

ORDINANCE NO. 18304

AN ORDINANCE authorizing condemnation of property for 128th Avenue Southeast - Southeast Newport Way (Coal Creek Parkway to Southeast 41st Street) R/W 2035-A.

STATEMENT OF FACTS

1. The King County council on November 24, 1986, by Ordinance No. 7864, did adopt the 1987 Budget and Program and did provide therein for a Transportation Program.

2. The King County Transportation Program provides for the County Road System Development and Improvement Program coordinating the kinds of roads with other elements of the larger transportation system, abutting land uses and business, industry, government and residential processes.

3. The Capital Budget and Program provides for the acquisition and construction of 128th Avenue SE - SE Newport Way (Coal Creek Parkway to Southeast 41st Street).

4. In order to acquire the property and property rights required to lay out and construct 128th Avenue SE - SE Newport Way (Coal Creek Parkway to SE 41st Street), it is necessary for King County to condemn certain lands and property rights and rights in property for road purposes as hereinafter more particularly set forth.

5. The King County council finds that the public health, safety, necessity and convenience demands that 128th Avenue SE - SE Newport Way (Coal Creek Parkway to SE 41st Street) be constructed within King County in accordance with the Capital Budget and Program, and that certain properties, property rights and rights in property be condemned, appropriated, taken and damaged for the purpose of constructing 128th Avenue SE - SE Newport Way (Coal Creek Parkway to SE 41st Street) as provided in this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County council has deemed it necessary and in the best interest of the citizens of King County that the lands hereinafter described, and other property rights and/or rights in property be condemned, appropriated, taken and damaged for the purpose of constructing 128th Avenue SE - SE Newport Way (Coal Creek Parkway to SE 41st Street) subject to the making or paying of just compensation to the owners hereof in the manner provided by law.

1 Bellevue School District No. 405 - Parcel 1 - Warranty Deed

2 That portion of the Northwest 1/4 of the Southeast 1/4 lying North of the
3 Coal Creek-Newport Way Road and West of Newport Way (128th Avenue SE);
4 ALSO, the South 3/4 of the Southwest 1/4 of the Northeast 1/4;
5 EXCEPT the South 200 feet of the East 230 feet of the North 1/2 of the
6 Southeast 1/4 of said Southwest 1/4;
7 All in Section 16, Township 24 North, Range 5 East, W. M., King County, WA;
8 EXCEPT those portions described as follows:

9 Those portions of the following described Parcels "A" and "B" lying
10 Westerly of a line drawn parallel with and 50 feet Easterly, when measured
11 at right angles and/or radially from the centerline of 124th Avenue
12 Southeast Service Road:

13 PARCEL "A"

14 The West 1/3 of said Northwest 1/4;
15 EXCEPT Road; AND
16 EXCEPT portion thereof South of County Road.

17 PARCEL "B"

18 The Southwest 1/4 of said Southwest 1/4;

19 ALSO, EXCEPT the West 30 feet and the East 30 feet of the South 1/2 of the
20 North 1/2 of said Southwest 1/4.

21 That portion of the above described Tract lying within a strip of land 84
22 feet in width, 42 feet of which lies on either side of the centerline of
23 128th Avenue Southeast (SE Newport Way), as surveyed by King County Road
24 Survey No. 16-24-5-34.

25 Contains an area of 19,755 sq. ft., or 0.45 acres, M/L

26 Bellevue School District No. 405 - Parcel 1-A - Slope Easement

27 That portion of the Northwest 1/4 of the Southeast 1/4 lying North of the
28 Coal Creek-Newport Way Road and West of Newport Way (128th Avenue SE);
29 ALSO, the South 3/4 of the Southwest 1/4 of the Northeast 1/4;
30 EXCEPT the South 200 feet of the East 230 feet of the North 1/2 of the
31 Southeast 1/4 of said Southwest 1/4;
32 ALL in Section 16, Township 24 North, Range 5 East, W. M., King County,
33 Washington;
EXCEPT that portion described as follows:

Those portions of the following described Parcels "A" and "B" lying
Westerly of a line drawn parallel with and 50 feet Easterly, when measured
at right angles and/or radially, from the centerline of 124th Avenue SE
Service Road;

PARCEL "A"

The West 1/3 of said Northwest 1/4;
EXCEPT Road; AND
EXCEPT portion thereof South of County Road.

PARCEL "B"

The Southwest 1/4 of said Southwest 1/4;
(Continued)

1 PARCEL "B" (Bellevue School District No. 405 continued)

2 ALSO, EXCEPT the West 30 feet and the East 30 feet of the South 1/2 of the
3 North 1/2 of said Southwest 1/4.

4 To make slopes on said property of the Grantor for cuts and fills as follows:

5 A strip of land adjacent to and Westerly of a line 42 feet Westerly of and
6 parallel to the centerline of 128th Avenue SE (SE Newport Way), as surveyed by
King County Road Survey No. 16-24-5-34, described as follows:

7 Beginning, 42 feet Westerly of said centerline, opposite Engineer's Station
1+70 having 0 feet in width;

8 Thence increasing in width to 2 feet opposite Engineer's Station 2+00;

9 Thence increasing in width to 4 feet opposite Engineer's Station 2+50;

10 Thence increasing in width to 11 feet opposite Engineer's Station 2+70;

11 Thence increasing in width to 12 feet opposite Engineer's Station 3+00;

12 Thence increasing in width to 14 feet opposite Engineer's Station 4+00;

13 Thence decreasing in width to 11 feet opposite Engineer's Station 4+50;

14 Thence decreasing in width to 10 feet opposite Engineer's Station 5+00;

15 Thence increasing to 15 feet in width opposite Engineer's Station 5+50;

16 Thence continuing at 15 feet in width opposite Engineer's Station 6+00;

17 Thence increasing to 17 feet in width opposite Engineer's Station 6+50;

18 Thence continuing at 17 feet in width opposite Engineer's Station 6+78;

19 Thence decreasing to 6 feet in width opposite Engineer's Station 7+00;

20 Thence increasing in width to 11 feet opposite Engineer's Station 8+00;

21 Thence decreasing in width to 5 feet opposite Engineer's Station 8+50;

22 Thence decreasing in width to 4 feet opposite Engineer's Station 9+00;

23 Thence increasing in width to 5 feet opposite Engineer's Station 9+50;

24 Thence decreasing to 1 foot in width opposite Engineer's Station 10+00;

25 Thence decreasing in width to 0 feet opposite Engineer's Station 10+50;

26 Thence increasing in width to 8 feet opposite Engineer's Station 11+00;

27 Thence decreasing in width to 6 feet opposite Engineer's Station 11+50;

28 Thence continuing at 6 feet in width opposite Engineer's Station 12+00;

29 Thence increasing in width to 18 feet opposite Engineer's Station 12+50;

30 Thence increasing in width to 23 feet opposite Engineer's Station 13+00;

31 Thence continuing at 23 feet in width opposite Engineer's Station 13+50;

32 Thence decreasing to 8 feet in width opposite Engineer's Station 13+85, and
terminus of said strip;

33 ALSO, a strip of land, Westerly of said line 42 feet Westerly of and parallel
to said centerline described as follows:

Beginning 42 feet Westerly of said centerline having 0 foot width opposite
Engineer's Station 17+50;

Thence increasing in width to 13 feet opposite Engineer's Station 18+00;

Thence decreasing to 0 feet in width opposite Engineer's Station 18+50;

Thence increasing in width to 1 foot opposite Engineer's Station 19+00;

Thence decreasing in width to 0 feet opposite Engineer's Station 19+20;

EXCEPT area for driveways.

Contains an area of 10,969 Sq. Ft., M/L.

1 Factoria Animal Clinic - Dr. Brien Hughes - Parcel 2 - Warranty Deed

2 The East 150 feet of the South 144.57 feet of the North 1/2 of the North 1/2
3 of the Southwest 1/4 of the Northeast 1/4 of Section 16, Township 24 North,
4 Range 5 East, W. M., King County, Washington;
EXCEPT the East 30 feet for road (128th Avenue Southeast).

5 DEED

6 That portion of the above described Tract of land lying Easterly of a line 42
7 feet Westerly of and parallel to the centerline of 128th Avenue SE, as sur-
veyed by King County Road Survey No. 16-24-5-34;

8 ALSO,

9 That portion of said Tract lying Northeasterly of the arc of a circle of 25
foot radius, tangent to a line 42 feet Westerly of and parallel to the cen-
terline of 128th Avenue Southeast and also tangent to a line 30 feet Southerly
of and parallel to the centerline of SE 42nd Street.

10 Contains an area of 1,868 sq. ft., or 0.04 acres, M/L

11
12 Puget Sound Power & Light Company - Parcel 3 - Warranty Deed

13 The East 256.54 feet of the South 1/2 of the South 1/2 of the South 1/2 of the
14 Northwest 1/4 of the Northeast 1/4 of Section 16, Township 24 North, Range 5
East, W. M., King County, Washington;
EXCEPT the East 30 feet thereof conveyed to King County for road, by Deed
15 recorded under Recording No. 630408.

16 DEED

17 That portion of the above described Tract of land lying Easterly of a line 42
18 feet Westerly of and parallel to the centerline of 128th Avenue Southeast, as
surveyed by King County Survey No. 16-24-5-34.

19 Contains an area of 2,038 sq. ft., or 0.05 acres, M/L

20 Puget Sound Power & Light Company - Parcel 3-A - Slope Easement

21 The East 256.54 feet of the South 1/2 of the South 1/2 of the South 1/2 of the
22 Northwest 1/4 of the Northeast 1/4 of Section 16, Township 24 North, Range 5
East, W. M., King County, Washington;
EXCEPT the East 30 feet thereof conveyed to King County for road, by Deed
23 recorded under Recording No. 630408.

24 To make slopes on said property of Grantor for cuts and fills, as follows:

25 A strip of land, adjacent to and Westerly of a line 42 feet Westerly of and
26 parallel to the centerline of 128th Avenue SE, as surveyed by King County Road
Survey No. 16-24-5-34, described as follows:

27 Beginning on the South line of the above Tract of land having a width of 3.0
28 feet;

29 Thence increasing to 12.0 feet in width opposite Engineer's Station 24+50;

30 Thence decreasing to 11.0 feet in width opposite Engineer's Station 25+00;

31 Thence increasing to 13.0 feet in width opposite Engineer's Station 25+50;

32 Thence decreasing to 6.0 feet in width at the Northerly line of said tract;

33 EXCEPT area for driveway.

Contains an area of 1,609 Sq. Ft., or 0.04 Acres, M/L.

1 St. Margaret's Parish - Parcel 4 - Warranty Deed

2 That portion of the following described Tract "X" lying Southerly of a line
3 described as follows:

4 Beginning at a point 42 feet Easterly of the centerline of 128th Avenue
5 Southeast, opposite Engineer's Station 14+60.80, as surveyed by King County
6 Survey No. 16-24-5-34;
7 Thence Southeasterly to a point 42 feet Northerly of the realigned centerline
8 of SE Newport Way, as surveyed by said survey, opposite Engineer's Station
9 0+89.96;
10 Thence Easterly, along a line parallel with and 42 feet Northerly of said
11 realigned centerline to the East line of said tract.

12 Contains an area of 18,984 Sq. Ft., or 0.44 Acres, M/L.

13 TRACT "X"

14 That portion of the Southeast 1/4 of the Northeast 1/4 of Section 16, Township
15 24 North, Range 5 East, W. M., King County, Washington, described as follows:

16 Beginning on the West line of said subdivision 339.24 feet South of the
17 Northwest corner thereof;
18 Thence Easterly 329.39 feet, along the South line of a tract described by
19 instrument recorded under Recording No. 4595281;
20 Thence South, parallel with the West line of said subdivision, 563.19 feet,
21 more or less, to the Northerly line of SE Newport Way;
22 Thence Southwesterly, along said Northerly line, to the West line of said
23 subdivision;
24 Thence Northerly, along said West line, 838.37 feet, more or less, to the
25 Point of Beginning;
26 EXCEPT the West 30 feet thereof condemned in King County Superior Court Cause
27 No. 71768 for 128th Avenue SE;
28 EXCEPT the North 60 feet thereof;
29 EXCEPT that portion conveyed to King County for 128th Avenue SE, under
30 Recording No. 6233047;
31 AND EXCEPT those portions conveyed to King County by Deed under Auditor's File
32 No. 8506170651.

33 St. Margaret's Parish - Parcel 4-A - Wall Easement

That portion of the Southeast 1/4 of the Northeast 1/4 of Section 16, Township
24 North, Range 5 East, W. M., King County, Washington, described as follows:

Beginning on the West line of said subdivision 339.24 feet South of the
Northwest corner thereof;
Thence Easterly 329.39 feet, along the South line of a tract described by
instrument recorded under Recording No. 4595281;
Thence South, parallel with the West line of said subdivision, 563.19 feet,
more or less, to the Northerly line of Southeast Newport Way;
Thence Southwesterly, along said Northerly line, to the West line of said
subdivision;
Thence Northerly, along said West line, 838.37 feet, more or less, to the
Beginning;
EXCEPT the West 30 feet thereof condemned in King County Superior Court Cause
No. 71768 for 128th Avenue Southeast;
EXCEPT the North 60 feet thereof;
EXCEPT that portion conveyed to King County for 128th Avenue Southeast, under
Recording No. 6233047;
EXCEPT those portions conveyed to King County by deed under Auditor's File No.
8506170651.

1 That portion of the above described parcel of land lying between lines 42 feet
2 and 44 feet Easterly of and parallel with the centerline of 128th Avenue
3 Southeast, as surveyed by King County Road Survey No. 16-24-5-34, and between
4 Engineer's Stations 14+59 and 17+43.

4 Contains an area of 568 sq. ft., or 0.013 acres, M/L.

5 Wallace D. and Vicki S. Russell - Parcel 7 - Warranty Deed

6 That portion of the following described Tract "X" lying Westerly of a line 42
7 feet Easterly of and parallel with the centerline of SE Newport Way, as sur-
8 veyed by King County Road Survey No. 16-24-5-34.

8 TRACT "X"

9 That portion of the East 1/3 of the Northwest 1/4 of the Southeast 1/4 of
10 Section 16, Township 24 North, Range 5 East, W. M., King County, Washington,
11 lying Easterly of Newport Way Road as conveyed in King County Superior Court
12 Cause No. 91330 and Northerly of the following described line:

12 Beginning on the East line of said subdivision, North 0°56'18" East 1084.20
13 feet from the Southeast corner thereof;
14 Thence South 87°56'18" West 129.89 feet, more or less, to the Easterly margi-
15 nal line of said Newport Way Road.

14 Contains an area of 2,840 Sq. Ft., or 0.07 Acres, M/L.

15 Wallace D. and Vicki S. Russell - Parcel 7-A - Wall Easement

16 That portion of the following described Tract "X" within a strip of land,
17 adjoining a line 42 feet Easterly of and parallel with the centerline of 128th
18 Avenue SE (SE Newport Way) as surveyed by King County Road Survey No.
19 16-24-5-34, described as follows:

19 Beginning at 5.5 feet in width at Station 7+93;
20 Thence decreasing to 2 foot width opposite Engineer's Station 8+50;
21 Thence continuing at 2 foot width to station 8+80;
22 Thence increasing in width to 5.5 feet at Station 10+25.

22 Contains an area of 818 Sq. Ft., or 0.019 Acres, M/L.

23 TRACT "X"

24 That portion of the East 1/3 of the Northwest 1/4 of the Southeast 1/4 of
25 Section 16, Township 24 North, Range 5 East, W. M., King County, Washington,
26 lying Easterly of Newport Way Road as conveyed in King County Superior Court
27 Cause No. 91330 and Northerly of the following described line:

26 Beginning, on the East line of said subdivision, North 0°56'18" East 1084.20
27 feet from the Southeast corner thereof;
28 Thence South 87°56'18" West 129.89 feet, more or less, to the Easterly margin-
29 al line of said Newport Way Road.

29 Said GRANTEE, its successors and assigns, shall have the right at such time as
30 may be necessary, to enter upon said property for the purpose of repairing
31 said WALL.

1 Wallace D. and Vicki S. Russell - Parcel 7-B - Temporary Construction Easement
 2 (For Slope)

3 That portion of the East 1/3 of the Northwest 1/4 of the Southeast 1/4 of
 4 Section 16, Township 24 North, Range 5 East, W. M., King County, Washington,
 lying Easterly of Newport Way Road as conveyed in King County Superior Court
 Cause No. 91330 and Northerly of the following described line:

5 Beginning, on the East line of said subdivision, North 0°56'18" East 1084.20
 6 feet from the Southeast corner thereof;
 7 Thence South 87°56'18" West 129.89 feet, more or less, to the Easterly margin-
 al line of said Newport Way Road.

8 The right to locate equipment and to work on the following described land for
 9 the purpose of carrying on construction activities consistent with the pur-
 poses of the project.

10 A strip of land (Tract "X"), within the above described parcel, lying Easterly
 of and adjoining a line described as follows:

11 Beginning 44 feet right of Engineer's Station 8+50;
 12 Thence Northerly to a point 44 feet right of Engineer's Station 8+80;
 13 Thence Northerly to a point 47.5 feet right of Engineer's Station 10+25 and
 the terminus.
 14 Tract "X" having 0 foot width opposite Engineer's Station 8+67;
 Thence increasing in width to 10 feet opposite Engineer's Station 9+00;
 Thence decreasing to 0 feet in width opposite Engineer's Station 9+50.

15 Contains an area of 415 Sq. Ft., M/L.

16 Newport Covenant Church - Parcel 9 - Warranty Deed

17 That portion of the following described Tract "X," lying Northwesterly of a
 18 line 42 feet Southeasterly of and parallel with the centerline of SE Newport
 Way, as surveyed by King County Survey No. 16-24-5-34.

19 Contains an area of 653 Sq. Ft., or 0.015 Acres, M/L.

20 TRACT "X"

21 That portion of the South 791.208 feet of the East 1/3 of the Northwest 1/4 of
 22 the Southeast 1/4 of Section 16, Township 24 North, Range 5 East W. M., King
 County, Washington, lying Easterly of Newport-Issaquah County Road as con-
 23 demned in King County Superior Court Cause No. 91330;
 EXCEPT the South 385.25 feet thereof;
 24 AND EXCEPT the North 300 feet thereof.

25 Newport Covenant Church - Parcel 9-A - Slope Easement

26 That portion of the South 791.208 feet of the East 1/3 of the Northwest 1/4 of
 27 the Southeast 1/4 of Section 16, Township 24 North, Range 5 East W. M., King
 County, Washington, lying Easterly of Newport-Issaquah County Road as con-
 demned in King County Superior Court Cause No. 91330;
 28 EXECPT the South 385.25 feet thereof;
 AND EXCEPT the North 300 feet thereof;

29 To make slopes on said property of Grantor for cuts and fills, as follows:

30 A strip of land, adjacent to and Easterly of a line 42 feet Easterly of and
 31 parallel to the centerline of 128th Avenue SE, as surveyed by King County Road
 Survey No. 16-24-5-34, described as follows:

1 Parcel 9-A - Slope Easement (continued)

2 Beginning, on the Southerly line of the above tract of land having a width of
3 0.0 feet, opposite Engineer's Station 1+00, more or less;
4 Thence increasing in width to 8.0 feet opposite Engineer's Station 1+50;
5 Thence decreasing in width to 4.0 feet on the Northerly line of the above
tract of land;
EXCEPT area for driveway.

6 Contains an area of 245 Sq. Ft., or 0.01 Acres, M/L.

7 Newport Covenant Church - Parcel 10 - Warranty Deed

8 PARCEL "A"

9 That portion of the North 100 feet of the South 591.208 feet of the East 1/3
10 of the Northwest 1/4 of the Southeast 1/4 of Section 16, Township 24 North,
11 Range 5 East, W. M., King County, Washington, lying Easterly of Newport-
Issaquah County Road, as condemned in King County Superior Court Cause No.
91330.

12 PARCEL "B"

13 That portion of the North 100.00 feet of the South 691.208 feet of the East
14 1/3 of the Northwest 1/4 of the Southeast 1/4 of Section 16, Township 24
15 North, Range 5 East, W. M., King County, Washington, lying Easterly of
Newport-Issaquah County Road, as condemned in King County Superior Court Cause
No. 91330.

16 DEED

17 That portion of the above described parcels lying Westerly of a line 42 feet
18 Easterly of and parallel with the centerline of SE Newport Way, as surveyed by
King County Survey No. 16-24-5-34.

19 Contains an area of 2,100 Sq. Ft., or 0.048 Acres, M/L.

20 Newport Covenant Church - Parcel 10-A - Slope Easement

21 That portion of the North 200 feet of the South 691.208 feet of the East 1/3
22 of the Northwest 1/4 of the Southeast 1/4 of Section 16, Township 24 North,
23 Range 5 East, W. M., King County, Washington, lying Easterly of Newport-
Issaquah County Road, as condemned in King County Superior Court Cause No.
24 91330.

25 To make slopes on said property of Grantor for cuts and fills, as follows:

26 A strip of land, adjacent to and Easterly of a line 42 feet Easterly of and
27 parallel to the centerline of 128th Avenue SE (SE Newport Way), as surveyed by
King County Road Survey No. 16-24-5-34, described as follows:

28 Beginning on the Southerly property line having a width of 4 feet;
29 Thence increasing to 9 feet in width opposite Engineer's Station 2+50;
30 Thence decreasing to 7 feet in width opposite Engineer's Station 3+00;
Thence increasing to 14 feet in width opposite Engineer's Station 3+50;
Thence decreasing to 13 feet in width on the North property line.

31 Contains an area of 1,811 Sq. Ft., or 0.042 Acres, M/L.

