

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6401

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of constructing the Fire Station 10 Project; 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, in 2013, the City Council authorized the development of a Fire Facility Master Plan to meet the changing emergency response needs of the community; and

WHEREAS, the Fire Facility Master Plan identified the need for a new fire station due to increasing population and employment in Bellevue and the associated increase in fire and emergency medical incidents; and

WHEREAS, on December 1, 2014, the City Council adopted the 2015-2021 Capital Investment Program (CIP) Plan, by Ordinance No. 6209; and

WHEREAS, CIP Project No. PS-63, Fire Facility Master Plan, provided funding for property acquisition for a new fire station; and

WHEREAS, on November 8, 2016, Bellevue voters approved the Fire Facilities Levy to fund improvements to fire facilities, including the construction of Fire Station 10; and

WHEREAS, on December 5, 2016, the City Council adopted the 2017-2023 CIP Plan, by Ordinance No. 6333; and

WHEREAS, the Fire Station 10 project, CIP Project No. PS-64 ("the Project"), was adopted as part of such CIP, which includes the public uses of constructing a new Fire Station 10; and

WHEREAS, the City has identified a proposed site for Fire Station 10 and is conducting negotiations with the owners of the properties that comprise the proposed site; and

WHEREAS, the City has provided notice to affected property owners of this final action authorizing condemnation pursuant to RCW 8.25.290; 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 at the northwest corner of 112th Avenue NE and NE 12th Street immediately north of McCormick Park, as legally described in Exhibit "A" and generally depicted on Exhibit "B", are necessary for a public purpose, specifically for the construction of the Fire Station 10 Project, 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 Fire Station 10 Project to be a public use. 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, from the Fire Facilities Levy, or from other general funds of the City. The Director of the Civic Services Department or her designee is hereby authorized to negotiate with, make offers to, and execute agreements with the owners of said land or property interests, for the purposes of: obtaining property interests; entering into lease agreements between the time of acquisition and start of construction; entering into utility 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 general descriptions and depictions set forth in Exhibits 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 _____, 2018
and signed in authentication of its passage this _____ day of February, 2018.

(SEAL)

John Chelminiak, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Monica A. Buck, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____

EXHIBIT A Legal Description

Parcel 7118:

Real property in the County of King, State of Washington, described as follows:

THE SOUTH 75 FEET OF THE NORTH 225 FEET OF THE SOUTH HALF OF THE EAST HALF OF THE
SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION
29,
TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
EXCEPT THE WEST 197.5 FEET THEREOF:
AND EXCEPT ROADS.

Tax Parcel Number: 292505918303

Situs Address: 1209 112th Avenue NE, Bellevue, WA 98004

Parcel 7119:

Real property in the County of King, State of Washington, described as follows:

THE EAST 190.25 FEET OF THE NORTH 75 FEET OF THE SOUTH 257.1 FEET OF THE SOUTHEAST
QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST
QUARTER OF SECTION 29, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY,
WASHINGTON.
EXCEPT COUNTY ROAD.

Tax Parcel Number: 292505918808

Situs Address: 1211 112th Avenue NE, Bellevue, WA 98004

Parcel 7120:

Real property in the County of King, State of Washington, described as follows:

PARCEL A:

THE WEST 148.25 FEET OF LOT 4, BLOCK 7, BURROWS' EAST SIDE ADDITION, ACCORDING TO THE
PLAT THEREOF RECORDED IN VOLUME 44 OF PLATS, PAGES 84 THROUGH 85, INCLUSIVE,
RECORDS
OF KING COUNTY, WASHINGTON;
ALSO, A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE
NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 25 NORTH,
RANGE
5 EAST, W.M. IN KING COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WEST LINE OF SAID SUBDIVISION, SAID POINT BEING NORTH
00°35'01" EAST A DISTANCE OF 299 FEET ALONG THE WEST LINE FROM THE SOUTHWEST
CORNER OF
SAID SUBDIVISION;
THENCE CONTINUING ALONG SAID WEST LINE NORTH 00°35'01" EAST A DISTANCE OF 32.88 FEET
TO
THE SOUTHWEST CORNER OF LOT 4, BLOCK 7, BURROWS' EAST SIDE ADDITION, ACCORDING TO
THE

PLAT THEREOF RECORDED IN VOLUME 44 OF PLATS, PAGE 84, RECORDS OF KING COUNTY;
THENCE ALONG THE SOUTH LINE OF SAID LOT 4, SOUTH 88°56'48" EAST A DISTANCE OF 138
FEET;
THENCE SOUTH 51°56'30" WEST A DISTANCE OF 52.24 FEET;
THENCE NORTH 88°53'31" WEST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION A
DISTANCE
OF 97.21 FEET TO THE POINT OF BEGINNING.

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR ACCESS ROAD 20 FEET IN WIDTH DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST
QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29,
TOWNSHIP
25 NORTH, RANGE 5 EAST, W.M., SAID POINT BEING NORTH 00°35'01" EAST A DISTANCE OF 299
FEET
ALONG SAID WEST LINE FROM THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE SOUTH 88°53'31" EAST A DISTANCE OF 65.54 FEET TO THE TRUE POINT OF BEGINNING
OF
THIS EASEMENT;
THENCE CONTINUING SOUTH 88°53'31" EAST 31.67 FEET;
THENCE NORTH 51°56'30" EAST 52.24 FEET TO THE SOUTH LINE OF LOT 4, BLOCK 7 OF
BURROWS'
EAST SIDE ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 44 OF PLATS,
PAGE
84, RECORDS OF KING COUNTY, WASHINGTON;
THENCE EAST ALONG SAID SOUTH LINE TO THE WESTERLY LINE OF 112TH AVENUE NORTHEAST;
THENCE NORTH ALONG SAID WESTERLY LINE 20 FEET;
THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 4 TO A POINT WHICH BEARS NORTH
51°56'30" EAST FROM THE TRUE POINT OF BEGINNING;
THENCE SOUTH 51°56'30" WEST TO THE TRUE POINT OF BEGINNING;
EXCEPT THAT PORTION OF SAID EASEMENT LYING WITHIN THE MAIN TRACT HEREIN.
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

PARCEL C:

THE EAST 98 FEET OF THE WEST 168 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST
QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29,
TOWNSHIP
25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING NORTH OF THE SOUTH
172
FEET THEREOF;
EXCEPT THE EAST 30 FEET OF THE NORTH 150 FEET THEREOF;
EXCEPT THAT PORTION LYING NORTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:
BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST
QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29;
THENCE NORTH 0°35'01" EAST ALONG THE WEST LINE OF SAID SUBDIVISION 299 FEET;
THENCE SOUTH 88°53'31" EAST 97.21 FEET;
THENCE SOUTH 51°56'30" WEST 34.82 FEET, MORE OR LESS, TO THE EAST LINE OF THE WEST 70
FEET OF SAID SUBDIVISION AND THE TRUE POINT OF BEGINNING OF THIS DESCRIBED LINE;
THENCE NORTH 51°56'30" WEST TO THE NORTH LINE OF SAID SUBDIVISION AND THE TERMINUS
OF
SAID DESCRIBED LINE.

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TOGETHER WITH THE SOUTH 10.1 FEET OF THE NORTH 160.1 FEET OF THE SOUTHEAST QUARTER
OF
THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF
SECTION 29, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;
EXCEPT THE EAST 131.08 FEET THEREOF; AND
EXCEPT THE WEST 168 FEET THEREOF.

PARCEL D:

A NON-EXCLUSIVE EASEMENT FOR AN ACCESS ROAD 20 FEET IN WIDTH, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, SAID POINT BEING NORTH 0°35'01" EAST A DISTANCE OF 299 FEET ALONG SAID WEST LINE FROM THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE SOUTH 88°53'31" EAST A DISTANCE OF 65.54 FEET TO THE TRUE POINT OF BEGINNING OF THIS EASEMENT;
THENCE CONTINUING SOUTH 88°53'31" EAST 31.67 FEET;
THENCE NORTH 51°56'30" EAST 52.24 FEET TO THE SOUTH LINE OF LOT 4, BLOCK 7, BURROWS' EASTSIDE ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 44 OF PLATS, PAGE 84, IN KING COUNTY, WASHINGTON;
THENCE EAST ALONG SAID SOUTH LINE TO THE WESTERLY LINE OF 112TH AVENUE NORTHEAST;
THENCE NORTH ALONG SAID WESTERLY LINE 20 FEET;
THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 4 TO A POINT WHICH BEARS NORTH 51°56'30" EAST FROM THE TRUE POINT OF BEGINNING;
THENCE SOUTH 51°56'30" WEST TO THE TRUE POINT OF BEGINNING.

PARCEL E:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WEST LINE OF SAID SUBDIVISION, SAID POINT BEING NORTH 0°36'01" EAST A DISTANCE OF 182 FEET, ALONG SAID WEST LINE FROM THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE CONTINUING ALONG SAID WEST LINE NORTH 0°35'01" EAST, A DISTANCE OF 117 FEET;
THENCE SOUTH 88°53'31" EAST, A DISTANCE OF 97.21 FEET;
THENCE SOUTH 51°56'30" WEST, A DISTANCE OF 34.82 FEET;
THENCE SOUTH 00°35'01" WEST, A DISTANCE OF 95 FEET;
THENCE NORTH 88°53'31" WEST, A DISTANCE OF 70 FEET TO THE POINT OF BEGINNING.

PARCEL F:

A NON-EXCLUSIVE EASEMENT FOR AN ACCESS ROAD 20 FEET IN WIDTH, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, SAID POINT BEING NORTH 00°35'01" EAST A DISTANCE OF 299 FEET ALONG SAID WEST LINE FROM THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE SOUTH 88°53'31" EAST A DISTANCE OF 65.54 FEET TO THE TRUE POINT OF BEGINNING OF THIS EASEMENT;

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THENCE CONTINUING SOUTH 88°53'31" EAST 31.67 FEET;
THENCE NORTH 51°56'30" EAST 52.24 FEET TO THE SOUTH LINE OF LOT 4, BLOCK 7, BURROWS'
EASTSIDE ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 44 OF PLATS,
PAGE
84, IN KING COUNTY, WASHINGTON;
THENCE EAST ALONG SAID SOUTH LINE TO THE WESTERLY LINE OF 112TH AVENUE NORTHEAST;
THENCE NORTH ALONG SAID WESTERLY LINE 20 FEET;
THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 4 TO A POINT WHICH BEARS NORTH
51°56'30" EAST FROM THE TRUE POINT OF BEGINNING;
THENCE SOUTH 51°56'30" WEST TO THE TRUE POINT OF BEGINNING.

Tax Parcel Number: 126620034101, 292505929300 and 292505929409
Situs Address: 1223, 1215 and 1221 112th Avenue NE, Bellevue, WA 98004

Parcel 7121:

Real property in the County of King, State of Washington, described as follows:

PARCEL A:

THE EAST 160.25 FEET OF THE SOUTH HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF
THE
NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 25 NORTH,
RANGE
5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;
EXCEPT THE SOUTH 257.01 FEET THEREOF;
AND EXCEPT THAT PORTION THEREOF LYING WITHIN 112TH AVENUE NORTHEAST RIGHT OF
WAY;
AND EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF BELLEVUE FOR SAID 112TH
AVENUE N.E., DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID PROPERTY;
THENCE SOUTHERLY, ALONG THE EAST BOUNDARY OF SAID PROPERTY, A DISTANCE OF 67.27
FEET;
THENCE WESTERLY, ALONG THE SOUTH BOUNDARY OF SAID PROPERTY, A DISTANCE OF 5.00
FEET;
THENCE NORTH 00° 11 MINUTES 04 SECONDS EAST A DISTANCE OF 44.31 FEET;
THENCE NORTH 01° 56 MINUTES 24 SECONDS EAST A DISTANCE OF 21.90 FEET;
THENCE EASTERLY, ALONG THE NORTH BOUNDARY OF SAID PROPERTY, A DISTANCE OF 4.30
FEET TO
THE TRUE POINT OF BEGINNING OF SAID EXCEPTION.

PARCEL B:

THE WEST 30 FEET OF THE NORTH 75 FEET OF THE EAST 190.25 FEET OF THE SOUTH HALF OF
THE
EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST
QUARTER OF SECTION 29, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN
KING
COUNTY, WASHINGTON.

Tax Parcel Number: 292505918105
Situs Address: 1213 112th Avenue NE, Bellevue, WA 98004

Parcel 7122:

Real property in the County of King, State of Washington, described as follows:

THE EAST 150 FEET OF LOT 4, BLOCK 7, BURROWS' EAST SIDE ADDN., ACCORDING TO PLAT RECORDED IN VOLUME 44 OF PLATS, PAGE 84, IN KING COUNTY, WASHINGTON;
EXCEPT THAT PORTION CONVEYED TO THE CITY OF BELLEVUE FOR PUBLIC STREET AND HIGHWAY PURPOSES BY DEED OF DEDICATION RECORDED NOVEMBER 24, 1969, UNDER RECORDING NUMBER, 6591346, DESCRIBED AS FOLLOWS:
A PORTION OF THE EAST 150 FEET OF LOT 4, BLOCK 7, BURROW'S EAST SIDE ADDN., ACCORDING TO PLAT RECORDED IN VOLUME 44 OF PLATS, PAGE 84, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS.
BEGINNING AT THE SOUTHEAST CORNER OF SAID PROPERTY;
THENCE WESTERLY ALONG THE SOUTH BOUNDARY OF SAID PROPERTY, A DISTANCE OF 4.30 FEET;
THENCE NORTH 01°56'24" EAST, A DISTANCE OF 83.28 FEET;
THENCE EASTERLY ALONG THE NORTH BOUNDARY OF SAID PROPERTY, A DISTANCE OF 1.76 FEET;
THENCE SOUTH 00°11'04" WEST, A DISTANCE OF 89.17 FEET TO THE POINT OF BEGINNING.

Tax Parcel Number: 126620034002

Situs Address: 1219 112th Avenue NE, Bellevue, WA 98004

Parcel 7123:

Real property in the County of King, State of Washington, described as follows:

PARCEL A:

LOT 2, BLOCK 7, BURROWS' EAST SIDE ADDITION, AS PER PLAT RECORDED IN VOLUME 44 OF PLATS, PAGE 84, RECORDS OF KING COUNTY AUDITOR;
LESS THE NORTH 10 FEET AND LESS THE SOUTH 2 FEET OF SAID LOT 2.
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

PARCEL B:

THE SOUTH 2 FEET OF LOT 2 AND ALL OF LOT 3 IN BLOCK 7 OF BURROWS' EAST SIDE ADDITION, AS PER PLAT RECORDED IN VOLUME 44 OF PLATS, PAGE 84, RECORDS OF KING COUNTY AUDITOR;
LESS PORTION OF SAID LOT 3 CONVEYED THE CITY OF BELLEVUE UNDER KING COUNTY RECORDING NO. 6533979.
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Tax Parcel Number: 126620033004 and 126620033103

Situs Address: 1231 & 1233 112th Avenue NE, Bellevue, WA 98004

EXHIBIT B

Property Map

