

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6481

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of constructing the NE Spring Boulevard Zone 4 Project (130<sup>th</sup> Avenue NE to 132<sup>nd</sup> Avenue NE), 130<sup>th</sup> Avenue NE Project, and 130<sup>th</sup> public park-and-ride facility implementing the City and Sound Transit Amended and Restated Memorandum of Understanding related to the East Link light rail 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, the Bel-Red Subarea Plan identifies a network of transportation improvements, including the construction of NE Spring Boulevard from 130<sup>th</sup> Avenue NE to 132<sup>nd</sup> Avenue NE (referred to as Zone 4) and 130<sup>th</sup> Avenue NE from Bel-Red Road to NE 20<sup>th</sup> Street; and

WHEREAS, on December 3, 2018, the City Council adopted the 2019-2025 Capital Investment Program (CIP) Plan, by Ordinance No. 6445; and

WHEREAS, the NE Spring Boulevard (Zone 4) project (Spring Blvd. Zone 4 Project), CIP Plan No. PW-R-174, was adopted as part of such CIP, which includes the public uses of constructing a new arterial roadway connection between 130<sup>th</sup> Avenue NE and 132<sup>nd</sup> Avenue NE, with a new traffic signal at 130<sup>th</sup> Avenue NE, sidewalks, bicycle facilities, illumination, landscaping and irrigation, storm drainage and water quality treatment, and other underground utilities; and

WHEREAS, the 130<sup>th</sup> Avenue NE project (130<sup>th</sup> Project), CIP Plan No. PW-R-170, was also adopted as part of such CIP, which includes the public uses of constructing multi-modal improvements along 130<sup>th</sup> Avenue NE between Bel-Red Road and NE 20<sup>th</sup> Street and includes curb, gutter, sidewalk, landscaping, illumination, drainage, water quality treatment, bicycle facilities on both sides of the street, on-street parking at select locations, potential mid-block crossings, intersection improvements, potential traffic signal and accommodations for the Sound Transit East Link light rail line project; and

WHEREAS, the City and the Central Puget Sound Regional Transit Authority (“Sound Transit”) entered into that certain Amended and Restated Memorandum of Understanding for Intergovernmental Cooperation (“MOU”) for the East Link light rail project dated May 6, 2015, wherein the City and Sound Transit negotiated a separate Conveyance Agreement for Property at 130<sup>th</sup> Station (“Conveyance Agreement”) dated

October 17, 2019, for the conveyance of the 130<sup>th</sup> Avenue NE Parcels from Sound Transit to the City to construct the required 300-stall public park-and-ride facility with the objective of integrating that facility into a mixed use urban transit-oriented development project, including a mix of market and affordable housing consistent with the City's vision for the Bel-Red corridor (the "130<sup>th</sup> Park-and-Ride Project"); and

WHEREAS, in conjunction with the Spring Blvd Zone 4 and 130<sup>th</sup> Projects, the City intends to use the subject property to facilitate construction of the 130<sup>th</sup> Park-and-Ride Project; and

WHEREAS, City Council finds that the public health, safety, necessity and convenience demand that said Projects be undertaken at this time and that in order to carry out the Projects 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 1500 130<sup>th</sup> Avenue NE, Bellevue WA (Tax Parcel No. 282505-9058) and 1525-1575 132<sup>nd</sup> Avenue NE, Bellevue WA (Tax Parcel No. 282505-9285) as now described in Exhibit "A" and generally depicted on Exhibit "B", are necessary for construction of the Spring Blvd Zone 4 and 130<sup>th</sup> Projects, and to facilitate construction of the 130<sup>th</sup> Park-and-Ride 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 the above-identified City transportation uses to be public uses, specifically the use of the subject properties for staging and construction of the Spring Blvd Zone 4 and 130<sup>th</sup> Projects and to facilitate the staging and construction of the 130<sup>th</sup> Park-and-Ride Project, part of the East Link light rail project. The City Council specifically finds these projects to be necessary, and in the best interests of the citizens.

Section 3. The City Council of the City of Bellevue finds that the East Link Project is a public use, including the use of the subject property for construction and staging for the East Link Project through the course of construction of the approximately 6-mile light rail connection through the City of Bellevue, with related uses, as provided in the MOU. The City Council specifically finds the construction of the East Link Project to be necessary, and in the best interests of the citizens.

Section 4. 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 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 with property owners (lease-backs) between the time of acquisition and start of construction; entering into utility 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 5. 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 6. 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 \_\_\_\_\_, 2016 and signed in authentication of its passage this \_\_\_\_\_ day of May, 2016.

(SEAL)

\_\_\_\_\_  
John Chelminiak, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

\_\_\_\_\_  
Monica A. Buck, Assistant City Attorney

Attest:

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Charmaine Arredondo, City Clerk

Published \_\_\_\_\_

# EXHIBIT A

**Attachment 1, Required Property Rights; Spring Blvd. Zone 4 - CIP PW-R-174**

COB Parcel	Property Address	KC Tax ID #	Property Type Required	Square Footage
7326	1500 130th Ave NE (Kellco Property)	282505-9058	Fee Simple	50,131
7327	1525-1575 132nd Ave NE (Curran Property)	282505-9285	Fee Simple	6,244
			Sidewalk/Utility Easement	4,849
			Wall Easement	1,066
			Wall Maintenance Easement	2,841
			TCE	1,540

## Legal Description

**Parcel 7326:**

Lot 1 of City of Bellevue Short Plat No. 79-13 recorded under King County Recording No. 7904040534, being a portion of the North Half of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 28, Township 25 North, Range 5 East, W.M. in King County Washington, less that portion per King County Case #16-2-14164-1 recorded under King County Recording No. 20170802000153.

Tax Parcel Number: 282505-9058

Situs Address: 1500 130<sup>th</sup> Avenue NE, Bellevue, WA 98005

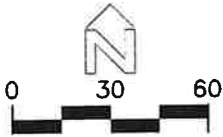
**Parcel 7327:**

Lots 3 and 4 of Bellevue Short Plat No. 79-13 according to the Short Plat recorded under King County Recording No. 7904040534; Except the South 20 feet thereof of said Lot 3, and as revised by City of Bellevue Lot Line Revision No. 82-14, recorded under King County recording No. 8209099002 situated in the city of Bellevue, County of King, State of Washington

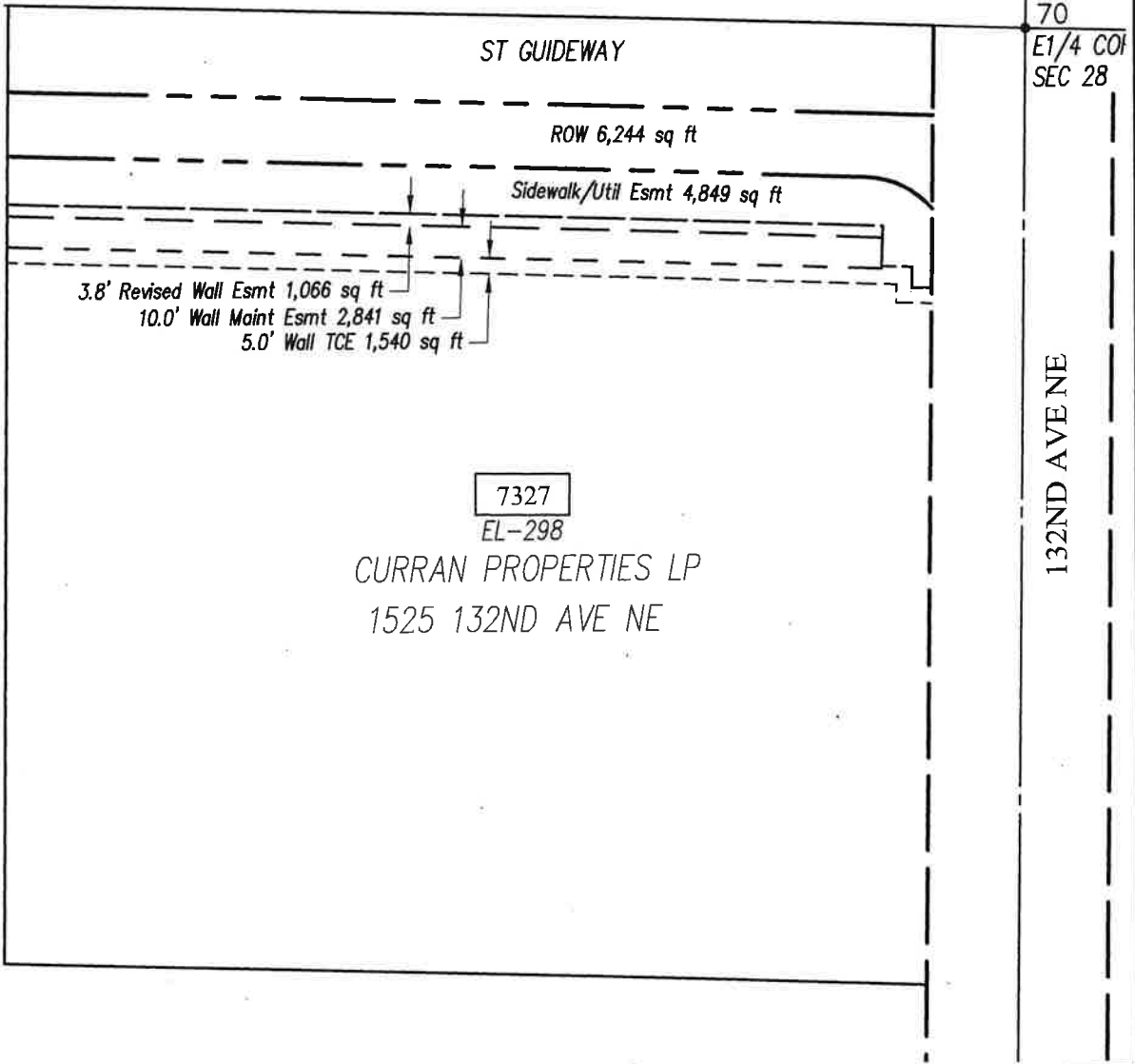
Tax Parcel Number: 282505-9285

Situs Address: 1525 132nd Avenue NE, Bellevue, WA 98005

**EXHIBIT B**



DRAWING FILE: I:\Active Projects\13092 Spring Blvd & NE 15th St - 116th to 120th\Drawings\ACAD\2019\7327 Curran Wall.dwg



**EASEMENT EXHIBIT**

**SPRING BLVD ZONE 4**

PARCEL 7327, NE1/4 S28-T25N-R05E, W.M.

DATE: 5/3/19 DRAWN BY: JMDelaney PROJECT: 13092

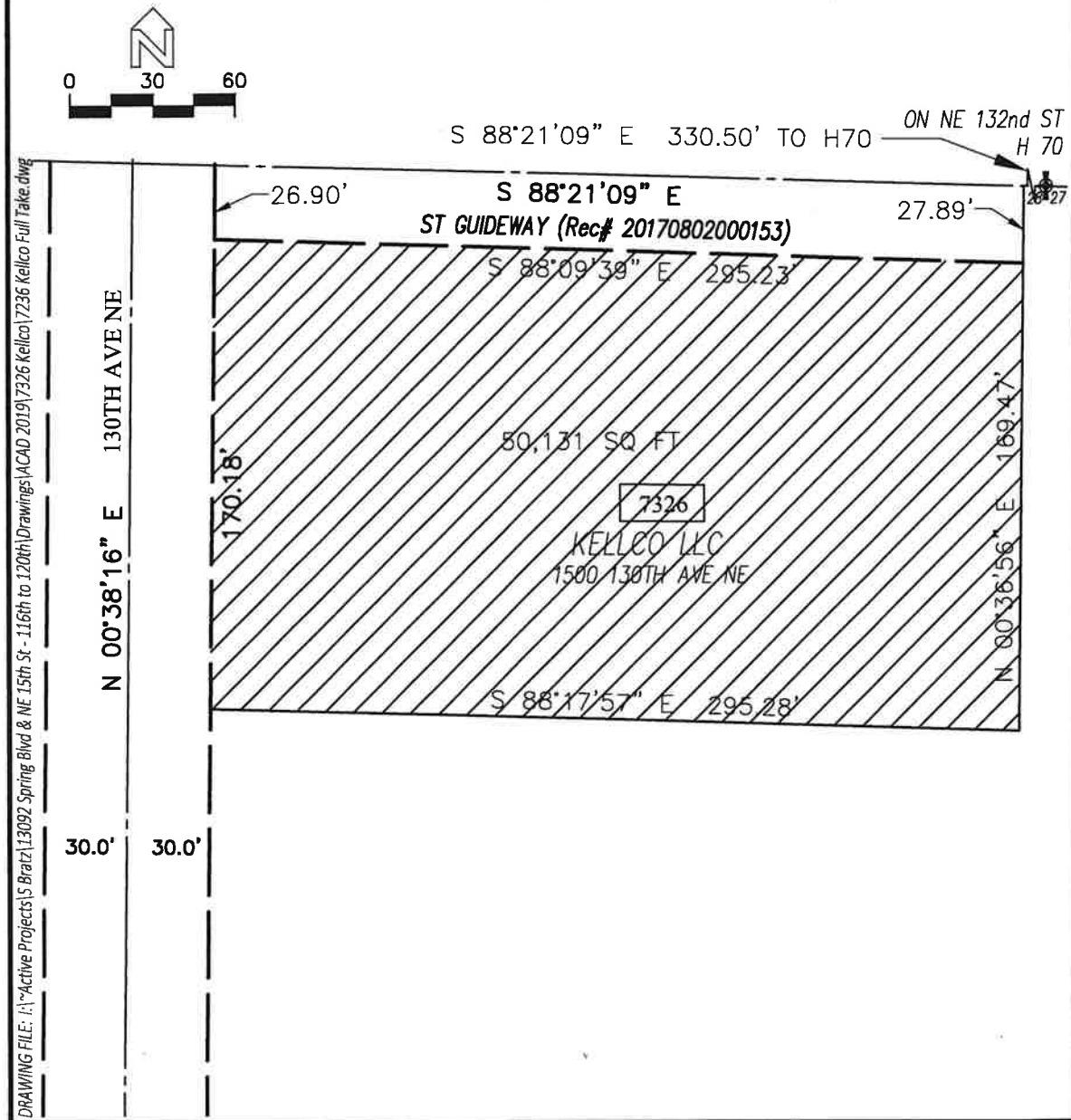


Land Survey Division  
Finance & Asset Management





**EXHIBIT B**



**EXHIBIT MAP**

**SPRING BLVD ZONE 4**

**PARCEL 7326, NE1/4 S28-T25N-R05E, W.M.**

DATE: 9/5/19 DRAWN BY: Sbratz PROJECT: 13092



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Finance & Asset Management