

## CITY COUNCIL REGULAR SESSION

Ordinance amending Ordinance No. 6526 to revise the property rights necessary for construction of the 130<sup>th</sup> Avenue NE – Bel-Red Road to NE 20<sup>th</sup> Street Project (CIP Plan No. PW-R-170).

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## EXECUTIVE SUMMARY

This Ordinance will authorize the amendment to Ordinance No. 6526 to revise the property rights necessary for the 130<sup>th</sup> Avenue NE Project including the use of eminent domain if mutual agreement cannot be reached through voluntary negotiations. This amendment includes changes to three of the 23 parcels included in the original Ordinance.

## RECOMMENDATION

Move to adopt Ordinance No. 6703

## BACKGROUND/ANALYSIS

The 130<sup>th</sup> Avenue NE Project is one of the projects in the City's Transportation Infrastructure Finance and Innovation Act (TIFIA) loan package, as it was identified as a part of the broad Bel-Red Plan and transportation vision of supporting planned growth and economic vitality, improving access and circulation, and capturing synergistic opportunities with Sound Transit's East Link Project. The project provides multi-modal improvements along 130<sup>th</sup> Avenue NE between Bel-Red Road and NE 20<sup>th</sup> Street. The improvements include curb, gutter, sidewalk, landscaping, illumination, drainage, water quality treatment, bicycle facilities on both sides of the street, on-street parking at select locations, mid-block crossing, intersection improvements including turn lanes at NE Spring Boulevard (formerly NE 16<sup>th</sup> Street), and traffic signal and intersection modification at NE 20<sup>th</sup> Street and at BelRed Road.

On September 8, 2020, Council approved Ordinance No. 6526, which authorized the acquisition of property rights, including the use of eminent domain if mutual agreement could not be reached through voluntary negotiations, from 23 parcels for the 130<sup>th</sup> Avenue NE project. These property rights will be used for constructing curbs, sidewalks, and on-street parking improvements on 130<sup>th</sup> Avenue NE

between Bel-Red Road and NE 20<sup>th</sup> Street and are limited to what is reasonably necessary for project construction.

Following adoption of Ordinance No. 6526, staff presented offers and negotiated with each of the property owners. To date, voluntary agreements have been made with all but four owners, and staff are preparing to initiate condemnation actions to secure these remaining property rights and keep the project on its revised schedule. On three of these remaining parcels, minor project design changes have resulted in the need to acquire property rights that differ from what was described in Ordinance No. 6526 requiring the proposed amended Ordinance

The required property rights for all 23 projects are described and depicted in Attachments A and B. The three parcels being revised are parcels 7314, 7316, and 7324. The attachments also include a vicinity map and a copy of the publication notice. As required by condemnation statutes, notice of Council's meeting to consider adoption of this amended Ordinance has been mailed to the owners of record of the three properties subject to changes.

## **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 to the affected property owners. The statutes further provide that the city indicate 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.

### **Fiscal Impact**

There is no fiscal impact as a result of this action.

## **OPTIONS**

1. Adopt the Ordinance amending Ordinance No. 6526 to revise the property rights necessary for construction of the 130<sup>th</sup> Avenue NE – Bel-Red Road to NE 20<sup>th</sup> Street Project (CIP Plan No. PW-R-170).
2. Do not adopt the Ordinance and provide alternative direction to staff.

## **ATTACHMENTS**

- A. Property Rights Acquisition Table
- B. Legal Description & Depictions of Acquisitions
- C. Vicinity Map
- D. CIP Description Page (PW-R-170)  
Proposed Ordinance No. 6703

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Original Ordinance No. 6526