

ATTACHMENT B
Ordinance

NON-CODE

CITY OF REDMOND
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION, APPROPRIATION, AND TAKING OF PERMANENT REAL PROPERTY RIGHTS IN ORDER TO CONSTRUCT AN ADDITIONAL NORTHBOUND LEFT TURN LANE ON REDMOND WAY TO NE 70TH STREET, AS PART OF CIP PROJECT NO. 163 (BUDGET NO. 20021918); PROVIDING THAT THE ENTIRE COST HEREOF 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 one northbound left turn lane on Redmond Way to NE 70th Street will not be adequate to provide for safe vehicular access to the future Sound Transit light rail station and park and ride in Southeast Redmond opening in 2024. Studies by the city of Redmond have determined that a second northbound left turn lane from Redmond Way to NE 70th Street is therefore necessary to provide the capacity for safe access to these light rail facilities; and

WHEREAS, it is necessary for the city to acquire land from private property owners in order to accommodate the second left turn lane as part of the 2019-2024 CIP Project CIP Project No. 163 (Budget No. 20021918); and

WHEREAS, the city has pursued the necessary negotiating of

voluntary property agreements to acquire the necessary property rights, but agreements have not been reached with the owners from which property is needed; and

WHEREAS, the City Council has therefore determined to authorize condemnation of such owner's property interests if voluntary negotiations are unsuccessful; 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 December 10, 2019, 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 December 10, 2019, 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 2019-2024 CIP Project CIP Project No. 163 (Budget No. 20021918), to add an additional northbound left turn lane on Redmond Way to NE 70th Street be constructed to provide capacity for safe vehicular access to the future Sound Transit light rail station and park and ride

in Southeast Redmond. The property must be acquired, condemned, appropriated and taken to provide the space necessary for the additional left-hand turn lane as provided by this ordinance. 2019-2024 CIP Project No. 163 (Budget No. 20021918) 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 as part of the review and adoption of the 2019-2014 CIP hereby declares that property rights in, under, over, along, across, and upon certain real properties are necessary for construction of 2019-2024 CIP Project No. 163 (Budget No. 20021918) in Section 1 above and must be acquired by the City of Redmond. The property rights to be acquired are legally described and depicted in Exhibits A and B attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. 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 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 4. 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 5. 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 6. 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 10th day of December 2019.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

(SEAL)

CHERYL XANTHOS, MMC, CITY CLERK

APPROVED AS TO FORM:

JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO: