

**CITY COUNCIL AGENDA TOPIC**

Ordinance authorizing and providing for the acquisition of interests in land for the purpose of constructing the 150<sup>th</sup> Avenue SE/SE 37<sup>th</sup> Street/I-90 EB off-ramp Project (CIP Plan No. PW-R-212); 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.

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**EXECUTIVE SUMMARY****ACTION**

This Ordinance will authorize the acquisition of property rights necessary for the 150th Ave SE Levy Project including the use of eminent domain if mutual agreement cannot be reached through voluntary negotiations.

**RECOMMENDATION**

Move to adopt Ordinance No. 6830

**BACKGROUND/ANALYSIS**

In prioritizing the congestion relief projects, at the January 12, 2017, Transportation Commission meeting, staff presented several congestion relief projects in the Eastgate area. The Transportation Commission took an objective look at existing conditions and a 2035 forecast; using metrics, standards and guidelines to describe and quantify congestion along arterial corridors and at intersections within the Eastgate Study Area. The Transportation Commission identified potential project concepts by first looking at intersections and corridors that either now, or in the future (2035), show signs of congestion as described as delay at intersections and in travel time/travel speed along corridors. Transportation modeling analysis revealed the locations and magnitude of congestion and helped inform the project concepts to provide congestion reduction.

On July 15, 2019, at the City Council meeting, the Council accepted the Commission's final report on the Eastgate Transportation study. In the Eastgate Transportation Study, the 150th Avenue SE corridor between SE 38th Street and SE Eastgate Way was identified as a high priority to alleviate the ongoing congestion that occurs during the peak traffic hours in the Eastgate area. One project would restripe the existing 150th Avenue SE bridge over I-90 to add a 4th southbound travel lane. As this is a WSDOT

facility, City staff have and will continue to coordinate with WSDOT on the potential implementation of this design. The recommended projects would reduce the growth of vehicle congestion and would provide the planned facilities for people walking, riding a bicycle or taking transit. Providing these mobility options would help ensure that the transportation system is equitable and accessible.

The 150th Avenue SE project includes a new southbound vehicle travel lane from Landerholm Circle to SE 38th Street, intersection improvements at SE 38th, SE 37th and at Eastgate Way, and roadway improvements along SE 37th at the I-90 eastbound on-ramp. Project work includes, but is not limited to, roadway widening plans, storm drainage, geotechnical engineering, survey, permit applications, environmental impact report, traffic analysis, utility relocation plans, property acquisition plans and project cost estimates.

This project is fully funded by the Neighborhood Safety, Connectivity and Congestion Levy, approved by voters in November 2016. The Neighborhood Congestion Management component (CIP Plan PW-198) of the Levy funds design and construction of projects that ease traffic congestion within, near and between neighborhoods.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

Under Bellevue City Code 4.30.010 and RCW 8.12.040, major real property acquisitions must be approved by the City Council. RCW Chapter 8.12 establishes the authority and procedure for cities to acquire property by condemnation for streets, street improvements and other public purposes. The statutes provide that when a city seeks to condemn property for a public purpose, it must first provide notice in the local newspaper as well as by certified mail to the affected property owners. The statutes further provide that the city indicates that compensation for acquisitions be made from applicable city funds, or, if applicable, by special assessment upon the property benefitted by the project.

Under WAC 458-61A-206, transfers of real property to a governmental entity under an imminent threat of the exercise of eminent domain are not subject to real estate excise tax.

Under 26 U.S. Code § 1033, transfers of real property to a governmental entity under an imminent threat of the exercise of eminent domain may qualify for federal tax benefits, including tax-deferred exchanges.

### **Fiscal Impact**

The cost to acquire the property rights, through negotiation or condemnation, is included in the budget for land acquisition for the 150<sup>th</sup> Avenue SE/SE 37<sup>th</sup> Street/I-90 EB off-ramp Project (CIP Plan No. PW-R-212).

## **OPTIONS**

1. Adopt the Ordinance authorizing and providing for the acquisition of interests in land for the purpose of constructing the 150<sup>th</sup> Avenue SE/SE 37<sup>th</sup> Street/I-90 EB off-ramp Project (CIP Plan No. PW-R-212); 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.

2. Do not adopt the Ordinance and provide alternative direction for staff.

#### **ATTACHMENTS**

- A. Property Rights Acquisition Table & Depiction of Acquisition
  - B. Legal Descriptions of Properties
  - C. Vicinity/Project Map
  - D. Copy of Publication Notice
- Proposed Ordinance No. 6830

#### **AVAILABLE IN COUNCIL LIBRARY**

N/A