

ORDINANCE NO. 2362

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, PROVIDING FOR THE ACQUISITION OF VARIOUS TEMPORARY ACCESS RIGHTS, PERMANENT EASEMENTS, AND FEE INTERESTS IN REAL PROPERTY IN ORDER TO CONSTRUCT A NEW ARTERIAL STREET KNOWN AS THE BEAR CREEK PARKWAY EXTENSION PROJECT, PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING, AND DAMAGING OF LAND OR OTHER PROPERTY NECESSARY THEREFORE; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM AVAILABLE FUNDS; AND DIRECTING THE CITY ATTORNEY TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

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WHEREAS, the City of Redmond's Transportation Facilities Plan, adopted as part of the Transportation Element of the City's Comprehensive Plan, establishes the need for a new arterial street known as the Bear Creek Parkway Extension, lying between 159th Place NE and NE 74<sup>th</sup> Street and including an extension of 161st Avenue NE, and

WHEREAS, it is necessary for the City to acquire certain temporary access rights, permanent easements, and fee interests from private property owners along the route of the proposed project in order to construct the Bear Creek Parkway Extension Project, and

WHEREAS, the City has been unable to reach agreement with the private property owners from whom such temporary access rights, permanent easements, and fee interests are required and the City Council has therefore determined to authorize condemnation of such interests, and

WHEREAS, pursuant to Chapter 68, Laws of 2007, the City mailed and published notice to all property owners whose land this ordinance authorizes to be condemned advising such owners that a final decision condemning the required property interests would be made at the September 18, 2007 Redmond City Council meeting and that this ordinance would be considered and passed as a result, and

WHEREAS, any and all interested parties had the opportunity to address the Redmond City Council on the subject at the September 18, 2007 meeting, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,  
DO ORDAIN AS FOLLOWS:

**Section 1. Need for Property - Public Use.** The public health, safety, necessity, and convenience demand that the Bear Creek Parkway Extension Project be constructed in order to provide a new arterial street between 159th Place NE and NE 74<sup>th</sup> Street, including an extension of 161st Avenue NE. The new arterial street will include curbs, gutters, sidewalks, storm drainage and other utilities, and all necessary appurtenances to make the same a complete street improvement meeting City of Redmond Standards. Temporary access rights, permanent easements, and fee interests must be condemned, appropriated, taken and damaged for the construction of the Bear Creek Parkway Extension as provided by this ordinance. The Bear Creek Parkway Extension is a public use for which the City is authorized to condemn property and property interests under RCW 8.12.010.

**Section 2. Declaration of Necessity.** The City Council of the City of Redmond, after hearing the report of the City Public Works staff, and reviewing the

planned improvements, hereby declares that temporary access rights, permanent easements, and fee interests in, under, over, along, across, and upon certain real properties are necessary for construction of Bear Creek Parkway Extension described in Section 1 above and must be acquired and owned by the City of Redmond. The properties from which the temporary access rights, permanent easements, and fee interests are required are listed on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full. The property affected by the rights to be acquired is depicted on the plan attached hereto as Exhibit B and incorporated herein by this reference as if set forth in full. All temporary access easements or other rights described as temporary on Exhibit A shall terminate upon completion of the improvements.

**Section 3. Condemnation.** Temporary access rights, permanent easements and fee interests as described in Section 2, are hereby condemned, appropriated, taken, and damaged for the purpose of constructing the Bear Creek Parkway Extension Project described in Section 1 above, together with all necessary appurtenances, utilities, and related work to make a complete improvement in accordance with City standards. Condemnation of the property is subject to the making or paying of just compensation to the owners and possessors thereof in the manner provided by law.

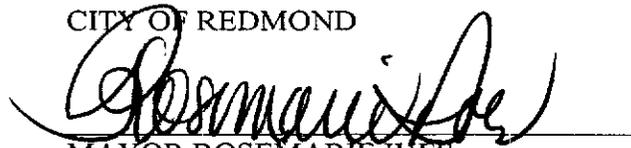
**Section 4. Authority of City Attorney.** The City Attorney is hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take, and appropriate the interests necessary to carry out the provisions of this ordinance, and is further authorized in conducting said condemnation proceedings, and for the purpose of minimizing damages, to stipulate as to the use of the property hereby authorized to be condemned and appropriated, and as to the reservation of any right of

use of the owner or any person entitled to possession of the property, provided that such reservation does not interfere with the use of said property as provided in this ordinance. The City Attorney is further authorized to adjust the location and/or width of any portion of any of the property so taken in order to minimize damages, provided that said adjustments do not interfere with the use of said property by the City as provided in this ordinance.

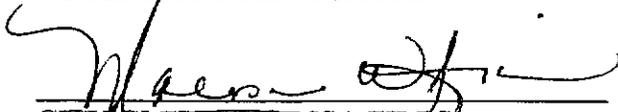
**Section 5. Source of Funds.** The entire cost of the property acquisition authorized by this ordinance, including all costs and expenses of condemnation proceedings, shall be paid from available funds as may be appropriate under the circumstances. Said funds may include contributions by property owners in the vicinity who are obligated to fund the street and improvements for which the property described in this ordinance is being acquired.

**Section 6. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

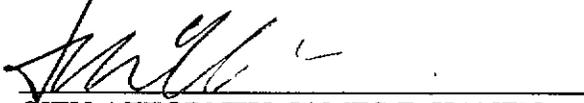
**Section 7. Effective Date.** This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND  
  
MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, MALISA FILES

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

  
\_\_\_\_\_  
CITY ATTORNEY, JAMES E. HANEY

FILED WITH THE CITY CLERK:	September 13, 2007
PASSED BY THE CITY COUNCIL:	September 18, 2007
PUBLISHED:	September 24, 2007
EFFECTIVE DATE:	September 29, 2007
ORDINANCE NO: <u>2363</u>	

# EXHIBIT A

Ordinance No. 2362

## BEAR CREEK PARKWAY EXTENSION NEEDED PROPERTY RIGHTS

PROPERTY TAX ID NUMBER	PROPERTY OWNER	PROPERTY OWNER, TAX PAYER'S OR CONTACT ADDRESS	PROPERTY ADDRESS (PER KING COUNTY ASSESSMENT RECORDS)	ANTICIPATED PROPERTY RIGHTS
927070-0005	MARTHA B. HOSSMAN AND R. ALEX POLSON	MARTHA B. HOSSMAN AND R. ALEX POLSON 18846 37TH AVENUE S SEATAC, WA 98188	7870 159th Place NE, 98052	Temporary Access Rights, Permanent Easement
		SOUTH SOUND RESTAURANTS 17331 135TH AVENUE NE, SUITE B WOODINVILLE, WA 98072		
927070-0010	DUANE C. REED AND SUZANNE STROM REED, HUSBAND AND WIFE	DUANE AND SUZANNE REED 2712 93RD AVENUE NE, APT D CLYDE HILL, WA 98005	7848 159th Place NE, 98052	Temporary Access Rights, Permanent Easement, Fee Interest
927070-0020	DUANE C. REED, AS HIS SEPARATE ESTATE	DUANE C. REED 7842 159TH PLACE NE REDMOND, WA 98052	7842 159th Place NE, 98052	Temporary Access Rights, Permanent Easement, Fee Interest
927070-0025	DUANE C. REED, AS HIS SEPARATE ESTATE	DUANE C. REED 2712 93RD AVENUE NE, APT D CLYDE HILL, WA 98005	7840 159th Place NE, 98052	Temporary Access Rights, Permanent Easement, Fee Interest
927070-0030	AGNES O. AREND, AS THE TRUSTEE OF THE AGNES O. AREND LIVING TRUST, A REVOCABLE LIVING TRUST	MIKE AND WALTER AREND 7740 159TH PLACE NE REDMOND, WA 98052	78xx 159th Place NE, 98052	Temporary Access Rights, Permanent Easement, Fee Interest
927070-0035	DUANE C. REED AND SUZANNE STROM REED, HUSBAND AND WIFE	SUZANNE STROM-REED 2712 93RD AVENUE NE, APT D CLYDE HILL, WA 98005	7760 159th Place NE, 98052	Temporary Access Rights, Permanent Easement, Fee Interest
927070-0040	AGNES O. AREND, AS THE TRUSTEE OF THE AGNES O. AREND LIVING TRUST, A REVOCABLE LIVING TRUST	MIKE AND WALTER AREND 7740 159TH PLACE NE REDMOND, WA 98052	7740 159th Place NE, 98052	Temporary Access Rights, Permanent Easement, Fee Interest
927070-0045	JAMES A. KASTNER AND CONSTANCE F. DUNN, TRUSTEE OF THE CONSTANCE F. DUNN LIVING TRUST, DATED FEBRUARY 26, 1997	JAMES A. KASTNER 22621 NE ALDER CREST DRIVE #201 REDMOND, WA 98053	7680 159th Place NE, 98052	Fee Interest
927070-0090	REDMOND AMERICAN LEGION POST 161	REDMOND AMERICAN LEGION POST 161 PO BOX 2695 REDMOND, WA 98073 (corrected)	7725 159th Place NE, 98052	Temporary Access Rights, Permanent Easements
720241-0260	PPR REDMOND RETAIL LLC	PPR REDMOND RETAIL LLC c/o MACERICH 7260 170TH AVENUE NE REDMOND, WA 98052	SW Comer Bear Creek Parkway and Leary Way NE, 98052	Temporary Access Rights, Permanent Easement

720241-0200	PPR REDMOND RETAIL LLC	PPR REDMOND RETAIL LLC c/o MACERICH 7260 170TH AVENUE NE REDMOND, WA 98052	NE Corner Bear Creek Parkway and Leary Way NE, 98052	Temporary Access Rights, Fee Rights, Permanent Easement
720241-0070	LAKE WASH SCHOOL DIST #414	LAKE WASH SCHOOL DIST #414 ATTN: REAL ESTATE PO BOX 97039 REDMOND WA 98073	16250 NE 74th Street, 98052	Temporary Access Rights, Permanent Easement, Fee Interest
779240-0190	SOL ISRAEL, ET AL	SOL ISRAEL 8454 SE 63RD MERCER ISLAND, WA 98040	16119 NE Redmond Way, 98052	Fee Interest
112505-9021	BURLINGTON NORTHERN AND SANTA FE RAILWAY CO.	BURLINGTON NORTHERN SANTA FE ATTN: REAL ESTATE PO BOX 96189 FORT WORTH TX 76161	16100 Cleveland Street, 98052	Temporary Access Rights, Permanent Easement
720241-0100	PPR REDMOND RETAIL LLC	PPR REDMOND RETAIL LLC c/o MACERICH 7260 170TH AVENUE NE REDMOND, WA 98052	7277 164th Ave NE, 98052	Temporary Access Rights, Permanent Easement, Fee Interest
927070-0080	EVANS COMPANY	EVANS COMPANY 1457 130TH NE BELLEVUE, WA 98005	7430 159th Place NE, 98052	Temporary Access Rights, Permanent Easement

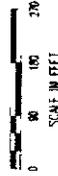
Ordinance No. 2362  
EXHIBIT A

# EXHIBIT B

Ordinance No. 2362

**KEY**

	RIGHT-OF-WAY OR EASEMENT REQUIRED
	POTENTIAL PARCELS REQUIRED FOR PURCHASE BY THE CITY
	CITY-OWNED PARCELS
	CITY OF REDMOND RIGHT-OF-WAY (NOT ALL LOTS ARE SHOWN)
	EXISTING SIDEWALK EASEMENT TO RIGHT-OF-WAY OR NEW SIDEWALK EASEMENT
	EXISTING RIGHT-OF-WAY
	EXISTING PARCEL
	PROPOSED RIGHT-OF-WAY
	TEMPORARY CONSTRUCTION PERMIT



ROW / EASEMENT NEEDS

BEAR CREEK PARKWAY & 161ST AVE NE EXTENSION  
Updated September 7, 2007

**KPG**  
NO. 801 JENSEN ST.  
SUITE 200  
REDMOND, WA 98052  
PH: 206-881-7000  
FAX: 206-881-7001

Architecture  
Landscape Architecture  
Civil Engineering  
Urban Design



Redmond

