CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. 02005-178

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, DECLARING PUBLIC USE AND NECESSITY FOR LAND AND PROPERTY TO BE CONDEMNED AS REQUIRED FOR PINE LAKE TRANSIT ACCESS ROAD TRANSPORTATION IMPROVEMENT PROJECT; AND AUTHORIZING PAYMENT THEREFORE FROM THE CITY'S TRANSPORTATION CAPITAL IMPROVEMENT PROGRAM FUND

WHEREAS, the City Council has previously approved the preparation of the final contract plans for the Pine Lake Transit Access Road project; and

WHEREAS, the project consists of constructing the Pine Lake Transit Access Road, a new roadway connection between 224th Avenue SE to 228th Avenue SE in conjunction with the Sound Transit Sammamish Park & Ride project; and

WHEREAS, land and properties along the alignment for the proposed roadway 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, the Pine Lake Transit Access Road is a priority project for the City and is the second project listed on the Six-Year Transportation Improvement Program (TIP); and

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 transportation project for the Pine Lake Transit Access Road.

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 19th DAY OF APRIL 2005.

CITY OF SAMMAMISH

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melanie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: March 29, 2005
First Reading: April 5, 2005
Passed by the City Council: April 19, 2005
Date of Publication: April 23, 2005
Effective Date: April 28, 2005
EXHIBIT “B”

LEGAL DESCRIPTIONS OF PROPERTIES

Property Owner Name: Barmore
Tax Parcel No.: 679510 0780

THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;

THENCE NORTH 89°00'16" WEST ALONG THE SOUTH LINE THEREOF 953.27 FEET;

THENCE NORTH 0°35'27" EAST 30.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO E.J. BOWEN AND HIS WIFE BY DEED RECORDED IN VOLUME 2182 OF DEEDS, PAGE 790, UNDER RECORDING NO. 3350360 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE NORTH 0°44'25" EAST 398.00 FEET;

THENCE SOUTH 89°00'16" EAST 230.40 FEET;

THENCE SOUTH 0°47'55" WEST 398 FEET;

THENCE NORTH 89°00'16" WEST 230.40 FEET TO THE POINT OF BEGINNING;

(ALSO KNOWN AS A PORTION OF LOT 6, BLOCK 4, UNRECORDED PLAT OF PINECREST);

SITUATE IN THE CITY OF SAMMAMISH, STATE OF WASHINGTON.

Property Owner Name: Pine Lake Associates
Tax Parcel No.: 679510 0785

THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 9 IN TOWNSHIP 24 NORTH OF RANGE 6 EAST W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;

THENCE NORTH 89°00'16" WEST, ALONG THE SOUTH LINE THEREOF, 953.27 FEET;

THENCE NORTH 00°35'27" EAST 30.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO E.J. BOWEN AND HIS WIFE BY DEED RECORDED IN VOLUME 2182 OF DEEDS, PAGE 79, UNDER RECORDING NO. 3350360 ON THE NORTHERLY MARGIN OF SOUTHEAST 32ND STREET RIGHT-OF-WAY;
(CONTINUED)

THENCE NORTH 00°44'25" EAST, ALONG THE EAST LINE OF SAID TRACT, 398.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°44'25" EAST, ALONG SAID LINE, 309.46 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID E.J. BOWEN TRACT ON THE SOUTHEASTERLY MARGIN OF J.A. HUVINEN ROAD (224TH PLACE SOUTHEAST) RIGHT-OF-WAY;

THENCE NORTH 53°26'30" EAST, ALONG SAID MARGIN, 290.24 FEET TO THE WEST MARGIN OF 226TH AVENUE SOUTHEAST RIGHT-OF-WAY;

THENCE SOUTH 00°47'55" WEST, ALONG SAID MARGIN, 486.44 FEET;

THENCE NORTH 89°00'16" WEST 230.40 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING;

(ALSO BEING KNOWN AS LOT 6 IN BLOCK 4 OF PINECREST, ACCORDING TO THE UNRECORDED PLAT THEREOF, EXCEPT THE SOUTH 398.00 FEET THEREOF)

SITUATE IN THE CITY OF SAMMAMISH, COUNTY OF KING, STATE OF WASHINGTON.

Property Owner Name:  Evergreen Christian Fellowship
Tax Parcel No.:  679510 0800

THAT PORTION OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 24 NORTH, RANGE 6 EAST W.M., DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH LINE OF SAID SUBDIVISION AT POINT WHICH IS NORTH 89°00'16" WEST 953.27 FEET FROM THE EAST 1/4 SECTION CORNER AND RUNNING;

THENCE NORTH 00°35'27" EAST 30 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89°00'16" WEST 338.72 FEET;

THENCE NORTH 00°35'27" EAST 447.03 FEET;

THENCE NORTH 53°26'30" EAST 427.27 FEET;

THENCE SOUTH 702.44 FEET TO THE TRUE POINT OF BEGINNING;

(BEING KNOWN AS LOT 7, BLOCK 4, PINECREST, ACCORDING TO THE UNRECORDED PLAT THEREOF);

SITUATE IN THE CITY OF SAMMAMISH, COUNTY OF KING, STATE OF WASHINGTON.