

ORDINANCE NO. 275

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 Liberty House 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.

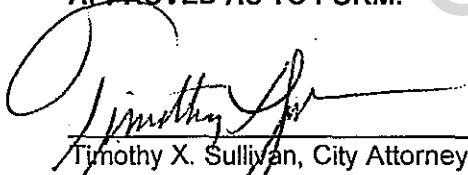
PASSED BY THE CITY COUNCIL ON THIS 15th DAY OF MAY, 2000.


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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LIBERTY HOUSE PROPERTIES - PARCEL NUMBER 1

PARCEL DESCRIPTION

PARCEL A:

THE WEST 230 FEET OF THE SOUTH 180 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN UNIVERSITY PLACE, PIERCE COUNTY, WASHINGTON.

EXCEPT THE WEST 30 FEET AND THE SOUTH 15 FEET FOR ROADS.

ALSO EXCEPT THAT PORTION LYING WESTERLY OF A LINE DRAWN PARALLEL TO AND 35 FEET DISTANT EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; THENCE NORTH 01°54'30" WEST ALONG THE WEST LINE OF SAID SUBDIVISION 180 FEET TO THE TRUE POINT OF BEGINNING FOR THIS LINE DESCRIPTION; THENCE SOUTH 01°54'30" EAST ON SAID WEST LINE OF SAID SUBDIVISION, A DISTANCE OF 30 FEET; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 1,041.80 FEET AND AN ANGLE OF 35°00'00", A DISTANCE OF 150 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAID SUBDIVISION, SAID POINT BEING THE TERMINUS POINT OF THIS LINE DESCRIPTION.

ALSO EXCEPT THAT PORTION LYING SOUTHERLY OF A LINE DRAWN PARALLEL TO AND 35 FEET DISTANT NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; THENCE ON THE SOUTH LINE OF SAID SUBDIVISION SOUTH 88°54'10" EAST, A DISTANCE OF 30 FEET; THENCE SOUTH 86°02'10" EAST, A DISTANCE OF 100.12 FEET; THENCE SOUTH 88°54'10" EAST PARALLEL TO THE SOUTH LINE OF SAID SUBDIVISION, 100 FEET TO A POINT, SAID POINT BEING THE TERMINUS POINT OF THIS LINE DESCRIPTION.

ALSO EXCEPT THAT PORTION LYING WITHIN THE AREA BOUNDED BY THE ARC OF A CIRCLE HAVING A 30 FOOT RADIUS AND THE SEMI TANGENTS OF SAID CIRCLE. SAID SEMI TANGENTS BEING THE NEW EASTERLY RIGHT-OF-WAY LINE OF BRIDGEPORT WAY AS DESCRIBED ABOVE AND BY THE NEW NORTHERLY RIGHT-OF-WAY LINE OF CIRQUE DRIVE WEST AS DESCRIBED ABOVE.

ALSO EXCEPT THAT PORTION CONVEYED TO THE CITY OF UNIVERSITY PLACE BY DEED RECORDED UNDER RECORDING NUMBER 9712110628.

EXHIBIT A

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LIBERTY HOUSE PROPERTIES – PARCEL NUMBER 1

PARCEL B:

LOT 1, PIERCE COUNTY SHORT PLAT NUMBER 78-449, ACCORDING TO THE MAP THEREOF RECORDED JUNE 16, 1978 IN VOLUME 26 OF SHORT PLATS AT PAGE 87, IN UNIVERSITY PLACE, PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION CONVEYED TO PIERCE COUNTY FOR BRIDGEPORT WAY WEST BY DEED RECORDED UNDER RECORDING NUMBER 9003270230.

ALSO EXCEPT THAT PORTION CONVEYED TO THE CITY OF UNIVERSITY PLACE BY DEED RECORDED UNDER RECORDING NUMBER 9712110628.

PERMANENT EASEMENT

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

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE ABOVE DESCRIBED WEST 230 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER WITH THE NORTH RIGHT-OF-WAY MARGIN OF CIRQUE DRIVE WEST; THENCE ALONG SAID MARGIN THE FOLLOWING THREE COURSES NORTH 89°08'31" WEST 88.62 FEET, NORTH 86°56'10" WEST 16.76 FEET, AND NORTH 84°43'11" WEST 44.22 FEET TO THE TRUE POINT OF BEGINNING OF SAID DESCRIBED LINE; THENCE NORTH 35°47'49" WEST 40.36 FEET; THENCE NORTH 12°47'30" WEST 34.33 FEET TO THE EAST RIGHT-OF-WAY LINE OF BRIDGEPORT WAY AND THE TERMINUS OF SAID DESCRIBED LINE.
ALSO THE WEST 20.00 FEET OF THE NORTH 20.00 FEET OF LOT 1 OF SAID SHORT PLAT NO. 78-49.
CONTAINING 915 SQUARE FEET, MORE OR LESS.

SLOPE EASEMENT

THAT PART OF THE ABOVE DESCRIBED PARCEL DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF SAID WEST 230 FEET WITH THE NORTH RIGHT-OF-WAY MARGIN OF CIRQUE DRIVE WEST; THENCE ALONG SAID MARGIN THE FOLLOWING THREE COURSES: NORTH 89°38'31" WEST 88.62 FEET, NORTH 86°56'10" WEST 16.76 FEET, AND NORTH 84°43'11" WEST 44.22 FEET; THENCE NORTH 35°47'49" WEST 14.85 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 35° 47' 49" WEST 25.51 FEET; THENCE NORTH 12° 47' 30" WEST 34.33 FEET TO THE EAST RIGHT-OF-WAY LINE OF BRIDGEPORT WAY; THENCE SOUTH 20° 43' 20" EAST 64.24 FEET TO THE TRUE POINT OF BEGINNING.
CONTAINING 232 SQUARE FEET, MORE OR LESS.