

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5412

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of the widening of 112<sup>th</sup> Avenue NE, between NE 8<sup>th</sup> Street and NE 10<sup>th</sup> Street, and intersection improvements at 112<sup>th</sup> Avenue NE and NE 8<sup>th</sup> Street, as a part of CIP Plan No. PW-I-46, I-405/Bellevue Downtown Access Project, within the City of Bellevue; providing for condemnation, appropriation, taking and damaging of land and property rights necessary therefore; providing for the cost thereof and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.

WHEREAS, on December 7, 1998, the City Council adopted the 1999-2005 CIP, which included CIP Plan No. PW-I-46, I-405/Bellevue Downtown Access Project/I-405 - NE 4<sup>th</sup> Street to NE 10<sup>th</sup> Street; and

WHEREAS, on December 11, 2000, the City Council adopted the 2001-2007 CIP that includes said CIP Plan No. PW-I-46, I-405/Bellevue Downtown Access Project, I-405 - NE 4<sup>th</sup> Street to NE 10<sup>th</sup> Street; and

WHEREAS, the City Council has found that the public health, safety, necessity and convenience demand that said project be undertaken 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, on May 20, 2002, the City Council adopted Ordinance No. 5370 authorizing and providing for the acquisition of interests in land for the purpose of improving 112th Avenue NE, between NE 8th Street and NE 10th Street as a part of said Project; and

WHEREAS, the City Council has determined that additional interests in land are necessary for said Project; 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, taken and damaged 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, described in the attached Exhibit "A", necessary for public road purposes, are hereby condemned, appropriated, taken and damaged for such public purposes, subject to making or paying just compensation to the owners thereof in the manner provided by law.

Section 2. The cost and expense of acquiring said property rights shall be paid for from the Capital Investment Plan, or from other monies the City may have available or may obtain therefore. The Director of the Transportation Department or his designee is hereby authorized to negotiate with and make offers to 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 3. The City Attorney is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, take and damage the land and 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 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

Passed by the City Council this 7th day of October, 2002, and signed in authentication of its passage this 7th day of October, 2002.

(SEAL)

---

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

---

Richard Gidley, Deputy City Attorney

Attest:

---

Myrna L. Basich, City Clerk

Published October 11, 2002