

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6788

AN ORDINANCE authorizing and providing for acquisition of interests in land for the purpose of constructing the Bogline Sanitary Sewer Replacement Project (156<sup>th</sup> Avenue SE and SE 11<sup>th</sup> Street); 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, on November 21, 2022, the City Council adopted the 2023-2029 General Capital Investment Program (CIP) Plan by Ordinance No. 6698; and

WHEREAS, the Sewer System Pipeline Replacement Program (S-66) is part of the CIP Plan and involves replacement of sewer pipes throughout the service area that are aging and in poor condition; and

WHEREAS, the Bogline Sanitary Sewer Replacement Project (“the Project”) is one of the projects under the Sewer System Pipeline Replacement Program (S-66) and involves the replacement of approximately 1,270 linear feet of sanitary sewer pipeline, most of which were installed between 1956 and 1972 in public utility easements that run through private property (backyards, side yards) and inside public right of way near the intersection of 156<sup>th</sup> Avenue SE and SE 11<sup>th</sup> Street; 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 156<sup>th</sup> Avenue SE and SE 11<sup>th</sup> Street, as described in Attachment “A”, 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 rehabilitation and replacement of approximately 1,270 linear feet of sanitary sewer pipeline along the west and south side of properties located on 158<sup>th</sup> Avenue SE and SE 11<sup>th</sup> Street (the "Project"). 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 CIP Plan, or from other utilities funds of the City. The Director of the Finance and Asset Management Department or 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 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 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 designee is authorized to utilize legal descriptions and depictions of the property rights condemned herein in a format more precise than those set forth in Attachment A. The City Attorney or 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 and relocation 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 \_\_\_\_\_, 2024 and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

(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

Property Location  
1229 158<sup>th</sup> Ave SE  
King County Tax ID # 4036800675  
Property Rights Required –  
Permanent Easement. - 688 sq. ft.  
Temporary Construction. Easement. - 2,402 sq. ft.

Property Location  
1213 158th Ave SE  
King County Tax ID # 4036800660  
Property Rights Required –  
Permanent Easement. - 122 sq. ft.  
Temporary Construction Easement - 1460 sq. ft.