

ORDINANCE NO. 278

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, safety and welfare, reduce traffic accidents and provide a safer transportation corridor for vehicles, 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 property identified as the Equilon property and more particularly described in the attached Exhibit "A", incorporated herein by this reference, is 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 property 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 property identified on the attached Exhibit "A".


Section 3. Providing Fair, Reasonable Compensation. The City shall pay reasonable compensation to the owner of the property to be acquired by the condemnation action. 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 15TH DAY OF MAY, 2000.



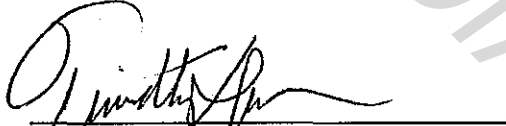
Lorna Smith, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: May 19, 2000
Effective Date: May 24, 2000

EXHIBIT A

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EQUILON ENTERPRISES LLC - PARCEL NUMBER 39

PARCEL DESCRIPTION

THE NORTH 150 FEET OF THE EAST 190 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON. EXCEPT THE NORTH 30 FEET FOR 40TH STREET WEST. AND EXCEPT THE EAST 30 FEET FOR BRIDGEPORT WAY. AND EXCEPT THE FOLLOWING CONVEYED TO PIERCE COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 8708040232:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 88°46'19" WEST ALONG THE NORTH LINE OF SAID SUBDIVISION 51.14 FEET; THENCE SOUTH 01°13'41" EAST 30 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°13'41" EAST 5 FEET; THENCE SOUTH 88°46'19" WEST 125 FEET; THENCE NORTH 01°13'41" WEST 5 FEET; THENCE NORTH 88°46'19" EAST 125 FEET TO THE TRUE POINT OF BEGINNING. SITUATE IN THE CITY OF UNIVERSITY PLACE, COUNTY OF PIERCE, STATE OF WASHINGTON.

RIGHT-OF-WAY ACQUISITION

THAT PART OF THE ABOVE DESCRIBED PARCEL LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:
BEGINNING ON THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL AT A POINT WHICH BEARS SOUTH 89°55'12" WEST 9.44 FEET FROM THE SOUTHEAST CORNER OF SAID PARCEL; THENCE NORTH 00°25'08" EAST 57.87 FEET; THENCE NORTH 14°51'20" WEST 30.37 FEET; THENCE SOUTH 75°08'40" WEST 6.00 FEET; THENCE NORTH 01°51'56" EAST 8.28 FEET; THENCE NORTH 39°28'03" WEST 16.82 FEET; THENCE SOUTH 89°55'12" WEST 6.74 FEET; THENCE NORTH 01°12'12" EAST 8.00 FEET TO THE EAST LINE OF SAID PARCEL AND THE TERMINUS OF THIS DESCRIBED LINE. CONTAINING 1,987 SQUARE FEET, MORE OR LESS. EXCEPT THE FOLLOWING DESCRIBED EASEMENT RETAINED FOR THE PURPOSE OF OPERATING EXISTING MONITORING WELLS AND MAINTAINING CONCRETE PAVEMENT COVERING FUEL STORAGE TANKS:

THAT PART OF THE ABOVE DESCRIBED PARCEL DESCRIBED AS FOLLOWS:
THE NORTH 10.00 FEET OF THE SOUTH 104.00 FEET LYING EAST OF WEST LINE OF THE ABOVE DESCRIBED RIGHT OF WAY ACQUISITION AND WEST OF THE WEST LINE OF THE EAST 16.00 FEET OF THE ABOVE DESCRIBED PARCEL.
CONTAINING 125 SQUARE FEET, MORE OR LESS.

**EXHIBIT A
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EQUILON ENTERPRISES LLC – PARCEL NUMBER 39

SLOPE EASEMENT

UNRECORDED EASEMENT

THAT PART OF THE ABOVE DESCRIBED PARCEL DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL, SOUTH 89°55'12" WEST 9.44 FEET; THENCE NORTH 00°25'08" EAST 57.87 FEET; THENCE NORTH 14°51'20" WEST 30.37 FEET; THENCE SOUTH 75°08'40" WEST 6.00 FEET; THENCE NORTH 01°51'56" EAST 8.28 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 39°28'03" WEST 16.82 FEET TO THE SOUTH LINE OF THE NORTH 8.00 FEET OF SAID PARCEL; THENCE, ALONG SAID SOUTH LINE, SOUTH 89°55'12" WEST 3.88 FEET; THENCE SOUTH 39°28'03" EAST 22.69 FEET; THENCE NORTH 01°51'56" EAST 4.54 FEET TO THE TRUE POINT OF BEGINNING.
CONTAINING 59 SQUARE FEET, MORE OR LESS.

CONSTRUCTION EASEMENT

THAT PART OF THE ABOVE DESCRIBED PARCEL DESCRIBED AS FOLLOWS:
BEGINNING ON THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL AT A POINT WHICH BEARS SOUTH 89°55'12" WEST 9.44 FEET FROM THE SOUTHEAST CORNER OF SAID PARCEL; THENCE NORTH 00°25'08" EAST 57.87 FEET; THENCE NORTH 14°51'20" WEST 30.37 FEET THENCE SOUTH 75°08'40" WEST 6.00 FEET; THENCE SOUTH 14°51'20" EAST 29.56 FEET; THENCE SOUTH 00°25'08" WEST 32.18 FEET; THENCE SOUTH 89°55'12" WEST 2.00 FEET; THENCE SOUTH 00°25'08" WEST 24.99 FEET TO SAID SOUTH LINE; THENCE ALONG SAID SOUTH LINE, NORTH 89°55'12" EAST 8.00 FEET TO THE POINT OF BEGINNING. CONTAINING 575 SQUARE FEET, MORE OR LESS.

EASEMENT