

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6618

AN ORDINANCE authorizing and providing for acquisition of interests in land for the purpose of constructing the 124th Avenue NE – Ichigo Way (NE 18th Street) to Northup Way (CIP Plan No. PW-R-191); 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 Ichigo Way (NE 18th Street) to Northup Way; 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 – Ichigo Way (NE 18th Street) to Northup Way Project, CIP Plan No. PW-R-191 (“the Project”), was adopted as part of such CIP, which includes the public uses of widening and reprofiling 124th Avenue NE, between Ichigo Way (NE 18th Street) to Northup Way, into a five-lane arterial, with two lanes in each direction with turn pockets or a center turn lane where necessary, including curb, gutter, sidewalks, a separated multi-use path on the west side between NE 16th and Ichigo Way, 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 Ichigo Way

(NE 18th Street) and southerly of Northup Way, 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 widening and reprofiling 124th Avenue NE, between Ichigo Way (NE 18th Street) to Northup Way, into a five-lane arterial, with two lanes in each direction with turn pockets or a center turn lane where necessary, including curb, gutter, sidewalks, a separated multi-use on the west side between NE 16th and Ichigo Way, 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 relocation benefits; 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 set forth in Attachment A. 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 December, 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

1 of 2 11/16/2021

Required Property Rights; - 124th Avenue NE – NE Ichigo Way to Northup Way (CIP Plan No. PW-R-191)

COB Parcel	Property Address	KC Tax ID #	Property Type Required	Square Footage
6288	2001 124th Avenue NE Public Storage (West)	282505-9236	Sidewalk, Utility, and Wall Easement Wall Maintenance Easement Temporary Construction Easement	3,053 1,625 21,823
6287	12399 Northup Way Bellevue Storage, LLC	282505-9316	Sidewalk, Utility, and Wall Easement Wall Maintenance Easement TCE	3,053 1,625 21,823
6289 & 7259	1855 124th Ave NE & 1975 124th Ave NE King County (East Base)	2825050-9026 & 282505-9227	Fee Wall and Culvert Maintenance Easement Wall Easement Wall Maintenance Easement Sidewalk, Utility, and Wall Easement Traffic Signal and Traffic Sensor Easement TCE - Driveway & east employee parking TCE - Along 124th TCE - Along 120th TCE - Employee Parking (middle of property)	3,190 1,510 146 239 6,471 1,547 6,896 13,333 4,780 13,459
7257	1633 124th Ave NE Safeway, Inc.	109910-0100	Multi-Purpose and Wall Easement Wall Maintenance Easement TCE TCE - Short Term Traffic Signal and Traffic Sensor Easement	11,715 3,941 17,271 7,715 552
6302	2100 124th Ave NE N124 Holdings, LLC	282505-9109	Sidewalk, Utility, and Wall Easement Wall Maintenance Easement TCE	5 713 2,182
6301	2020 124th Ave NE N124 Holdings, LLC	282505-9263	Fee Wall Maintenance Easement Sidewalk, Utility, and Wall Easement TCE	494 453 806 11,487
6300	2000 124th Ave NE N124 Holdings, LLC	282505-9264	Fee Sidewalk, Utility, and Wall Easement Wall Maintenance Easement TCE	727 1,890 687 8,636
6299	1940 124th Ave NE N124 Holdings, LLC	282505-9265	Fee Sidewalk, Utility, and Wall Easement Wall Maintenance Easement TCE	316 1,476 306 8,014
7260	1800 124th Avenue NE Public Storage (East)	282505-9262	Sidewalk and Utility Easement TCE Fee Traffic Signal and Traffic Sensor Easement	5,656 22,690 3 243
7261	1790 124th Ave NE King County (Bellevue Base)	282505-9295	Fee Wall Maintenance Easement TCE - Adjacent to the Fee TCE - Area outside of 127th private road TCE - 127th Ave NE private road	2,700 1,631 5,284 8,405 51,535
8380	12611 Northup Way L&L Poplar, LLC	282505-9044	TCE - 127th Ave NE private road TCE - Temporary Traffic Signal	51,535 528
8377	1600 127th Ave NE Sixteen Hundred, LLC	282505-9230	TCE - 127th Ave NE private road	51,535
8379	1733 127th Ave NE Umbrella Development, LLC	282505-9297	TCE - 127th Ave NE private road	51,535

8376	12727 Northup Way Brenner Construction Company	282505-9057	TCE - 127th Ave NE private road TCE - Temporary Traffic Signal	51,535 634
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