

**ORIGINAL**

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6283

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of completing the NE Spring Boulevard (Zone 1) 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 116<sup>th</sup> Avenue NE to 120<sup>th</sup> Avenue NE (referred to as Zone 1); and

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

WHEREAS, the NE Spring Boulevard (Zone 1) project, CIP Plan No. PW-R-172 ("the Project"), was adopted as part of such CIP, which includes the public uses of constructing a new five lane arterial, with two lanes in each direction and turn pockets or a center turn lane where necessary between 116<sup>th</sup> Avenue NE and 120<sup>th</sup> Avenue NE, with a separated multi-purpose path along the north side, and a sidewalk along the south side, curb, gutter, landscaping, irrigation, illumination, traffic signals, storm drainage, water quality treatment, and other utility and transportation infrastructure 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 at 11730 NE 12<sup>th</sup> St, Bellevue WA (Tax Parcel No. 282505-9207) as now legally described in Exhibit "A" and generally depicted on Exhibit "B", are necessary for 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 constructing a new five lane arterial NE Spring Boulevard, with two lanes in each direction and turn pockets or a center turn lane where necessary between 116<sup>th</sup> Avenue NE and 120<sup>th</sup> Avenue NE, with a separated multi-purpose path along the north side, and a sidewalk along the south side, curb, gutter, landscaping, irrigation, illumination, traffic signals, storm drainage, water quality treatment, and other utility and transportation infrastructure 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 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 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.

**ORIGINAL**

Passed by the City Council this 2<sup>nd</sup> day of May, 2016  
and signed in authentication of its passage this 2<sup>nd</sup> day of May, 2016.

(SEAL)


  
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John Stokes, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

  
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Monica A. Buck, Assistant City Attorney

Attest:

  
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Kyle Stannert, City Clerk

Published May 5, 2016,

**EXHIBIT A**  
**Legal Description**

Vested Owner: DELTA INTERNATIONAL ENTERPRISES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY

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

PARCEL A:

THAT PORTION OF THE SOUTH 121.20 FEET OF THE NORTH 755.90 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WEST OF THE WESTERLY MARGIN OF THE NORTHERN PACIFIC RAILROAD RIGHT-OF-WAY;

EXCEPT ANY PORTION THEREOF LYING WITHIN THE SOUTH 2.00 ACRES OF THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION, LYING BETWEEN THE EAST LINE OF SAID WEST 30.00 FEET OF SAID SECTION AND THE WEST LINE OF SAID RIGHT-OF-WAY AND LYING NORTH OF A LINE EXTENDING NORTH 89°36'00" EAST FROM A POINT ON THE WEST LINE OF SAID SECTION, DISTANT 877.10 FEET SOUTH OF THE NORTHWEST QUARTER CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION;

AND EXCEPT THAT PORTION THEREOF LYING WESTERLY OF A LINE 260 FEET WEST OF AND PARALLEL TO AND MEASURED AT RIGHT ANGLES TO THE WESTERLY MARGIN OF THE NORTHERN PACIFIC RAILROAD RIGHT-OF-WAY;

AND ALSO EXCEPT THAT PORTION THEREOF CONVEYED TO CITY OF BELLEVUE BY DEED RECORDED UNDER KING COUNTY RECORDING NO. 6550322.

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AS CREATED BY INSTRUMENT RECORDED MAY 14, 1980 UNDER KING COUNTY RECORDING NO. 8005140412, ACROSS AND UPON THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH 13.0 FEET OF THAT PORTION OF THE SOUTH 267.6 FEET OF THE NORTH 634.7 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST

QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING WESTERLY OF THE NORTHERN PACIFIC RAILROAD RIGHT-OF-WAY;

EXCEPT THE WEST 250 FEET THEREOF.

PARCEL C:

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND ACCESS AS CREATED BY INSTRUMENT RECORDED JULY 30, 1980 UNDER KING COUNTY RECORDING NO. 8007300655, AND CORRECTED BY INSTRUMENT RECORDED DECEMBER 3, 1986 UNDER KING COUNTY RECORDING NO. 8612030861, OVER, UPON AND ACROSS THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER;

THENCE SOUTH  $0^{\circ}51'36''$  WEST ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER 665.69 FEET, MORE OR LESS, TO THE CENTERLINE OF NORTHEAST 12TH STREET;

THENCE ALONG SAID CENTERLINE ALONG A CURVE TO THE RIGHT WHOSE CENTER BEARS SOUTH  $02^{\circ}41'17''$  EAST, 1,050.00 FEET THROUGH A CENTRAL ANGLE OF  $18^{\circ}45'23''$  AN ARC DISTANCE OF 343.73 FEET;

THENCE RADIALLY NORTH  $16^{\circ}04'06''$  EAST, 62.98 FEET TO THE NORTHERLY LIMIT OF THE SOUTH 121.2 FEET OF THE NORTH 755.90 FEET OF SAID SOUTHWEST QUARTER;

THENCE SOUTH  $88^{\circ}21'04''$  EAST ALONG SAID NORTHERLY LIMIT 75.58 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND AS RECORDED UNDER RECORDING NO. 6522778 AND BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTHERLY ALONG THE EASTERLY LIMIT OF SAID TRACT ALONG A CURVE TO THE RIGHT FROM WHICH THE RADIAL POINT BEARS SOUTH  $88^{\circ}48'53''$  WEST 1,599.85 FEET THROUGH A CENTRAL ANGLE OF  $01^{\circ}07'17''$  AN ARC DISTANCE OF 31.31 FEET TO THE NORTHERLY MARGIN OF NORTHEAST 12TH STREET;

THENCE NORTH  $65^{\circ}24'46''$  WEST ALONG SAID MARGIN 52.52 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY MARGIN NORTH  $85^{\circ}17'46''$  WEST, 52.83 FEET; THENCE NORTH  $00^{\circ}51'36''$  EAST 8.00 FEET TO A POINT

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ON THE NORTHERLY LIMIT OF THE SOUTH 121.2 FEET OF THE NORTH 755.90 FEET OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE SOUTH 88°21'04" EAST ALONG SAID NORTHERLY LIMIT 100.00 FEET TO THE TRUE POINT OF BEGINNING.

Tax Parcel Number: 282505-9207-06

Situs Address: 11730 NE 12st Street, Bellevue, WA 98005

**EXHIBIT B**  
**Vicinity Map**



Map Generated on: 03/16/2016

The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties.