

ORDINANCE o-3336

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF IMPROVING A PORTION OF NE 128TH STREET FROM 116TH AVENUE NE TO THE ALIGNMENT OF 114TH AVENUE NE, IN CONJUNCTION WITH THE CONSTRUCTION OF 116TH AVENUE NE ROADWAY IMPROVEMENTS, PHASE II, WITHIN THE CITY OF KIRKLAND; PROVIDING FOR CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND AND PROPERTY RIGHTS NECESSARY THEREFOR; PROVIDING FOR THE COST THEREOF AND DIRECTING THE INITIATION OF APPROPRIATE PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

WHEREAS, the Kirkland City Council has, by Resolution R-3758 approved the 116th Avenue NE Improvement Project in the six-year Transportation Improvement Program, and has, by Resolution R-3710 approved the 1992-1997 Capital Improvement Program; and

WHEREAS, the improvements are necessary to provide needed lane configuration, pedestrian facilities, and utility systems; and

WHEREAS, the City Council finds that the public health, safety, necessity, and convenience demand that said project be undertaken and that in order to carry out the project it is necessary at this time for the City to acquire interests and rights to the properties described herein;

NOW, THEREFORE, be it ordained by the City Council of the City of Kirkland as follows:

Section 1. The lands and property rights within the City of Kirkland, King County, Washington, described in Exhibit A attached to this Ordinance and which descriptions are hereby incorporated by reference, necessary for public road purposes, are hereby condemned, appropriated, taken and damaged for such public purposes, subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

Section 2. The cost and expense of acquiring said property rights shall be paid for from the City of Kirkland Excise Tax Reserve Fund.

Section 3. The City Manager is authorized and directed to immediately begin and prosecute action and proceedings in the manner provided by the law to purchase, condemn, take, damage, appropriate, and otherwise acquire the lands and other

EXHIBIT ANE 128TH STREET R/WRIGHT-OF-WAY ACQUISITION

The south 29.00 feet of the south 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4 of Section 29, Township 26 North, Range 5 East, W.M., EXCEPT the east 30 feet thereof;
AND TOGETHER WITH that portion lying north of the north line of said south 29.00 feet and lying southeasterly of a curve having a radius of 25.00 feet which is tangent to the north line of said south 29.00 feet and is also tangent to the west line of the east 30 feet of the south 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4 of said Section 29;

Situate County of King, State of Washington;

TEMPORARY CONSTRUCTION PERMIT AREAS

PERMIT "A"

The west 5.00 feet of the east 35.00 feet of the south 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4 of Section 29, Township 26 North, Range 5 East, W.M.;
EXCEPT that portion granted to the State of Washington for Primary State Highway No. 1 (SR 405) by deed recorded December 16, 1968 under recording number 6447475;
ALSO EXCEPT that portion lying southeasterly of a curve having a radius of 25.00 feet which is tangent to the north line of said south 29.00 feet of said south 1/2 and is also tangent to the west line of the east 30 feet of the south 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4 of said Section 29;

Situate County of King, State of Washington;

PERMIT "B"

The north 13.00 feet of the south 42.00 feet of the east 52.00 feet EXCEPT the east 35.00 feet therefrom of the south 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4 of Section 29, Township 26 North, Range 5 East, W.M.;
ALSO EXCEPT that portion lying southeasterly of a curve having a radius of 25.00 feet which is tangent to the north line of said south 29.00 feet of said south 1/2 and is also tangent to the west line of the east 30 feet of the south 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4 of said Section 29;

Situate County of King, State of Washington;

PERMIT "C"

The north 3.00 feet of the south 32.00 feet of the east 100.00 feet
EXCEPT the west 18.00 feet thereof;
ALSO EXCEPT the east 52.00 feet therefrom of the south 1/2 of the
SE 1/4 of the NE 1/4 of the NE 1/4 of Section 29, Township 26
North, Range 5 East, W.M.;

Situate County of King, State of Washington;

PERMIT "D"

The north 10.00 feet of the south 39.00 feet of the west 18.00 feet of
the east 100.00 feet of the south 1/2 of the SE 1/4 of the NE 1/4 of
the NE 1/4 of Section 29, Township 26 North, Range 5 East, W.M.;

Situate County of King, State of Washington;

PERMIT "E"

The north 6.00 feet of the south 35.00 feet of the west 17.00 feet of
the east 130.00 feet of the south 1/2 of the SE 1/4 of the NE 1/4 of
the NE 1/4 of Section 29, Township 26 North, Range 5 East, W.M.;

Situate County of King, State of Washington;

PERMIT "F"

The north 4.00 feet of the south 33.00 feet of the west 10.00 feet of
the east 160.00 feet of the south 1/2 of the SE 1/4 of the NE 1/4 of
the NE 1/4 of Section 29, Township 26 North, Range 5 East, W.M.;


Situate County of King, State of Washington;

property rights and privileges necessary to carry out the purposes of this Ordinance.

Section 4. This Ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.


Passed by majority vote of the Kirkland City Council in regular, open meeting this 17th day of November, 1992.

Signed in authentication thereof this 17th day of November, 1992.




Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney