

NON-CODE

**CITY OF REDMOND
ORDINANCE NO. 2815**

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 2 REPLACEMENT PROJECT, CIP PROJECT NO. 20021128; 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 2 facilities are at risk for failure to due to age and its physical location of being below lake water elevation and must be relocated; and

WHEREAS, it is necessary for the City to acquire temporary and permanent easements from a private property owner in order to accommodate replacing the facility above the lake's ordinary high water mark and 100-year flood plain which will be included in the Sanitary Sewer Pump Station 2 Upgrade Replacement Project, CIP Project No. 20021128; and

WHEREAS, the City has pursued negotiating a voluntary purchase agreement to acquire the necessary property rights, but agreement with the property owner 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 mailed and published notice to the property owner whose land this ordinance authorizes to be condemned advising such owner 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 2 Replacement Project be constructed in order to address the current aging and at-risk system. This will be accomplished by relocating the sanitary sewer pump station and power and control panel above the ordinary high water mark of the lake and the 100-year flood plain. The temporary and permanent easements must be acquired, condemned, appropriated and taken for the placement and construction of the pump controls and reconfiguration of the sewer main line as part of the Sanitary Sewer Pump Station 2 Replacement Project as provided by this ordinance. The Sanitary Sewer Pump Station 2

Replacement 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 a certain real property are necessary for construction of the Sanitary Sewer Pump Station 2 Replacement Project in Section 1 above and must be acquired by the City of Redmond. The property from which the temporary and permanent easements are required is 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 as described in Section 2, are hereby condemned, appropriated, taken, and damaged for the purpose of constructing the Sanitary Sewer Pump Station 2 Replacement 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 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. The City Attorney is further authorized to adjust the location and/or width of any portion of any of the property so taken in order to minimize damages, provided that said adjustments do not interfere with the use of said property by the City as provided in this ordinance.

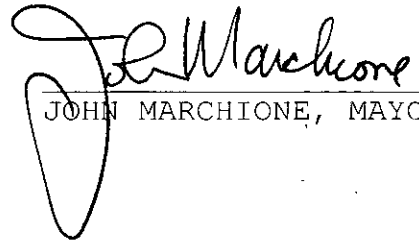
Section 5. Source of Funds. The entire cost of the property rights acquisition authorized by this ordinance, including all costs and expenses of condemnation proceedings, shall be paid from available funds as may be appropriate under the circumstances.

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 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.

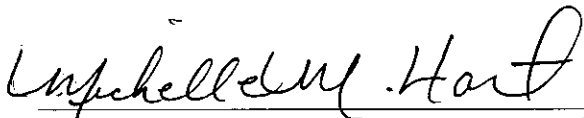
ADOPTED by the Redmond City Council this 16th day of
February, 2016.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

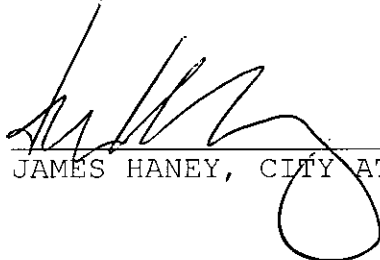
ATTEST:



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.:	2815

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

EXHIBIT A

SANITARY SEWER PUMP STATION 2 UPGRADE				
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
192506-9068	RAMESH BALASUBRAMANIAN and MYTHILI MURUGANATHAN	12286 171 ST COURT NE REDMOND WA 98052	2864 WEST LAKE SAMMAMISH PARKWAY NE	TEMPORARY AND PERMANENT EASEMENTS

EXHIBIT B

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PERMANENT EASEMENT

THAT PORTION OF HEREINAFTER DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTHEASTERLY MARGIN OF WEST LAKE SAMMAMISH ROAD;
THENCE NORTH 35°07'13" WEST ALONG SAID MARGIN, 5.84 FEET TO POINT "A";
THENCE CONTINUING NORTH 35°07'13" WEST ALONG SAID LINE, 24.00 FEET;
THENCE NORTH 54° 52' 47" EAST, 14.00 FEET;
THENCE SOUTH 35° 07' 13" EAST, 24.00 FEET;
THENCE SOUTH 54° 52' 47" WEST, 14.00 FEET TO POINT "A";

CONTAINING 336 SQUARE FEET, MORE OR LESS.

TOGETHER WITH THAT PORTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTHEASTERLY MARGIN OF WEST LAKE SAMMAMISH ROAD;
THENCE NORTH 35° 07' 13" WEST ALONG SAID MARGIN, 48.00 FEET TO A LINE THAT IS 2.00 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID PARCEL "A";
THENCE NORTH 54° 52' 47" EAST ALONG SAID PARALLEL LINE, 25.41 FEET TO POINT "B";
THENCE CONTINUING NORTH 54° 52' 47" EAST ALONG SAID PARALLEL LINE, 5.00 FEET;
THENCE SOUTH 35° 07' 13" EAST, 13.05 FEET;
THENCE NORTH 54° 52' 47" EAST, 4.50 FEET;
THENCE SOUTH 35° 07' 13" EAST, 24.00 FEET;
THENCE SOUTH 54° 52' 47" WEST, 14.00 FEET;
THENCE NORTH 35° 07' 13" WEST, 24.00 FEET;
THENCE NORTH 54° 52' 47" EAST, 4.50 FEET;
THENCE NORTH 35° 07' 13" WEST, 13.05 FEET TO POINT "B".
CONTAINING 401 SQUARE FEET, MORE OR LESS.

ALSO TOGETHER WITH THAT PORTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTHEASTERLY MARGIN OF WEST LAKE SAMMAMISH ROAD;
THENCE NORTH 35°07'13" WEST ALONG SAID MARGIN, 48.00 FEET TO A LINE THAT IS 2.00 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID PARCEL "A";
THENCE NORTH 54°52'47" EAST ALONG SAID PARALLEL LINE, 163.40 FEET TO POINT "C";
THENCE CONTINUING NORTH 54°52'47" EAST ALONG SAID PARALLEL LINE, 41.48 FEET;
THENCE SOUTH 35° 07' 13" EAST, 9.84 FEET;
THENCE SOUTH 83° 47' 39" EAST, 33.10 FEET TO THE WEST LINE OF UTILITY EASEMENT RECORDING NO. 7103300461, RECORDS OF KING COUNTY, WASHINGTON;
THENCE ALONG SAID WEST LINE SOUTH 11° 00' 11" WEST, 20.07 FEET;
THENCE NORTH 83° 47' 39" WEST, 69.07 FEET TO POINT "C"
CONTAINING 1226 SQUARE FEET, MORE OR LESS.

PARCEL "A"

(PER STATUTORY WARRANTY DEED NO. 8905231190, RECORDS OF KING COUNTY, WASHINGTON)

BEGINNING AT A POINT ON THE NORTHERLY MARGIN OF THE WESTSIDE LAKE SAMMAMISH ROAD, DISTANT NORTH 36° 29 '20" WEST ALONG THE SAID ROAD MARGIN 619.64 FEET FROM THE SOUTH BOUNDARY OF GOVERNMENT LOT 6, SECTION 19, TOWNSHIP 25 NORTH, RANGE 6 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.
THENCE CONTINUING NORTH 36°29'20" WEST ALONG THE SAID ROAD MARGINING 50.00 FEET;
THENCE NORTH 53° 30'40" EAST, 332.58 FEET TO THE GOVERNMENT MEANDER LINE IN FRONT OF SAID GOVERNMENT LOT 6;
THENCE ALONG SAID MEANDER LINE SOUTH 28°16'08" EAST, 50.52 FEET;
THENCE SOUTH 53°30' 40" WEST, 325.35 FEET TO THE POINT OF BEGINNING;

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TOGETHER WITH SECOND CLASS SHORE LANDS ADJOINING, LYING BETWEEN THE NORTHEASTERLY PRODUCTION OF THE NORTHWESTERLY AND SOUTHEASTERLY BOUNDARIES OF THE ABOVE DESCRIBED TRACT;

AND TOGETHER WITH AN EASEMENT FOR ROAD OVER AND ACROSS THAT PORTION OF A DRIVEWAY LYING WITHIN THE PREMISES ADJOINING THE MAIN TRACT ON THE NORTHWEST AND EXTENDING FROM LAKE SAMMAMISH ROAD NORTHEASTERLY TO LAKE SAMMAMISH, SAID PORTION OF SAID DRIVEWAY BEING ADJACENT AND CONTIGUOUS WITH THE NORTHWESTERLY BOUNDARY OF SAID MAIN TRACT, AS SAID DRIVEWAY EXISTED ON JULY 15, 1949.

SUBJECT TO AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSE STATED HEREIN, AND INCIDENTAL PURPOSES RECORDED UNDER RECORDING NUMBER 4103101;

EXCEPTIONS AND RESERVATIONS CONTAINED IN DEED FROM THE STATE OF WASHINGTON RECORDED UNDER RECORDING NUMBER 584362;

RIGHT TO MAKE NECESSARY SLOPES FOR CUTS OR FILLS UPON PROPERTY HEREIN DESCRIBED AS GRANTED IN DEED RECORDED UNDER RECORDING NUMBER 2511435;

QUESTION OF LOCATION OF LATERAL BOUNDARIES OF SAID SECOND CLASS TIDE (OR SHORE) LANDS;
ANY PROHIBITION OF OR LIMITATION OF USE, OCCUPANCY OR IMPROVEMENT OF THE LAND RESULTING FROM THE RIGHTS OF THE PUBLIC OR RIPARIAN OWNERS TO USE ANY PORTION WHICH IS NOW OR HAS BEEN FORMERLY COVERED BY WATER;
PARAMOUNT RIGHTS AND EASEMENTS IN FAVOR OF THE UNITED STATES FOR COMMERCE, NAVIGATION, FISHERIES, AND THE PRODUCTION OF POWER.

EXHIBIT B

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TEMPORARY EASEMENT

THAT PORTION OF HEREINAFTER DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTHEASTERLY MARGIN OF WEST LAKE SAMMAMISH ROAD;
THENCE NORTH 35° 07' 13" WEST ALONG SAID MARGIN, 48.00 FEET TO A LINE THAT IS 2.00 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID PARCEL "A";
THENCE NORTH 54° 52' 47" EAST ALONG SAID PARALLEL LINE, 20.91 FEET TO POINT "D";
THENCE CONTINUING NORTH 54° 52' 47" EAST ALONG SAID PARALLEL LINE, 25.00 FEET;
THENCE SOUTH 35° 07' 13" EAST, 48.00 FEET TO THE SOUTHEASTERLY LINE OF SAID PARCEL "A";
THENCE SOUTH 54° 52' 47" WEST ALONG SAID SOUTHEASTERLY LINE, 25 FEET;
THENCE NORTH 35° 07' 13" WEST, 48.00 FEET TO POINT "D";

EXCEPT THAT PORTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTHEASTERLY MARGIN OF WEST LAKE SAMMAMISH ROAD;
THENCE NORTH 35° 07' 13" WEST ALONG SAID MARGIN, 48.00 FEET TO A LINE THAT IS 2.00 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID PARCEL "A";
THENCE NORTH 54° 52' 47" EAST ALONG SAID PARALLEL LINE, 25.41 FEET TO POINT "B";
THENCE CONTINUING NORTH 54° 52' 47" EAST ALONG SAID PARALLEL LINE, 5.00 FEET;
THENCE SOUTH 35° 07' 13" EAST, 13.05 FEET;
THENCE NORTH 54° 52' 47" EAST, 4.50 FEET;
THENCE SOUTH 35° 07' 13" EAST, 24.00 FEET;
THENCE SOUTH 54° 52' 47" WEST, 14.00 FEET;
THENCE NORTH 35° 07' 13" WEST, 24.00 FEET;
THENCE NORTH 54° 52' 47" EAST, 4.50 FEET;
THENCE NORTH 35° 07' 13" WEST, 13.05 FEET TO POINT "B".
CONTAINING 799.00 SQUARE FEET, MORE OR LESS.

TOGETHER WITH THAT PORTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTHEASTERLY MARGIN OF WEST LAKE SAMMAMISH ROAD;
THENCE NORTH 35° 07' 13" WEST ALONG SAID MARGIN, 48.00 FEET TO A LINE THAT IS 2.00 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID PARCEL "A";
THENCE NORTH 54° 52' 47" EAST ALONG SAID PARALLEL LINE, 133.11 FEET TO POINT "E";
THENCE CONTINUING NORTH 54° 52' 47" EAST ALONG SAID PARALLEL LINE, 90.86 FEET;
THENCE SOUTH 83° 47' 39" EAST, 26.94 FEET TO THE WEST LINE OF UTILITY EASEMENT RECORDING NO. 7103300461, RECORDS OF KING COUNTY, WASHINGTON;
THENCE ALONG SAID WEST LINE SOUTH 11° 00' 11" WEST, 43.59 FEET TO THE SOUTHEASTERLY LINE OF SAID PARCEL "A";
THENCE SOUTH 54° 52' 47" WEST ALONG SAID SOUTHEASTERLY LINE, 25.09 FEET;
THENCE NORTH 83° 47' 39" WEST, 72.69 FEET TO POINT "E";

EXCEPT THAT PORTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL "A", SAID CORNER ALSO BEING ON THE NORTHEASTERLY MARGIN OF WEST LAKE SAMMAMISH ROAD;

THENCE NORTH 35°07'13" WEST ALONG SAID MARGIN, 48.00 FEET TO A LINE THAT IS 2.00 FEET SOUTHEASTERLY OF AND PARALLEL WITH THE NORTHWESTERLY LINE OF SAID PARCEL "A";
THENCE NORTH 54°52'47" EAST ALONG SAID PARALLEL LINE, 163.40 FEET TO POINT "C";

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THENCE CONTINUING NORTH 54°52'47" EAST ALONG SAID PARALLEL LINE, 41.48 FEET;
THENCE SOUTH 35° 07' 13" EAST, 9.84 FEET;
THENCE SOUTH 83° 47' 39" EAST, 33.10 FEET TO THE WEST LINE OF THAT UTILITY
EASEMENT RECORDING NO. 7103300461, RECORDS OF KING COUNTY, WA;
THENCE ALONG SAID WEST LINE SOUTH 11° 00' 11" WEST, 20.07 FEET;
THENCE NORTH 83° 47' 39" WEST, 69.07 FEET TO POINT "C"
CONTAINING 2142 SQUARE FEET, MORE OR LESS.

PARCEL "A"

(PER STATUTORY WARRANTY DEED NO. 8905231190, RECORDS OF KING COUNTY,
WASHINGTON)

BEGINNING AT A POINT ON THE NORTHERLY MARGIN OF THE WESTSIDE LAKE SAMMAMISH
ROAD, DISTANT NORTH 36° 29 '20" WEST ALONG THE SAID ROAD MARGIN 619.64 FEET
FROM THE SOUTH BOUNDARY OF GOVERNMENT LOT 6, SECTION 19, TOWNSHIP 25 NORTH,
RANGE 6 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.

THENCE CONTINUING NORTH 36°29'20" WEST ALONG THE SAID ROAD MARGINING 50.00
FEET;
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FRONT OF SAID GOVERNMENT LOT 6;
THENCE ALONG SAID MEANDER LINE SOUTH 28°16'08" EAST, 50.52 FEET;
THENCE SOUTH 53°30' 40" WEST, 325.35 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH SECOND CLASS SHORE LANDS ADJOINING, LYING BETWEEN THE
NORTHEASTERLY PRODUCTION OF THE NORTHWESTERLY AND SOUTHEASTERLY BOUNDARIES OF
THE ABOVE DESCRIBED TRACT;

AND TOGETHER WITH AN EASEMENT FOR ROAD OVER AND ACROSS THAT PORTION OF A
DRIVEWAY LYING WITHIN THE PREMISES ADJOINING THE MAIN TRACT ON THE NORTHWEST
AND EXTENDING FROM LAKE SAMMAMISH ROAD NORTHEASTERLY TO LAKE SAMMAMISH, SAID
PORTION OF SAID DRIVEWAY BEING ADJACENT AND CONTIGUOUS WITH THE NORTHWESTERLY
BOUNDARY OF SAID MAIN TRACT, AS SAID DRIVEWAY EXISTED ON JULY 15, 1949.

SUBJECT TO AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE
PURPOSE STATED HEREIN, AND INCIDENTAL PURPOSES RECORDED UNDER RECORDING NUMBER
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AS GRANTED IN DEED RECORDED UNDER RECORDING NUMBER 2511435;

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SHORE) LANDS;
ANY PROHIBITION OF OR LIMITATION OF USE, OCCUPANCY OR IMPROVEMENT OF THE LAND
RESULTING FROM THE RIGHTS OF THE PUBLIC OR RIPARIAN OWNERS TO USE ANY PORTION
WHICH IS NOW OR HAS BEEN FORMERLY COVERED BY WATER;
PARAMOUNT RIGHTS AND EASEMENTS IN FAVOR OF THE UNITED STATES FOR COMMERCE,
NAVIGATION, FISHERIES, AND THE PRODUCTION OF POWER.

