

ORDINANCE NO. 784

AN ORDINANCE of the City Council of the City of Lakewood, Washington, authorizing the acquisition of real property under threat of condemnation or by condemnation for road purposes; authorizing payment thereof from the City's General Fund or from such other monies that the City may have available or attain for the acquisition; providing for severability; and establishing an effective date.

WHEREAS, the City of Lakewood is a non-charter optional municipal code city as provided in title 35A RCW, incorporated under the laws of the State of Washington, and authorized to acquire title to real property for public purposes pursuant to RCW Chapter 8.12; and

WHEREAS, in the interest of providing the public adequate roads within the City, the City of Lakewood identified a road project ("Project") in compliance with goals announced in the City's Comprehensive Plan; and

WHEREAS, the Project involves the construction of a road roundabout to serve the public; and

WHEREAS, the City determined that it must acquire certain property and/or property rights for the Project; and

WHEREAS, for this Project, the City determined that the acquisition of certain rights and interests from the real property located at 9222 Hipkins Road SW, Lakewood, Washington, 98498, identified as Pierce County Tax Parcel No 9025000420 and legally described in **Exhibit A**, attached hereto and incorporated by reference ("Parcel "), is necessary to accomplish and construct the Project, and those rights and interests are hereinafter referred to as the "Real Property Take"; and

WHEREAS, the City appraised the fair market value of the Real Property Take; and

WHEREAS, the City attempted to negotiate in good faith with the owner of the Parcel for the voluntary acquisition of the Real Property Take; and

WHEREAS, the City was unable to reach a negotiated voluntary resolution with said owner; and

WHEREAS, while this Ordinance authorizes condemnation, the City Council does hereby express its intent that negotiations continue in regard to the Real Property Take; and

WHEREAS, the City complied with the notice requirements set forth in RCW 8.25.290 by providing notice to the owner of the Parcel of the planned final action adopting this Ordinance, and through publication once per week for two weeks, prior to the passage of a Motion authorizing condemnation and subsequent enactment of this Ordinance; and

WHEREAS, payment of just compensation and costs of litigation should be made from the City's general fund or from such other monies that the City may have available or attain for the acquisition.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1. Incorporation of Recitals. The recitals set forth above are hereby adopted and incorporated herein as if set forth in full.

Section 2. Public Use and Necessity Declared. The City Council of the City of Lakewood finds and declares that: i) the Project for road purposes is a public use; ii) the acquisition of the rights and interests in the Real Property Take legally described and depicted in **Exhibit A** is necessary for the construction of the Project; and iii) the acquisition of the Real Property Take and the construction of the Project are in the best interests of the citizens residing within the City of Lakewood.

Section 3. Acquisition. The City Council of the City of Lakewood authorizes the acquisition, condemnation and taking of the Real Property Take as legally described and depicted on **Exhibit A**. The City Council authorizes the acquisition of the Real Property Take under threat of condemnation or by initiation of legal action for condemnation to acquire the Real Property Take as necessary for the commencement and completion of the Project, subject to the making or paying of just compensation to the owner thereof in the manner provided by law.

Section 4. Reservation of Rights. Nothing in this ordinance limits the City in its identification and acquisition of property and property rights necessary for this public purpose. The City reserves the right to acquire additional or different properties as needed for the Project.

Section 5. Authority of City Manager. The City Manager, by and through his designees, is authorized and directed to continue negotiations for the acquisition of property and property rights and prosecute actions and proceedings in the manner provided by law to condemn, take, damage and appropriate the Real Property Take necessary to carry out the provisions of this ordinance. In conducting said negotiations and condemnation proceedings, the Lakewood City Attorney, by and through her designees, is hereby authorized to enter into stipulations for the Real Property Take. Settlement of any actions by the City Manager shall be made only upon the recommendation of legal counsel.

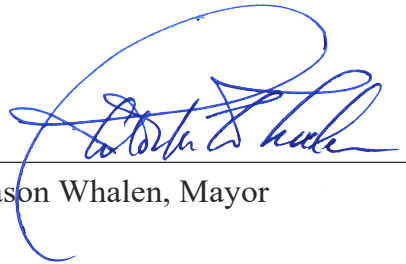
Section 6. Compensation. The compensation to be paid to the owners of the Real Property Take acquired through this condemnation action shall be paid from the City's General Fund or from such other monies that the City may have available or attain for the acquisition.

Section 7. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Ordinance shall be in full force and effect five days after its passage, approval, and publication as provided by law. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

ADOPTED by the City Council this 20th day of March, 2023.

CITY OF LAKEWOOD

A handwritten signature in blue ink, appearing to read "Jason Whalen", is written over a horizontal line.

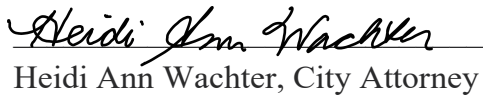
Jason Whalen, Mayor

Attest:

A handwritten signature in blue ink, appearing to read "B. Schumacher", is written over a horizontal line.

Briana Schumacher, City Clerk

Approved as to form:

A handwritten signature in blue ink, appearing to read "Heidi Ann Wachter", is written over a horizontal line.

Heidi Ann Wachter, City Attorney

Exhibit A

(RIGHT-OF-WAY DEDICATION)

THAT PORTION OF LOT 22, BLOCK 3, TERRY ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 17 OF PLATS, PAGE 53, IN PIERCE COUNTY, WASHINGTON; SAID PORTION BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 22,

THENCE ALONG THE SOUTH LINE THEREOF, SOUTH 89°01'09" EAST, 57.44 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING, SOUTH 89°01'09" EAST, 12.17 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT, FROM WHICH THE RADIUS BEARS NORTH 00°58'51" EAST 20.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°26'46", AN ARC LENGTH OF 31.57 FEET TO THE WEST RIGHT OF WAY MARGIN OF HIPKINS RD;

THENCE ALONG SAID RIGHT OF WAY MARGIN, NORTH 00°32'05" EAST, 15.08 FEET TO THE BEGINNING OF A NONTANGENT CURVE TO THE RIGHT, FROM WHICH THE RADIUS BEARS NORTH 64°51'50" WEST 76.50 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°16'33", AN ARC LENGTH OF 48.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 361 SQUARE FEET, OR 0.01 ACRES MORE OR LESS.