

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1849

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON, AUTHORIZING THE CONDEMNATION AND ACQUISITION OF REAL PROPERTY FOR PARK AND TRANSPORTATION IMPROVEMENT PURPOSES; 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, a portion of the property identified as Tax Parcel No. 0320124000 and legally described in Exhibit A attached hereto (the "Property") is necessary for future transportation improvements at the intersection of 54<sup>th</sup> Avenue East and Valley Avenue East; and

WHEREAS, the Property abuts Wapato Creek and the public park property owned by the City identified as Tax Parcel No. 0320125022; and

WHEREAS, acquisition of the remaining portion of the Property not needed for future intersection improvements will allow expansion of the City's public park property and public trail connectivity; and

WHEREAS the City Council finds that the public health, safety, necessity and convenience demand that the transportation and public park improvements referenced above be undertaken and that in order to carry out the improvements it is necessary for the City to acquire the Property; 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 described in Exhibit A be condemned, appropriated, and taken for public road, transportation and public park purposes.

Section 2. The land and property described in the attached Exhibits A is hereby condemned, appropriated, taken, and damaged for public road, transportation and

public park 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. The City Council elects not to comply with the provisions of Chapter 8.26 RCW for the purpose of acquiring the property.

Section 6. 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 22nd day of October, 2013.

Passed by the City Council on the 22nd day of October, 2013.

  
David K. Zabell, City Manager

ATTEST:

  
Carol Egen, City Clerk

APPROVED AS TO FORM:

  
Gregory F. Amann, Assistant City Attorney

Published: 10/24/13  
Effective Date: 10/29/13

EXHIBIT A

LEGAL DESCRIPTION

Parcel No. 0320124000

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 3 EAST OF THE W.M., RUNNING THENCE WEST TO CENTER LINE OF WAPATO CREEK;

THENCE SOUTHERLY ALONG CENTER LINE OF SAID CREEK TO A POINT 100 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUNNING EAST TO EAST LINE OF SAID SECTION; THENCE NORTH 100 FEET TO THE PLACE OF BEGINNING.

EXCEPT 54<sup>TH</sup> AVENUE EAST, FORMERLY KNOWN AS WEST SIDE DAIRY ROAD.

SITUATE IN THE CITY OF FIFE, COUNTY OF PIERCE, STATE OF WASHINGTON.

Address: 2402 54<sup>th</sup> Avenue East, Fife, WA 98424