

**CITY OF SAMMAMISH  
WASHINGTON**

**ORDINANCE NO. 02009-252**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, DECLARING PUBLIC USE AND  
NECESSITY FOR LAND AND PROPERTY TO BE  
CONDEMNED AS REQUIRED FOR 244<sup>th</sup> AVENUE  
IMPROVEMENTS 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 improvements to 244<sup>th</sup> Avenue, between SE 8<sup>th</sup> Street and NE 8<sup>th</sup> Street; and

WHEREAS, the project consists of widening the minor arterial roadway known as 244<sup>th</sup> Avenue, along with construction of related improvements, including but not limited to: curb, gutter and sidewalk, street lighting, storm drainage improvements, landscaping, roundabout intersection improvements and a bridge (the "244<sup>th</sup> Avenue Project"); and

WHEREAS, the 244<sup>th</sup> Avenue Project is necessary to meet the city's adopted transportation system concurrency Levels of Service, provide connectivity and emergency vehicle access and address safety issues;

WHEREAS, land, properties and easements along the alignment of the 244<sup>th</sup> Avenue Project 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 settlement agreements; 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 so that the Project can be timely constructed; and

WHEREAS, payment of just compensation and costs of litigation should be made from the City's Transportation Capital Improvement Program (TCIP) fund (Fund 340); and

WHEREAS, the 244<sup>th</sup> Avenue Project is a priority project for the City and is the first project listed on the City's current Six-Year Transportation Improvement Program (TIP);

WHEREAS, the City has provided notice of the planned final action described below, in the manner provided for in RCW 8.12.005 and 8.25.290;

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

Section 1. 244<sup>th</sup> Avenue Project Is a Public Use. The 244<sup>th</sup> Avenue Project, consisting of road widening and related necessary improvements, including bridge construction, to that minor arterial roadway known as 244<sup>th</sup> Avenue, between SE 8<sup>th</sup> Street and NE 8<sup>th</sup> Street, is a public use. The improvements will be owned by the City of Sammamish, and open for vehicle, pedestrian, and bicycle travel by members of the public.

Section 2. Determination of Necessity. Acquisition of the properties depicted on the drawing attached as Exhibits "A1, A2, A3" and legally described on Exhibit "B," both of which are attached to and incorporated herein by this reference (the "Properties"), is necessary to construct the 244<sup>th</sup> Avenue Project, which is a public use as set forth in Section 1 above. If the Properties are not acquired and the Project is not constructed, then emergency access to the easterly central portion of the city will be severely negatively impacted and the city will not be in compliance with its adopted transportation concurrency levels of service.

Section 3. Condemnation. Pursuant to RCW 8.12.040, the Properties shall be condemned and acquired by the City of Sammamish, after just compensation having been first made or paid into court for the owner in the manner prescribed by law.

Section 4. Authorization. The City Attorney and/or his designees are hereby authorized to commence condemnation proceedings for the Properties, pursuant to law, to determine and make or pay just compensation, and to take such other steps as they deem necessary to complete acquisition of the Properties. In so doing, the City Attorney and/or his designees are authorized to adjust the extent of the Properties taken or acquired to facilitate implementation of this Ordinance, provided that such adjustment shall not be inconsistent with the 244<sup>th</sup> Avenue Project.

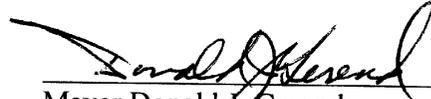
Section 5. Compensation. Compensation to be paid to the owners of the property identified in Section 1, above, and costs of litigation, shall be paid from the City's Transportation CIP fund (Fund 340).

Section 6. 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.

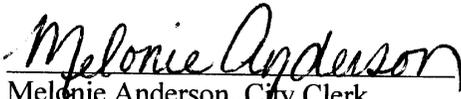
Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 3<sup>rd</sup> DAY OF FEBRUARY, 2009.**

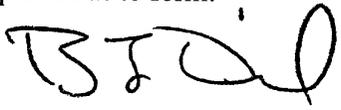
CITY OF SAMMAMISH

  
\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

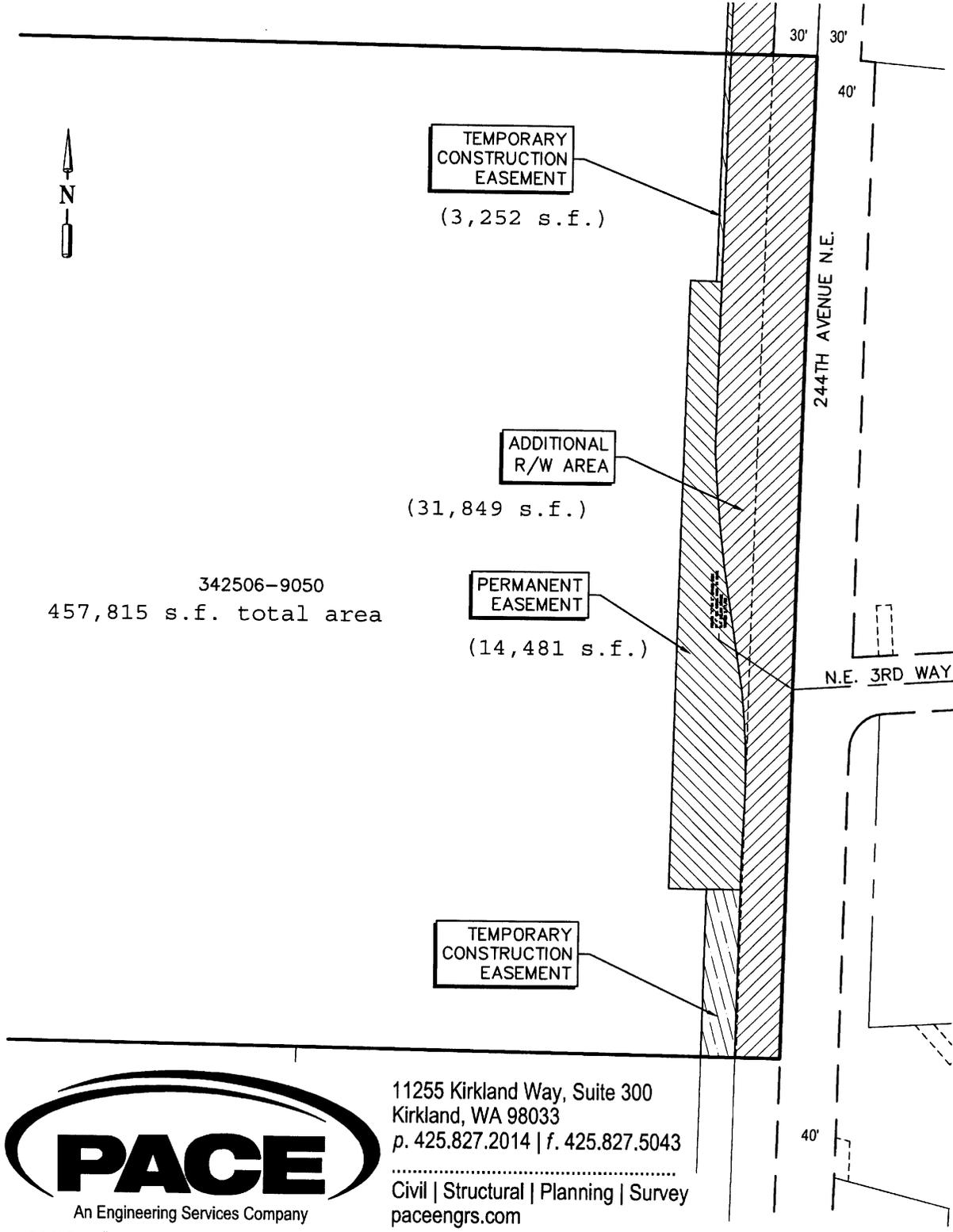
  
\_\_\_\_\_  
Melonie Anderson, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Bruce L. Disend, City Attorney

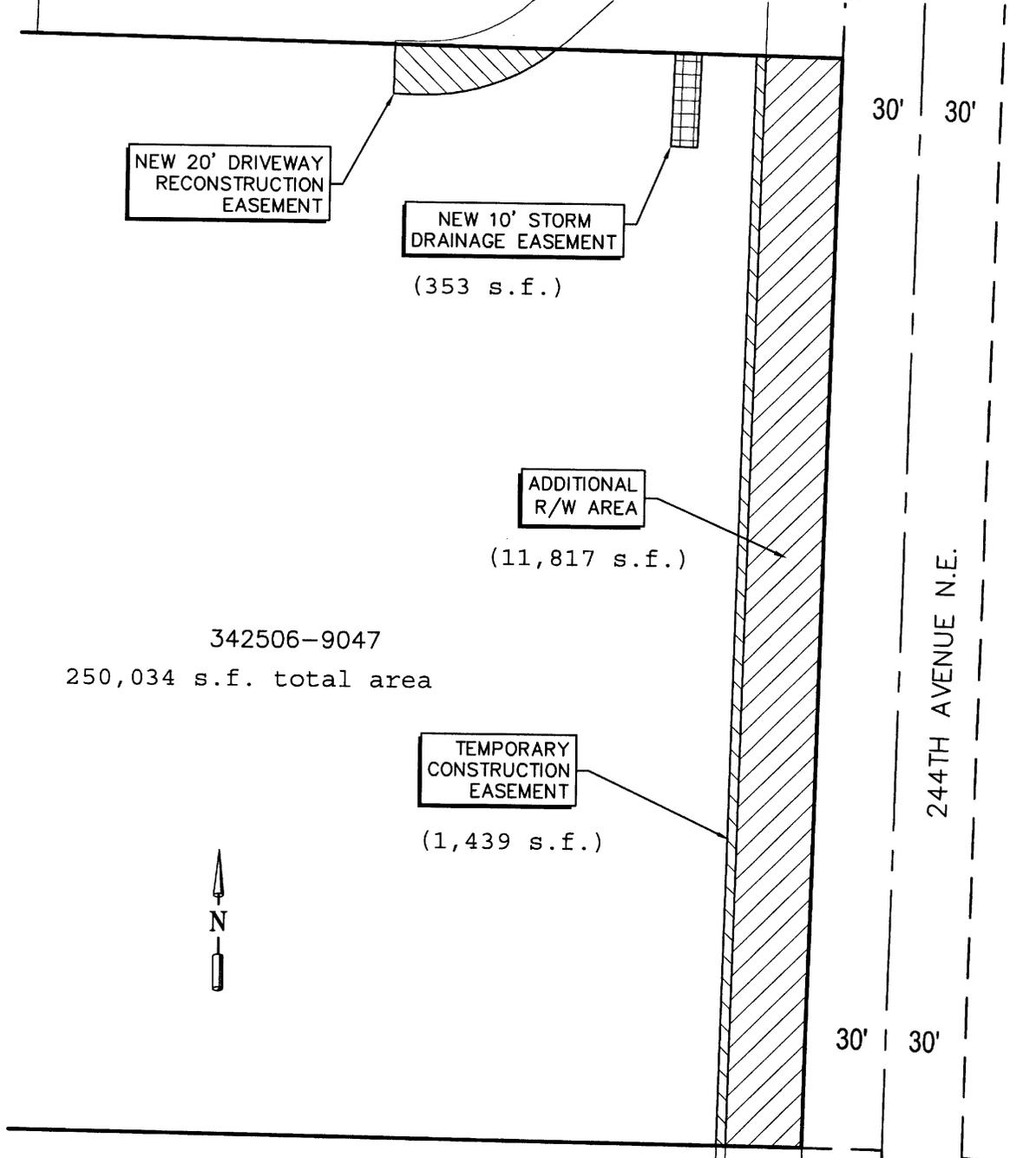
Filed with the City Clerk:	
First Reading/Public Hearing:	January 20, 2009
Second Reading/Public Hearing:	February 3, 2009
Passed by the City Council:	February 3, 2009
Date of Publication:	February 6, 2009
Effective Date:	February 11, 2009

# RIGHT-OF-WAY EXHIBIT MAP



11255 Kirkland Way, Suite 300  
Kirkland, WA 98033  
p. 425.827.2014 | f. 425.827.5043  
Civil | Structural | Planning | Survey  
paceengrs.com

# RIGHT-OF-WAY EXHIBIT MAP



An Engineering Services Company

11255 Kirkland Way, Suite 300  
Kirkland, WA 98033  
p. 425.827.2014 | f. 425.827.5043

Civil | Structural | Planning | Survey  
paceengrs.com



**Exhibit "B"**  
**LEGAL DESCRIPTIONS OF PROPERTIES**

**Property Owner Name: Alvendia**  
**Tax Parcel No.: 342506-9050**

The northeast quarter of the southeast quarter of the northeast quarter of Section 34, Township 25 North, Range 6 East, W.M., in King County, Washington.

**Property Owner Name: Ford**  
**Tax Parcel No.: 342506-9047**

That portion of the southeast quarter of the northeast quarter of the northeast quarter of Section 34, Township 25 North, Range 6 East, W.M., in King County, Washington, described as follows:

Beginning at the northeast corner of said Section 34;

Thence South 0°20'23" East along the east line of said Section 34, 970.61 feet to the true Point of Beginning;

Thence continuing South 0°20'23" East 410.21 feet to the southeast corner of said southeast quarter of the northeast quarter of the northeast quarter of Section 34;

Thence South 88°58'10" West 664.35 feet;

Thence North 0°25'29" West 409.10 feet;

Thence north 88°52'31" East 644.96 feet to the true Point of Beginning;

EXCEPT the east 30 feet for County Road, as conveyed to King County by deed recorded under Recording Number 3724467.

**Property Owner Name: Beaver Crest I, Inc. (Vintage III)**  
**Tax Parcel No.: 322460-7777**

Tract D, The Heights at Beaver Crest, according to the plat thereof recorded in Volume 185 of Plats, pages 11 through 14, inclusive, in the City of Sammamish, King County, Washington.