

ORDINANCE NO. 379

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON,
DECLARING PUBLIC USE AND NECESSITY OF THE CITY OF UNIVERSITY
PLACE TOWNE CENTER PROJECT AND AUTHORIZING ACQUISITION AND
CONDEMNATION OF REAL PROPERTY LOCATED WITHIN THE CITY OF
UNIVERSITY PLACE**

WHEREAS, the City of University Place after extensive study, planning and public discussion has determined that the development of a "Towne Center" is necessary and beneficial to the overall health safety and welfare of the Citizens of the City of University Place; and

WHEREAS, the development of the City of University Place Towne Center will require the laying out design and construction of curbs, gutters, sidewalks, lighting, planter strips, water retention facilities, public open space, public meeting areas and public structures including but not limited to parking garages, government offices, a civic center and a public library; and

WHEREAS, the Towne Center development will enhance the health safety and welfare of the Citizens of University Place by providing safer pedestrian and vehicular travel; enhancing public use and efficiency of public resources including government offices, meeting facilities, open space, pedestrian corridors and the library system; and

WHEREAS, the Towne Center project requires obtaining ownership and other rights to certain properties which are not presently owned by the City of University Place and are in private ownership; and

WHEREAS, good faith efforts have been made over several months to obtain the properties necessary for the project, including appraising the properties and attempting to negotiate reasonable compensation for the properties; and

WHEREAS, to date those good faith efforts have not been successful in securing the acquisition of all the properties necessary for the project, as such good faith offers have either been rejected or not responded to; and

WHEREAS, it is in the public interest to exercise the City's power of eminent domain and condemn the affected parcels for the public purposes set forth above and other related and incidental improvements thereto;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Declaring Public Use and Necessity for Certain Property. The properties identified in the attached "Exhibit A-Properties Identified for Condemnation," incorporated herein by this reference, are hereby declared necessary for the City of University Place Towne Center Project for the reasons set forth above in the whereas clauses, and the use of such properties in connection with the street and sidewalk improvements to be made to the project is hereby declared a public use.

Section 2. Authorizing the City Manager and City Attorney to Proceed with Property Acquisition. The City Attorney and/or his designee is hereby authorized to take all necessary action to commence and prosecute as needed actions to condemn those properties identified in "Exhibit A-Properties Identified for Condemnation." The maps and descriptions of the properties the City contemplates acquiring through negotiation or condemnation if necessary, that are identified on the attached "Exhibit A-Properties Identified for Condemnation," are illustrative only and are not intended to limit City actions.

Section 3. Providing Fair, Reasonable Compensation. The City shall pay reasonable compensation to the owners of the properties to be acquired by the City action.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance shall 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 5. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON THIS 5TH DAY OF MAY, 2003.



Jean Brooks, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: May 7, 2003
Effective Date: May 12, 2003

"EXHIBIT A-PROPERTIES IDENTIFIED FOR CONDEMNATION" - Page 1 of 3

ID	Parcel	First	Last	Address	Property	Legal
62	0220151166 5810	Mary M	Carney 2 Llc Etal	2021 N La Venture Rd #102 Mount Vernon Wa 98273	3501 Bridgeport Way W	02-20-15-1-166 N 185.06 FT OF W 360 FT OF NW OF NE EXC N 30 FT & W 35 FT THEREOF FOR CO RD # 455049 OUT OF 1-012 SEG K-1014 TK RH JW4 (DCHBESS-11-84)
63	0220152001 6159	University Pl Water Co		3502 BRIDGEPORT WAY W UNIVERSITY PLACE WA 98466	3502 BRIDGEPORT WAY W	02-20-15 BEG 30 FT W OF NE COR OF NW TH W 250 FT S 250 FT E 250 FT N 250 FT TO BEG LESS ST & EXC THAT POR DEEDED TO P CO W580587 AUG 27, 1982 (DCDLES8-9-83)
64	0220151194 5395	Yi Hui Chae &	Chang Ha Kim	8019 56th Street Ct W University Place Wa 98467	3547 Bridgeport Way W	02-20-15 BEG NE LOT 1 SHORT PLAT 77-669 (SEP 28, 1977) TH N 01 DEG 50'43" E PARALLEL W/W LI OF BEG 28.04 FT TO CTR LI OF 44 FT RD EASE & TRU PT OF BEG TH N 01 DEG 50'43" E 205.02 FT TO 185 FT S OF N LI OF BEG TH N 89 DEG 47'54" W PARALELL W SUBJ N LI 205.08 FT TO 35 FT E OF W LI OF SUBJ NE QTR, TH S 01 DEG 50'43" W PARALLEL W SUBJ W LI 199.14 FT TO CNTR LI OF SUBJ 44 FT RD EASE, TH S 88 DEG 09'17" E 204.99 FT TO BEG
65	0220151221 6199	Northwest Pastoral Counseling		3549 BRIDGEPORT WAY W UNIVERSITY PLACE WA 98466	3549 BRIDGEPORT WAY W	022015
66 & 68	0220152069 9700 & 0220152042 6151	Bruce A & Sandra J	Reikow	Po Box 1579 Gig Harbor Wa 98335	3502 Bridgeport Way W & 3554 Bridgeport Way W	APN:022015204 2 BEG 280 FT W & 15 FT S OF NE COR OF NW TH S 235 FT TH E 150 FT TH S 100 FT TH E 100 FT TH S 5 FT TH W TO A PT 300 FT W OF E LI OF SD SUBD TH N 385 FT TH E 20 FT TO BEG SUBJ TO & INCL EASE LESS RD & EXC POR TO P C PER ETN 718012 (DC0149SG7-21-89) APN: 022015 201 5 BEG 400 FT S OF NE COR OF NE OF NE OF NW TH S TO S LI OF SD SUBD TH W 300 FT TH N TO A PT 400 FT S OF N LI OF SD SUBD TH E 300 FT TO BEG LESS E 30 FT FOR RD (SEE ALSO ETN 718013) (DC0913BL111789HW)

69 & 70	0220151177 9780 & 0220155013 5813	Harman Management Corp		PO BOX 572530 SALT LAKE CITY UT 84157	3555 BRIDGEPORT WAY W	02-20-15
71	0220151199 6199	S H & H		3551 BRIDGEPORT WAY W UNIVERSITY PLACE WA 98466	3551 BRIDGEPORT WAY W	02-20-15E A POR OF NE QTR OF A POR OF P C SHT PLT 77-669 BEG NE COR OF LOT 1 TH N 01 DEG 50' 43" E PAR W/ W LI OF SD NE QTR OF SEC 15 28.04 FT TO CTR LI OF RD EASE (SEE AUD REC NU 2839570, 2839571, 2839572, 2839573) TH S 88 DEG 09' 17" E ALONG CTR LI OF SD RD EASE 149.87 FT TO CTR LI OF 30 FT RD EASE (SEE AUD REC NU 2839570, 2839571, 2839572, 2839573) TH S 01 DEG 50' 43" W ALG CTR LI OF SD 30 FT RD EASE 153.79 FT TH N 87 DEG 52' 08" W 149.88 FT TO E LI OF LOT 2 OF SD SHT PLT 77-669 TH N 01 DEG 50' 43" E ALG SD E LI & E LI OF LOT 1 OF SD SHT PLT 125.00 FT TO PT OF BEG EXC EASE AUD REC NU 29857128.
73	0220155014 5810	James H	Morton Ttee	Po Box 1533 Tacoma Wa 98401	3561 Bridgeport Way W	02-20-15 LOT 2 SHT PLT 77-669
74	0220151200 6199	Beth L & Manse	Mc Naughton	Po Box 99867 Tacoma Wa 98499	3553 Bridgeport Way W	02-20-15 BEG NE COR LOT 1 SHT PLT 77-669 TH N 01 DEG 50' 43" E PAR TO W LI OF SD NE QTR OF SD SEC 15 28.04 FT TO CTR LI OF RD EASE (AUD REC NU 2839570, 2839571, 2839572, 2839573) TH S 88 DEG 09' 17" E ALG CTR LI OF SD RD EASE 149.87 FT TO CTR LI OF 30 FT RD EASE (SEE AUD REC NU 2839570, 2839571, 2839572, 2839573) TH S 01 DEG 50' 43" W ALG CTR LI OF SD 30 FT RD EASE 153.79 FT TO TRU PT OF BEGTH S 01 DRG 50' 43" W ALG CTR LI OF SD EASE TO A PT ON S LI OF NW QTR OF NW QTR OF NE QTR OF SD SEC 15 N 89 DEG 42' 10" W ALG S LI OF SD SUBD 149.88 FT (MORE OR LESS) TO E LI OF LOT 2 OF SD SHT PLT 77-669 TH N 01 DEG 50' 43" E ALG SD E L 117.32 FT (MORE OR LESS) TO PT N 87 DEG 52' 08" W OF BEG PT TH S 87 DEG 52' 08" E 149.88 FT (MORE OR LESS) TO BEG PT EXC UTL EASE (SEE REC NU 2839570, 2839571, 2839572, 2839573) PRK EASE (SEE REC NU 298571)

84	0220151190 5395	Fred	Roberson	7 Salmon Bch Tacoma Wa 98407	3716 Bridgeport Way W	02-20-15 NW COR OF NE QTR OF SD SEC 15 TH S 01 DEG 50' 43" W 660.06 FT ALG W LI OF SD QTR TH S 89 DEG 42' 32" E 35.01 FT TO E ROW LI OF BP WY PT OF BEG (SEE AUD REC NU 2817439) TH S 89 DEG 42' 32" E 354.99 FT ALG S LI OF SHT PLT 77-669 AND AN EXT THOF TH S 01 DEG 50' 43" W 6.05 FT TO BEG OF CURVE TO L (RAD PT S 88 DEG 90' 17" E) 151.26 FT TH S ALONG ARC OF SD CRV 58.22 FT TO A PT OF REVSE CRV (RAD PT S 60 DEG 47' 29" W) 151.26 FT FM SD PT OF REV CRV TH S ALG ARC OF SD CRV 58.22 FT TH S 01 DEG 50' 43" W 390.48 FT TH N 89 DEG 36' 42" W 377.12 FT TO E ROW LI OF BP WY (SEE AUD REC NU 2817436) TH N 01 DEG 50' 43" E 510.06 FT ALG SD ROW LI TO PT OF BEG EXC N 255 FT THOF
93	0220151224 5395	Owen G L & Leona	Chock	3407 53rd St Nw Gig Harbor Wa 98335	3675 Bridgeport Way W	02-20-15 W 235 FT OF S 150 FT OF S HF OF S HF OF NW QTR OF NE QTR OF SD SEC 15 EXC W 35 FT FM SD 235 FT (FOR BP WY) ALSO EXC S 22.5 FT FM SD 235 FT.

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