

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6098

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of completing the NE 4<sup>th</sup> Street Extension Project, Phase 2; providing for condemnation, appropriation, and taking of land and property rights necessary therefore; providing for payment thereof including payment in part by consideration of special benefits and related special assessments, and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.

WHEREAS, on December 3, 2012, the City Council adopted the 2013-2019 Capital Investment Program (CIP), by Ordinance No. 6090; 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 such 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 2 of the NE 4<sup>th</sup> Street Extension extends easterly from the Burlington Northern Santa Fe ("BNSF") Railway Corridor to 120<sup>th</sup> Avenue NE (the "Project"); and

WHEREAS, City Council finds 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 hereinafter described be condemned, appropriated, and taken for public use, subject to the making or paying of just compensation to the owners thereof and allowing for consideration of special benefits and related special assessments 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 the BNSF Railway Corridor to 120<sup>th</sup> Avenue NE, as now 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, and allowing for consideration of 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 the BNSF railway corridor and 120<sup>th</sup> Avenue NE, 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, make offers to, and execute agreements with the owners of said land or property interests, for the purposes of: obtaining property interests, including remainder parcels, if they are determined to be uneconomic remnants; making or paying just compensation; and, approving 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 land and property rights 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 agreements, stipulations, and orders necessary to carry out the provisions of this ordinance, including 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**

Passed by the City Council this 4<sup>th</sup> day of February, 2013, and signed in authentication of its passage this 4<sup>th</sup> day of February, 2013.

(SEAL)



Conrad Lee, Mayor

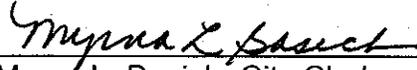
Approved as to form:

Lori M. Riordan, City Attorney



Monica A. Buck, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published February 7, 2013,

**"EXHIBIT A" – LEGAL DESCRIPTIONS**

**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:

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 633.05 feet to the easterly margin of the Burlington-Northern Railroad Right of Way, being a non-tangent curve to the left, the center of which bears North 87°13'50" West 1959.86 feet;  
thence northerly along said curve, through a central angle of 01°20'36", a distance of 45.95 feet to a point on a non-tangent curve to the right, the center of which bears South 19°04'33" East 543.50 feet;  
thence easterly along said curve, through a central angle of 19°23'15", a distance of 183.91 feet;  
thence North 89°41'18" East 405.41 feet to the beginning of a curve to the left, with a radius of 34.50 feet;  
thence northeasterly along said curve, through a central angle of 90°00'00", a distance of 54.19 feet;  
thence South 00°18'42" West 98.01 feet;  
thence South 89°55'06" East 11.22 feet;  
thence South 00°04'54" West 15.93 feet to the **True Point of Beginning**.

Containing 47,047 square feet.

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KC Tax ID# 3325059213

**Parcel 6041**  
**Sidewalk 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 00°18'42" East along the east line thereof 84.79 feet;  
thence North 89°41'18" West 31.00 feet to the **True Point of Beginning**;  
thence southwesterly along a non-tangent curve to the left, the center of which bears North 32°06'57" West 34.50 feet, through a central angle of 32°25'39", a distance of 19.53 feet;  
thence North 89°41'18" West 405.41 feet to the beginning of a curve to the left, with a radius of 543.50 feet;  
thence southwesterly along said curve, through a central angle of 19°23'15", a distance of 183.91 feet to a point on the easterly margin of the Burlington-Northern Railroad Right of Way, being a non-tangent curve to the left, the center of which bears North 88°34'26" West 1959.86 feet;  
thence northerly along said curve and margin, through a central angle of 00°25'12", a distance of 14.37 feet to a point on a non-tangent curve to the right, the center of which bears South 18°33'48" East 557.00 feet;  
thence easterly along said curve, through a central angle of 18°52'30", a distance of 183.49 feet to a point of tangency;  
thence South 89°41'18" East 120.62 feet;  
thence North 00°18'42" East 2.00 feet;  
thence South 89°41'18" East 287.29 feet;  
thence North 45°18'42" East 22.63 feet;  
thence South 00°18'42" West 26.12 feet to the **True Point of Beginning**;

Containing 8,905 square feet.

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KC Tax ID# 3325059213

**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 00°18'42" East along the east line thereof 110.91 feet;  
thence North 89°41'18" West 31.00 feet to the **True Point of Beginning**;  
thence South 45°18'42" West 22.63 feet;  
thence North 89°41'18" West 287.29 feet;  
thence South 00°18'42" West 2.00 feet;  
thence North 89°41'18" West 120.62 feet to the beginning of a tangent curve to the left, with a radius of 557.00 feet;  
thence southwesterly along said curve, through a central angle of 18°52'30", a distance of 183.49 feet to the east margin of the Burlington-Northern Railroad Right of Way, being a non-tangent curve to the left, the center of which bears North 88°59'38" West 1959.86 feet;  
thence northerly along said curve, through a central angle of 01°45'06", a distance of 59.92 feet;  
thence South 89°43'05" East 50.42 feet;  
thence South 00°00'19" West 10.48 feet;  
thence South 89°41'18" East 207.79 feet;  
thence North 00°00'00" East 39.73 feet;  
thence South 90°00'00" East 346.25 feet;  
thence South 00°18'42" West 43.61 feet to the **True Point of Beginning**.

Containing 27,713 square feet.

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KC Tax ID# 3325059213

**Parcel 6042**  
**Fee**

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, 1.25 feet to a point on a non-tangent curve to the left, the center of which bears South 53°09'57" West 34.50 feet;  
thence northwesterly along said curve, through a central angle of 02°40'04", a distance of 1.61 feet to the north line of said Lot B;  
thence South 89°26'52" East along said north line, 1.00 feet to the **Point of Beginning**.

**ALSO**; Commencing at the northeast corner of said Lot B;  
thence North 89°26'52" West along said north line, 552.47 feet to the **True Point of Beginning**;  
thence southwesterly along a non-tangent curve to the left, the center of which bears South 11°30'09" East 476.50 feet, through a central angle of 10°47'43", a distance of 89.78 feet to the east margin of the Burlington-Northern Railroad Right-of-Way;  
thence northerly along said east margin, being a non-tangent curve to the left, the center of which bears North 86°26'38" West 1959.86 feet, through a central angle of 00°47'12", a distance of 26.91 feet to the north line of said Lot B;  
thence South 89°26'52" East along said north line, 84.29 feet to the **True Point of Beginning**.

Containing 1,007 square feet.

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KC Tax ID# 3325059007

**Parcel 6042**  
**Sidewalk 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, 1.25 feet to the **True Point of Beginning**;  
thence continuing South 00°18'42" East 14.25 feet;  
thence North 89°41'18" West 22.00 feet;  
thence North 00°18'42" East 11.52 feet;  
thence North 75°40'30" West 13.80 feet;

thence South 00°18'42" West 2.44 feet;  
thence North 89°41'18" West 189.90 feet;  
thence North 00°18'42" East 2.00 feet;  
thence North 89°41'18" West 42.00 feet;  
thence South 00°18'42" West 2.00 feet;  
thence North 89°41'18" West 187.62 feet to the beginning of a tangent curve to the left, with a radius of 461.00 feet;  
thence southwesterly along said curve, through a central angle of 16°35'03", a distance of 133.44 feet;  
thence North 16°16'21" West 2.00 feet to a point on a non-tangent curve to the left, the center of which bears South 16°16'21" East 463.00 feet;  
thence southwesterly along said curve, through a central angle of 06°50'44", a distance of 55.32 feet to the east margin of the Burlington-Northern Railroad Right-of-Way, being a non-tangent curve to the left, the center of which bears North 86°00'11" West 1959.86 feet;  
thence northerly along said margin, through a central angle of 00°26'27", a distance of 15.08 feet to a point on a non-tangent curve to the right, the center of which bears South 22°17'52" East 476.50 feet;  
thence northeasterly along said curve, through a central angle of 10°57'43", a distance of 89.78 feet to the north line of said Lot B;  
thence South 89°26'52" East along said north line, 551.47 feet to a point on a non-tangent curve to the right, the center of which bears South 50°29'53" West 34.50 feet;  
thence southeasterly along said curve, through a central angle of 02°40'04", a distance of 1.61 feet to the east line of said Lot B and the **True Point of Beginning**.

Containing 4,153 square feet.

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**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:

Commencing at the northeast corner of said Lot B;  
thence South 00°18'42" West along the east line thereof 15.50 feet;  
thence North 89°41'18" West 16.00 feet to the **True Point of Beginning**;  
thence South 00°18'42" West 34.08 feet;  
thence North 89°41'18" West 547.13 feet;  
thence South 00°28'26" West 45.63 feet;  
thence North 90°00'00" West 80.20 feet to a point on the east margin of the Burlington-Northern Railroad Right-of-Way, being a non-tangent curve to the left, the center of which bears North 84°20'57" West 1959.86 feet;  
thence northerly along said margin and curve, through a central angle of 01°39'14", a distance of 56.57 feet to a point on a non-tangent curve to the right, the center of which bears South 23°07'05" East 463.00 feet;  
thence northeasterly along said curve, through a central angle of 06°50'44", a distance of 55.32 feet;  
thence South 16°16'21" East 2.00 feet to a point on a non-tangent curve to the right, the center of which bears South 16°16'21" East 461.00 feet;  
thence northeasterly along said curve, through a central angle of 16°35'03", a distance of 133.44 feet;  
thence South 89°41'18" East 187.62 feet;  
thence North 00°18'42" East 2.00 feet;  
thence South 89°41'18" East 42.00 feet;  
thence South 00°18'42" West 2.00 feet;  
thence South 89°41'18" East 189.90 feet;  
thence North 00°18'42" East 2.44 feet;  
thence South 75°40'30" East 13.80 feet;  
thence South 00°18'42" West 11.52 feet;  
thence South 89°41'18" East 6.00 feet to the **True Point of Beginning**.

Containing 30,380 Square feet.

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