

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5984

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of completing Stage 1 of the 120th Avenue NE Improvements Project; providing for condemnation, appropriation, taking of land and property rights necessary therefore; providing for payment thereof, and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.

WHEREAS, on December 1, 2008, the City Council adopted the 2009-2015 CIP, by Ordinance No. 5851; and

WHEREAS, on February 1, 2010, the City Council amended the 2009-2015 CIP, by Ordinance No. 5936, which added CIP Plan No. PW-R-161, Stage 1 of the 120th Avenue NE Improvements Project ("Project"), which includes the public uses of widening a portion of 120th Avenue NE to five lanes, improving or installing bike lanes, and constructing or adding curb, gutter and sidewalk, illumination, landscaping, irrigation, storm drainage and storm detention; and

WHEREAS, the City Council has found that the public health, safety, necessity and convenience demand that said Project be undertaken at this time and that in order to carry out the Project it is necessary at this time for the City to acquire interests and rights to the properties described herein; and

WHEREAS, the City Council finds and declares it necessary and in the best interest of the public that interests in the land and property rights hereinafter described be condemned, appropriated, and taken for public use, subject to the making or paying of just compensation to the owners thereof in the manner provided by law; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The land and property rights within the City of Bellevue, King County, Washington, commonly known as a portion of 120th Avenue NE southerly of NE 8th Street, as legally described in Exhibit "A" and depicted on Exhibit "B", are necessary for construction of the Project described above, subject to making or paying just compensation to the owners thereof in the manner provided by law.

Section 2. The City of Bellevue specifically finds construction of the Project to be a public use, specifically the widening of a portion of 120th Avenue NE to five lanes including the improvement or installation of bike lanes, and the related construction or addition of curb, gutter and sidewalk, illumination, landscaping,

irrigation, storm drainage and storm detention. The City Council specifically finds construction of the Project to be necessary, and in the best interests of the citizens.

Section 3. The cost and expense of acquiring said property rights shall be paid from the Capital Investment Program (CIP) Plan, from other monies applicable thereto that the City may have available or may obtain. The Director of the Civic Services Department or her designee is hereby authorized to negotiate with and make offers to, and execute agreements with the owners of said land or property for the purposes of making or paying just compensation, and to approve the payment of just compensation as negotiated with said owners or as ordered by the Court.

Section 4. In the absence of negotiated purchases with the affected property owners, the City Attorney is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, and take the property necessary to carry out the provisions of this ordinance. The City Attorney is further authorized to approve and enter into any and all such agreements, stipulations, and orders necessary to carry out the provisions of this ordinance, including for the payment of just compensation as agreed to with the property owners, or as ordered by the Court.

Section 5. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

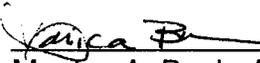
Passed by the City Council this 6th day of December, 2010, and signed in authentication of its passage this 6th day of December, 2010.

(SEAL)


Don Davidson, DDS
Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Monica A. Buck, Assistant City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published *December 9, 2010*

EXHIBIT "A" - LEGAL DESCRIPTIONS

Parcel 6037 Permanent Easement

That portion of Lot City of Bellevue Short Plat No. 92-03500, as recorded under Recording Number 9212229002, records of King County, Washington, described as follows:

Beginning at the southwest corner of that portion of said Lot 2 deeded to the City of Bellevue under Recording Number 9706272144;
thence North 89°26'52" West along the south line of said Lot 2, a distance of 24.00 feet;
thence North 00°33'08" East 12.01 feet;
thence North 89°26'52" West 30.00 feet;
thence North 00°33'08" East 8.00 feet;
thence North 55°08'38" East 50.05 feet;
thence South 89°26'52" East 13.00 feet to the west line of that portion deeded to the City of Bellevue;
thence South 00°18'42" West along said west line, 49.00 feet to the **Point of Beginning**.

Containing 1,690 square feet.

Parcel 6037 Temporary Construction Easement

That portion of Lot City of Bellevue Short Plat No. 92-03500, as recorded under Recording Number 9212229002, records of King County, Washington, described as follows:

Commencing at the southwest corner of that portion of said Lot 2 deeded to the City of Bellevue under Recording Number 9706272144;
thence North 89°28'04" West along the south line of said Lot 2, a distance of 24.00 feet to the **True Point of Beginning**;
thence continuing North 89°26'52" West 35.00 feet;
thence North 00°33'08" East 22.58 feet;
thence North 55°08'38" East 54.23 feet;
thence South 89°26'52" East 14.58 feet to the west line of that portion deeded to the City of Bellevue;
thence South 00°18'42" West along said west line, 5.00 feet;
thence North 89°26'52" West 13.00 feet;
thence South 55°08'38" West 50.05 feet;
thence South 00°33'08" West 8.00 feet;
thence South 89°26'52" East 30.00 feet;
thence South 00°33'08" West 12.01 feet to the **True Point of Beginning**.

Containing 796 square feet.

Parcel 6038 Fee

The west 15.00 feet of the east 45.00 feet of the south 337.95 feet of the north 637.95 feet of the Northwest Quarter of the Northwest Quarter of Section 33, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington:

Containing 5,069 square feet.

Parcel 6038
Permanent Easement

That portion of the south 337.95 feet of the north 637.95 feet of the Northwest Quarter of the Northwest Quarter of Section 33, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, described as follows:

Beginning at the intersection of the north line, and the west line of the east 45.00 feet, of said subdivision;
thence South 00°18'42" West along said west line, 337.95 feet to the south line of said subdivision;
thence North 89°26'52" West along said south line, 35.00 feet;
thence North 00°18'42" East 5.05 feet;
thence North 32°31'55" East 41.26 feet;
thence North 00°18'42" East 269.96 feet;
thence North 89°41'18" West 2.50 feet;
thence North 00°18'42" East 28.00 feet to the north line of said subdivision;
thence South 89°26'52" East along said north line, 15.50 feet to the **Point of Beginning**.

Containing 4,958 square feet.

Parcel 6038
Temporary Construction Easement

That portion of the south 337.95 feet of the north 637.95 feet of the Northwest Quarter of the Northwest Quarter of Section 33, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, described as follows:

Beginning at the intersection of the south line, and the west line of the east 80.00 feet, of said subdivision;
thence continuing along said south line, North 89°26'52" West 10.00 feet;
thence North 00°18'42" East 7.85 feet;
thence North 32°31'55" East 37.85 feet;
thence South 89°41'18" East 9.82 feet;
thence North 00°18'42" East 269.96 feet;
thence North 89°41'18" West 2.50 feet;
thence North 00°18'42" East 6.01 feet;
thence North 89°26'52" West 7.00 feet;
thence North 00°18'42" East 8.00 feet;
thence North 89°26'52" West 41.00 feet;
thence North 00°18'42" East 14.00 feet to the north line of said south 337.95 feet;
thence South 89°26'52" East along said north line, 48.00 feet;
thence South 00°18'42" West 28.00 feet;
thence South 89°41'18" East 4.50 feet;
thence South 00°18'42" West 269.96 feet;
thence South 32°31'55" West 41.26 feet;
thence South 00°18'42" West 5.00 feet to the **Point of Beginning**.

Containing 1,728 square feet.

Parcel 6040
Fee

The west 15.00 feet of the east 45.00 feet of the south 461 feet of the north 1128.95 feet of the Northwest Quarter of the Northwest Quarter of Section 33, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington.

Containing 6,915 square feet

Parcel 6040
Permanent Easement

That portion of the south 461 feet of the north 1128.95 feet of the Northwest Quarter of the Northwest Quarter of Section 33, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, described as follows:

Beginning at the intersection of the south line, and the west line of the east 45.00 feet of said subdivision;
thence North 89°26'52" West along said south line, 23.00 feet;
thence North 00°18'42" East 435.00 feet;
thence North 54°51'24" West 14.62 feet;
thence North 01°26'39" East 17.70 feet to the north line of said south 461.00 feet;
thence South 89°26'52" East along said north line, 34.65 feet to the west line of the east 45.00 feet of said subdivision;
thence South 00°18'42" West, along said west line, a distance of 461.00 feet to the **True Point of Beginning**.

Containing 10,862 square feet.

Parcel 6041
Fee

That portion of Lot A, Bellevue Boundary Line Adjustment No. 96-6718, as recorded under Recording Number No. 9809109012, Records of King County, Washington, described as follows:

Beginning at the northeast corner of said Lot A;
thence South 00°18'42" West along the east line thereof, 94.87 feet to a point on a non-tangent curve to the left, the center of which bears South 65°45'48" East 50.50 feet;
thence southerly along said curve, being the west margin of that portion of said Lot A deeded to the City of Bellevue and recorded under Recording Number 20020904001651, through a central angle of 24°09'18", a distance of 21.29 feet;
thence continuing along said west margin, South 00°04'54" West 138.15 feet;
thence North 89°55'06" West 11.22 feet to the west line of the east 15.00 feet of said Lot A;
thence North 00°18'42" East along said west line, 253.81 feet;
thence South 89°26'52" East 15.00 feet to the **Point of Beginning**.

Containing 3,185 square feet

Parcel 6041
Permanent Easement

That portion of Lot A, Bellevue Boundary Line Adjustment No. 96-6718, as recorded under Recording Number No. 9809109012, Records of King County, Washington, described as follows:

Beginning at the intersection of the north line, and the west line of the east 15.00 feet of said Lot A;
thence South 00°18'42" West along said west line, 253.81 feet;
thence North 89°55'06" West 24.56 feet;
thence North 00°27'42" East 6.00 feet;
thence North 67°55'27" East 14.18 feet;
thence North 22°50'57" East 14.18 feet;
thence North 00°18'42" East 30.35 feet;
thence North 29°41'18" West 14.00 feet;
thence North 89°41'18" West 3.00 feet;
thence North 00°18'42" East 161.03 feet;
thence North 89°41'18" West 7.00 feet;
thence North 00°18'42" East 26.00 feet to the north line of said Lot A;
thence South 89°26'52" East along said north line, 23.00 feet to the **Point of Beginning**.

Containing 3,828 square feet.

Parcel 6041
Temporary Construction Easement

That portion of Lot A, Bellevue Boundary Line Adjustment No. 96-6718, as recorded under Recording Number No. 9809109012, Records of King County, Washington, described as follows:

Commencing at the southeast corner of said Lot A;
thence North 89°26'52" West along the south line thereof 3.72 feet to the **True Point of Beginning**;
thence continuing North 89°26'52" West 41.28 feet;
thence North 00°18'42" East 24.77 feet;
thence North 67°55'27" East 9.73 feet;
thence North 00°18'42" East parallel with the east line of said Lot A, 49.06 feet;
thence North 89°41'18" West 19.00 feet;
thence North 00°18'42" East 171.15 feet;
thence South 89°26'52" East 17.00 feet;
thence South 00°18'42" West 5.00 feet;
thence South 89°41'18" East 7.00 feet;
thence South 00°18'42" West 161.03 feet;
thence South 89°41'18" East 3.00 feet;
thence South 29°41'18" East 14.00 feet;
thence South 00°18'42" West 30.35 feet;
thence South 22°50'57" West 14.18 feet;
thence South 67°55'27" West 14.18 feet;
thence South 00°27'42" West 6.00 feet;
thence South 89°55'06" East 35.78 feet;
thence South 00°04'54" West 15.93 feet to the **True Point of Beginning**.

Containing 5,546 square feet.

Parcel 6042
Permanent Easement

That portion of Lot B, Bellevue Boundary Line Adjustment No. 96-6718, as recorded under Recording Number No. 9809109012, Records of King County, Washington, described as follows:

Commencing at the northeast corner of said Lot B;
thence South 00°18'42" West along the east line thereof, 15.50 feet to the **True Point of Beginning**;
thence continuing South 00°18'42" West 204.03 feet;
thence North 89°41'18" West 16.00 feet;
thence North 00°18'42" East 204.03 feet;
thence South 89°41'18" East 16.00 feet to the **True Point of Beginning**.

Containing 3,264 square feet.

Parcel 6042
Temporary Construction Easement

That portion of Lot B, Bellevue Boundary Line Adjustment No. 96-6718, as recorded under Recording Number No. 9809109012, Records of King County, Washington, described as follows:

Beginning at the northeast corner of said Lot B;
thence South 00°18'42" West along the east line thereof, 15.50 feet to a point hereinafter referred to as "Point A";
thence North 89°41'18" West 16.00 feet;
thence South 00°18'42" West 7.43 feet;
thence North 89°26'52" West 29.00 feet;
thence North 00°18'42" East 23.00 to the north line of said Lot B;
thence South 89°26'52" East along said north line, 45.00 feet to the **Point of Beginning**.

Also, commencing at the aforementioned "Point A";
thence South 00°18'42" West 204.03 feet to the **True Point of Beginning**;
thence continuing South 00°18'42" West 10.00 feet;
thence North 89°41'18" West 16.00 feet;
thence North 00°18'42" East 10.00 feet;
thence South 89°41'18" East 16.00 feet to the **True Point of Beginning**.

Containing 1,076 square feet.

Parcel 6044
Permanent Easement

That portion of the South Half of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter and the North 2 Acres of the West Half of the Southeast Quarter of the Northwest Quarter of Section 33, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, described as follows:

Beginning at the intersection of the east line of the west 30 feet, and the south line of the north 30.00 feet of said subdivision;
thence South 89°17'39" East along said south line of the north 30.00 feet, being the south margin of Northeast 5th Street, a distance of 35.78 feet;
thence South 29°51'21" West 50.24 feet;
thence South 00°18'42" West 202.95 feet;
thence South 89°14'34" East 3.00 feet;
thence South 00°18'42" West 130.00 feet;
thence North 89°14'34" West 3.00 feet;
thence South 00°18'42" West 56.89 feet;
thence North 89°14'34" West 11.00 feet to said east line of the west 30.00 feet;
thence North 00°18'42" East along said east line, being the east margin of 120th Avenue Northeast, 433.71 feet to the **Point of Beginning**.

Containing 5,705 square feet

Parcel 6044
Temporary Construction Easement

That portion of the South Half of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter and the North 2 Acres of the West Half of the Southeast Quarter of the Northwest Quarter of Section 33, Township 25 North, Range 5 East, Willamette Meridian, King County, Washington, described as follows:

Commencing at the intersection of the east line of the west 30 feet, and the south line of the north 30.00 feet of said subdivision;
thence South 89°17'39" East along said south line of the north 30.00 feet, being the south margin of Northeast 5th Street, a distance of 35.78 feet to the **True Point of Beginning**;
thence continuing South 89°17'39" East 1.22 feet;
thence South 00°18'42" West 29.00 feet;
thence South 30°09'12" West 16.08 feet;
thence South 00°18'42" West 342.74 feet;
thence North 89°14'34" West 18.00 feet;
thence North 00°18'42" East 8.89 feet;
thence South 89°14'34" East 3.00 feet;
thence North 00°18'42" East 130.00 feet;
thence North 89°14'34" West 3.00 feet;
thence North 00°18'42" East 202.95 feet;
thence North 29°51'21" East 50.24 feet to the **True Point of Beginning**.

Containing 6,298 square feet

Parcel 6045
Permanent Easement

That portion of Bellevue Short Plat No 77-55R, as recorded under Recording Number 8106179004, and Bellevue Short Plat No. 80-27, as recorded under Recording Number 8111199007, records of King County, Washington, described as follows:

Commencing at the northwest corner of said Short Plat No 77-55R;
thence South 00°18'42" West along the west line thereof, 347.21 feet to the **True Point of Beginning**;
thence South 89°41'18" East 25.65 feet;
thence South 00°18'42" West 40.00 feet;
thence North 89°41'18" West 20.65 feet;
thence South 00°18'42" West 28.17 feet;
thence North 89°41'18" West 5.00 feet to said west line;
thence South 00°18'42" West along said west line, and the west line of said Bellevue Short Plat No. 80-27, both lines being the east margin of 120th Avenue Northeast, a distance of 30.00 feet;
thence South 89°41'18" East 5.50 feet;
thence South 00°18'42" West 36.00 feet;
thence North 89°41'18" West 5.50 feet to said east margin;
thence North 00°18'42" East along said east margin, 134.17 feet to the **True Point of Beginning**.

Containing 1,365 square feet.

Parcel 6045
Temporary Construction Easement

That portion of Bellevue Short Plat No 77-55R, as recorded under Recording Number 8106179004, and Bellevue Short Plat No. 80-27, as recorded under Recording Number 8111199007, records of King County, Washington, described as follows:

Commencing at the northwest corner of said Short Plat No 77-55R;
thence South 00°18'42" West along the west line thereof, 294.81 feet to the **True Point of Beginning**;
thence South 89°41'18" East 48.00 feet;
thence South 00°18'42" West 107.40 feet;
thence North 89°41'18" West 38.00 feet;
thence South 00°18'42" West 18.17 feet;
thence North 89°41'18" West 10.00 feet to said west line;
thence South 00°18'42" West along said west line, and the west line of said Bellevue Short Plat No. 80-27, both lines being the east margin of 120th Avenue Northeast, a distance of 20.00 feet;
thence South 89°41'18" East 10.50 feet;
thence South 00°18'42" West 46.00 feet;
thence North 89°41'18" West 10.50 feet to said east margin;
thence North 00°18'42" East along said east margin, 5.00 feet;
thence South 89°41'18" East 5.50 feet;
thence North 00°18'42" East 36.00 feet;
thence North 89°41'18" West 5.50 feet to said east margin;
thence North 00°18'42" East along said east margin, 30.00 feet;
thence South 89°41'18" East 5.00 feet;
thence North 00°18'42" East 28.17 feet;
thence South 89°41'18" East 20.65 feet;
thence North 00°18'42" East 40.00 feet;
thence North 89°41'18" West 25.65 feet to said east margin;
thence North 00°18'42" East along said east margin, 52.40 feet to the **True Point of Beginning**.

Containing 4,455 square feet.

EXHIBIT "B" – PROPERTY DEPICTION

