

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6051

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of completing Phase 1 of the NE 4<sup>th</sup> Street Improvement Project; providing for condemnation, appropriation, taking of land and property rights necessary therefore; providing for payment thereof including payment in part by special assessment, and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.

WHEREAS, on December 6, 2010, the City Council adopted the 2011-2017 Capital Investment Program (CIP), by Ordinance No. 5978; and

WHEREAS, the NE 4<sup>th</sup> Street Extension, 116<sup>th</sup> to 120<sup>th</sup> Avenue NE, CIP Plan No. PW-R-160, was adopted as part of the 2011-2017 CIP, which includes the public uses of extending a new five lane arterial, with two lanes in each direction and a center turn lane where necessary, between 116<sup>th</sup> Avenue NE and 120<sup>th</sup> Avenue NE, with bike lanes, curb, gutter and sidewalk on both sides, retaining walls, traffic signals, illumination, landscaping, irrigation, storm drainage and detention and other utility infrastructure as needed; and

WHEREAS, Phase 1 of the NE 4<sup>th</sup> Street Extension extends from 116<sup>th</sup> Avenue NE to the eastern boundary of the Burlington Northern Santa Fe ("BNSF") Railway Corridor (the "Project"); and

WHEREAS, 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 and the assessment of a special assessment upon property benefited 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 NE 4<sup>th</sup> Street easterly of 116<sup>th</sup> Avenue NE and westerly of the eastern boundary of the BNSF Railway Corridor, as now generally described in Exhibit "A" and generally depicted on Exhibit "B", are

necessary for construction of the Project described above, subject to making or paying just compensation to the owners thereof, setoff by the amount of special benefit accruing to the remainder portion of the property, in the manner provided by law.

Section 2. The City Council of the City of Bellevue finds construction of the Project to be a public use, specifically the public use of extending a new five lane arterial public street, with two travel lanes in each direction and a center turn lane where necessary, between 116<sup>th</sup> Avenue NE and the eastern boundary of the BNSF railway corridor, including the improvement or installation of bike lanes, and the related construction or addition of curb, gutter and sidewalk, retaining walls, traffic signals, illumination, landscaping, irrigation, storm drainage and detention and other utility infrastructure as needed. 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 the property rights described in this Ordinance shall be paid from the Capital Investment Program (CIP) Plan, or from other general funds of the City. 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 interests, for the purposes of obtaining necessary property interests and 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 or her designee 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. In so doing, the City Attorney or her designee is authorized to utilize legal descriptions and depictions of the property rights condemned herein in a format more precise than those general descriptions and depictions set forth in Exhibits A and B. The City Attorney or her designee 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.

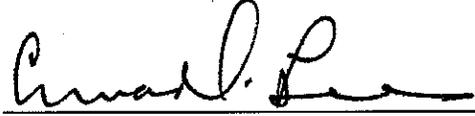
Section 5. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

**ORIGINAL**

1272-ORD  
3/27/12

Passed by the City Council this 16<sup>th</sup> day of April, 2012,  
and signed in authentication of its passage this 16<sup>th</sup> day of April,  
2012.

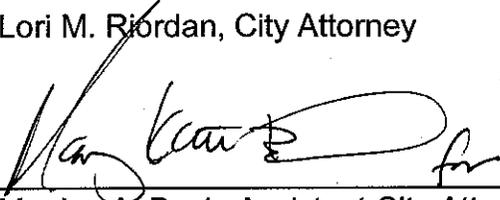
(SEAL)



Conrad Lee  
Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Monica A. Buck, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published April 19, 2012

**EXHIBIT "A" – GENERAL PROPERTY DESCRIPTIONS**

<b>Property Location</b>	<b>King County Parcel No.</b>	<b>Property Rights Required</b>	<b>Approximate Square Footage</b>
126 – 116 <sup>th</sup> Avenue NE	332505-9042	Fee	1,706
		Easement	4,265
316 116 <sup>th</sup> Avenue NE	332505-9012	Fee	42,440
		Easement	11,222
Portion crossing former BNSF rail corridor	332505-9029	Slope, roadway, sidewalk, utility Easement	21,943
		TCE (Temporary Construction Easement)	25,789

