

ORDINANCE NO. 213

**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 Exhibit "A" 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 Exhibit "A."

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.

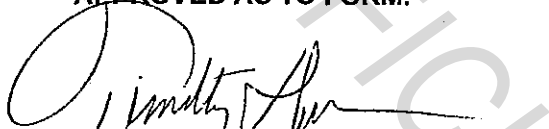
PASSED BY THE CITY COUNCIL ON THIS 14th DAY OF DECEMBER, 1998.


Debbie Klosowski, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Date of Publication: December 17, 1998
Effective Date: December 22, 1998

EXHIBIT "A"

PARCEL NO. 022010-4-034

THAT PORTION OF THE SOUTH 100 FEET OF THE NORTH 626.22 FEET OF THE EAST 435 FEET OF THE WEST 465 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON, SITUATE IN THE CITY OF UNIVERSITY PLACE, PIERCE COUNTY, 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 WESTERLY 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 EASTERLY 5 FEET OF THE WESTERLY 10 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."

PARCEL 022010-4-017

THAT PORTION BEGINNING AT A POINT 600 FEET NORTH AND 30 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON, RUN THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER 435 FEET, THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER 100 FEET; THENCE WEST 435 FEET TO THE EAST LINE OF LEMONS BEACH STILACOOM COUNTY ROAD, THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING, AND BEING KNOWN AS LOT 7 OF THE UNRECORDED PLAT OF UNIVERSITY ACRE TRACTS AS SURVEYED BY D.H. WHITE, CIVIL ENGINEER, EXCEPT THE EAST 235 FEET THEREOF, SITUATE IN THE CITY OF UNIVERSITY PLACE, PIERCE COUNTY, 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 WESTERLY 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 EASTERLY 5 FEET OF THE WESTERLY 10 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 IB."

PARCEL 022010-4-67

BEGINNING 30 FEET EAST AND 305 FEET NORTH OF SOUTHWEST CORNER OF SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN; THENCE CONTINUING NORTH 100 FEET; THENCE EAST 150 FEET, THENCE SOUTH 100 FEET; THENCE WEST 150 FEET TO POINT OF BEGINNING. TOGETHER WITH A PERPETUAL NON-EXCLUSIVE EASEMENT FOR ROADWAY AND RIGHT OF WAY FOR INGRESS AND EGRESS AND FOR SEWER, WATER, POWER, GAS AND TELEPHONE UTILITIES, OVER, ACROSS AND UPON THE FOLLOWING DESCRIBED TRACT: BEGINNING 30 FEET EAST AND 305 FEET NORTH OF THE SOUTHWEST CORNER OF SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 20 NORTH RANGE 2 EAST, WILLAMETTE MERIDIAN; THENCE EAST 150 FEET; THENCE SOUTH 10 FEET; THENCE WEST 150 FEET; THENCE NORTH 10 FEET TO POINT OF BEGINNING. SITUATE IN THE CITY OF UNIVERSITY PLACE, PIERCE COUNTY, 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 WESTERLY 7.5 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 EASTERLY 5 FEET OF THE WESTERLY 12.5 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".

PARCEL 022010-4-070

THAT PORTION BEGINNING 30 FEET EAST AND 435 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 2 EAST OF THE W.M., THENCE EAST 315 FEET; THENCE NORTH 165 FEET; THENCE EAST 120 FEET; THENCE SOUTH 225 FEET; THENCE WEST 130 FEET; THENCE NORTH 30 FEET; THENCE WEST 305 FEET; THENCE NORTH 30 FEET TO THE POINT OF BEGINNING, IN THE CITY OF UNIVERSITY PLACE, PIERCE COUNTY, 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 WESTERLY 5.5 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 EASTERLY 5 FEET OF THE WESTERLY 10.5 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 IB."