

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6566

AN ORDINANCE authorizing and providing for acquisition of interests in land for the purpose of constructing the 124th Avenue NE – NE 12th Street to NE Spring Boulevard Project (CIP Plan No. PW-R-169); providing for condemnation, appropriation, taking of land and property rights necessary therefore; providing for payment; directing the initiation of appropriate proceedings in the manner provided by law for said condemnation; and establishing an effective date.

WHEREAS, the Bel-Red Subarea Plan identifies a network of transportation improvements, including the improvements along 124th Avenue NE between NE 12th Street to NE Spring Boulevard; and

WHEREAS, on December 14, 2020, the City Council adopted the 2021-2027 Capital Investment Program (CIP), by Ordinance No. 6557; and

WHEREAS, the 124th Avenue NE – NE 12th Street to NE Spring Boulevard Project, CIP Plan No. PW-R-169 (“the Project”), was adopted as part of such CIP, which includes the public uses of widening 124th Avenue NE, between NE 12th Street and NE Spring Boulevard, into a five-lane arterial, with two lanes in each direction with turn pockets or a center turn lane where necessary, including curb, gutter, separated multi-use paths on both sides, retaining walls, landscaping, irrigation, illumination, intersections and signal system improvements, storm drainage and water quality treatment, and other utility infrastructure as needed; 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 property 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; 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, located adjacent to 124th Avenue NE northerly of NE 12th Street and southerly of NE Spring Boulevard, as now described in Attachment “A” and generally depicted on Attachment “B”, are necessary for the 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 Council of the City of Bellevue finds construction of the Project to be a public use, specifically the public use of widening 124th Avenue NE, between NE 12th Street and NE Spring Boulevard, into a five-lane arterial, with two lanes in each direction with turn pockets or a center turn lane where necessary, including curb, gutter, separated multi-use paths on both sides, retaining walls, landscaping, irrigation, illumination, intersections and signal system improvements, storm drainage and water quality treatment, 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 Finance and Asset Management Department or her designee is hereby authorized to make offers to, negotiate with, and execute agreements with the owners of said land or property interests, for the purposes of: obtaining property interests; entering into lease agreements with property owners (lease-backs) between the time of acquisition and start of construction; entering into relocation agreements; 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 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 Attachments 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 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 _____ day of _____, 2021
and signed in authentication of its passage this _____ day of February, 2021.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

Monica A. Buck, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____

ATTACHMENT A

Required Property Rights; - 124th Avenue NE – NE 12th St to NE Spring Blvd Project (CIP Plan No. PW-R-169)

COB Parcel	Property Address	KC Tax ID #	Property Type Required	Square Footage
6292	1121 124th Ave NE	109910-0103	Multi-Purpose Easement	4,573
	Safeway, Inc.		Temporary Construction Easement	15,539
6293	1150 124th Ave NE Western Washington Coca Cola Bottling, LLC	282505-9048	Multi-Purpose Easement	23,161
			Traffic Signal Sensor Easement	247
			Wall Easement	69
			Fee Simple	3,092
			Temporary Construction Easement	43,403

ATTACHMENT B

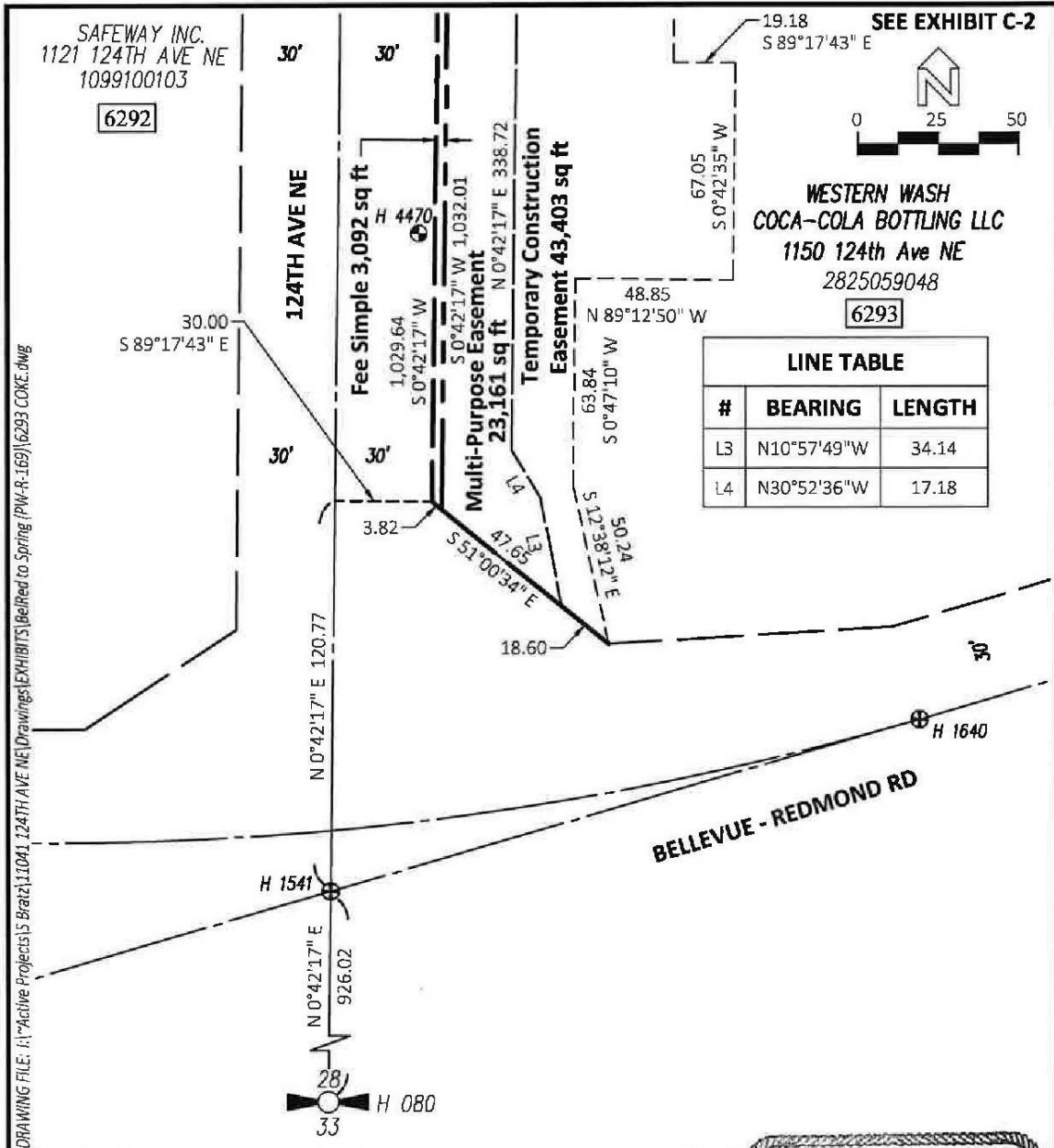


EXHIBIT C-1 PARCEL MAP

PARCEL 6293, W1/2 SE1/4 S28-T25N-R05E, W.M.

Reviewed 01-12-2021 by: JMDelaney

DATE: 1/12/21

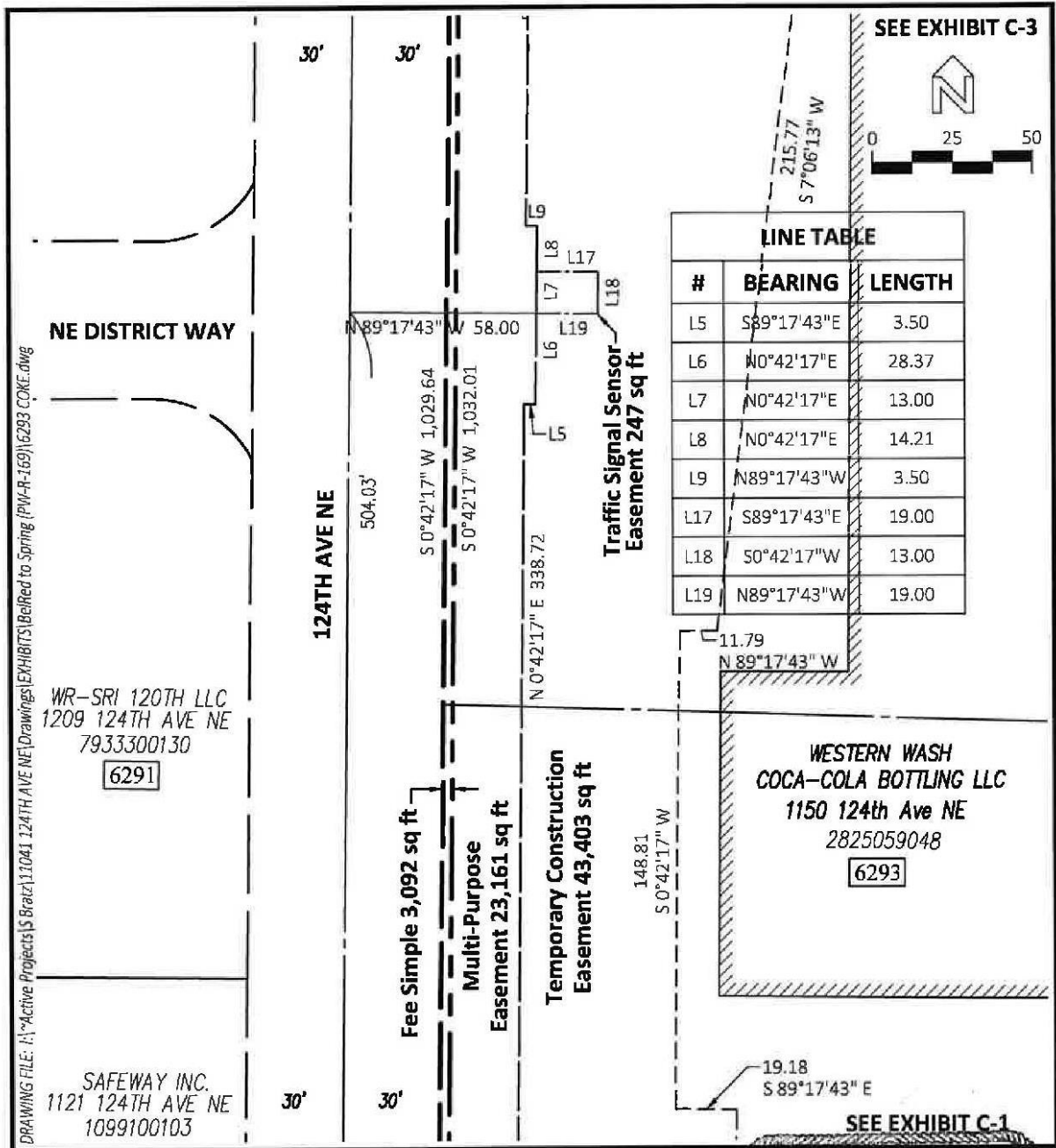
DRAWN BY: JMDelaney

PROJECT: 11041



**Land Survey Division
Finance & Asset Management**





**EXHIBIT C-2
PARCEL MAP**

PARCEL 6293, W1/2 SE1/4 S28-T25N-R05E, W.M.

Reviewed 01-12-2021 by: JMDelaney

DATE: 1/12/21

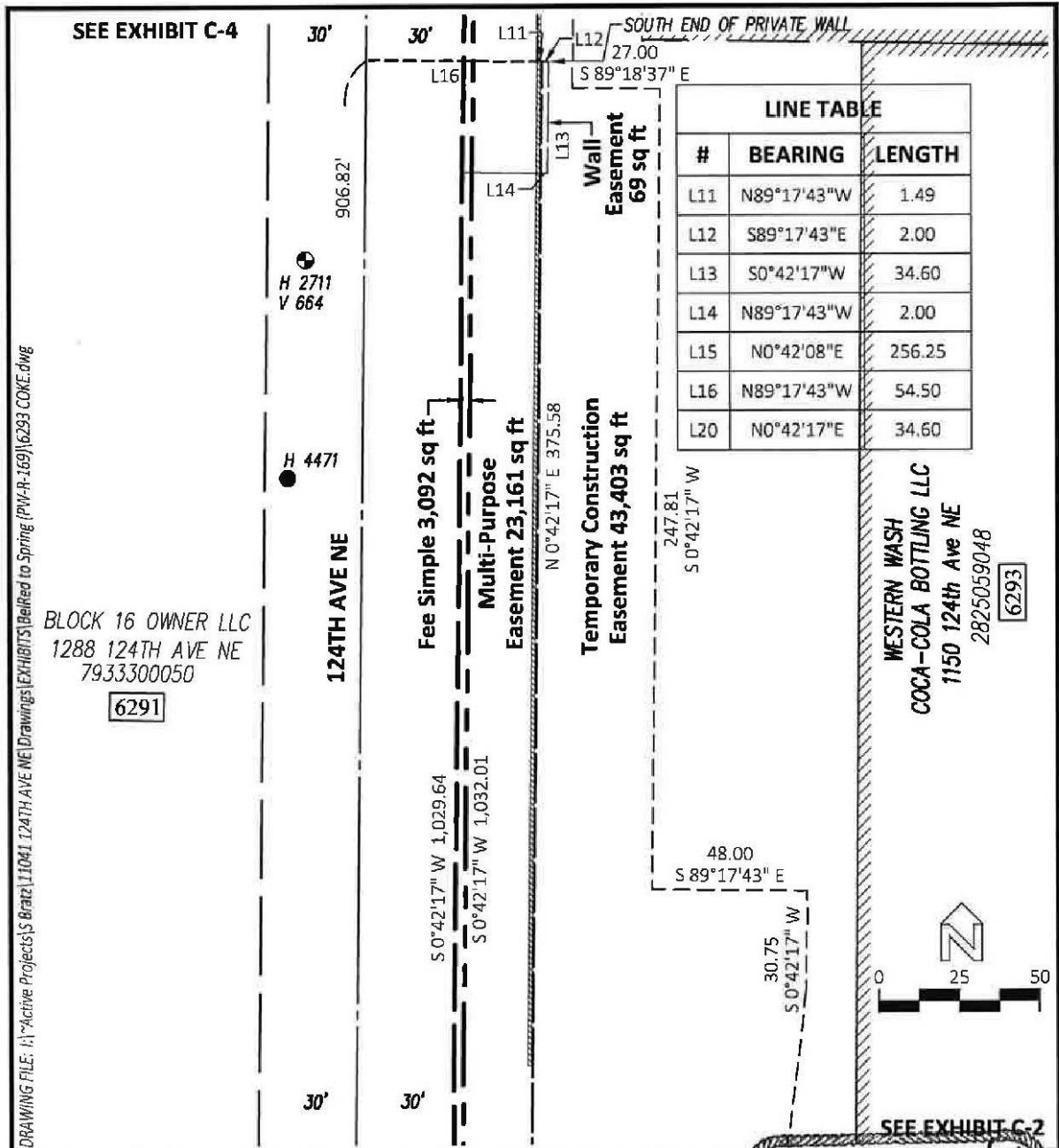
DRAWN BY: JMDelaney

PROJECT: 11041



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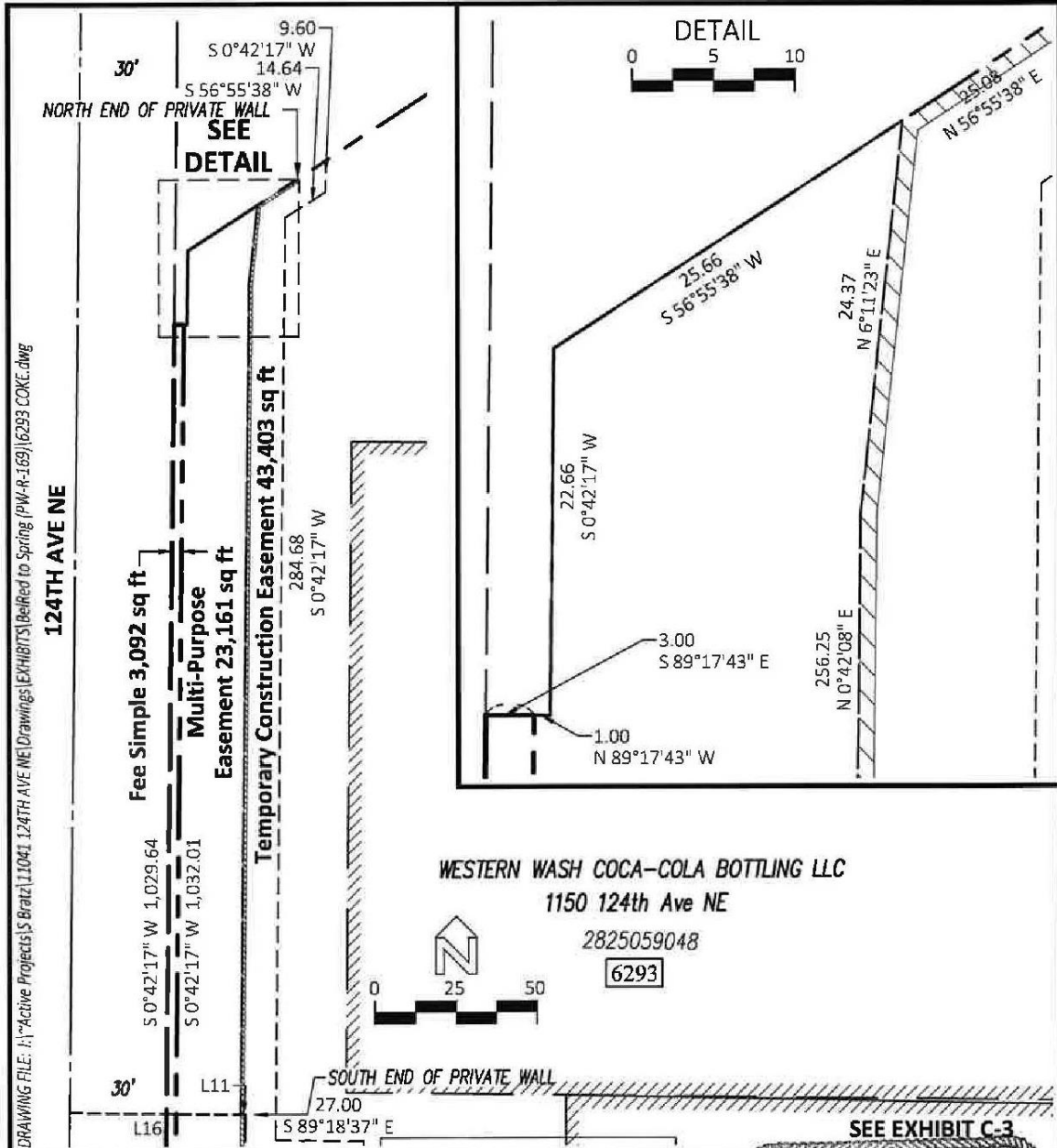
**EXHIBIT C-3
PARCEL MAP**

PARCEL 6293, W1/2 SE1/4 S28-T25N-R05E, W.M.
Reviewed 01-12-2021 by: JMDelaney

DATE: 1/12/21 DRAWN BY: JMDelaney PROJECT: 11041


**Land Survey Division
Finance & Asset Management**





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**EXHIBIT C-4
 PARCEL MAP**

PARCEL 6293, W1/2 SE1/4 S28-T25N-R05E, W.M.

Reviewed 01-12-2021 by: JMDelaney

DATE: 1/12/21

DRAWN BY: JMDelaney

PROJECT: 11041



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