

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. 02011-301**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, DECLARING PUBLIC USE AND
NECESSITY FOR LAND AND PROPERTY TO BE
ACQUIRED BY EMINENT DOMAIN FOR THE
RECREATION CENTER PROJECT; AUTHORIZING
PAYMENT FROM THE CITY'S PARKS CAPITAL
IMPROVEMENT FUND; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, the City of Sammamish has acquired the former King County Library site and, in partnership with the Boys and Girls Clubs of King County, intends to develop a recreation center to be used for the growth and enrichment of the youth of the City of Sammamish ("Recreation Center Project"); and

WHEREAS, the Recreation Center Project consists of renovations to the former King County Library site in phases, including a tech lab, study and activity space, demonstration kitchen, new multipurpose gymnasium, and construction of a new driveway access from the existing right-of-way; and

WHEREAS, the Recreation Center Project is necessary to provide vital youth recreation services as identified in the City's Park Master Plan and as further defined in that Plan's Levels of Service standards; and

WHEREAS, the site-specific plan for the Recreation Center Project calls for motor vehicle ingress and egress from NE Inglewood Hill Road in order to improve motor vehicle safety, facilitate ease of access to and from the site, and to enhance pedestrian safety at the existing sole point of ingress and egress on 228 AVE NE; and

WHEREAS, the acquisition of land and property along NE Inglewood Hill Road is necessary in order to provide the new driveway access from the existing right-of-way to the Recreation Center Project; and

WHEREAS, efforts to acquire by negotiation the land and property necessary for the new driveway access to serve the Recreation Center Project remain on-going but have not yet been successful; and

WHEREAS, it is essential that the City be prepared to initiate proceedings in eminent domain so that the Recreation Center Project may be timely constructed; and

WHEREAS, payment of just compensation and costs of litigation should be made from the City's Parks Capital Improvement Fund; and

WHEREAS, the City has provided notice of the adoption of this Ordinance in the manner set forth 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. The Recreation Center Project is a Public Use. The Recreation Center Project is a public use, consisting of the renovation of the former King County Library, including a tech lab, study and activity space, demonstration kitchen, new multipurpose gymnasium, and the construction of a new driveway access from the existing right-of-way.

Section 2. Determination of Necessity. Acquisition of the property depicted on the drawing attached as Exhibit "A" and legally described on Exhibit "B," both of which are attached to and incorporated herein by this reference (the "Property"), is necessary to construct the Recreation Center Project.

Section 3. Eminent Domain Authorization. The City Attorney is hereby authorized to commence proceedings in eminent domain to acquire the Property pursuant to RCW 8.12. In so doing, the City Attorney is authorized to reasonably adjust the extent of the Property taken, provided that such adjustment shall not be inconsistent with the Recreation Center Project.

Section 4. Compensation. Compensation to be paid to the owner of the Property identified in Section 2, and the costs and expenses of litigation, shall be paid from the City's Parks Capital Improvement Fund.

Section 5. 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 6. 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 18TH DAY OF APRIL, 2011.

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:	March 28, 2011
Public Hearing:	April 5, 2011
First Reading:	April 5, 2011
Passed by the City Council:	April 18, 2011
Date of Publication:	May 19, 2011
Effective Date:	May 24, 2011

EXHIBIT "A"

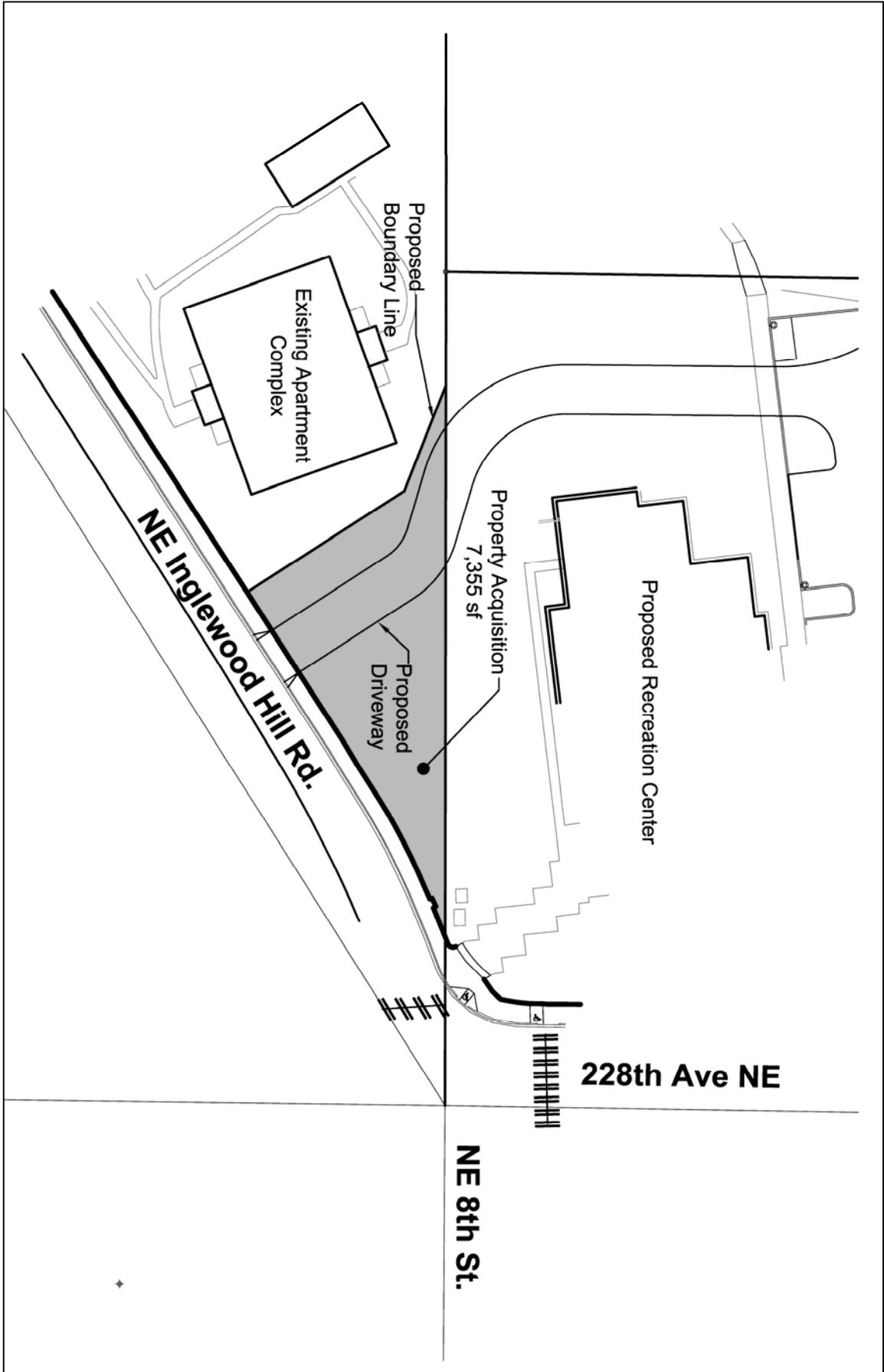


EXHIBIT “B”

Legal Description for Boys and Girls Club Access

That portion of the northeast quarter of the northeast quarter of Section 33, Township 25 North, Range 6 East Willamette Meridian, more particularly described as follows:

Commencing at the monument in case marking the northeast section corner of Section 33;
Thence North $89^{\circ}55'27''$ West, along the north line of said northeast quarter, 78.43 feet to the northerly right of way line of Inglewood Hill Road and the Point of Beginning;
Thence continuing North $89^{\circ}55'27''$ West, along the north line of said northeast quarter, 210.05 feet;
Thence South $68^{\circ}34'04''$ East, 39.32 feet;
Thence South $32^{\circ}44'17''$ East, 78.30 feet to the northerly right of way line of Inglewood Hill Road;
Thence along said right of way line the following courses, North $57^{\circ}10'32''$ East, 78.55 feet, to a tangent curve concave to the south having a radius of 439.00 feet;
Thence along said curve through a central angle of $7^{\circ}27'37''$ for an arc length of 57.16 feet;
Thence North $57^{\circ}42'09''$ East, 17.96 feet, to the Point of Beginning.

Situate in the City of Sammamish, County of King, State of Washington

Containing 7,355 square feet of land.