

ORDINANCE NO. 276

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 Broback easement area and more particularly described in the attached Exhibits "A" and "B," 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.

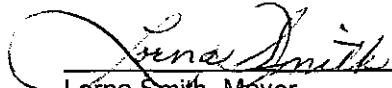
Section 2. Authorizing the City Manager and City Attorney to Proceed with Condemnation. The City Manager and City Attorney are hereby authorized to commence such condemnation action as may be necessary to acquire the property identified on the attached Exhibits "A" and "B."

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.



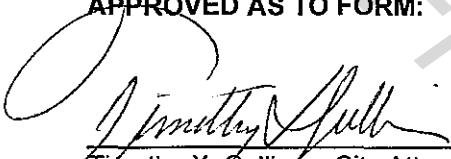
Lorna Smith, Mayor

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

**ORDINANCE NO. 276
EXHIBIT A**

BROBACK EASEMENT OVER PARCEL NUMBER 30 (SCOTT)

PARCEL DESCRIPTION

Commencing at the southwest corner of the south half of the northwest quarter of the northwest quarter of the southeast quarter of Section 15, Township 20 North, Range 2 East of the W. M.; thence along the south line of said subdivision, north 89° 00' 23" east 170.04 feet; thence north 00° 10' 40" east parallel with the west line of said subdivision 170.71 feet, more or less, to a line parallel with and 159 feet south of the north line of said subdivision; thence west parallel with the north line of said subdivision, 170 feet, more or less, to the west line of said subdivision; thence south along the west line of said subdivision, to the point of beginning.

EXCEPT Bridgeport Way West (75th Avenue West) on the west.

TOGETHER with a non-exclusive easement for ingress, egress and utilities and for road purposes over a strip of land 30 feet in width, the center line of which is described as follows:

Commencing at the intersection of the east line of Bridgeport Way and the north line of the south half of the northwest quarter of the northwest quarter of the southeast quarter of Section 15, Township 20 North, Range 2 East of the W. M.; thence along east line of Bridgeport Way south 00° 10' 40" west 159 feet to the true point of beginning; thence from said point of beginning north 88° 57' 06" east 114.50 feet, thence north 61° 27' 06" east 29 feet to the terminus point of said center line.

EXCEPT from said easement that portion thereof lying within the above described property.

EASEMENT DESCRIPTION

The easement retained by Broback in the above described parcel for a sign advertising University Park.

**ORDINANCE NO. 276
EXHIBIT B**

SIGN EASEMENT OVER PARCEL NUMBER 34 (Bank of America)

PARCEL DESCRIPTION

THE WEST 170 FEET OF THE NORTH 159 FEET OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON.

EXCEPT BRIDGEPORT WAY WEST (75TH AVENUE WEST) ON THE WEST.

ALSO EXCEPT ANY PORTION OF THE NORTH 159 FEET LYING WITHIN LOT 1 OF PIERCE COUNTY SHORT PLAT NO. 75-368.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES AND FOR ROAD PURPOSES 30 FEET IN WIDTH, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT AND CONTINUING ALONG BRIDGEPORT WAY IN A SOUTHERLY DIRECTION 159 FEET TO THE TRUE POINT OF BEGINNING OF SAID EASEMENT; THENCE NORTH 90° EAST 114.5 FEET; THENCE NORTH 62°30' EAST 29 FEET; THENCE NORTH 90° EAST 52.5 FEET; THENCE NORTH 62°30' EAST 46.5 FEET; THENCE NORTH 27°30' EAST 66.5 FEET; THENCE NORTH 90° EAST 32 FEET; THENCE SOUTH 27°30' EAST 140 FEET; THENCE SOUTH 38 FEET; THENCE SOUTH 62°20' 26.5 FEET; THENCE NORTH 90° EAST 34.5 FEET; THENCE NORTH 62°30' EAST 81 FEET; THENCE NORTH 27°30' EAST 58 FEET; THENCE NORTH 115 FEET; THENCE NORTH 27°30' WEST 41.5 FEET, TO A POINT ON THE NORTH LINE OF SAID SUBDIVISION.

EXCEPT THAT PORTION OF SAID EASEMENT LYING WITHIN SAID PREMISES.

PERMANENT EASEMENT

THE WEST 9.00 FEET OF THE ABOVE DESCRIBED PARCEL.

ALSO THE EAST 4.00 FEET OF THE WEST 13.00 FEET OF THE SOUTH 48.00 FEET OF SAID PARCEL.

CONTAINING 1,621 SQUARE FEET, MORE OR LESS.

EASEMENT DESCRIPTION

Any express, implied or prescriptive easement retained by A. J. (Art) Broback, his heirs, successors or assigns in the above-described parcel for a sign advertising University Park.