

## ORDINANCE NO. 542

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING, AND DAMAGING OF A FEE INTEREST IN PORTIONS OF CERTAIN PARCELS OF REAL PROPERTY, TOGETHER WITH CERTAIN PERMANENT AND TEMPORARY EASEMENTS, LOCATED AT OR IN THE VICINITY OF SR 202 / WOODINVILLE-REDMOND ROAD BETWEEN NE 127<sup>TH</sup> STREET AND NE 131<sup>ST</sup> STREET WITHIN THE CITY IN ORDER TO CONSTRUCT AN ARTERIAL ROAD IMPROVEMENT AND SUCH OTHER APPURTENANCES AND IMPROVEMENTS ASSOCIATED WITH THE PUBLIC IMPROVEMENT AND PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM AVAILABLE FUNDS; DIRECTING THE CITY ATTORNEYS TO PROSECUTE THE APPROPRIATE ACTION AND PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SUCH CONDEMNATION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, the Sammamish Bridge Replacement Project has been included on the City's Adopted Six Year Transportation Improvement Program as a priority project since 2002 due to high vehicle congestion and delay; and

**WHEREAS**, widening Woodinville-Redmond Road NE from NE 127<sup>th</sup> Street to NE 131<sup>st</sup> Street, including the Sammamish River Bridge are necessary to accommodate vehicular and pedestrian traffic in the area; and

**WHEREAS**, the City has been exploring design alternatives since 2002 to address these congestion and safety operations of this section of roadway; and

**WHEREAS**, the necessary improvements include the construction of a widened roadway from NE 127<sup>th</sup> Street to NE 131<sup>st</sup> Street including a widened bridge, intersection improvements, bicycle lanes, and sidewalks, together with such other necessary appurtenances and improvements to make the same consistent with design practice standards; and

**WHEREAS**, the City, with input from the public and the owners of affected properties has developed a design for roadway improvements that address the public needs while minimizing impacts to the adjacent private property; and

**WHEREAS**, despite good faith efforts at obtaining negotiated purchases of needed private property, negotiations to date with the owners of the property required for the improvements have proved unsuccessful and it is necessary that condemnation be authorized so that the property interests sought by the City be acquired, should continuing efforts at a negotiated settlement with the affected property owners fail;

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

**Section 1. Need for Property - Public Use.** The public health, safety, and welfare demand that SR202 / Woodinville-Redmond Road NE from NE 127<sup>th</sup> Street to NE 131<sup>st</sup> Street including the Sammamish River Bridge be improved through the construction of road widening and intersection improvements and associated appurtenances and other improvements in order to address congestion conditions, vehicle and pedestrian safety, and address a poor approach

alignment, and that a fee interest be condemned, and a permanent easement and temporary construction easements be obtained, appropriated, taken, and damaged in portions of certain real property in the City of Woodinville in order to construct such public use improvements as provided in this ordinance.

**Section 2. Declaration of Necessity.** The City Council of the City of Woodinville, after hearing the report from the City Manager and Public Works Director and reviewing the planned improvements, hereby declares that a fee interest in those portions of certain parcels of real property and permanent easement and temporary construction easements described on:

Exhibits 1-3 (McCorry's Parcel)  
Exhibit 4 (Tjossem Properties Parcel)

All attached hereto and incorporated herein by this reference as if set forth in full is necessary for the public use and improvements described in Section 1 above.

**Section 3. Condemnation.** A fee interest and a permanent easement and necessary temporary construction easements in those portions of real property as described in Exhibits 1 through 4, free from any and all liens and encumbrances, is hereby condemned, appropriated, taken, and damaged for the purpose of constructing the improvements described in Section 1 above. Condemnation and taking of the property interests is subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

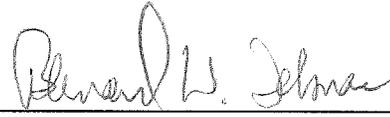
**Section 4. Authority of City Attorneys.** The City Attorneys are hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take, and appropriate the interests necessary to carry out the provisions of this ordinance. For the purpose of minimizing damages, the City Attorneys, in consultation with the Mayor, and Public Works Director, are hereby further authorized to stipulate as to the use of the property hereby authorized to be condemned and appropriated, and as to the reservation of any right of use of the owner or any person entitled to possession of the property, provided that such reservation does not interfere with the use of said property as provided in this ordinance. The attorneys are further authorized, upon such consultation, to adjust the location and/or width of any portion of any of the property so taken in order to minimize damages, provided that said adjustments do not interfere with the use of said property by the City as provided in this ordinance. The attorneys are further authorized to identify and adjust the location and/or width of any temporary construction easements determined necessary by the City and its consultants for the construction of the improvements upon the property taken by condemnation.

**Section 5. Source of Funds.** The entire cost of the property acquisition authorized by this ordinance, including all costs and expenses of condemnation proceedings, shall be paid from available funds as may be appropriate under the circumstances.

**Section 6. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

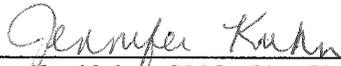
**Section 7. Effective Date.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE  
THIS 20<sup>th</sup> DAY OF MARCH 2012.

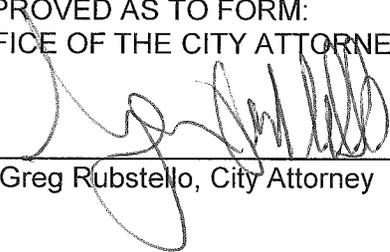


\_\_\_\_\_  
Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:

By:   
\_\_\_\_\_  
Jennifer Kuhn, CMC, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
\_\_\_\_\_  
Greg Rubstello, City Attorney

PASSED BY THE CITY COUNCIL: 3-20-2012  
PUBLISHED: 3-26-2012  
EFFECTIVE DATE: 4-2-2012  
ORDINANCE NO. 542

**EXHIBIT 1**

**McCORRY'S  
PARCEL**

**Acquisition for  
Right-of-Way**

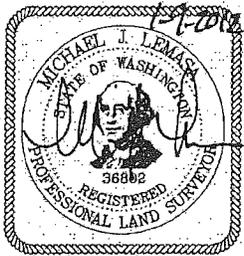
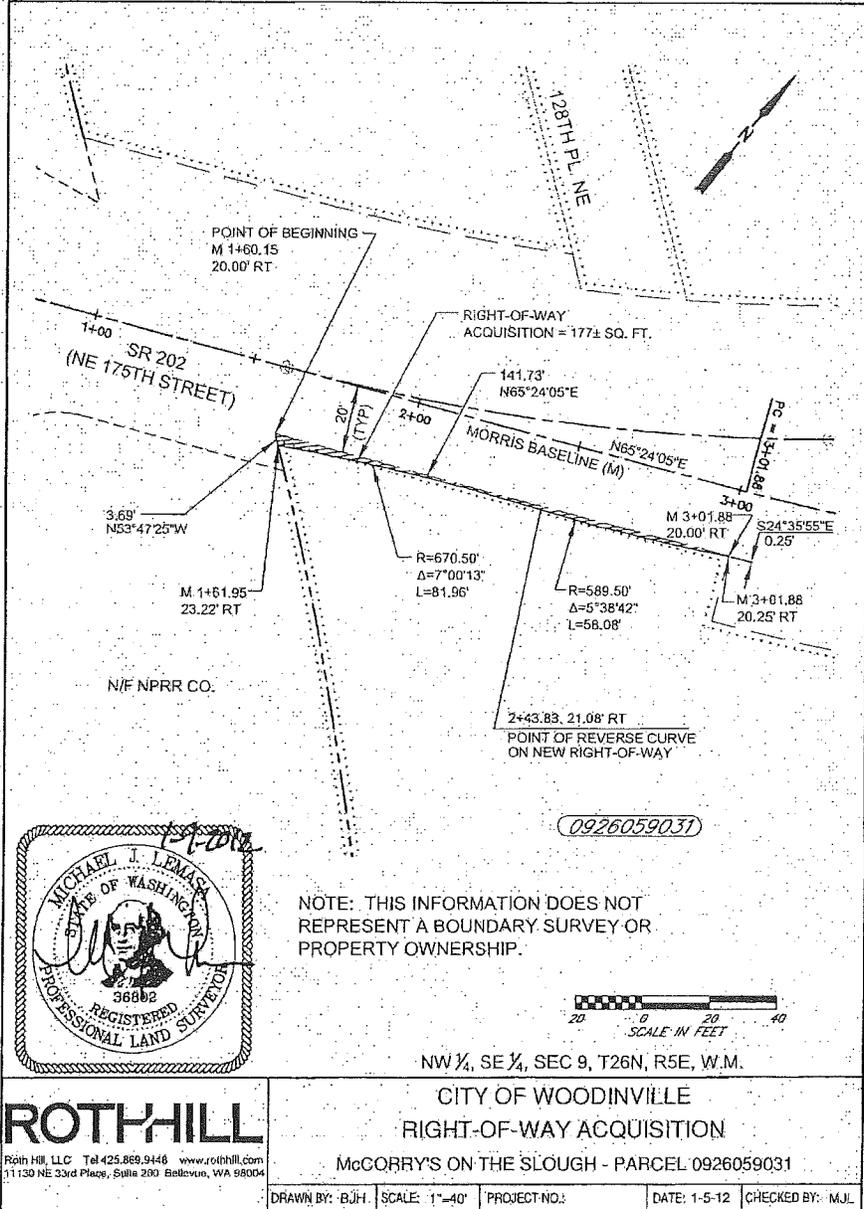
TAX PARCEL 092605-9031  
ACQUISITION FOR RIGHT-OF-WAY PURPOSES

That portion of the North Half of the Southeast Quarter of Section 9, Township 26 North, Range 5 East, W.M., in King County, Washington, further described as follows:

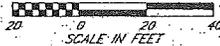
Beginning at the intersection of the East margin of the Snoqualmie Branch of the Seattle Division of the Northern Pacific Railway Company Right of Way with the Southeast margin of C.L. Morris Road (also known as Woodinville-Duval Road and SR-202) said intersection being 20.00 feet Southeasterly and opposite Highway Engineer Station 1+60.15; Thence North 65°24'05" East 141.73 feet along said Southeast margin to a point 20.00 feet Southeasterly and opposite Highway Engineer Station 3+01.88, said point being the Northwest corner of that portion conveyed to the State of Washington by deed recorded under King County Auditor's File Number 3348213; Thence South 24°35'55" East 0.25 feet along said margin and the West line of said portion conveyed to the State of Washington to the beginning of a non-tangent curve concave to the Northwest having a radius of 589.50 feet and to which point a radial line bears South 28°14'29" East; Thence Southwesterly 58.08 feet along said curve through a central angle of 5°38'42" to the beginning of a reverse curve concave to the Southeast having a radius of 670.50 feet, a radial line through said beginning bears South 22°35'47" East; Thence Southwesterly 81.96 feet along said curve through a central angle of 7°00'13" to said East margin of the Snoqualmie Branch of the Seattle Division of the Northern Pacific Railway Company Right of Way; Thence North 53°47'25" West 3.69 feet along said East margin to the Point of Beginning.

Containing approximately 177 Square Feet.





NOTE: THIS INFORMATION DOES NOT REPRESENT A BOUNDARY SURVEY OR PROPERTY OWNERSHIP.



NW ¼, SE ¼, SEC 9, T26N, R5E, W.M.

**ROTHHILL**

Roth Hill, LLC Tel 425.869.9446 www.rothhill.com  
11130 NE 33rd Place, Suite 200 Bellevue, WA 98004

CITY OF WOODINVILLE  
RIGHT-OF-WAY ACQUISITION

McCORRY'S ON THE SLOUGH - PARCEL 0926059031

DRAWN BY: B.J.H.	SCALE: 1"=40'	PROJECT NO.:	DATE: 1-5-12	CHECKED BY: M.J.L.
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**EXHIBIT 2**

**McCORRY'S  
PARCEL**

**Permanent Easement for  
Sidewalk and Utility**

TAX PARCEL 092605-9031  
PERMANENT EASEMENT FOR SIDEWALK AND UTILITY PURPOSES

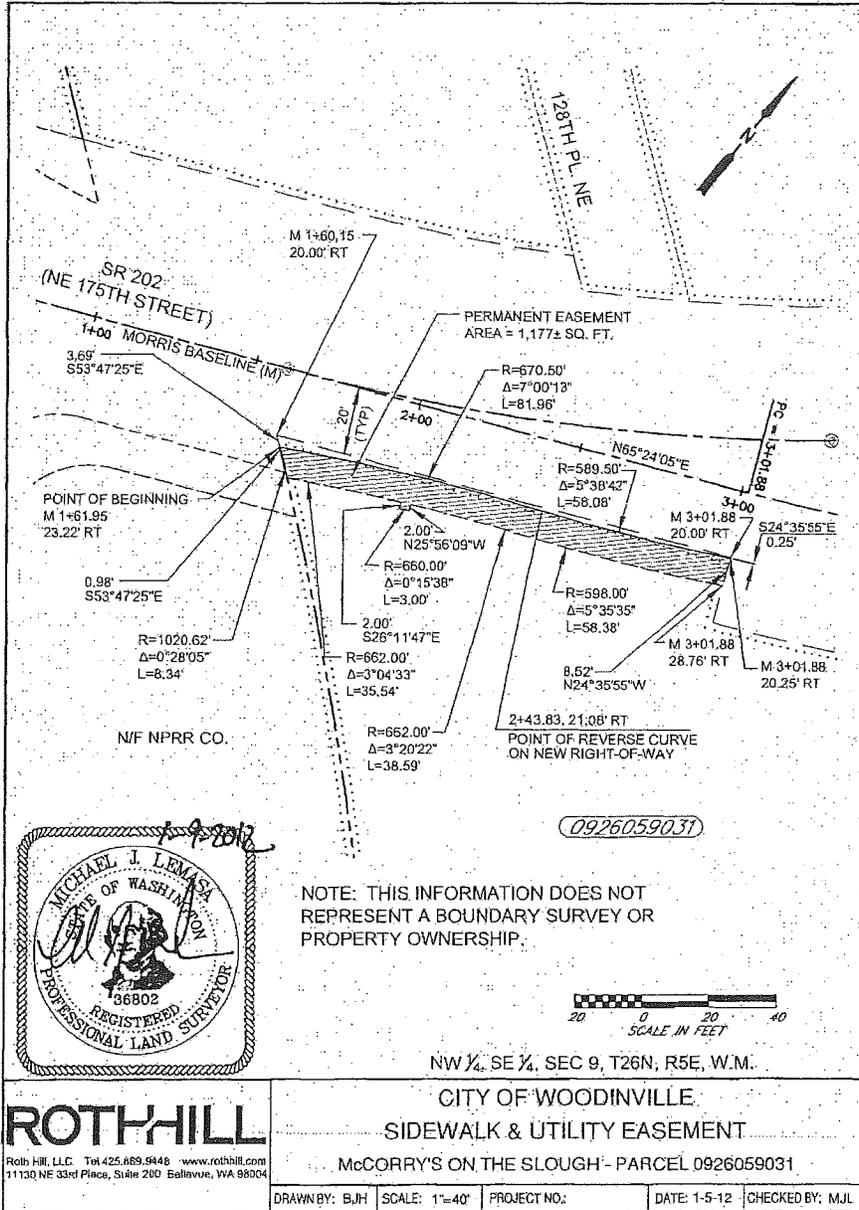
That portion of the North Half of the Southeast Quarter of Section 9, Township 26 North, Range 5 East, W.M., in King County, Washington, further described as follows:

Commencing at the intersection of the East margin of the Snoqualmie Branch of the Seattle Division of the Northern Pacific Railway Company Right of Way with the Southeast margin of C.L. Morris Road (also known as Woodinville-Duval Road and SR-202) said intersection being 20.00 feet Southeasterly and opposite Highway Engineer Station 1+60.15; Thence South 53°47'25" East 3.69 feet along said East margin to the Point of Beginning; Thence continuing South 53°47'25" East 0.98 feet along said East margin to the beginning of a curve concave to the Southwest having a radius of 1020.62 feet; Thence Southeasterly 8.34 feet along said curve through a central angle of 0°28'05" to the beginning of a non-tangent curve concave to the Southeast having a radius of 662.00 feet and to which point a radial line bears North 29°16'21" West; Thence Northeasterly 35.54 feet along said curve through a central angle of 3°04'33" to a point on a radial line of said curve; Thence South 26°11'47" East 2.00 feet along said radial line to the beginning of a non-tangent curve concave to the Southeast having a radius of 660.00 feet and to which point a radial line bears North 26°11'47" West; Thence Northeasterly 3.00 feet along said curve through a central angle of 0°15'38" to a point on a radial line of said curve; Thence North 25°56'09" West 2.00 feet along the prolongation of said radial line to the beginning of a non-tangent curve concave to the Southeast having a radius of 662.00 feet and to which point a radial line bears North 25°56'09" West; Thence Northeasterly 38.59 feet along said curve through a central angle of 3°20'22" to the beginning of a reverse curve concave to the Northwest having a radius of 598.00 feet, a radial line through said beginning bears South 22°35'47" East; Thence Northeasterly 58.38 feet along said curve through a central angle of 5°35'35" to a point 28.76 feet Southeasterly and opposite Highway Engineer Station 3+01.88, said point being on the West line of that portion conveyed to the State of Washington by deed recorded under King County Auditor's File Number 3348213; Thence North 24°35'55" West along said West line 8.52 feet to the beginning of a non-tangent curve concave to the Northwest having a radius of 589.50 feet and to which point a radial line bears South 28°14'29" East; Thence Southwesterly 58.08 feet along said curve through a central angle of 5°38'42" to the beginning of a reverse curve concave to the Southeast having a radius of 670.50 feet, a radial line through said beginning bears South 22°35'47" East; Thence Southwesterly 81.96 feet along said curve through a central angle of 7°00'13" to said East margin of the Snoqualmie Branch of the Seattle Division of the Northern Pacific Railway Company Right of Way and the Point of Beginning.

Containing approximately 1,177 Square Feet.

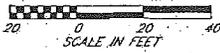


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NOTE: THIS INFORMATION DOES NOT REPRESENT A BOUNDARY SURVEY OR PROPERTY OWNERSHIP.



NW 1/4, SE 1/4, SEC 9, T26N, R5E, W.M.

**ROTHHILL**

Roth Hill, LLC Tel 425.889.9448 www.rothhill.com  
11133 NE 33rd Place, Suite 200 Bellevue, WA 98004

CITY OF WOODINVILLE  
SIDEWALK & UTILITY EASEMENT

McCORRY'S ON THE SLOUGH - PARCEL 0926059031

DRAWN BY: B/JH	SCALE: 1"=40'	PROJECT NO:	DATE: 1-5-12	CHECKED BY: M/JL
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**EXHIBIT 3**

**McCORRY'S  
PARCEL**

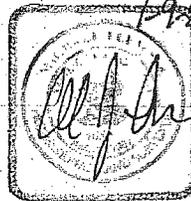
**Temporary Construction  
Easement**

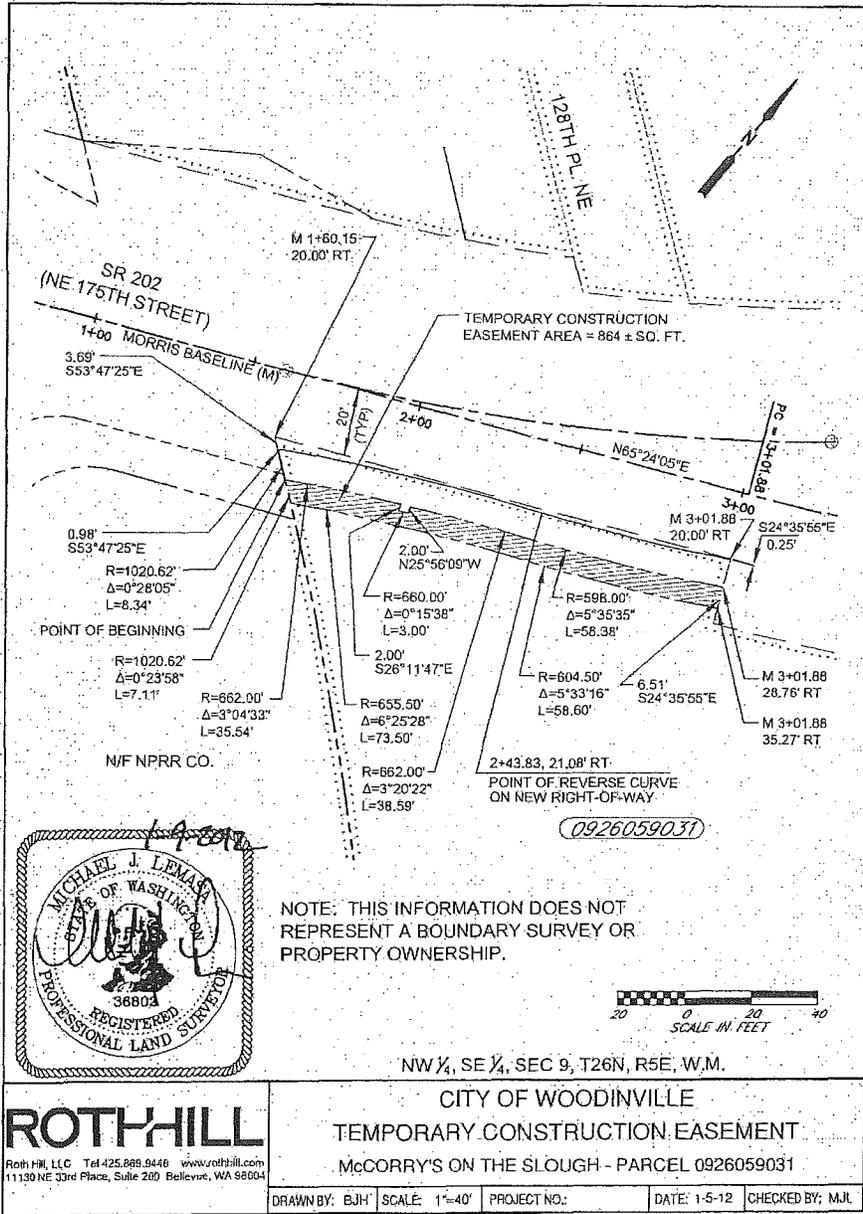
TAX PARCEL 092605-9031  
TEMPORARY CONSTRUCTION EASEMENT

That portion of the North Half of the Southeast Quarter of Section 9, Township 26 North, Range 5 East, W.M., in King County, Washington, further described as follows:

Commencing at the intersection of the East margin of the Snoqualmie Branch of the Seattle Division of the Northern Pacific Railway Company Right of Way with the Southeast margin of C.L. Morris Road (also known as Woodinville-Duval Road and SR-202) said intersection being 20.00 feet Southeasterly and opposite Highway Engineer Station 1+60.15; Thence South 53°47'25" East 3.69 feet along said East margin; Thence continuing South 53°47'25" East 0.98 feet along said East margin to the beginning of a curve concave to the Southwest having a radius of 1020.62 feet; Thence Southeasterly 8.34 feet along said curve through a central angle of 0°28'05" to the beginning of a non-tangent curve concave to the Southeast having a radius of 662.00 feet and to which point a radial line bears North 29°16'21" West and the Point of Beginning; Thence Northeasterly 35.54 feet along said curve through a central angle of 3°04'33" to a point on a radial line of said curve; Thence South 26°11'47" East 2.00 feet along said radial line to the beginning of a non-tangent curve concave to the Southeast having a radius of 660.00 feet and to which point a radial line bears North 26°11'47" West; Thence Northeasterly 3.00 feet along said curve through a central angle of 0°15'38" to a point on a radial line of said curve; Thence North 25°56'09" West 2.00 feet along the prolongation of said radial line to the beginning of a non-tangent curve concave to the Southeast having a radius of 662.00 feet and to which point a radial line bears North 25°56'09" West; Thence Northeasterly 38.59 feet along said curve through a central angle of 3°20'22" to the beginning of a reverse curve concave to the Northwest having a radius of 598.00 feet, a radial line through said beginning bears South 22°35'47" East; Thence Northeasterly 58.38 feet along said curve through a central angle of 5°35'35" to a point 28.76 feet Southeasterly and opposite Highway Engineer Station 3+01.88, said point being on the West line of that portion conveyed to the State of Washington by deed recorded under King County Auditor's File Number 3348213; Thence South 24°35'55" East along said West line 6.51 feet to the beginning of a non-tangent curve concave to the Northwest having a radius of 604.50 feet and to which point a radial line bears South 28°09'03" East; Thence Southwesterly 58.60 feet along said curve through a central angle of 5°33'16" to the beginning of a reverse curve concave to the Southeast having a radius of 655.50 feet, a radial line through said beginning bears South 22°35'47" East; Thence Southwesterly 73.50 feet along said curve through a central angle of 6°25'28" to a point on said East margin of the Snoqualmie Branch of the Seattle Division of the Northern Pacific Railway Company Right of Way, said point being a point on a non-tangent curve concave to the Southwest having a radius of 1020.62 feet and to which point a radial line bears North 37°04'38" East; Thence Northwesterly along said curve and East margin 7.11 feet through a central angle of 0°23'58" to the Point of Beginning.

Containing approximately 864 Square Feet.





**EXHIBIT 4**

**TJOSSEM  
PROPERTIES  
PARCEL**

**Temporary Construction  
Easement**

TAX PARCEL 092605-9069  
TEMPORARY CONSTRUCTION EASEMENT

That portion of the North Half of the Southeast Quarter of Section 9, Township 26 North, Range 5 East, W.M., in King County, Washington, lying North of SR-202 and Southeast of the following described line:

Beginning at the intersection of the Northeast margin of the 65 foot wide Snoqualmie Branch of the Seattle Division of the Northern Pacific Railway Company Right of Way with the Northwest margin of SR-202, said intersection being 50.00 feet Northwestly and opposite Highway Engineer Station 10+82.37 of Secondary State Highway No. 1-A Realignment centerline, as shown on State of Washington Dept of Highways map of "SR-202 Woodinville Vicinity" Sheet 1 of 1 (also known as Woodinville-Duval Road); Thence North 54°38'36" East 53.57 feet to a point 60.00 feet Northwestly and opposite Highway Engineer Station 11+35; Thence North 79°37'11" East 40.03 feet to a point on said Northwest margin, said point being 50.00 feet Northwestly and opposite Highway Engineer Station 11+75 and the terminus of said line description.

Containing approximately 460 Square Feet.

