have other areas of the community serviced by a public gravity flow sanitary system; and

WHEREAS, it is necessary for the City to acquire temporary and permanent easements from private property owners in order to accommodate the extended sewer main pipe which is included as part of the Sanitary Sewer Pump Station 14 Abandonment Project, CIP Project No. 20021130; and

WHEREAS, the City has pursued negotiating voluntary agreements to acquire the necessary property rights, but agreements have not been reached with all the owners from which temporary and permanent rights are needed; and

WHEREAS, the City Council has therefore determined to authorize condemnation of such interests; and

WHEREAS, pursuant to RCW 8.25.290, the City mailed and published notice to the property owners whose lands this ordinance authorizes to be condemned advising such owners that a final decision to acquire by negotiation or condemning the required property interests would be made at the February 16, 2016, Redmond City Council meeting and that 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 February 16, 2016, meeting.

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, necessity, and convenience demand that the Sanitary Sewer Pump Station 14 Abandonment Project be constructed in order to address the current aging system. This will be accomplished by discontinuing the ability for Pump Station 14 to function and adding additional sewer main line

pipng that will function by gravity flow. The temporary and permanent easements must be acquired, condemned, appropriated and taken for the placement of the new main line as part of the Sanitary Sewer Pump Station 14 Abandonment Project as provided by this ordinance. The Sanitary Sewer Pump Station 14 Abandonment Project is a public use for which the City is authorized to condemn property and property interests under RCW 8.12.030.

Section 2. Declaration of Necessity. The City Council of the City of Redmond has reviewed the planned improvements report of the City Public Works staff and hereby declares that temporary and permanent property rights in, under, over, along, across, and upon certain real properties are necessary for construction of the Sanitary Sewer Pump Station 14 Abandonment Project in Section 1 above and must be acquired by the City of Redmond. The properties from which the temporary and permanent easements are required are listed on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full. The property rights to be acquired are legally described and depicted on Exhibit B attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Condemnation. The temporary and permanent easements described in Section 2, are hereby condemned, appropriated, taken, and damaged for the purpose of constructing

the Sanitary Sewer Pump Station 14 Abandonment 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 real property owner 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 properties hereby authorized to be condemned and appropriated, and as to the reservation of any right of use of the owners or any person entitled to possession of the properties, 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 properties so taken in order to minimize damages, provided that said adjustments do not interfere with the use of said properties by the City as provided in this ordinance.

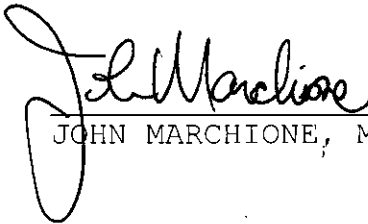
Section 5. Source of Funds. The entire cost of the property rights acquisitions authorized by this ordinance, including all costs and expenses of condemnation proceedings, shall be paid from available funds as may be appropriate under the circumstances.

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 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 16th day of
February, 2016.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

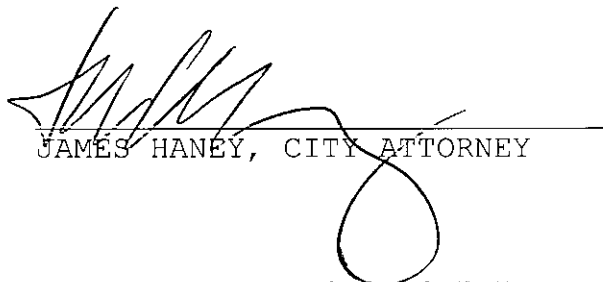
ATTEST:



MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:



JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	February 2, 2016
PASSED BY THE CITY COUNCIL:	February 16, 2016
SIGNED BY THE MAYOR:	February 19, 2016
PUBLISHED:	February 22, 2016
EFFECTIVE DATE:	February 27, 2016
ORDINANCE NO.:	2817

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

EXHIBIT A

SANITARY SEWER PUMP STATION 14 ABANDONMENT				
PROPERTY TAX ID NUMBER	PROPERTY OWNER/TAX PAYER	PROPERTY OWNER, TAX PAYER'S OR CONTACT ADDRESS	PROPERTY ADDRESS (PER KING COUNTY ASSESSMENT RECORDS)	PROPERTY RIGHTS
032505-9230	Evgueni and Oksana Salnikov	9016 132 nd Ave NE Redmond WA 98052	9016 132 nd Ave NE Redmond WA 98052	Temporary and Permanent Easements
032505-9172	Puget Sound Energy	Property Tax Department PO Box 97034 Bellevue WA 98009	(none)	Temporary and Permanent Easements

EXHIBIT B

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Permanent Sanitary Sewer Easement Description King County Tax Parcel 032505-9230

A strip of land over, under and across that portion of Lot 3, King County Short Plat Number 878153, recorded under recording number 7811210997, and revised under recording number 8004240623, records of King County, Washington, said strip being 20 feet in width, lying 10 feet on either side of the following described centerline:

Commencing at a point on the south line of said Lot 3, 108.93 feet west of the southeast corner of said Lot 3;
Thence North 58°50'33" East, a distance of 120.41 feet to a point on the east line of said Lot 3, said point being 66.72 feet from the southeast corner of said Lot 3, said point being the terminus of this centerline description.

The centerline descriptions herein are intended to coincide with the centerline of pipe as constructed and/or its extensions and said descriptions shall revert to the centerline of the pipe as constructed.

Containing: 2,408 square feet, more or less.

Temporary Sanitary Sewer Construction Easement Description King County Tax Parcel 032505-9230

A strip of land over, under and across that portion of Lot 3, King County Short Plat Number 878153, recorded under recording number 7811210997, and revised under recording number 8004240623, records of King County, Washington, said strip being 30 feet in width, lying 15 feet on either side of the following described centerline:

Commencing at a point on the south line of said Lot 3, 108.93 feet west of the southeast corner of said Lot 3;
Thence North 58°50'33" East, a distance of 10.74 feet to a point hereinafter known as Point "A" and the terminus of this centerline description;

Together with a strip of land over, under and across that portion of said Lot 3, said strip being 25 feet in width, lying 15 feet on the southerly side and lying 10 feet on the northerly side of the following described centerline:

Commencing at the aforementioned Point "A";
Thence continuing North 58°50'33" East, a distance of 31.73 feet to a point hereinafter known as Point "B" and the terminus of this centerline description;

EXHIBIT B

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Together with a strip of land over, under and across that portion of said Lot 3, said strip being 30 feet in width, lying 15 feet on either side of the following described centerline:

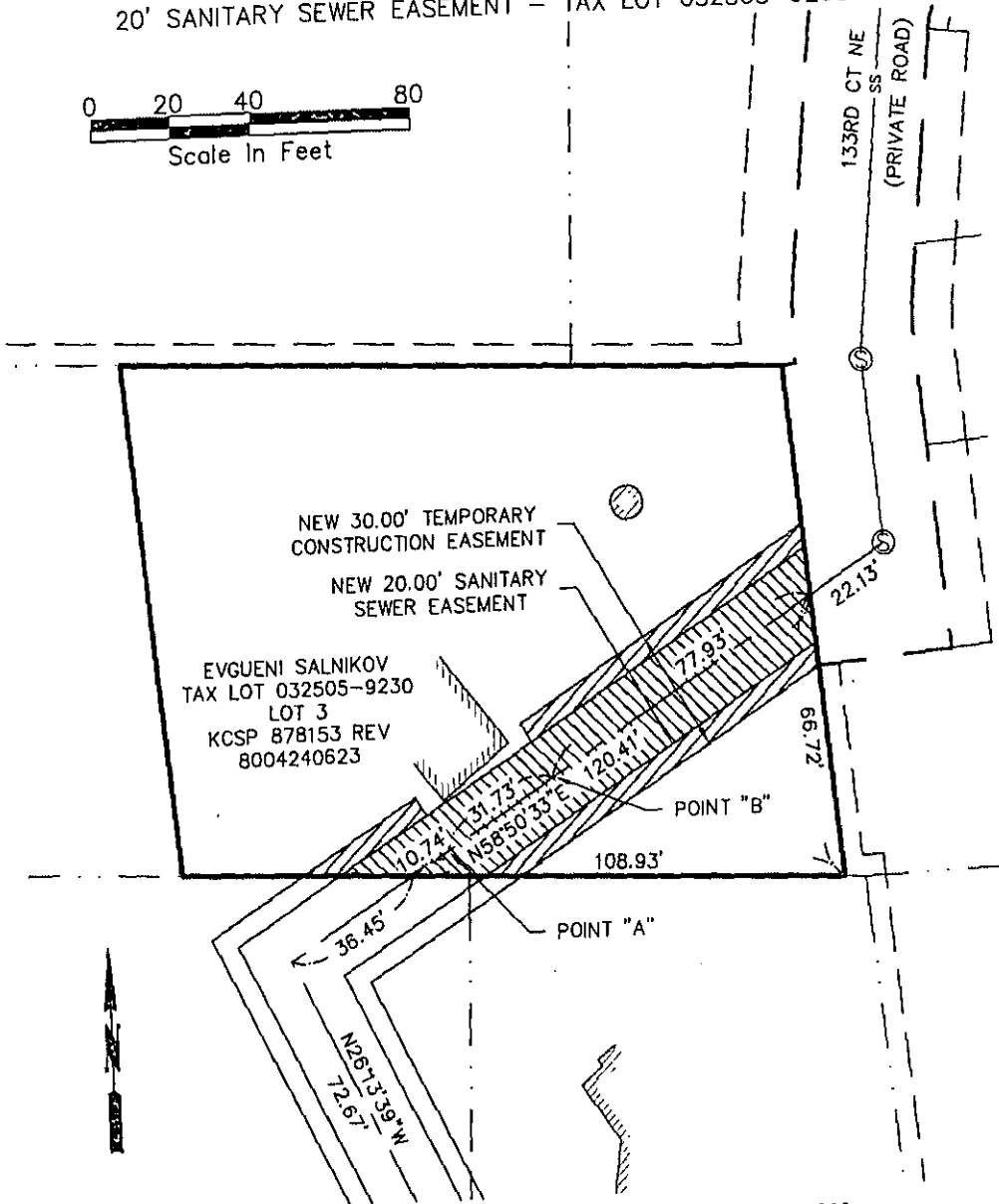
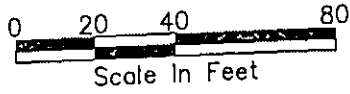
Commencing at the aforementioned Point "B";
Thence continuing North $58^{\circ}50'33''$ East, a distance of 77.93 feet to a point on the east line of said Lot 3, said point being 66.72 feet from the southeast corner of said Lot 3, said point being the terminus of this centerline description.

The sidelines of said easement shall be shortened or lengthened so as to commence and terminate upon themselves, and the property lines stated in the corresponding subject property descriptions.

Containing: 1,045 square feet, more or less.

EXHIBIT MAP

20' SANITARY SEWER EASEMENT - TAX LOT 032505-9230



11255 Kirkland Way, Suite 300
Kirkland, WA 98033
p. 425.827.2014 | f. 425.827.5043
Civil | Structural | Planning | Survey
paceengrs.com

EXHIBIT B

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Permanent Sanitary Sewer Easement Description King County Tax Parcel 032505-9172

That portion of the North 150 feet of the Northwest Quarter of the Southwest Quarter of Section 3, Township 25 North, Range 5 East, W.M., in King County, Washington;

LESS the West 30 feet thereof for County Road;

TOGETHER with that portion of the North Half of the Southwest Quarter of said Section 3, described as follows:

Beginning at the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 3;

Thence North 87°48'24" West along the North line thereof 13.63 feet to the Westerly margin of Puget Sound Power and Light Company's Beverly - Renton Transmission Line easement right-of-way;

Thence South 01°13'29" East along said Westerly margin 1312.57 feet to the South line of said North Half;

Thence South 88°24'21" East along said South line 100.12 feet to the Easterly margin of said easement;

Thence continuing South 88°24'21" East 50.06 feet;

Thence North 01°13'29" West 761 feet to a point which is South 01°13'29" East 550 feet from the North line of said North Half;

Thence North 20°23'58" East 577.5 feet to a point on the North line of said North Half, said point being South 87°48'24" East 350 feet from the Point of Beginning;

Thence North 87°48'24" West 350 feet to the Point of Beginning.

Sanitary Sewer Easement Description

A strip of land over, under and across that portion of the above-described subject property, said strip being 20 feet in width, lying 10 feet on either side of the following described centerline:

Commencing at the monument-in-case delineating the center of the cul-de-sac at the northeasterly end of Northeast 89th Court lying within Tract B, The Pointe, according to the plat thereof recorded in Volume 130 of Plats, Pages 46 through 50, in King County, Washington;

Thence North 71°30'00" East, a distance of 42.05 feet;

Thence North 18°30'00" West, a distance of 50.10 feet to a point on the southerly line of the above-described subject property and the beginning of this centerline description;

Thence continuing North 18°30'00" West, a distance of 141.08 feet;

Thence North 03°00'24" East, a distance of 18.03 feet to a point on the northerly line of the above-described subject property and the terminus of this centerline description.

The sidelines of said easement shall be shortened or lengthened so as to commence and terminate upon themselves, and the property lines stated in the corresponding subject property descriptions.

The centerline descriptions herein are intended to coincide with the centerline of pipe as constructed and/or its extensions and said descriptions shall revert to the centerline of the pipe as constructed.

Containing: 3,182 square feet, more or less.

EXHIBIT B

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Temporary Sanitary Sewer Construction Easement Description
King County Tax Parcel 032505-9172

A strip of land over, under and across that portion of the above-described subject property, said strip being 40 feet in width, lying 20 feet on either side of the following described centerline:

Commencing at the monument-in-case delineating the center of the cul-de-sac at the northeasterly end of Northeast 89th Court lying within Tract B, The Pointe, according to the plat thereof recorded in Volume 130 of Plats, Pages 46 through 50, in King County, Washington;
Thence North 71°30'00" East, a distance of 42.05 feet;
Thence North 18°30'00" West, a distance of 50.10 feet to a point on the southerly line of the above-described subject property and the beginning of this centerline description;
Thence continuing North 18°30'00" West, a distance of 141.08 feet to a point where the strip of land changes in width from 40 feet to 30 feet in width, lying 15 feet on either side of the following described centerline;
Thence North 03°00'24" East, a distance of 18.03 feet to a point on the northerly line of the above-described subject property and the terminus of this centerline description.

The sidelines of said easement shall be shortened or lengthened so as to commence and terminate upon themselves, and the property lines stated in the corresponding subject property descriptions.

Containing: 3,002 square feet, more or less.

EXHIBIT B
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