

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5316

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of improving a portion of 112th Avenue NE for the 112th Avenue NE Improvements, CIP Plan No. PW-I-81 and NE 2nd Street, Bellevue Downtown Access Project, CIP Plan No. PW-I-46 within the City of Bellevue; providing for condemnation, appropriation, taking and damaging of land and property rights necessary therefore; providing for the cost thereof and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.

WHEREAS, on May 12, 2000 the City Council passed Ordinance No. 5218 authorizing and providing for the acquisition of interests in land for the purpose of construction the NE 2nd Street Extension from 112th Avenue NE to 114th Avenue NE, CIP Plan No. PW-I-46/ Bellevue Downtown Access Project and CIP Plan No. PW-I-81, 112th Avenue NE Improvements; and

WHEREAS, on January 22, 2001 the City Council passed Ordinance No. 5268 authorizing and providing for the acquisition of further interest in land for the purpose of CIP Plan No. PW-I-81, 112th Avenue NE Improvements; and

WHEREAS, the need to acquire additional interests in land for completion of these projects has been identified; and

WHEREAS, the City Council finds that the public health, safety, necessity and convenience demand that said project be undertaken 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 properties described herein; and

WHEREAS, the City Council finds and declares it necessary and in the best interest of the public that interest in the land and property right hereinafter described be condemned, appropriated, taken and damaged for public use, subject to the making or paying of just compensation to the owners thereof in the manner provided by law; 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, described in the attached Exhibit "A", necessary for public road purposes, are hereby condemned, appropriated, taken and damaged for such public purposes, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

Section 2. The cost and expense of acquiring said property rights be paid for from the CIP, or from other monies the City may have available or obtain therefore. The Director of the Transportation Department or his designee is hereby authorized to negotiate with and make offers to the owners of said land and property for the purpose of making or paying just compensation, and to approve the payment of just compensation as negotiated with said owners or as ordered by the Court.

Section 3. The City Attorney is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, take and damage the land and property necessary to carry out the provisions of this ordinance. The City Attorney 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 for the payment of just compensation as agreed to with the property owners, or as ordered by the Court.

Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

Passed by the City Council this 4th day of September, 2001, and signed in authentication of its passage this 4th day of September, 2001.

(SEAL)

Chuck Mosher, Mayor

Approved as to form:
Richard L. Andrews, City Attorney
Lori M. Riordan, Assistant City Attorney

Attest:
Myrna L. Basich, City Clerk

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