

ORDINANCE NO. 225

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DECLARING PUBLIC USE AND NECESSITY REGARDING THE BRIDGEPORT WAY WEST PHASE 1-B STREET IMPROVEMENT PROJECT AND AUTHORIZING CONDEMNATION ACTIONS AGAINST CERTAIN REAL PROPERTIES 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 properties necessary for the project, including appraising the properties and attempting to negotiate reasonable compensation for the properties; and

WHEREAS, those efforts have not been successful in securing the acquisition of all the properties 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 Properties. The property identified on the list attached hereto, marked as Exhibits "A", "B", and "C" and incorporated herein by this reference, is hereby declared necessary for the Bridgeport Way West Phase 1-B 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", "B", and "C".

Section 3. Providing Fair, Reasonable Compensation. The City shall pay reasonable compensation to the owners of the properties 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 8th DAY OF FEBRUARY, 1999.


Debbie Klosowski, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Date of Publication: 2-11-99
Effective Date: 2-16-99

EXHIBIT "A" (Still)

PARCEL NOs. 578500-136-0 & 578500-137-1

PARCEL A:

LOTS 7, 8 AND 9, BLOCK 17, MENLO PARK, ACCORDING TO PLAT RECORDED IN BOOK 3 OF PLATS, PAGE 34, IN PIERCE COUNTY, WASHINGTON.

EXCEPT THE EAST 30 FEET THEREOF FOR ROAD.

TOGETHER WITH THE EAST 33 FEET OF 14TH STREET (MENLO DRIVE) ABUTTING SAID LOTS, VACATED BY RESOLUTION NO. 8919 OF THE BOARD OF THE PIERCE COUNTY COMMISSIONERS, RECORDED UNDER AUDITOR'S FEE NO. 1963434.

PARCEL B:

LOT 10, BLOCK 17, MENLO PARK, ACCORDING TO PLAT RECORDED IN BOOK 3 OF PLATS, PAGE 34, IN PIERCE COUNTY, WASHINGTON.

EXCEPT THE EAST 30 FEET THEREOF FOR ROAD.

TOGETHER WITH THE EAST 33 FEET OF 14TH STREET (MENLO DRIVE) ABUTTING SAID LOTS, VACATED BY RESOLUTION NO. 8919 OF THE BOARD OF THE PIERCE COUNTY COMMISSIONERS, RECORDED UNDER AUDITOR'S FEE NO. 1963434.

SITUATE IN THE CITY OF UNIVERSITY PLACE, COUNTY OF PIERCE, STATE OF WASHINGTON.

PERPETUAL NON EXCLUSIVE EASEMENT

A perpetual non exclusive easement, for all utility and transportation purposes, including the installation, maintenance, repair, and or removal of all transportation and utility facilities, over, under, upon and across the EASTERLY 11.5 FEET of the parcel of property described above.

TEMPORARY EASEMENT

A temporary easement, for ingress, egress and construction purposes, over, under, upon and across the WESTERLY 5 FEET OF THE EASTERLY 16.5 FEET of the property described above. This easement shall be automatically extinguished upon completion of the construction of the project entitled "Bridgeport Way West Improvement Project Phase 1B"

EXHIBIT "B" (Yip)

PARCEL NO. 578500-262-0

LOTS 1 AND 2, BLOCK 35, MENLO PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 3 OF PLATS, PAGE 34, RECORDS OF PIERCE COUNTY, WASHINGTON.

TOGETHER WITH THE EAST 13 FEET OF VACATED MENLO DRIVE ADJOINING ON THE WEST, VACATED BY RESOLUTION RECORDED UNDER AUDITOR'S FEE NO. 1412417.

EXCEPT THE EAST 30 FEET OF SAID LOTS FOR BRIDGEPORT WAY WEST.

SITUATE IN THE CITY OF UNIVERSITY PLACE, COUNTY OF PIERCE, STATE OF WASHINGTON.

PERPETUAL NON EXCLUSIVE EASEMENT

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CITY OF UNIVERSITY PLACE, PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED BY DEED UNDER RECORDING NUMBER 9008010259 RECORDS OF THE PIERCE COUNTY AUDITOR; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT OF LAND A DISTANCE OF 11 FEET; THENCE NORTH 00° 00' 00" EAST PARALLEL WITH THE EAST LINE OF SAID TRACT OF LAND A DISTANCE OF 35.84 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 22.00 FEET; A CENTRAL ANGLE OF 39° 46' 56"; AN ARC DISTANCE OF 15.28' FEET TO THE NORTH LINE OF SAID TRACT OF LAND; THENCE NORTH 89° 23' 24" EAST ALONG THE NORTH LINE OF SAID TRACT OF LAND A DISTANCE OF 16.09 FEET; THENCE SOUTH 00° 00' 00" WEST ALONG THE EAST LINE OF SAID TRACT OF LAND A DISTANCE OF 50.04 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD.

TEMPORARY EASEMENT

A temporary easement, for ingress, egress and construction purposes, over, under, upon and across the WESTERLY 5 FEET OF THE EASTERLY 16 FEET of the property described above. This easement shall be automatically extinguished upon completion of the construction of the project entitled "Bridgeport Way West Improvement Project Phase 1B".

EXHIBIT "C" (Allen)

PARCEL NOs. 448010-036-0 & 448010-042-0

LOTS 15 AND 21, EXCEPT THE WESTERLY 29 FEET THEREOF, BLOCK 4, REPLAT OF BLOCK 1 AND A PORTION OF BLOCK 4, HIGHLAND VIEWS, AS PER MAP THEREOF RECORDED IN BOOK 12 OF PLATS, PAGE 53, RECORDS OF PIERCE COUNTY, WASHINGTON.

SITUATE IN THE CITY OF UNIVERSITY PLACE, COUNTY OF PIERCE, STATE OF WASHINGTON.

PERPETUAL NON EXCLUSIVE EASEMENT

A perpetual non exclusive easement, for all utility and transportation purposes, including the installation, maintenance, repair, and or removal of all transportation and utility facilities, over, under, upon and across the EASTERLY 11 FEET of the parcel of property described above.

TEMPORARY EASEMENT

A temporary easement, for ingress, egress and construction purposes, over, under, upon and across the WESTERLY 5 FEET OF THE EASTERLY 16 FEET of the property described above. This easement shall be automatically extinguished upon completion of the construction of the project entitled "Bridgeport Way West Improvement Project Phase 1B".