CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO.O2002-102

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, DECLARING PUBLIC USE AND NECESSITY FOR LAND AND PROPERTY TO BE CONDEMNED AS REQUIRED FOR PHASE 1C OF THE STREET WIDENING PROJECT ON 228TH AVENUE SE/NE; AND AUTHORIZING PAYMENT THEREFORE FROM THE CITY'S TRANSPORTATION CAPITAL IMPROVEMENT PROGRAM FUND

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

WHEREAS, the project consists of reconstructing 228th Avenue SE/NE in phases 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 along 228th Avenue from SE 8th Street to NE 12th Street must be acquired in order to provide the necessary right-of-way for construction of phase 1C 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/Northeast.

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 shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 21ST DAY OF MAY, 2002.

CITY OF SAMMAMISH

Mayor H. Troy Romero

ATTEST/AUTHENTICATED:

Melanie Anderson, City Clerk

Approved as to form:

Bruce L. Dowd, City Attorney

Filed with the City Clerk: May 2, 2002
First Reading: May 7, 2002
Second Reading: May 21, 2002
Passed by the City Council: May 21, 2002
Date of Publication: May 29, 2002
Effective Date: June 3, 2002
Tract X Undivided Interest of Lots 1, 2 & 3

EXHIBIT B

King County
S.P. No. 678040

PACIFIC NORTHWEST TITLE COMPANY
Order No. 439477

IMPORTANT: This is not a Plat of Survey. It is furnished as a convenience to locate the land indicated hereon with reference to streets and other land. No liability is assumed by reason of reliance hereon.
Johnson Property

The land referred to in this commitment is situated in the county of King, State of Washington, and described as follows:

The south 200 feet of the southeast quarter of the northeast quarter of Section 33, Township 25 North, Range 6 East, W.M., in King County, Washington;

EXCEPT the east 30 feet thereof conveyed to King County, by deed recorded under Recording Number 3679435 for 228th Avenue Northeast.

NOTE FOR INFORMATIONAL PURPOSES ONLY:

The following may be used as an abbreviated legal description on the documents to be recorded, per amended RCW 65.04. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document.