

October 26, 1994

Introduced by: MAGGI FIMIA

LAH:jl

Proposed No: 94 - 745

ORDINANCE NO. **11645**

AN ORDINANCE authorizing the condemnation of property for Richmond Beach Road at 8th Avenue Northwest to 600 feet east, Right of Way No. 9-1992-047.

STATEMENT OF FACTS

1. The King County council, on November 24, 1992 by Ordinance 10641, did adopt the 1993 Budget and Program, and did provide therein for a transportation program.

2. A SEPA Categorical Exemption Determination was made under WAC 197-11-800 (2c) on July 5, 1994 as part of the State Environmental Policy Act review procedure.

3. The King County Transportation Program provides for the County Road System Development and Improvement Program which coordinates road types with other elements of the larger transportation system, abutting landuses and business, industry, government, and residential processes.

4. The Capital Budget and Program provides for the acquisition and improvement of Richmond Beach Road at 8th Avenue Northwest to 600 feet east, Right of Way No. 9-1992-047.

5. In order to acquire the property and property rights required to facilitate construction of curb, gutter, and sidewalk along Richmond Beach Road at 8th Avenue Northwest to 600 feet east, Right of Way No. 9-1992-047, 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.

6. The King County council finds that public health, safety, necessity, and convenience demand that Richmond Beach Road at 8th Avenue Northwest to 600 feet east, Right of Way No. 9-1992-047, be improved 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 construction of curb, gutter, and sidewalk along Richmond Beach Road at 8th Avenue Northwest to 600 feet east, Right of Way No. 9-1992-047, 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 described in the attached Exhibit "A," and other property rights, and or rights in property be condemned, appropriated, taken, and damaged for the purpose of facilitating construction of curb, gutter, and sidewalk along Richmond Beach Road at 8th Avenue Northwest to 600 feet east, Right of Way No. 9-1992-047, subject to the making or paying of

1 just compensation to the owners herein in the manner provided
2 by law.

3 SECTION 2. Condemnation proceedings are hereby authorized
4 to acquire property and property rights and or rights in
5 property, together with the right to construct and maintain
6 slopes for cuts and fills on certain abutting properties
7 described in the attached Exhibit "A" for the purpose of the
8 subject road improvements.

9 SECTION 3. The attorneys for King County are hereby
10 authorized and directed to begin to prosecute the proceedings
11 provided by law to condemn, take, and appropriate the land and
12 other property, and property rights necessary to carry out the
13 provisions of this ordinance.

14 INTRODUCED AND READ for the first time this 21st day
15 of November, 1994.

16 PASSED by a vote of 12 to 0
17 this 3rd day of January, 1995.

18 KING COUNTY, COUNCIL
19 KING COUNTY, WASHINGTON

20 Kent Pullen
21 Chair

22 ATTEST:

23 Gerald A. Peterson
24 Clerk of the Council

25 APPROVED this 12th day of January, 1995

26 Ray Lohr
27 King County Executive

28 Attachments:
29 A. Easement

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EXHIBIT A

PROJECT NO. 9-1992-047 PARCEL NO. 1

4-H INVESTMENTS, INC.

Legal Description:

The following described property situated in the County of King, State of Washington:

The north 270 feet of the West 1/2 of the SW 1/4 of the SW 1/4 of the SE 1/4 of Section 1, Township 26 North, Range 3 East, W. M. in King County, Washington; EXCEPT the north 30 feet thereof conveyed to King County, Washington by Deed recorded under King County Recording No. 121343; EXCEPT the West 30 feet thereof conveyed to King County, Washington, by Deed recorded under King County Recording No. 245675; AND EXCEPT that portion of the south 240 feet of the said north 270 feet; EXCEPT the west 30 feet thereof lying northwesterly of the arc of a circle with a radius of 20.00 feet which is tangent to the easterly right of way line of 8th Avenue Northwest and tangent to the southerly right of way line of Richmond Beach Road conveyed to King County, Washington, by Deed recorded under King County Recording No. 6398770.

SIDEWALK EASEMENT:

A strip of land lying southerly of and adjoining the southerly right of way of Richmond Beach Road, said right of way being 30 feet southerly of and parallel to the centerline of Richmond Beach Road as surveyed by King County Survey No. 29-23-6-4. Said strip of land beginning at the westerly property line of the described parcel of land lying northwesterly of the arc of a circular curve with a radius of 30 feet which is tangent to a line that is 30 feet easterly of and parallel to the right of way centerline of 8th Avenue Northwest, and tangent to a line which is 38 feet southerly of and parallel to the right of way centerline of Richmond Beach Road; thence a strip of land beginning at Engineer's Station 64 + 15 at a width of 8 feet; thence continuing at a width of 8 feet to Engineer's Station 66 + 74; thence increasing to a point 9 feet in width at Engineer's Station 66 + 74; thence continuing at 9 feet in width to the easterly property line of the described parcel of land.

Contains an area of 2,500 sq. ft., or 0.06 acre, more or less.

UTILITY EASEMENT (For Overhead Rights Only)

A strip of land southerly of and adjoining the southerly right of way of Richmond Beach Road, said right of way being 30 feet southerly of and parallel to the centerline of Richmond Beach Road as surveyed by King County Survey No. 29-23-6-4.

Said line being 45 feet southerly of and parallel to the centerline of Richmond Beach Road beginning opposite Engineer's Station 63 + 96; thence continuing to the easterly property line of the described parcel of land. LESS the sidewalk-utility easement; LESS the agreement to reconstruct driveways.

Contains an area of 1,800 square feet, or 0.04 acre, more or less.

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Project: Richmond Beach Road

R/W #9-1992-047 Parcel #1

TEMPORARY CONSTRUCTION EASEMENT

THIS AGREEMENT made this 27th day of JUNE, 1994, by and between **4-H INVESTMENTS, INC.**, a Washington corporation, hereinafter called the GRANTOR, and King County, Washington, hereinafter called the GRANTEE.

WITNESSETH:

WHEREAS, the GRANTOR represents and warrants to be the owner of that certain parcel of land described as follows:

SEE ATTACHED EXHIBIT A

WHEREAS, the GRANTEE is about to perform certain improvement work on Richmond Beach Road.

NOW, THEREFORE, in consideration of the premises, the GRANTOR hereby grants to the GRANTEE, by this agreement, the right to locate equipment and supplies on the property for specific use benefiting the property, and to work on the following described land for the purposes of carrying on said construction activities consistent with the purposes of the project:

5-6-94
JLW

A strip of land lying southerly of and adjoining the southerly right of way of Richmond Beach Road, said right of way being 30 feet southerly of and parallel to the centerline of Richmond Beach Road as surveyed by King County Survey No. 29-23-6-4. Said strip of land beginning at the westerly property line of the described parcel of land lying northwesterly of the arc of a circular curve with a radius of 15 feet which is tangent to a line that is 45 feet easterly of and parallel to the right of way centerline of 8th Avenue Northwest, and tangent to a line which is 53 feet southerly of and parallel to the right of way centerline of Richmond Beach Road; thence a strip of land beginning at Engineer's Station 64 + 15 at a width of 23 feet; thence continuing at a width of 15 feet to the easterly property line of the described parcel of land.

Contains an area of 4,625 sq. ft. or 0.1 acre, more or less.

AND, WHEREAS, the Grantee herein agrees to reconstruct the driveway over that portion of the land described as follows:

That portion of land lying southerly of and adjoining the southerly right of way line of Richmond Beach Road, said right of way being 30 feet southerly of and parallel to the centerline of Richmond Beach Road as surveyed by King County Survey No. 29-23-6-4, and lying northerly of the following described line:

Said line beginning at a point 45 feet southerly of the centerline of Richmond Beach Road opposite Engineer's Station 66 + 43; thence continuing easterly to Engineer's Station 66 + 75; LESS sidewalk utility easement.

Contains an area of 224 square feet, or 0.01 acre, more or less.

The agreement shall remain in existence until such time as GRANTEE will have fully carried out the original construction necessary to complete the project.

IN WITNESS WHEREOF, the said GRANTOR has hereunto signed the day and year first above written.

