

ORDINANCE NO. 319

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DECLARING PUBLIC USE AND NECESSITY REGARDING THE BRIDGEPORT WAY WEST PHASE 2 STREET IMPROVEMENT PROJECT AND AUTHORIZING CONDEMNATION ACTIONS AGAINST CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF UNIVERSITY PLACE**

WHEREAS, the City of University Place is involved in a project to make certain improvements to Bridgeport Way West, including installing curbs, gutters, sidewalks, planter strips, median strips, signalized intersections, street lighting, and bicycle lanes to provide safer pedestrian and vehicular travel; and

WHEREAS, the public improvements made at City expense will have an incidental benefit to adjacent property owners; and

WHEREAS, efforts have been made to obtain property necessary for the project, including appraising the property and attempting to negotiate reasonable compensation for the property; and

WHEREAS, those efforts have not been successful in securing the acquisition of all the property necessary for the project; and

WHEREAS, because Bridgeport Way West is the primary arterial for the City of University Place and an important component of the region's transportation system; because the improvements are necessary to complete the project; and because the improvements are necessary to protect public health, bicycles and pedestrians, the property to be acquired is necessary for the project and for completion of the public uses of the project.

**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 as Parcels 8, 24, and 36 and more particularly described in the attached Exhibits "A"- "C", incorporated herein by this reference, are hereby declared necessary for the Bridgeport Way West Phase 2 Street Improvement 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 Condemnation. The City Manager and City Attorney are hereby authorized to commence such condemnation action as may be necessary to acquire the properties identified on the attached Exhibit "A"- "C".

Section 3. Providing Fair, Reasonable Compensation. The City shall pay reasonable compensation to the owner of the properties to be acquired by the condemnation actions. Compensation shall be paid from the City's Public Works Capital Improvement Fund.

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 effect 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.

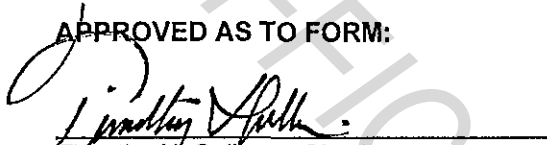
PASSED BY THE CITY COUNCIL ON THIS 9<sup>th</sup> DAY OF JULY, 2001.

  
Lorna Smith, Mayor

ATTEST:

  
Catrina Craig, City Clerk

APPROVED AS TO FORM:

  
Timothy X. Sullivan, City Attorney

Date of Publication: 7/12/01  
Effective Date: 7/17/01

EXHIBIT A

KEY BANK OF WASHINGTON - PARCEL NUMBER 36

PARCEL DESCRIPTION

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN.

EXCEPT THE NORTH 30 FEET FOR 40TH STREET WEST AND EXCEPT BRIDGEPORT WAY WEST (75th AVENUE WEST).

EXCEPT THAT PORTION AS CONVEYED TO ARTHUR J. BROBACK AND JANET M. BROBACK, HUSBAND AND WIFE, BY DEED RECORDED UNDER RECORDING NUMBER 2641792.

ALSO EXCEPT LOT 1, AS SHOWN ON SHORT PLAT NUMBER 78-191

ALSO EXCEPT THAT PORTION FOR ADDITIONAL RIGHT-OF-WAY FOR 40TH STREET WEST AND BRIDGEPORT WAY, AS CONVEYED TO PIERCE COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 2671555.

SITUATED IN THE CITY OF UNIVERSITY PLACE, PIERCE COUNTY, WASHINGTON:

PERMANENT EASEMENT

THAT PART OF THE ABOVE DESCRIBED PARCEL LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 12.00 FEET OF SAID PARCEL WITH THE SOUTH LINE OF SAID PARCEL; THENCE, ALONG SAID EAST LINE, NORTH 01°12'12" EAST 124.44 FEET; THENCE NORTH 00°30'20" WEST 100.59 FEET; THENCE, PARALLEL WITH THE WEST LINE OF SAID PARCEL, NORTH 01°12'12" EAST 47.65 FEET; THENCE NORTH 49°15'20" EAST 8.32 FEET; THENCE NORTH 05°11'50" EAST 7.18; THENCE NORTH 58°14'17" EAST 7.46 FEET; THENCE NORTH 80°03'44" EAST 7.60 FEET; THENCE NORTH 00°07'10" WEST 4.00 FEET TO THE NORTH LINE OF SAID PARCEL AND THE TERMINUS OF THIS DESCRIBED LINE.

ALSO THE EAST 13.00 FEET OF THE WEST 25.00 FEET OF THE NORTH 15.00 FEET OF THE SOUTH 78.00 FEET OF THE ABOVE DESCRIBED PARCEL.

ALSO THE NORTH 15.00 FEET OF THE SOUTH 240.00 FEET OF THE EAST 8.00 FEET OF THE WEST 17.00 FEET OF THE ABOVE DESCRIBED PARCEL.

CONTAINING 3,511 SQUARE FEET, MORE OR LESS.

SLOPE EASEMENT

THE EAST 3.00 FEET OF THE WEST 15.00 FEET OF THE SOUTH 28.00 FEET OF THE ABOVE DESCRIBED PARCEL. ALSO THAT PART OF THE WEST 14.00 FEET OF THE ABOVE DESCRIBED PARCEL LYING SOUTH OF THE NORTH 154.00 FEET OF THE ABOVE DESCRIBED PARCEL AND LYING NORTH OF THE SOUTH 78.00 FEET OF THE ABOVE DESCRIBED PARCEL AND LYING EAST OF THE ABOVE DESCRIBED PERMANENT EASEMENT. CONTAINING 213 SQUARE FEET, MORE OR LESS.

CONSTRUCTION EASEMENT

THE EAST 1.00 FOOT OF THE WEST 13.00 FEET OF THE NORTH 35.00 FEET OF THE SOUTH 63.00 FEET OF THE ABOVE DESCRIBED PARCEL.

ALSO THE SOUTH 46.00 FEET OF THE NORTH 154.00 FEET OF THE WEST 18.00 FEET OF SAID PARCEL LYING EASTERLY OF THE ABOVE DESCRIBED PERMANENT EASEMENT, THE NORTH AND SOUTH LINES ARE STRAIGHT LINES.

ALSO THE NORTH 20.00 FEET OF THE SOUTH 66.00 FEET OF THE NORTH 154.00 FEET OF THE WEST 12.00 FEET OF SAID PARCEL LYING EASTERLY OF THE ABOVE DESCRIBED PERMANENT EASEMENT, THE NORTH AND SOUTH LINES ARE STRAIGHT LINES.  
ALSO THE WEST 14.00 FEET LYING SOUTH OF THE NORTH 154.00 FEET AND NORTH OF THE SOUTH 78.00 FEET OF SAID PARCEL LYING EASTERLY OF THE ABOVE DESCRIBED PERMANENT EASEMENT, THE NORTH AND SOUTH LINES ARE STRAIGHT LINES.  
CONTAINING 407 SQUARE FEET, MORE OR LESS.

UNOFFICIAL DOCUMENT

EXHIBIT B

BRIDGEPORT WAY ASSOCIATES, LLC - PARCEL NUMBER 24

PARCEL DESCRIPTION

LOTS 1 AND 2, KELLY PARK, ACCORDING TO THE PLAT RECORDED IN BOOK 20 OF PLATS, PAGE 33, IN PIERCE COUNTY WASHINGTON. EXCEPT THE WEST 5.00 FEET OF SAID LOT 1 CONVEYED TO PIERCE COUNTY FOR BRIDGEPORT WAY BY DEED RECORDED JANUARY 30, 1979 UNDER AUDITOR'S FILE NO. 2885613.

RIGHT OF WAY ACQUISITION

THAT PART OF THE ABOVE DESCRIBED PARCEL LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:  
BEGINNING ON THE NORTH LINE OF SAID PARCEL AT A POINT WHICH BEARS SOUTH 89°58'46" EAST 7.00 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL;  
THENCE SOUTH 02°08'42" WEST 121.69 FEET TO THE SOUTH LINE OF SAID PARCEL AND THE TERMINUS OF THIS DESCRIBED LINE.  
CONTAINING 720 SQUARE FEET, MORE OR LESS.

CONSTRUCTION EASEMENT

THAT PART OF THE NORTH 35.00 OF THE WEST 30.00 FEET OF THE ABOVE DESCRIBED PARCEL LYING EAST OF THE ABOVE DESCRIBED PERMANENT EASEMENT.  
CONTAINING 815 SQUARE FEET, MORE OR LESS

EXHIBIT C

NICHOLAS DI RE AND JULIE DI RE - PARCEL NUMBER 8

PARCEL DESCRIPTION

LOT 1 OF PIERCE COUNTY SHORT PLAT RECORDED ON JULY 19, 1985 UNDER RECORDING NO. 8507190137, IN PIERCE COUNTY, WASHINGTON.

RIGHT OF WAY ACQUISITION

THOSE PORTIONS OF THE ABOVE DESCRIBED LOT 1 LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:  
BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 5.00 FEET OF THE ABOVE DESCRIBED LOT 1 WITH THE NORTH LINE OF SAID LOT 1; THENCE, ALONG SAID EAST LINE, SOUTH  $01^{\circ}12'12''$  WEST 149.04 FEET; THENCE SOUTH  $36^{\circ}15'43''$  EAST 11.45 FEET TO THE SOUTHERLY LINE OF SAID LOT 1 AND THE TERMINUS OF THIS DESCRIBED LINE. ALSO THE NORTH 15.00 FEET OF THE EAST 16.00 FEET OF THE WEST 21.00 FEET OF SAID LOT 1.  
CONTAINING 1,001 SQUARE FEET, MORE OR LESS.

SLOPE EASEMENT

THAT PART OF THE ABOVE DESCRIBED LOT 1 DESCRIBED AS FOLLOWS:  
BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 5.00 FEET OF THE ABOVE DESCRIBED LOT 1 WITH THE NORTH LINE OF SAID LOT 1; THENCE, PARALLEL WITH SAID EAST LINE, SOUTH  $01^{\circ}12'12''$  WEST 149.04 FEET; THENCE SOUTH  $36^{\circ}15'43''$  EAST 11.45 FEET TO THE SOUTH LINE OF SAID LOT 1, SAID SOUTH LINE IS A NON-TANGENT CURVE TO THE LEFT THE CENTER BEARS NORTH  $24^{\circ}53'06''$  EAST 20.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $24^{\circ}32'15''$  AND AN ARC LENGTH OF 8.57 FEET TO THE TERMINUS OF SAID CURVE; THENCE NORTH  $34^{\circ}31'36''$  WEST 14.21 FEET; THENCE, PARALLEL WITH SAID EAST LINE, NORTH  $01^{\circ}12'12''$  EAST 148.39 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE, ALONG SAID NORTH LINE, NORTH  $89^{\circ}45'42''$  WEST 7.00 FEET TO THE POINT OF BEGINNING. EXCEPT THE NORTH 15.00 FEET THEREOF.  
CONTAINING 1,014 SQUARE FEET, MORE OR LESS.