

**ORDINANCE NO. 787**

**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 park 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**, improvements to Edgewater Park are identified in the City's 6 year Capital Improvement Plan "CIP" tied to the Park Legacy Plan, which is noted as the park/quality of life element in the city's Comprehensive Plan; and

**WHEREAS**, the City determined that it must acquire certain rights and interests from the real property located at 9132 Edgewater Dr. SW Lakewood, Washington 98499-1926, identified as Pierce County Parcel Number 3085002170, and legally described in **Exhibit A**, attached hereto and incorporated by reference, as necessary to complete the planned improvements to Edgewater Park; and

**WHEREAS**, the City has obtained an appraisal of the fair market value of the aforementioned real property; and

**WHEREAS**, the City has attempted, and continues to attempt, to negotiate in good faith with the owner of the Parcel for the voluntary acquisition of the aforementioned real property; and

**WHEREAS**, the City has, to date, been unable to reach a negotiated voluntary resolution, and

**WHEREAS**, the City has 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) planned improvements to Edgewater Park are identified in the City's 6 year Capital Improvement Plan "CIP" tied to the Park Legacy Plan, which is noted as the park/quality of life element in the city's Comprehensive Plan and are a public purpose; and ii) acquisition of the rights and interests in the Real Property Take legally described and depicted in **Exhibit A** is necessary for the planned improvements; and iii) the planned improvements to Edgewater Park 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 Park Project and the Road 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 Park Project and the Road 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.

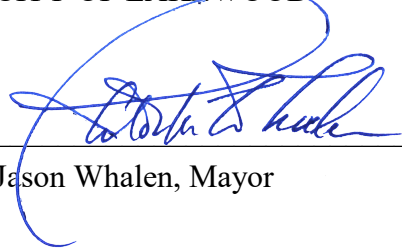
**Section 6. Compensation.** The compensation to be paid to the owners of the Real Property Take acquired through this condemnation action shall be paid from the City's General Fund or from such other monies that the City may have available or attain for the acquisition.

**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 20<sup>th</sup> day of June, 2023.

CITY OF LAKEWOOD



Handwritten signature of Jason Whalen in blue ink, written over a horizontal line.

Jason Whalen, Mayor

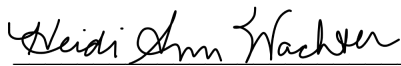
Attest:



Handwritten signature of Briana Schumacher in blue ink, written over a horizontal line.

Briana Schumacher, City Clerk

Approved as to form:



Handwritten signature of Heidi Ann Wachter in blue ink, written over a horizontal line.

Heidi Ann Wachter, City Attorney

**Exhibit A**

**Section 34 Township 20 Range 02 Quarter 43 CLINTON & CLINTON MANN'S RESERVE: CLINTON & CLINTON MANN'S RESERVE PART OF L 9 & 10 B 32  
BEG NE COR L 9 B 32 TH SWLY ON SELY LI 74.25 FT TH USING LI BET L 8 & 9 AS A MERIDIAN & WITH A BEARING OF N 50 DEG 50 MIN E RUN N 69 DEG 09 MIN W 189.18 FT M/L TO SH LI LK STEILACOOM TH ON SD SH LI IN NELY DIR TO PT ON EXT LI BET L 9 & 10 TH ON SD EXT LI SELY TO INTER WITH C/L OF VAC SILVER ST TH ON C TO R ON LI PAR TO & 30 FT NLY FROM NLY LI OF SD L 9 TO ITS INTER WITH SWLY LI OF EDGEWATER DR TH SELY TO BEG TOG/W 2ND CLASS SHLDS ABUTT ALSO TOG/W FOLL COM AT NE COR L 9 B 32 TH SWLY ALG SELY LI SD L 9 74.25 FT TH USING LI BET L 8 & 9 AS A MERIDIAN & WITH BEARING OF N 50 DEG 50 MIN E RUN N 69 DEG 09 MIN W 189.18 FT M/L TO SH LI LK STEILACOOM TH ON SD SH LI IN NELY DIR TO PT ON EXT LI BET L 8 & 9 TO TRUE POB TH CONT ON SD SH LI IN NELY DIR TO SLY LI L 9 B 14 TH ELY TO INTER OF LI PAR/TO & 60 FT SWLY FROM SWLY BDRY LI B 24 WITH LI PAR/TO & 30 FT NWLY OF NWLY LI L 9 B 32 TH SWLY ALG LI PAR/TO & 30 FT NWLY OF NWLY LI L 9 B 32 TO INTER LI BET L 9 & 10 B 32 EXT NWLY TH ON SD EXT LI NWLY TO POB TOG/W 2ND CLASS SHLDS ABUTT DC/BL02-04-02BL**