CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2001-81

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, DECLARING PUBLIC USE AND NECESSITY FOR LAND AND PROPERTY TO BE CONDEMNED AS REQUIRED FOR THE STREET WIDENING PROJECT ON 228TH AVENUE SE; AUTHORIZING PAYMENT THEREFOR FROM THE CITY'S TRANSPORTATION CAPITAL IMPROVEMENT PROGRAM FUND; AND DECLARING AN EMERGENCY

WHEREAS, the City Council has previously adopted Ordinance No. O2000-59 authorizing the construction of the street widening project for 228th Avenue SE; and

WHEREAS, the project consists of reconstructing 228th Avenue SE to form a four lane arterial street with a center median, turning lanes, sidewalks, bicycle lanes, street lighting, and signalization; and

WHEREAS, certain land and properties must be acquired in order to provide the necessary right-of-way for construction of the project; and

WHEREAS, efforts are now on-going to acquire the properties necessary for this public use by negotiation and agreement; and

WHEREAS, in the event that negotiated acquisition is not fully successful in advance of the anticipated commencement of construction, it is essential that the City be prepared to initiate condemnation proceedings; and

WHEREAS, payment of just compensation and costs of litigation should be made from the City's Transportation Capital Improvement Program (CIP) fund; and

WHEREAS, 228th Avenue is the primary arterial running through the City; and

WHEREAS, the City Council finds that the protection of the public health, safety, and welfare requires that the construction on 228th Avenue be completed as quickly as possible to facilitate the safe movement of traffic, including emergency vehicles;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Acquisition. Acquisition of the properties generally located on the drawing attached as Exhibit “A,” and legally described on Exhibit “B,” which are incorporated herein by this
reference, is necessary for the public use of the City's street widening project for 228th Avenue Southeast.

Section 2. Authorization. The City Attorney is hereby authorized to commence condemnation proceedings for the properties identified in Section 1, above, pursuant to law.

Section 3. Compensation. Compensation to be paid to the owners of the property identified in Section 1, above, and costs of litigation, shall be paid from the City's Transportation CIP fund.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance, as a public emergency measure necessary for the protection of the public health, safety, and welfare, shall be effective immediately.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 21st DAY OF MARCH 2001.

CITY OF SAMMAMISH

[Signature]
Mayor H. Troy Romero

ATTEST/AUTHENTICATED:

[Signature]
Pamela Simmons, Acting City Clerk

Approved as to form:

[Signature]
Bruce L. Disend, City Attorney

Filed with the City Clerk: March 15, 2001
Passed by the City Council: March 21, 2001
Date of Publication: March 24, 2001
Effective Date: March 21, 2001

CERTIFICATION
I, Pamela Simmons, Acting City Clerk for the City of Sammamish do certify that this is a true and correct copy of the original on file with the City.

DATED: This 21st Day of March 2001.