

ORDINANCE NO. 277

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 Bourgaize 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.



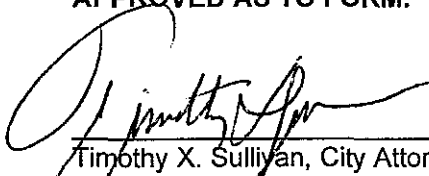
Lorna Smith, Mayor

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

**RESOLUTION 277
EXHIBIT A**

BOURGAIZE - PARCEL NUMBER 26

PARCEL DESCRIPTION

THE WEST 230.00 FEET OF THE NORTH 200.00 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, IN UNIVERSITY PLACE, PIERCE COUNTY, WASHINGTON. EXCEPT THAT PORTION CONVEYED TO PIERCE COUNTY FOR BRIDGEPORT WAY WEST BY DEED RECORDED UNDER RECORDING NUMBER 2257760.

PERMANENT EASEMENT

THE SOUTH 20.00 FEET OF THE WEST 25.00 FEET OF THE ABOVE DESCRIBED PARCEL. ALSO THAT PART OF SAID PARCEL LYING WEST OF THE FOLLOWING DESCRIBED LINE: BEGINNING ON THE NORTH LINE OF SAID PARCEL AT A POINT WHICH BEARS NORTH 89°59'48" EAST 13.00 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL; THENCE SOUTH 02°55'46" WEST 179.19 FEET TO THE NORTH LINE OF THE SOUTH 20.00 FEET OF SAID PARCEL AND THE TERMINUS OF THIS DESCRIBED LINE. CONTAINING 895 SQUARE FEET, MORE OR LESS

SLOPE EASEMENT

A 5.00 FOOT WIDE STRIP OF LAND PARALLEL WITH AND ABUTTING THE ABOVE DESCRIBED PERMANENT EASEMENT ON THE EAST EXCEPT THE SOUTH 20.00 FEET OF THE ABOVE DESCRIBED PARCEL. CONTAINING 896 SQUARE FEET, MORE OR LESS.

CONSTRUCTION EASEMENT

THAT PART OF THE NORTH 40.00 FEET OF THE SOUTH 60.00 FEET OF THE WEST 30.00 FEET OF THE ABOVE DESCRIBED PARCEL LYING EAST OF THE ABOVE DESCRIBED SLOPE EASEMENT. ALSO THE NORTH 41.00 OF THE EAST 33.00 FEET OF THE ABOVE DESCRIBED PARCEL LYING EAST OF THE ABOVE DESCRIBED SLOPE EASEMENT. CONTAINING 1,312 SQUARE FEET, MORE OR LESS.