

ORDINANCE NO. 741

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 roadway 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 roadways within the City, the City of Lakewood identified a roadway project ("Project") in compliance with goals announced in the City's Comprehensive Plan; and

WHEREAS, the Project involves the development of a roadway 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 properties located at 10005 Lakewood Drive SW, Lakewood, WA 98499, Pierce County Tax Parcel No. 5400200141; 5309 100th Street SW, Lakewood, WA 98499, Pierce County Tax Parcel No. 0219021036; 5401 100th Street SW, Lakewood, WA 98499, Pierce County Tax Parcel No. 0219021066, and legally described in Exhibit A, attached hereto and incorporated by reference ("Parcels"), 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 negotiated in good faith with the owners of the Parcels for the voluntary acquisition of the Real Property Take; and

WHEREAS, the City was unable to reach a negotiated voluntary resolution with said owners, 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 owners of the Parcels 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 roadway 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.

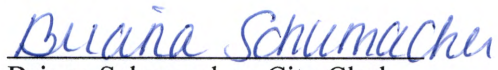
ADOPTED by the City Council this 20th day of July, 2020.

CITY OF LAKEWOOD



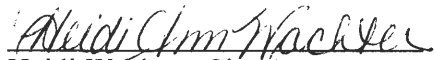
Don Anderson, Mayor

Attest:



Briana Schumacher, City Clerk

Approved as to Form:



Heidi Wachter, City Attorney

PERMANENT EASEMENT

EXHIBIT A

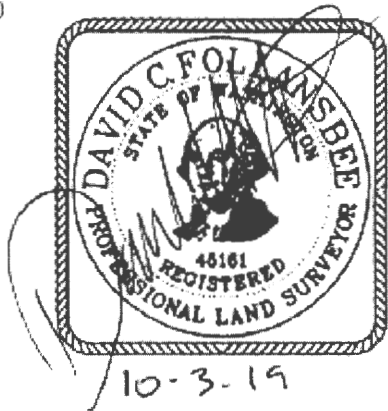
THAT PORTION OF THE FOLLOWING PARCEL, LYING WITHIN THE SOUTHEAST QUARTER, OF THE NORTHEAST QUARTER, OF SECTION 2, TOWNSHIP 19 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON:

PARCEL

LOT 1, PIERCE COUNTY SHORT PLAT NO. 75-370, RECORDED OCTOBER 14, 1975, RECORDS OF PIERCE COUNTY AUDITOR;
SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

THAT PORTION OF AFORESAID PARCEL LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:
COMMENCING AT A FOUND 3-INCH BRASS SURFACE DISK WITH "X" STAMPED "LS 42685" AT THE SOUTHERLY END OF A CURVE IN LAKEWOOD DRIVE SW (AKA 54TH AVE SW), AS NOTED AND SHOWN ON A RECORD OF SURVEY, RECORDED IN PIERCE COUNTY, WASHINGTON, AUDITOR'S FILE NUMBER 200002165004;
THENCE ALONG THE MONUMENTED LINE OF SAID LAKEWOOD DRIVE, SOUTH 00°21'22" WEST, 131.38 FEET MORE OR LESS TO THE INTERSECTION WITH THE MONUMENTED LINE OF 100TH STREET SW;
THENCE ALONG SAID MONUMENTED LINE OF 100TH STREET SW, SOUTH 88°58'26" EAST, 161.79 FEET;
THENCE LEAVING SAID MONUMENTED LINE, SOUTH 01°01'34" WEST, 60.00 FEET TO THE SOUTH RIGHT-OF-WAY MARGIN OF SAID 100TH STREET SW;
THENCE LEAVING SAID MARGIN, SOUTH 02°17'45" WEST, 2.00 FEET TO THE POINT OF BEGINNING OF SAID DESCRIBED LINE;
THENCE ALONG A LINE BEING 2.00 FEET SOUTH AND PARALLEL WITH SAID MARGIN, NORTH 88°58'26" WEST, 96.83 FEET;
THENCE LEAVING SAID PARALLEL LINE, SOUTH 02°09'35" WEST, 4.08 FEET;
THENCE NORTH 87°50'23" WEST, 19.82 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT THE RADIUS OF WHICH BEARS SOUTH 40°27'39" EAST, 26.50 FEET;
THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°52'22", AN ARC LENGTH OF 20.75 FEET (CHORD BEARING SOUTH 27°06'10" WEST, 20.23 FEET);
THENCE SOUTH 04°39'59" WEST, 4.58 FEET TO THE POINT OF TERMINUS OF SAID DESCRIBED LINE.

CONTAINING 449 SQUARE FEET, OR 0.01 ACRES MORE OR LESS.



TEMPORARY EASEMENT

MESK Tax Parcel No. 5400200141

EXHIBIT A

The Easterly 35 feet of the Northerly 8 feet of Lot 1, per Pierce County Short Plat No. 75-370, recorded October 14, 1975, records of Pierce County Auditor (Assessor's Parcel Number 5400200141)

Said described area being 280.0 square feet, more or less.

TEMPORARY EASEMENT

KAMIN Tax Parcel No. 0219021066

EXHIBIT A

The Southerly 20 feet of Parcel Number 0219021066, As formed under Lot Combination 2013-10-28-026, adjacent to and abutting the Northerly Right of Way line of 100th St SW (Lake Steilacoom Avenue).

Said described area being 4151.9 square feet, more or less.

PERMANENT EASEMENT

BRISTOL Tax Parcel No. 0219021036

EXHIBIT A

THAT PORTION OF THE FOLLOWING PARCEL:

PARCEL

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF GOVERNMENT LOT 1, SECTION 2, TOWNSHIP 19 NORTH, RANGE 2 EAST, W.M., (THE SAME BEING THE NORTH LINE OF STEILACOOM AVENUE) (100TH STREET SW), AS THE SAME IS ESTABLISHED OF RECORD, WITH THE EASTERLY LINE OF BRIDGEPORT WAY; THENCE ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT NORTH 89°51'57" EAST 190 FEET TO A CERTAIN BOUNDARY LINE AS ESTABLISHED BY A BOUNDARY LINE AGREEMENT AS RECORDED UNDER RECORDING NO. 2156769; THENCE ALONG SAID BOUNDARY LINE NORTH 00°08'03" WEST 20.00 FEET; THENCE PARALLEL WITH SAID SOUTH LINE OF GOVERNMENT LOT 1 NORTH 89°51'57" EAST 194.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 37°55'21" EAST 63.49 FEET; THENCE NORTH 01°7'18" WEST 100.00 FEET; THENCE NORTH 89°51'57" EAST 120.59 FEET TO INTERSECT WITH A CURVE ON THE WEST SIDE OF 54TH STREET S.W.; THENCE ALONG SAID CURVE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 751.20 FEET AND A DELTA ANGLE OF 02°59'03" (AND WHOSE RADIUS POINT IS 751.20 FEET SOUTH 87°45'30" EAST OF LAST SAID INTERSECTION) FOR A DISTANCE OF 39.125 FEET TO A P.C. OF A CURVE; THENCE CONTINUING ALONG THE WEST LINE OF SAID 54TH STREET SOUTH 00°44'33" EAST 60.33 FEET TO A P.C. OF A CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET AND A DELTA ANGLE OF 90°36'30" FOR A DISTANCE OF 79.07 FEET TO THE P.T. POINT OF LAST SAID CURVE WHICH IS 20.00 FEET NORTH OF THE SOUTH LINE OF SAID GOVERNMENT LOT; THENCE PARALLEL WITH SAID SOUTH LINE SOUTH 89°51'57" WEST 108.05 FEET TO THE TRUE POINT OF BEGINNING; SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

THAT PORTION OF AFORESAID PARCEL LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A FOUND 3-INCH BRASS SURFACE DISK WITH "X" STAMPED "LS 47685" AT THE SOUTHERLY END OF A CURVE IN LAKEWOOD DRIVE SW (AKA 54TH AVE SW), AS NOTED AND SHOWN ON A RECORD OF SURVEY, RECORDED IN PIERCE COUNTY, WASHINGTON, AUDITOR'S FILE NUMBER 200002165004; THENCE ALONG THE MONUMENTED LINE OF SAID LAKEWOOD DRIVE, SOUTH 00°21'22" WEST, 131.38 FEET MORE OR LESS TO THE INTERSECTION WITH THE MONUMENTED LINE OF 100TH STREET SW; THENCE ALONG SAID MONUMENTED LINE OF 100TH STREET SW, NORTH 88°58'26" WEST, 193.87 FEET;

PERMANENT EASEMENT

THENCE LEAVING SAID MONUMENTED LINE, NORTH 01°01'34" EAST, 20.00 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF SAID 100TH STREET SW ; THENCE ALONG SAID NORTH RIGHT-OF-WAY MARGIN, NORTH 39°04'58" EAST, 7.94 FEET TO THE POINT OF BEGINNING OF SAID DESCRIBED LINE; THENCE LEAVING SAID MARGIN, SOUTH 87°32'11" EAST, 41.90 FEET; THENCE NORTH 02°27'49" EAST, 4.00 FEET; THENCE SOUTH 87°26'22" EAST, 15.00 FEET; THENCE SOUTH 02°27'49" WEST, 4.00 FEET; THENCE SOUTH 87°15'31" EAST, 63.11 FEET MORE OR LESS TO THE EASTERLY LINE OF AFORESAID PARCEL AND POINT OF TERMINUS OF SAID DESCRIBED LINE.



CONTAINING 617 SQUARE FEET, OR 0.01 ACRES MORE OR LESS.