

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1768

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON, AUTHORIZING THE CONDEMNATION AND ACQUISITION OF REAL PROPERTY FOR TRANSPORTATION AND UTILITY IMPROVEMENTS TO 70th AVENUE EAST; PROVIDING FOR PAYMENT OF THE COST AND EXPENSE OF ACQUIRING THE PROPERTY; AND DIRECTING THE INITIATION OF APPROPRIATE CONDEMNATION PROCEEDINGS IN THE MANNER PROVIDED BY LAW

WHEREAS, on December 13, 2011, the City Council adopted Ordinance No. 1762, adopting the Six Year Transportation Improvement Program (2012 to 2017) (“TIP”); and

WHEREAS priority number 1 on the TIP is the reconstruction of 70th Avenue East from 20th Street East to Valley Avenue East (the “Project”); and

WHEREAS the City Council finds that the public health, safety, necessity and convenience demand that the Project be undertaken and that in order to carry out the Project it is necessary for the City to acquire the property and property rights described in Exhibits A-E attached hereto (the “Property”), being portions of tax parcel nos. 0420078014 and 0420078017; and

WHEREAS, every reasonable effort was made to acquire the Property by negotiation, and notice of this action was properly given in accordance with RCW 8.25.290; now therefore,

THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON
DO ORDAIN AS FOLLOWS:

Section 1. The City Council finds and declares that the public necessity and convenience demand that the real property and property interests described in Exhibits A-E be condemned, appropriated, and taken for public road, transportation and utility purposes.

Section 2. The land and property rights described in the attached Exhibits A-E are hereby condemned, appropriated, taken, and damaged for public road, transportation and utility purposes, subject to the payment of just compensation to the owners, or payment into court for the owners, in the manner provided by law.

Section 3. The cost and expense of acquiring the Property shall be paid from general funds of the City and from other monies the City may have available or obtain, including developer reimbursement. No part shall be paid by special assessment.

Section 4. The City Attorney is hereby authorized and directed to commence condemnation proceedings in Pierce County Superior Court against the owners or reputed owners of the Property, as provided by law.

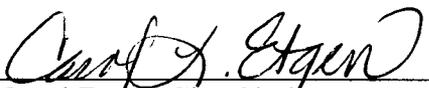
Section 5. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 14th day of February, 2012.

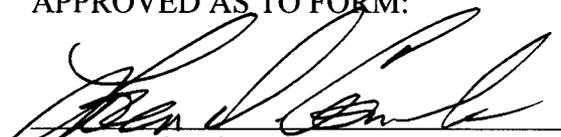
Passed by the City Council on the 14th day of February, 2012.


David K. Zebell, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney

Published: 2/17/2012
Effective Date: 2/22/2012

Received Finance Dept

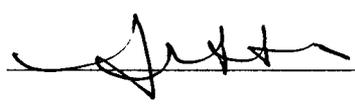
MAR 05 2012

City of Fife

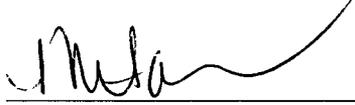
AFFIDAVIT OF PUBLICATION
STATE OF WASHINGTON
COUNTY OF PIERCE

I, Jesi Wells, being first duly sworn, on oath, says that she is the legal clerk of The News Tribune, a daily newspaper, published in Tacoma, Pierce County, Washington, and of general circulation in said state, and having a daily circulation of over 96000 copies. That said newspaper is now and at all times hereinafter mentioned as a legal newspaper as defined by the laws of the state, duly approved by the Superior Court of Pierce County, Washington. That the advertisement, of which the attached is a printed copy as it was published in the regular issue of said newspaper, was published 2 time(s), commencing on the 31st day of January 2012 and ending on the 7th day of February 2012.

Ad number 1291555
ACCT# 220218AIM CITY OF FIFE



Subscribed to and sworn before me on this
7th day of February 2012.



Notary public in and for the state of
Washington, residing in Pierce County.
1950 So. State St. Tacoma, WA 98405



CC: VSI ✓

Ad Order Confirmation

Ad Order Number 0001291555
PO Number ORD 1765
Customer Account 220218AIM
Customer CITY OF FIFE
ACCOUNTS PAYABLE,5411 23RD ST E,
FIFE WA 98424-2061 USA

Ad Number 0001291555-01
Sales Rep. legals
Blind Box
Tear Sheets 3
Proofs 0
Ad Size 1.0 X 32 Li
Invoice Text:
Affidavits 1
Placement Legal
Position Public Meetings

Phone Number 253-922-2489
Phone Number 2
Customer Fax

Payment Method
Total Amount \$352.59
Payment Amt \$0.00
Amount Due \$352.59

Product	Start Date	Stop Date	# Inserts
The News Tribune	1/31/2012	2/7/2012	2

PLANNED FINAL ACTION
CITY OF FIFE, WASHINGTON
RE 70th Avenue East Construction Project

On February 7, 2012 the City Council of the City of Fife will take final action to decide whether or not to authorize condemnation of the following described properties:

A portion of tax parcel no. 0420078014 locate at the SW corner of 70th Avenue East and 28th Street East, Fife, Washington for right of way slope easement and a temporary construction easement.
Record owner: Brookville 70th Avenue Business Park, LLC
Together with Brookville 70th Avenue Business Park LLC interest in a portion of tax parcel no. 0420078017, described as Tract A of Short Plat Recorded 200101315004, Fife, Washington for right of way and a slope easement.

The date, time and location of the final action at which the Fife City Council will decide whether or not to authorize condemnation of the property are as follows:

FINAL ACTION MEETING
When: 7:00 PM on Tuesday February 14, 2012.
Location: Fife City Hall Council Chambers
5411 23rd Street East
Fife, WA

Received Finance Dept

MAR 05 2012

City of Fife

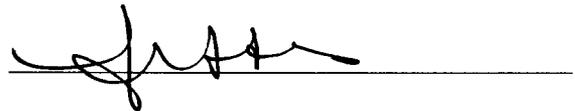
AFFIDAVIT OF PUBLICATION
STATE OF WASHINGTON
COUNTY OF PIERCE

I, Melissa Hakenson, being first duly sworn, on oath, says that she is the legal clerk of The News Tribune, a daily newspaper, published in Tacoma, Pierce County, Washington, and of general circulation in said state, and having a daily circulation of over 96000 copies. That said newspaper is now and at all times hereinafter mentioned as a legal newspaper as defined by the laws of the state, duly approved by the Superior Court of Pierce County, Washington. That the advertisement, of which the attached is a printed copy as it was published in the regular issue of said newspaper, was published 1 time(s), commencing on the 17th day of February 2012 and ending on the 17th day of February 2012.

Ad number 1295063
ACCT# 220218AIM CITY OF FIFE



Subscribed to and sworn before me on this
17th day of February 2012.



Notary public in and for the state of
Washington, residing in Pierce County.
1950 So. State St. Tacoma, WA 98405

Ad Order Confirmation

Ad Order Number 0001295063
PO Number ORD 1768
Customer Account 220218AIM
Customer CITY OF FIFE
ACCOUNTS PAYABLE,5411 23RD ST E,
FIFE WA 98424-2061 USA

Phone Number 253-922-2489
Phone Number 2
Customer Fax

Payment Method
Total Amount \$106.03
Payment Amt \$0.00
Amount Due \$106.03

Ad Number 0001295063-01
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Proofs 0
Ad Size 1.0 X 18 Li
Invoice Text: ORD 1768
Affidavits 1
Placement Legal
Position Legals-001

Product	Start Date	Stop Date	# Inserts
The News Tribune	2/17/2012	2/17/2012	1

NOTICE OF ORDINANCES PASSED BY
THE CITY OF FIFE
ORDINANCE NO. 1768
AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF FIFE, PIERCE COUNTY, WASHINGTON,
AUTHORIZING THE CONDEMNATION AND
ACQUISITION OF REAL PROPERTY FOR
TRANSPORTATION AND UTILITY IMPROVEMENTS
TO 70th AVENUE EAST; PROVIDING FOR
PAYMENT OF THE COST AND EXPENSE OF
ACQUIRING THE PROPERTY; AND DIRECTING
THE INITIATION OF APPROPRIATE
CONDEMNATION PROCEEDINGS IN THE
MANNER PROVIDED BY LAW.
A complete copy of the ordinance is on the City of
Fife website www.cityoffife.org.
Carol Etgen
City Clerk